

State of Iowa  
2009

# JOURNAL OF THE HOUSE

**2009**  
**REGULAR SESSION**  
**EIGHTY-THIRD**  
**GENERAL ASSEMBLY**

**Convened January 12, 2009**  
**Adjourned April 25, 2009**

**Volume I**  
**January 12, 2009—April 13, 2009**

**CHESTER J. CULVER, Governor**  
**PATRICK J. MURPHY, Speaker of the House**  
**JOHN P. KIBBIE, President of the Senate**

Published by the  
STATE OF IOWA  
Des Moines

EIGHTY-THIRD GENERAL ASSEMBLY  
2009 Regular Session  
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HAROLD HARKER, *Doorkeeper* ..... Urbandale  
HENRY LUETJEN, *Doorkeeper* ..... Urbandale  
DONALD WEDERQUIST, *Doorkeeper* ..... Urbandale  
ROBERT YEAGER, *Chief Doorkeeper*.....Windsor Heights  
MARK WILLEMSEN, *Facilities Manager* ..... Johnston  
MARK S. LUNDBERG, *Conservation/Restoration*  
*Specialist II* ..... Des Moines  
DICK LABERTEW, *Conservation/Restoration*  
*Specialist II* .....Indianola

ELECTED OFFICERS, SUPREME COURT JUSTICES AND  
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 ELECTIVE STATE OFFICERS

Official Address, Des Moines, Iowa

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JUSTICES OF THE IOWA SUPREME COURT

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BRENT APPEL, <i>Justice</i> .....	Ackworth
DAVID BAKER, <i>Justice</i> .....	Cedar Rapids
MARK S. CADY, <i>Justice</i> .....	Fort Dodge
DARYL HECHT, <i>Justice</i> .....	Sioux City
MICHAEL J. STREIT, <i>Justice</i> .....	Johnston
DAVID S. WIGGINS, <i>Justice</i> .....	West Des Moines

IOWA COURT OF APPEALS JUDGES

ROSEMARY S. SACKETT, <i>Chief Judge</i> .....	Okoboji
RICHARD DOYLE, <i>Judge</i> .....	Des Moines
LARRY J. EISENHAUER, <i>Judge</i> .....	Ankeny
ROBERT E. MAHAN, <i>Judge</i> .....	Waterloo
JOHN C. MILLER, <i>Judge</i> .....	Burlington
AMANDA POTTERFIELD, <i>Judge</i> .....	Tiffin
ANURADHA VAITHESWARAN, <i>Judge</i> .....	Des Moines
GAYLE NELSON VOGEL, <i>Judge</i> .....	Spirit Lake

## MEMBERS OF THE HOUSE—EIGHTY—THIRD GENERAL ASSEMBLY – 2009 REGULAR SESSION

VI

Name	Residence	Occupation	Representative District	Former Legislative Service
Abdul-Samad, Ako .....	Des Moines.....	CEO-Creative Visions.....	66— <i>Polk</i> .....	82, 83 (1 <sup>st</sup> )
Alons, Dwayne.....	Hull .....	Farmer .....	4—Lyon, <i>Sioux</i> ,.....	78, 79, 79X, 79XX, 80, 80X, 80XX, 81, 82, 83(1 <sup>st</sup> )
Anderson, Richard.....	Clarinda.....	Attorney .....	97—Fremont, Mills, <i>Page</i> .....	81 (1 <sup>st</sup> ), 82, 83 (1 <sup>st</sup> )
Arnold, Richard.....	Russell.....	Farmer/Truck driver Owner/opr ..	72— <i>Lucas</i> , Mahaska, .....	76, 77, 78, 79, 79X, 79XX, Marion, Monroe 80, 80X, 80XX, 81, 82, 83 (1 <sup>st</sup> )
Bailey, McKinley .....	Webster City .....	Graduate Student.....	9—Franklin, <i>Hamilton</i> ,.....	82, 83 (1 <sup>st</sup> )
Baudler, Clel .....	Greenfield .....	Retired State Trooper/Farmer.....	58— <i>Adair</i> , Audubon, Cass, .....	78, 79, 79X, 79XX, 80, 80X, Guthrie 80XX, 81, 82, 83 (1 <sup>st</sup> )
Beard, John W.....	Decorah .....	Businessman/Farmer .....	16—Allamakee, <i>Decorah</i> .....	83 (1 <sup>st</sup> ),
Bell, Paul.....	Newton.....	Retired Police Lieutenant.....	41— <i>Jasper</i> .....	76, 77, 78, 79, 79X, 79XX, 80, 80X, 80XX, 81, 82, 83 (1 <sup>st</sup> )
Berry, Deborah L.....	Waterloo.....	Corporate Fundraising Dir.....	22— <i>Black Hawk</i> .....	83 (1 <sup>st</sup> )
Bukta, Polly.....	Clinton .....	Retired Educator .....	26— <i>Clinton</i> .....	77, 78, 79, 79X, 79XX, 80, 80X, 80XX, 81, 82, 83 (1 <sup>st</sup> )
Burt, Kerry.....	Waterloo.....	Firefighter/Financial Service .....	21— <i>Black Hawk</i> .....	77, 78, 79, 79X, 79XX, 80,
Chambers, Royd E.....	Sheldon .....	Educator.....	5—Clay, <i>O'Brien</i> , Osceola,.....	80, 80X, 80XX, 81, 82, 83 (1 <sup>st</sup> ) Sioux
Cohoon, Dennis M. ....	Burlington.....	Special Education Teacher.....	88— <i>Des Moines</i> .....	72, 72X, 72XX, 73, 74, 74X, 74XX, 75, 76, 77, 78, 79, 79X, 79XX, 80, 80X, 80XX, 81, 82, 83 (1 <sup>st</sup> )
Cownie, Peter.....	West Des Moines .....	President Junior Achievement .....	60— <i>Polk</i> .....	83 (1 <sup>st</sup> )
De Boef, Betty R.....	What Cheer.....	.....	76—Iowa, <i>Keokuk</i> .....	79, 79X, 79XX, 80, 80X, Poweshiek, Tama 80XX, 81, 82, 83 (1 <sup>st</sup> )
Deyoe, Dave.....	Nevada .....	Farmer .....	10—Hamilton, <i>Story</i> .....	82,83 (1 <sup>st</sup> )
Dolecheck, Cecil.....	Mount Ayr.....	Farmer .....	96—Adams, Montgomery, <i>Ringgold</i> Taylor, Union	77, 78, 79, 79X, 79XX 80, 80X, 80XX, 81, 82, 83 (1 <sup>st</sup> )
Drake, Jack .....	Griswold.....	Farmer .....	57— <i>Cass</i> , Pottawattamie, Shelby ...	75, 76, 77, 78, 79, 79X, 79XX, 80, 80X, 80XX, 81, 82, 83 (1 <sup>st</sup> )

REPRESENTATIVES

MEMBERS OF THE HOUSE—EIGHTY—THIRD GENERAL ASSEMBLY – 2009 REGULAR SESSION

Name	Residence	Occupation	Representative District	Former Legislative Service
Ficken, Gene.....	Independence.....	Retired Teacher .....	23—Black Hawk, <i>Buchanan</i> , .....	83 (1 <sup>st</sup> )
.....	.....	.....	Fayette	
Ford, Wayne W.....	Des Moines.....	Exec. Director Urban Dreams.....	65— <i>Polk</i> .....	77, 78, 79, 79X, 79XX, 80, 80X, 80XX, 81, 82, 83 (1 <sup>st</sup> )
Forristall, Greg.....	Macedonia.....	Farmer .....	98—Mills, <i>Pottawattamie</i> .....	82, 83 (1 <sup>st</sup> )
Frevert, Marcella R.....	Emmetsburg .....	Legislator .....	7—Emmet, Kossuth, <i>Palo Alto</i> , ....	77, 78, 79, 79X, 79XX, 80, 80X, 80XX, 81, 82, 83 (1 <sup>st</sup> )
Gaskill, Mary.....	Ottumwa .....	Retired County Auditor .....	93— <i>Wapello</i> .....	80, 80X, 80XX, 81, 82,
Gayman, Elesha L.....	Davenport .....	Adjunct Professor, Consultant .....	84— <i>Scott</i> .....	82, 83 (1 <sup>st</sup> )
Grassley, Pat .....	New Hartford.....	Farmer .....	17—Bremer, <i>Butler</i> .....	82, 83 (1 <sup>st</sup> )
Heaton, David E.....	Mt. Pleasant.....	Retired Restaurateur .....	91— <i>Henry, Lee</i> .....	76, 77, 78, 79, 79X, 79XX, 80, 80X, 80XX, 81, 82, 83 (1 <sup>st</sup> )
Heddens, Lisa K.....	Ames.....	Resource Facilitator .....	46—Boone, <i>Story</i> , .....	80, 80X, 80XX, 81, 82, 83 (1 <sup>st</sup> )
Helland, Erik.....	Grimes.....	Bank Compliance.....	69— <i>Polk</i> .....	83 (1 <sup>st</sup> )
Horbach, Lance J.....	Tama .....	Insurance Agent .....	40—Grundy, <i>Tama</i> .....	78, 79, 79X, 79XX, 80, 80X, 80XX, 81, 82, 83 (1 <sup>st</sup> )
Hunter, Bruce.....	Des Moines.....	.....	62— <i>Polk</i> .....	80, 80X, 80XX, 81, 82, 83 (1 <sup>st</sup> )
Huseman, Daniel A.....	Aurelia .....	Farmer .....	53— <i>Cherokee, Plymouth</i> .....	76, 77, 78, 79, 79X, 79XX, 80, 80X, 80XX, 81, 82, 83 (1 <sup>st</sup> )
.....	.....	.....	Woodbury	
Huser, Geri D.....	Altoona .....	Attorney/Social Worker .....	42—Jasper, <i>Polk</i> , .....	77, 78, 79, 79X, 79XX, 80, 80X, 80XX, 81, 82, 83 (1 <sup>st</sup> )
Isenhardt, Charles.....	Dubuque.....	.....	27— <i>Dubuque</i> .....	83 (1 <sup>st</sup> )
*Jacoby, Dave.....	Coralville.....	Program Director.....	30— <i>Johnson</i> .....	80 (2 <sup>nd</sup> ), 80X, 80XX, 81, 82, 83 (1 <sup>st</sup> )
Kaufmann, Jeffrey A.....	Wilton.....	Teacher/Livestock Operator .....	79— <i>Cedar, Johnson, Muscatine</i> .....	81, 82, 83 (1 <sup>st</sup> )

REPRESENTATIVES

vii

\* Elected in Special Election August 26, 2003

## MEMBERS OF THE HOUSE—EIGHTY—THIRD GENERAL ASSEMBLY – 2009 REGULAR SESSION

viii

Name	Residence	Occupation	Representative District	Former Legislative Service
Kearns, Jerry A.	Keokuk	Staff Rep. United Steelworkers Union	92— <i>Lee</i>	83 (1 <sup>st</sup> )
Kelley, Doris	Waterloo	Telecommunications and Marketing Consultant	20— <i>Black Hawk</i>	82, 83 (1 <sup>st</sup> )
Koester, Kevin R.	Ankeny	School Administrator	70— <i>Polk</i>	83 (1 <sup>st</sup> )
Kressig, Bob	Cedar Falls	Retired (John Deere)	19— <i>Black Hawk</i>	81, 82, 83 (1 <sup>st</sup> )
Kuhn, Mark A.	Charles City	Family Farmer	14—Cerro Gordo, <i>Floyd</i> , Mitchell	78, 79, 79X, 79XX, 80, 80X, 80XX, 81, 82, 83 (1 <sup>st</sup> )
Lensing, Vicki	Iowa City	Funeral Home Owner	78— <i>Johnson</i>	79, 79X, 79XX, 80, 80X, 80XX, 81, 82, 83 (1 <sup>st</sup> )
Lukan, Steven F.	New Vienna	Tire Technician	32—Delaware, <i>Dubuque</i>	80, 80X, 80XX, 81, 82, 83 (1 <sup>st</sup> )
Lykam, Jim D.	Davenport	Small Business Owner	85— <i>Scott</i>	73, 80, 80X, 80XX, 81, 82, 83 (1 <sup>st</sup> )
Marek, Larry	Riverside	Family Farm	89—Jefferson, Johnson, <i>Washington</i>	83 (1 <sup>st</sup> )
Mascher, Mary	Iowa City	Teacher	77— <i>Johnson</i>	76, 77, 78, 79, 79X, 79XX, 80, 80X, 80XX, 81, 82, 83 (1 <sup>st</sup> )
May, Mike	Spirit Lake	Retired Teacher/Resort Owner	6—Clay, <i>Dickinson</i>	81, 82, 83 (1 <sup>st</sup> )
McCarthy, Kevin M.	Des Moines	Attorney	67— <i>Polk</i>	80, 80X, 80XX, 81, 82, 83 (1 <sup>st</sup> )
Mertz, Dolores M.	Ottosen		15—Humboldt, <i>Kossuth</i> , Pocahontas, Webster	73, 74, 74X, 74XX, 75, 76, 77, 78, 79, 79X, 79XX, 80, 80X, 80XX, 81, 82, 83 (1 <sup>st</sup> )
Miller, Helen	Fort Dodge	Attorney/Arts Educator	49— <i>Webster</i>	80, 80X, 80XX, 81, 82, 83 (1 <sup>st</sup> )
Miller, Linda	Bettendorf	Registered Nurse	82— <i>Scott</i>	82, 83 (1 <sup>st</sup> )

REPRESENTATIVES



MEMBERS OF THE HOUSE—EIGHTY—THIRD GENERAL ASSEMBLY – 2009 REGULAR SESSION

Name	Residence	Occupation	Representative District	Former Legislative Service
*Murphy, Patrick J.	Dubuque	Speaker of the House	28— <i>Dubuque</i>	73 (2 <sup>nd</sup> ), 74, 74X, 74XX, 75, 76, 77, 78, 79, 79X, 79XX, 80, 80X, 80XX, 81, 82, 83 (1 <sup>st</sup> )
Oldson, Jo	Des Moines		61— <i>Polk</i>	80, 80X, 80XX, 81, 82, 83 (1 <sup>st</sup> )
Olson, Donovan	Boone	Distance Education Coordinator	48— <i>Boone, Dallas</i>	80, 80X, 80XX, 81, 82, 83 (1 <sup>st</sup> )
Olson, Rick L.	Des Moines	Attorney	68— <i>Polk</i>	81, 82, 83 (1 <sup>st</sup> )
Olson, Steven N.	DeWitt	Farmer	83— <i>Clinton, Scott</i>	80, 80X, 80XX, 81, 82, 83 (1 <sup>st</sup> )
Palmer, Eric	Oskaloosa	Attorney	75— <i>Mahaska, Poweshiek</i>	82, 83 (1 <sup>st</sup> )
Paulsen, Kraig	Hiawatha	Attorney	35— <i>Linn</i>	80, 80X, 80XX, 81, 82, 83 (1 <sup>st</sup> )
Petersen, Janet	Des Moines	Marketing Communications Consultant	64— <i>Polk</i>	79, 79X, 79XX, 80, 80X, 80XX, 81, 82, 83 (1 <sup>st</sup> )
Pettengill, Dawn E.	Mt. Auburn	Retirement /Investor Services	39— <i>Benton, Iowa</i>	81, 82, 83 (1 <sup>st</sup> )
Quirk, Brian J.	New Hampton	Electrical Contractor	15— <i>Chickasaw, Howard, Winneshiek</i>	79, 79X, 79XX, 80, 80X, 80XX, 81, 82, 83 (1 <sup>st</sup> )
Raecker, J. Scott	Urbandale	Exec. Director-Institute for Character Development	63— <i>Polk</i>	78, 79, 79X, 79XX, 80, 80X, 80XX, 81, 82, 83 (1 <sup>st</sup> )
Rants, Christopher C.	Sioux City	Self Employed	54— <i>Woodbury</i>	75, 76, 77, 78, 79, 79X, 79XX, 80, 80X, 80XX, 81, 82, 83 (1 <sup>st</sup> )
Rayhons, Henry V.	Garner	Farmer	11— <i>Hancock, Winnebago, Worth</i>	77, 78, 79, 79X, 79XX, 80, 80X, 80XX, 81, 82, 83 (1 <sup>st</sup> )

\*Elected in Special Election June 12, 2001

## MEMBERS OF THE HOUSE—EIGHTY—THIRD GENERAL ASSEMBLY – 2009 REGULAR SESSION

x

Name	Residence	Occupation	Representative District	Former Legislative Service
Reasoner, Michael J	Creston	State Legislator	95—Clark, Decatur <i>Union</i>	80, 80X, 80XX, 81, 82, 83 (1 <sup>st</sup> )
Reichert, Nathan	Muscatine	Community College Instructor	80— <i>Muscatine</i>	81, 82, 83 (1 <sup>st</sup> )
Roberts, Rod	Carroll	Dev. Dir./Christian Churches/ Church of Christ in Iowa	51— <i>Carroll, Crawford, Sac</i>	80, 80X, 80XX, 81, 82, 83 (1 <sup>st</sup> )
Sands, Thomas R.	Columbus Junction	Banker/Farmer/Appraiser	87— Des Moines <i>Louisa</i> , Muscatine	80, 80X, 80XX, 81, 82, 83 (1 <sup>st</sup> )
Schueller, Thomas J.	Maquoketa	Contractor	25—Clinton, Dubuque, <i>Jackson</i>	81, 82, 83 (1 <sup>st</sup> )
Schulte, Renee	Cedar Rapids	Adjunct Professor Mt. Mercy College	37— <i>Linn</i>	83 (1 <sup>st</sup> )
Schultz, Jason	Schleswig	Farmer	55— <i>Crawford, Ida, Monona</i> Woodbury	83 (1 <sup>st</sup> )
Shomshor, Paul C., Jr.	Council Bluffs	Certified Public Accountant	100— <i>Pottawattamie</i>	81, 82, 83 (1 <sup>st</sup> )
Smith, Mark D.	Marshalltown	Licensed Social Worker	43— <i>Marshall</i>	79, 79X, 79XX, 80, 80X 80XX, 81, 82, 83 (1 <sup>st</sup> )
Soderberg, Chuck	Le Mars	VP Planning & Legis Services, NW Power Cooperative	3— <i>Plymouth, Sioux</i>	81, 82, 83 (1 <sup>st</sup> )
Sorenson, Kent	Indianola	Business Owner	74— <i>Warren</i>	83 (1 <sup>st</sup> )
Steckman, Sharon S.	Mason City	Retired Educator	13— <i>Cerro Gordo</i>	83 (1 <sup>st</sup> )
Struyk, Douglas L.	Council Bluffs	Small Business Owner/Attorney	99— <i>Pottawattamie</i>	80, 80X, 80XX, 81, 82, 83 (1 <sup>st</sup> )
Swaim, Kurt	Bloomfield	Attorney	94—Appanoose, <i>Davis Wayne</i>	80, 80X, 80XX, 81, 82, 83 (1 <sup>st</sup> )
Sweeney, Annette	Alden	Farmer, Publisher	44— <i>Hardin, Marshall</i>	83 (1 <sup>st</sup> )
*Taylor, Dick	Cedar Rapids	Electrician/Project Manager	33— <i>Linn</i>	78 (2 <sup>nd</sup> ), 79, 79X, 79XX 80, 80X, 80XX, 81, 82, 83, (1 <sup>st</sup> )
**Taylor, Todd	Cedar Rapids	Union Representative	34— <i>Linn</i>	76 (2 <sup>nd</sup> ), 77, 78, 79, 79X, 79XX, 80, 80X, 80XX, 81, 82, 83 (1 <sup>st</sup> )

\*Elected in Special Election January 4, 2000

\*\*Elected in Special Election June 27, 1995

REPRESENTATIVES

MEMBERS OF THE HOUSE—EIGHTY—THIRD GENERAL ASSEMBLY – 2009 REGULAR SESSION

Name	Residence	Occupation	Representative District	Former Legislative Service
Thede, Phyllis.....	Bettendorf.....	.....	81— <i>Scott</i> .....	83 (1 <sup>st</sup> )
Thomas, Roger.....	Elkader.....	Farmer/Paramedic.....	24— <i>Clayton, Delaware, Fayette</i> .....	77, 78, 80, 80X, 80XX, 81, 82, 83 (1 <sup>st</sup> )
Tjepkes, David A. ....	Gowrie.....	Retired State Trooper.....	50— <i>Calhoun, Greene, Webster</i> .....	80, 80X, 80XX, 81, 82, 83 (1 <sup>st</sup> )
Tymeson, Jodi S. ....	Winterset.....	Natl. Brigadier General in Iowa ..	73— <i>Dallas, Madison, Warren</i> .....	79, 79X, 79XX, 80, 80X, 80XX, 81, 82, 83 (1 <sup>st</sup> )
Upmeyer, Linda L. ....	Garner.....	Nurse Practitioner.....	12— <i>Cerro Gordo, Franklin, Hancock</i> .....	80, 80X, 80XX, 81, 82, 83 (1 <sup>st</sup> )
Van Engelenhoven, James L.....	Pella.....	Farmer.....	71— <i>Jasper Marion</i> ,.....	78, 79, 79X, 79XX, 80, 80X, 80XX, 81, 82, 83 (1 <sup>st</sup> )
Wagner, Nick.....	Marion.....	Electrical Engineer.....	36— <i>Linn</i> .....	83 (1 <sup>st</sup> )
Watts, Ralph C. ....	Adel.....	Engineer, Business Mgmt. Retired	47— <i>Dallas, Boone</i> .....	80, 80X, 80XX, 81, 82, 83 (1 <sup>st</sup> )
Wendt, Roger F.....	Sioux City.....	Retired School Administrator.....	2— <i>Woodbury</i> .....	80, 80X, 80XX, 81, 82, 83 (1 <sup>st</sup> )
Wenthe, Andrew.....	Hawkeye.....	Director External Affairs.....	18— <i>Black Hawk, Bremer, Fayette</i> .....	82, 83 (1 <sup>st</sup> )
Wessel-Kroeschell, Beth.....	Ames.....	.....	45— <i>Story</i> .....	81, 82, 83 (1 <sup>st</sup> )
Whitaker, John R. ....	Hillsboro.....	Family Farmer.....	90— <i>Jefferson Van Buren, Wapello</i> .....	80, 80X, 80XX, 81, 82, 83 (1 <sup>st</sup> )
Whitead, Wesley E. ....	Sioux City.....	.....	1— <i>Woodbury</i> .....	77, 78, 80, 80X, 80XX, 81, 82, 83 (1 <sup>st</sup> )
Willems, Nate.....	Lisbon.....	Attorney.....	29— <i>Johnson, Linn</i> .....	83 (1 <sup>st</sup> )
Winckler, Cindy Lou.....	Davenport.....	Educational Facilitator.....	86th— <i>Scott</i> .....	79, 79X, 79XX, 80, 80X, 80XX, 81, 82, 83 (1 <sup>st</sup> )
Windschitl, Matt W.....	Missouri Valley.....	Gunsmith, Conductor Union.....	56— <i>Harrison, Monona, Pottawattamie</i> .....	82, 83 (1 <sup>st</sup> )
Worthan, Gary.....	Storm Lake.....	Farmer.....	52— <i>Buena Vista, Sac</i> .....	82, 83 (1 <sup>st</sup> )
Zirkelbach, Raymond.....	Monticello.....	Correctional Counselor.....	31— <i>Dubuque, Jones</i> .....	81, 82, 83 (1 <sup>st</sup> )

# JOURNAL OF THE HOUSE

First Calendar Day - First Session Day

Hall of the House of Representatives  
Des Moines, Iowa, Monday, January 12, 2009

Pursuant to chapter two (2), sections two point one (2.1) and two point three (2.3), Code of Iowa, the House of Representatives of the Eighty-third General Assembly of Iowa, 2009 Regular Session, convened at 10:08 a.m., Monday, January 12, 2009.

The House was called to order by the Honorable John Whitaker, state representative from Van Buren County.

An interfaith prayer was offered by Rabbi Beryl Padorr, Rabbi of Tifereth Israel Synagogue, Des Moines, Reverend Irvin Lewis, Sr. Pastor of the King of Kings Missionary Baptist Church and Imam Ako Abdul-Samad of the Islamic Center of Des Moines.

## PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by the Speakers Page, Laura Zeman of Cedar Falls.

## SPECIAL PRESENTATION

Whitaker of Van Buren introduced to the House the honorable United States Senator, Charles Grassley.

The House rose and expressed its welcome.

## TEMPORARY OFFICERS

On motion by Heddens of Story, Mark Brandsgard of Polk County was elected acting Chief Clerk. Mark Brandsgard presented himself and subscribed to the following oath:

“I do solemnly swear or affirm that I will support the Constitution of the United States and the Constitution of the State of Iowa and that I will faithfully discharge the duties of my office to the best of my ability.”

Smith of Marshall moved that the Honorable John Whitaker of Van Buren County be elected Temporary Speaker.

The motion prevailed and the oath of office was administered to the Honorable John Whitaker of Van Buren County by Acting Chief Clerk Brandsgard.

Temporary Speaker Whitaker of Van Buren in the chair.

Hunter of Polk moved that a committee of five on credentials be appointed and that the accredited list of the Secretary of State be accepted.

The motion prevailed and the following committee was appointed: Hunter of Polk, chair; Marek of Washington, Winckler of Scott, Pettengill of Benton and Roberts of Carroll.

REPORT OF COMMITTEE ON CREDENTIALS

MR. SPEAKER: We, your committee on credentials, respectfully report that we find the following named persons duly elected to and entitled to seats in the House of Representatives of the Eighty-third General Assembly as shown by duplicate copies of the certificates of election on file in the office of the Secretary of State:

Office of the  
THE SECRETARY OF STATE  
CERTIFICATION

To the Honorable, The Chief Clerk of the House:

I, **Michael A. Mauro**, Secretary of State of the State of Iowa, custodian of the files and records pertaining to elections in the State, do hereby certify that the State Canvassing Board has declared that at the General Election held on November 4, 2008, each of the following named persons was duly elected to the office of State Representative for the term of two years beginning on the first day of January, 2009:

First .....	Wesley Whitead
Second.....	Roger F. Wendt
Third.....	Chuck Soderberg
Fourth.....	Dwayne Arlan Alons
Fifth.....	Royd E. Chambers
Sixth.....	Mike May
Seventh.....	Marcella R. Frevert
Eighth.....	Dolores M. Mertz
Ninth.....	McKinley Bailey
Tenth.....	Dave Deyoe

Eleventh .....	Henry V. Rayhons
Twelfth .....	Linda L. Upmeyer
Thirteenth .....	Sharon Steckman
Fourteenth .....	Mark A. Kuhn
Fifteenth .....	Brian Quirk
Sixteenth .....	John Beard
Seventeenth .....	Pat Grassley
Eighteenth .....	Andrew Wenthe
Nineteenth .....	Bob Kressig
Twentieth .....	Doris Kelley
Twenty-first .....	Kerry Burt
Twenty-second .....	Deborah L. Berry
Twenty-third .....	Gene Ficken
Twenty-fourth .....	Roger Thomas
Twenty-fifth .....	Thomas J Schueller
Twenty-sixth .....	Polly Bukta
Twenty-seventh .....	Charles Isenhardt
Twenty-eighth .....	Pat Murphy
Twenty-ninth .....	Nathan Willems
Thirtieth .....	Dave Jacoby
Thirty-first .....	Ray Zirkelbach
Thirty-second .....	Steven F. Lukan
Thirty-third .....	Dick Taylor
Thirty-fourth .....	Todd Taylor
Thirty-fifth .....	Kraig Paulsen
Thirty-sixth .....	Nick Wagner
Thirty-seventh .....	Renee Schulte
Thirty-eighth .....	Tyler Olson
Thirty-ninth .....	Dawn Pettengill
Fortieth .....	Lance Horbach
Forty-first .....	Paul Bell
Forty-second .....	Geri Huser
Forty-third .....	Mark Smith
Forty-fourth .....	Annette Sweeney
Forty-fifth .....	Beth Wessel-Kroeschell
Forty-sixth .....	Lisa Heddens
Forty-seventh .....	Ralph Watts
Forty-eighth .....	Donovan Olson
Forty-ninth .....	Helen Miller
Fiftieth .....	David A. Tjepkes
Fifty-first .....	Rod Roberts
Fifty-second .....	Gary Worthan
Fifty-third .....	Dan Huseman
Fifty-fourth .....	Christopher Rants
Fifty-fifth .....	Jason Schultz
Fifty-sixth .....	Matt Windschitl
Fifty-seventh .....	Jack Drake
Fifty-eighth .....	Clel Baudler
Fifty-ninth .....	Chris Hagenow
Sixtieth .....	Peter Cownie
Sixty-first .....	Jo Oldson
Sixty-second .....	Bruce Hunter

Sixty-third ..... Scott Raecker  
Sixty-fourth ..... Janet Petersen  
Sixty-fifth ..... Wayne Ford  
Sixty-sixth ..... Ako Abdul-Samad  
Sixty-seventh ..... Kevin McCarthy  
Sixty-eighth ..... Rick Olson  
Sixty-ninth ..... Erik Helland  
Seventieth ..... Kevin Koester  
Seventy-first ..... Jim Van Engelenhoven  
Seventy-second ..... Richard D. Arnold  
Seventy-third ..... Jodi Tymeson  
Seventy-fourth ..... Kent Sorenson  
Seventy-fifth ..... Eric J. Palmer  
Seventy-sixth ..... Betty R. De Boef  
Seventy-seventh ..... Mary Mascher  
Seventy-eighth ..... Vicki Lensing  
Seventy-ninth ..... Jeff Kaufmann  
Eightieth ..... Nathan K. Reichert  
Eighty-first ..... Phyllis Thede  
Eighty-third ..... Linda J. Miller  
Eighty-third ..... Steven Olson  
Eighty-fourth ..... Elesha Gayman  
Eighty-fifth ..... Jim Lykam  
Eighty-sixth ..... Cindy L. Winckler  
Eighty-seventh ..... Thomas R. Sands  
Eighty-eighth ..... Dennis M. Cohoon  
Eighty-ninth ..... Larry K. Marek  
Ninetieth ..... John Whitaker  
Ninety-first ..... Dave Heaton  
Ninety-second ..... Jerry Kearns  
Ninety-third ..... Mary Gaskill  
Ninety-fourth ..... Kurt Swaim  
Ninety-fifth ..... Michael J. Reasoner  
Ninety-sixth ..... Cecil Dolecheck  
Ninety-seventh ..... Richard Anderson  
Ninety-eighth ..... Greg Forristall  
Ninety-ninth ..... Doug Struyk  
One Hundredth ..... Paul Shomshor

(Seal) IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the official seal of the Secretary of State at the Statehouse in Des Moines, this first day of January, 2009.

**Michael A. Mauro**, Secretary of State

I hereby acknowledge receipt of the original copy of this document on the 1<sup>st</sup> day of January, 2009.

MARK BRANDSGARD, Chief Clerk of the House of Representatives

Bruce Hunter, Chair  
 Larry Marek  
 Cindy Winckler  
 Dawn Pettengill  
 Rod Roberts

Hunter of Polk moved that the report of the committee on credentials be adopted.

The motion prevailed and the report was adopted.

### MEMBERS' OATH OF OFFICE

The following members took and subscribed to the oath of office as follows:

"I do solemnly swear that I will support the Constitution of the United States and the Constitution of the State of Iowa and that I will faithfully discharge the duties of the office of Representative according to the best of my ability."

Ako Abdul-Samad  
 Dwayne Alons  
 Richard Anderson  
 Rich Arnold  
 McKinley Bailey  
 Clel Baudler  
 John Beard  
 Paul Bell  
 Deborah Berry  
 Polly Bukta  
 Kerry Burt  
 Royd Chambers  
 Dennis Cohoon  
 Peter Cownie  
 Betty De Boef  
 Dave Deyoe  
 Cecil Dolecheck  
 Jack Drake  
 Gene Ficken  
 Wayne Ford  
 Greg Forristall  
 Marcella Frevert  
 Mary Gaskill  
 Elesha Gayman  
 Pat Grassley  
 Chris Hagenow

Linda Miller  
 Pat Murphy  
 Jo Oldson  
 Donovan Olson  
 Rick Olson  
 Steve Olson  
 Tyler Olson  
 Eric Palmer  
 Kraig Paulsen  
 Janet Petersen  
 Dawn Pettengill  
 Brian Quirk  
 J. Scott Raecker  
 Christopher Rants  
 Henry Rayhons  
 Michael Reasoner  
 Nathan Reichert  
 Rod Roberts  
 Thomas Sands  
 Tom Schueller  
 Renee Schulte  
 Jason Schultz  
 Paul Shomshor  
 Mark Smith  
 Chuck Soderberg  
 Kent Sorenson



Dave Heaton  
 Lisa Heddens  
 Erik Helland  
 Lance Horbach  
 Bruce Hunter  
 Daniel Huseman  
 Geri Huser  
 Charles Isenhardt  
 Dave Jacoby  
 Jeff Kaufmann  
 Jerry Kearns  
 Doris Kelley  
 Kevin Koester  
 Bob Kressig  
 Mark Kuhn  
 Vicki Lensing  
 Steven Lukan  
 Jim Lykam  
 Larry Marek  
 Mary Mascher  
 Mike May  
 Kevin McCarthy  
 Dolores Mertz  
 Helen Miller

Sharon Steckman  
 Doug Struyk  
 Kurt Swaim  
 Annette Sweeney  
 Dick Taylor  
 Todd Taylor  
 Phyllis Thede  
 Roger Thomas  
 David Tjepkes  
 Jodi Tymeson  
 Linda Upmeyer  
 Jim Van Engelenhoven  
 Nick Wagner  
 Ralph Watts  
 Roger Wendt  
 Andrew Wenthe  
 Beth Wessel-Kroeschell  
 John Whitaker  
 Wesley Whitead  
 Nathan Willems  
 Cindy Winckler  
 Matt Windschitl  
 Gary Worthan  
 Ray Zirkelbach

### ELECTION OF SPEAKER

Shomshor of Pottawattamie presented the name of the Honorable Patrick J. Murphy of Dubuque County as candidate for Speaker of the House of Representatives of the Eighty-third General Assembly.

Kearns of Lee seconded the nomination of Patrick J. Murphy for Speaker of the House.

Paulsen of Linn seconded the nomination of Patrick J. Murphy for Speaker of the House and moved that the Chief Clerk be authorized to cast the votes of all the members of the House of Representatives of the Eighty-third General Assembly.

In accordance with the foregoing motion, the Acting Chief Clerk cast the votes of all the members of the House of Representatives for the Honorable Patrick J. Murphy as the Speaker of the House of Representatives of the Eighty-third General Assembly, was declared duly elected to that office.

Shomshor of Pottawattamie moved that a committee of two be appointed to escort the Speaker to the chair.

The motion prevailed and the following committee was appointed: Shomshor of Pottawattamie and Paulsen of Linn.

### PRESENTATION OF SPEAKER

The Honorable Patrick J. Murphy was escorted to the Speaker's station and, having been sworn, assumed the chair. Temporary Speaker Whitaker presented Speaker Murphy with the gavel and congratulated him on his unanimous election.

Speaker Murphy invited all children present in the House to come to the well and thanked the House for the honor bestowed upon him and offered the following remarks:

#### House Speaker Pat Murphy's Opening Day Comments – January 12, 2009

We could not foresee the national recession that has been occurring and that we are currently in, and we could not have seen the national disasters that affected Iowa this past summer. Iowa had record flooding in certain parts of the state. We had tornadoes that did devastation to communities and took lives. Our biggest challenge this year will be to deal with rebuilding Iowa communities hit by natural disasters.

We are working with the Governor to create a new standing legislative committee: the Rebuild Iowa and Disaster Recovery Committee. I have entrusted Representative Tom Schueller to chair that committee. Tom has a very good background as a city councilman, a person who has worked for a large employer and who also owns a small business and works in construction and knows what real reconstruction is all about.

When we left last year we had an 82 million dollar projected ending balance. That balance is gone, due in part to the recession and the flood. The national recession really eroded those dollars, but we are still better off than most states. We have approximately 620 million dollars sitting in our reserve accounts. Along with that we have a triple A bond rating which means that, quite frankly, financial institutions view the management of the state budget in very good terms.

I appreciate Governor Culver's actions to keep this year's budget in balance, first through selective cuts and then across the board cuts to make sure that, as we come in here today, we are operating with a balanced budget for the current fiscal year. But the Governor's cuts are just a start. We will need to get leaner and meaner as the year goes on. Currently it is estimated that, for the current fiscal year, we will have between 30 and 40 million dollars less in annual revenue than we had last fiscal year. I am sure that we will look at innovative ways to save money, innovative ways to improve state services and move the state forward. And, we need to act quickly.

It is my goal that the first bill we work on this year will address aid for disaster affected areas. And we will expect the "RIO Committee," as it is going to be called, to work in conjunction with the Appropriations and Ways and Means Committees to deal with spending issues related to disaster recovery. Our goal is to have legislation on the Governor's desk by the end of the month, to show that we are moving quickly to help those adversely impacted by natural disasters.

Last summer, House Democrats proposed a plan to secure Iowa's economic future by promoting economic growth, creating jobs, and helping middle class families. We want to continue these efforts by making Iowa a green state and creating programs and jobs that help promote alternative energy production and usage in Iowa. A good example is Florida Power and Light, which is currently investing approximately 1.2 billion dollars in wind turbines in the state. We need to continue to be the renewable fuels leader among the 50 states. Whether through ethanol, soy diesel or wind energy, we will push hard to promote renewable fuels.

We also need to continue to look at creating good paying jobs to help foster more economic opportunities for Iowans.

We need to also make sure that we maintain our commitment to health care. Through Medicaid, Hawk-I, private insurance or other program, our goal is to continue to move toward health insurance coverage for every child in Iowa.

But we also need to reward hard work for those people that play by the rules. We need to take aim at CEO's that knowingly hire illegal immigrants and whose employment practices are tailored to avoid paying taxes and avoid treating workers fairly.

We also need to equip our children for the future. That means that we need to continue our focus on early childhood, K-12 education and making higher education affordable.

I think we have a very good record over the previous two years. The first bill we did two years ago raised the minimum wage for those people at the bottom end of the pay scale. We also focused on small business health insurance reform so people in small businesses could have access to health care. We also made sure that we focused on making Iowa a greener state and we need to continue that effort.

But, it won't be easy. The cupboard is almost bare. It may not be our fault, but we need to deal with the issues before us and balance the budget before we adjourn.

If we put aside our differences, we can work together to move the state forward. And if I may take this opportunity, I will lobby U.S. Senator Grassley who is sitting in the audience today to do everything he can, along with Senator Harkin, to work to make Tom Vilsack our next Secretary of Agriculture. I think it will be very good for the state and very good for agriculture.

We need to grow the economy, create job opportunities, and make Iowa a green state. We need to help Iowa recover and balance our budget.

Back in the 1960's, Martin Luther King asked this country to create a society in which individuals are judged by the content of their character and not the color of their

skin. In eight days we will swear in a president, an African-American, for the first time in this country. And if you look at what he talked about for the last twenty months, he expressed a unifying theme that reflected back to Dr. King's remarks.

As he campaigned across Iowa and other states, President-elect Obama didn't talk about a red America. He didn't talk about a blue America. He didn't talk about a white America. He didn't talk about a black America. He talked about these United States of America. And Americans have come together in ways that they haven't in recent years. His election, and the themes he stressed during the campaign, demonstrate that we have the ability to come together, to understand that we have differences, and to put those differences aside in a common effort to move the state forward.

Over these next one-hundred days that we are in session, hopefully we will be able find areas of agreement. So that we can improve education, health care, and make government work better. So that we don't look at each other as Republicans or Democrats, or by the color red or the color blue. Let's see ourselves as Americans and Iowans and let's say that our job is to do what we can to make Iowa and the United States a better place.

I thank you for your time. Now we need to get to work and move this state forward. Thank you.

### SPECIAL PRESENTATION

Speaker Murphy introduced to the House the honorable United States Congressman Leonard Boswell.

The House rose and expressed its welcome.

### ELECTION OF PERMANENT CHIEF CLERK

Heddens of Story moved that Mark W. Brandsgard be elected permanent Chief Clerk of the House.

The motion prevailed and Mark W. Brandsgard was declared elected permanent Chief Clerk.

### COMMITTEE TO NOTIFY THE GOVERNOR

Kressig of Black Hawk moved that a committee of three be appointed to notify the Governor that the House was duly organized and ready to receive any communication that he may desire to transmit.

The motion prevailed and the following committee was appointed: Kressig of Black Hawk, Chair; Burt of Black Hawk and Sweeney of Hardin.

#### COMMITTEE TO NOTIFY THE SENATE

D. Olson of Boone moved that a committee of three be appointed to notify the Senate that the House was duly organized and ready to receive any communication that the Senate may desire to transmit.

The motion prevailed and the following committee was appointed: D. Olson of Boone, Chair; Steckman of Cerro Gordo and Helland of Polk.

#### ADOPTION OF HOUSE CONCURRENT RESOLUTION 1

McCarthy of Polk asked and received unanimous consent for the immediate consideration of the following House Concurrent Resolution, and moved its adoption:

1           House Concurrent Resolution 1  
 2           By McCarthy and Paulsen  
 3    *Be it resolved by the House of Representatives, The*  
 4    Senate concurring, That a joint convention of the two  
 5    houses of the 2009 session of the Eighty-third General  
 6    Assembly be held on Tuesday, January 13, 2009, at  
 7    10:00 a.m.; and  
 8    *Be it further resolved, That Governor Chester J.*  
 9    Culver be invited to deliver his budget message at  
 10   this joint convention of the two houses of the General  
 11   Assembly, and that the Speaker of the House of  
 12   Representatives and the President of the Senate be  
 13   designated to extend the invitation to him.

The motion prevailed and the resolution was adopted.

#### ADOPTION OF HOUSE CONCURRENT RESOLUTION 2

McCarthy of Polk asked and received unanimous consent for the immediate consideration of the following House Concurrent Resolution and moved its adoption:

1           House Concurrent Resolution 2  
 2           By McCarthy and Paulsen  
 3    *Be it resolved by the House of Representatives, The*  
 4    Senate concurring, That a joint convention of the two  
 5    houses of the 2009 session of the Eighty-third General  
 6    Assembly be held on Wednesday, January 14, 2009, at  
 7    10:00 a.m.; and  
 8    *Be it further resolved, That Chief Justice Ternus*

9 be invited to present her message of the condition of  
10 the judicial branch at this convention, and recommend  
11 such matters as the Chief Justice deems expedient,  
12 pursuant to section 602.1207 of the Code.

The motion prevailed and the resolution was adopted.

### IMMEDIATE MESSAGES

McCarthy of Polk asked and received unanimous consent that the following resolutions be immediately messaged to the Senate: **House Concurrent Resolutions 1 and 2.**

### ELECTION OF SPEAKER PRO TEMPORE

Frevert of Palo Alto placed in nomination the Honorable Polly Bukta of Clinton County as candidate for Speaker pro tempore of the House of Representatives of the Eighty-third General Assembly.

Bell of Jasper seconded the nomination of Representative Polly Bukta as Speaker pro tempore of the House of Representatives.

Heaton of Henry seconded the nomination of Representative Polly Bukta as Speaker pro tempore of the House of Representatives and moved that the Chief Clerk be authorized to cast the votes of all the members of the House of Representatives of the Eighty-third General Assembly.

In accordance with the foregoing motion, the Chief Clerk cast the votes of all the members of the House of Representatives for the Honorable Polly Bukta as Speaker pro tempore of the House of Representatives of the Eighty-third General Assembly. The Honorable Polly Bukta of Clinton County, having received all the votes cast for the office of Speaker pro tempore of the House of Representatives of the Eighty-third General Assembly, was declared duly elected to that office.

Frevert of Palo Alto moved that a committee of two be appointed to escort the Speaker pro tempore to the chair.

The motion prevailed and the following committee was appointed: Frevert of Palo Alto and Heaton of Henry.

Representative Bukta was escorted to the Speaker's station and, being duly sworn, offered the following remarks:

Mr. Speaker, Mr. Majority Leader, Mr. Minority Leader and colleagues of the House. Thank you for your trust in me by electing me Speaker pro tempore for the 83<sup>rd</sup> General Assembly. It is truly an honor to sit here before you today.

To the Chief Clerk and his staff, both caucus staffs, the legislative assistants to leadership, legislative clerks, the Sergeant of Arms, Doorkeepers, Pages, Postmaster, Finance Officers, custodial staff, thank you for all the hours you spend to prepare this awesome chamber for this first day of session. AND, thank you in advance for all the time and effort you will put forth to make this session run as smoothly as in the past.

Family members and friends of the Representatives, especially you who have traveled any distance on this typically Iowa winter day, to witness your loved ones take their oath of office as new or returning members, I extend my most sincere and warm welcome! Your presence adds to the joy and ambience of the day.

Today we welcome 18 new members to the Iowa House, and welcome back the returning 81 members. You probably noticed that 18 and 81 do not total 100. It is not a mistake in math because we do number only 99. Representative Royd Chambers is on active duty overseas and will miss the 2009 session. We wish him well and a safe return for active duty in the Iowa House hopefully for the 2010 session.

Iowa has made history again by expanding our diverse population to match the make-up of our great state. This session shows a record number of African Americans totaling six- a gain of two members over last session, the number of female Representatives is three less than last session, but still women make up 25% of the membership.

Our chamber consists of members from all age groups ranging from the late twenties to the early eighties. How proud we can all be of the balance in this chamber in age, gender, race, and creed. I hope we will all remember that each of us brings to this gathering our own unique self with our own unique ideas to how best serve the constituents of our own unique districts. If we are able to keep this in mind as we move forward this session we will be able to treat each other with respect. We need to listen to one another, talk to one another, and work together to do the very best we can for our particular districts as well as our entire state. Iowans expect this behavior from us, and it can be accomplished.

We have some trying times ahead of us, and it will take a concerted effort on all our parts to get us through the difficult decisions that we will have to make in the weeks and months ahead. Nobody could have predicted the economic downturn, nor the devastating natural tragedies of this past summer. There is work to do and problems to solve, and we will do both because we are IOWANS! We're strong, we're deliberate, we're compassionate, we're responsive and we are problems solvers.

I will end by reading a quote from a Texas State Senator, Leticia Van de Putte from her "Fifteen Tips on Being an Effective Legislator: "Honor the Institution". Thomas Jefferson did it, and so did James Madison, George Washington, Alexander Hamilton and other builders of our governmental institutions. They worked tirelessly to make

representative government work. Now the well-being of your state legislature is in your hands. Preserve and protect it so it remains a strong, co-equal branch of government. Legislative service is one of democracy's worthiest pursuits. It is an important duty that deserves our time, attention and dedication. To work well, government requires a bond of trust between citizens and their representatives. Try to appeal to the best instincts of the electorate, talk about what you stand for, what you intend to do during your time in office and then work as hard as you can to fulfill those promises. Remember why you ran for office—to make a difference, a difference for the better.”

Thank you, and enjoy the rest of the day.

### COMMITTEE FROM THE SENATE

A committee from the Senate appeared and notified the House that the Senate was duly organized and ready to receive any communications that the House might desire to transmit.

### REPORT OF THE COMMITTEE TO NOTIFY THE SENATE

D. Olson of Boone, chair of the committee appointed to notify the Senate that the House was ready to receive it in joint convention, reported that the committee had performed its duty.

### REPORT OF THE COMMITTEE TO NOTIFY THE GOVERNOR

Kressig of Black Hawk, Chair of the committee appointed to notify the Governor that the House was ready to receive it in joint convention, reported that the committee had performed its duty.

### SPECIAL ORDER

McCarthy of Polk moved that the assignment of seats to the members of the House be made a special order for this afternoon at 1:45 p.m., which motion prevailed.

### ADOPTION OF HOUSE RESOLUTION 1

Kelley of Black Hawk asked and received unanimous consent for the immediate consideration of the following resolution and moved its adoption:

1. House Resolution 1
2. By Bukta



3. *Be it resolved by the House of Representatives,*
4. That each member of the House of Representatives shall
5. be entitled to select and appoint a secretary, and
6. such secretary may be called upon to aid in the
7. discharge of the clerical work of the House of
8. Representatives. The Speaker and Chief Clerk
9. shall appoint their secretaries and pages to serve for
10. the session, and the Chief Clerk is hereby authorized
11. to employ such additional clerical assistance as his
12. duties may require.

The motion prevailed and the resolution was adopted.

### ADOPTION OF HOUSE RESOLUTION 2

Kelley of Black Hawk asked and received unanimous consent for the immediate consideration of the following resolution and moved its adoption:

1. House Resolution 2
2. By Frevert
3. *Be it resolved by the House of Representatives,*
4. That a committee of one be appointed to arrange for
5. opening the sessions with prayer.

The motion prevailed and the resolution was adopted.

### COMMITTEE ON MILEAGE

Oldson of Polk moved that a committee of three be appointed to determine the mileage due each member and report the same to the House.

The motion prevailed and the following committee was appointed: Oldson of Polk, Chair; Wenthe of Fayette and Deyoe of Story.

### ADOPTION OF TEMPORARY RULES OF THE HOUSE

Wessel-Kroeschell of Story moved that the permanent rules of the House and provisions for compensation of employees adopted by the Eighty-second General Assembly be the temporary rules and temporary compensation provisions for the House of the Eighty-third General Assembly.

The motion prevailed.

## REMARKS BY MINORITY LEADER

Paulsen of Linn offered the following remarks:

Thank you Mr. Speaker; Mr. Speaker, Ladies and Gentlemen of the House, Friends and Families.

On behalf of House Republicans, welcome to the 83<sup>rd</sup> General Assembly. Congratulations to the new members of the House. It is a very special task you are about to begin and it is also one of the most rewarding experiences you will have in your life. My one piece of advice – you get as much out of this as you put in – I suggest you go all in. I hope each day you serve will be as exciting as this first one.

As many of you know, Rep. Royd Chambers of Sheldon serves not only this state as a representative, but also our country, in the Air National Guard. At the beginning of this year, Rep. Chambers was deployed overseas and will likely not be joining us this session. Like all those who serve, the work Royd is doing is important and I know you share my pride and appreciation for his efforts in protecting us from those who seek to do us harm. There are those who are called to something even greater than themselves, those who make it possible for us to come and do the people's work—and I would ask you to join me in keeping Royd and the other brave men and women who are serving our country in your thoughts and prayers.

There is work that needs to be done in this house as well.

Everywhere you look there are reports and messages about economic uncertainty – both at home and in the workplace.

We, in this session, will be facing difficult and sometimes painful decisions. But they are certainly no more difficult or painful than the decisions that Iowa's families and taxpayers are making everyday. We must remember that state government is not the only entity facing uncertainty. With that in mind, we must protect families and taxpayers – not ask them to dig deeper in their own pockets to solve a budget problem that this Legislature created for itself.

Since it is impossible to move forward without first understanding your past, we need to remember something. When the 82<sup>nd</sup> General Assembly closed its doors last May, we walked out of here \$563 million in the red. Today, due to the hardships and disasters of 2008, we walk in here \$779 million in the red. But let's be clear about this. The initial shortfall of \$563 million was not caused by George W. Bush or Congressional Democrats as some have claimed, it was not caused by sliding stock markets or housing crunches. It was caused by a lack of discipline and a failure of duties with Iowans' dollars. That being said, House Republicans are ready to look toward the future and craft solutions.

Mr. Speaker, this blame game serves no one well – so my pledge is this, as long as we are able to look forward and work towards solutions I have no interest in laying blame. However, if blame is continued to be misplaced, as Republicans believe it has in the last several weeks, I will continue to talk about the pork of the last two years – the 2,600 new state employees – the 17+% spending increases. Mr. Speaker, Republicans prefer to move on, I hope Democrats feel the same.

The first order of business should be a meaningful disaster relief bill that helps the thousands of Iowans who can't sleep in their own home at night.

Republicans are ready to help draft a bill that creates substantive measures that permit our small businesses to get their doors back open faster and put Iowans back to work.

We must make sure we invest properly into rebuilding Iowa's infrastructure.

This body has set aside dollars exactly for these purposes – we need to put these dollars to work.

I can assure you, Republicans will not shy away from any of these challenges.

Last year in his veto message on the collective bargaining bill, Governor Culver stated the legislation, which rewrote Iowa's collective bargaining law, could result in substantial tax increases and that it was not in the best interest of the taxpayer. Republicans believe that the governor used the right test on that day.

But we also believe there is another meritorious test. Does proposed legislation grow Iowa's economy – does it create more jobs – does it encourage employers to invest in our workforce? If it does pass the test we should press forward, if it does not, it must be set aside.

Mr. Speaker, Republicans believe many of the left-over high profile bills from last year do not pass this test. You should expect us to oppose Combined Corporate Reporting, property tax increases and any attempt to weaken or gut Iowa's right to work law. These proposals do not pass the test. We must also bring more truth and transparency to our budget process and spending decisions. Republicans believe that Iowans deserve to know what is happening with their tax dollars at all times. Expect Republicans to dive into budgets and look for cost-saving measures. We are committed to asking tough questions and shining light on the process to bring true accountability to the people's House. We must examine how we spend each taxpayer dollar.

We will not support a budget that is balanced by adding to Iowa's already overly burdensome taxes and this includes any attempt to eliminate the largest income tax deduction for nearly every middle class Iowan--federal deductibility.

Mr. Speaker, I recognize you may have preferred my comments be filled with less confrontational words. But we have serious work to do. As committed as I am and my caucus is to staying true to these principles we are also that committed to making sure this body and this general assembly are successful in moving Iowa forward.

We stand ready to do what needs to be done for:

A stronger, growing Iowa economy

Meaningful disaster relief for Iowa

A responsible budget. And just as the governor has said, balanced without raising taxes

Affordable healthcare

Strong education – including stronger community colleges

A robust energy policy that protects those paying electric and gas bills and our natural resources

An open responsive state government

It's a challenging, but exciting time for Iowa

Mr. Speaker, Republicans are ready to go to work.

## REMARKS BY THE MAJORITY LEADER

McCarthy of Polk offered the following remarks:

Thank you Mr. Speaker.

Mr. Speaker – ladies and gentlemen of the House. Good morning.

Let me begin by congratulating all of you on your recent election. And also, to Representatives Paulsen and Upmeyer on your new positions. I very much look forward to working with both of you.

We have all heard a lot lately about the coming challenges we will face when dealing with this years budget – and there will be historic challenges indeed.

The State of Iowa is seeing various economic indicators – some of which we have not seen since 1933. As the President-Elect has recently said, “Things may get worse before they get better” and thus far, traditional modes of dealing with this recession have not been successful.

With every challenge comes an opportunity, though. As Joseph Campbell said, “At the darkest moment comes the light.”

Of the 46 states currently facing economic hardship, Iowa is in a better position than almost any other state to weather this economic storm. We are one of only a few states that are now net exporters of energy – our investments in ethanol and wind development are beginning to bear fruit and these investments will continue to bring jobs to our state. Our future looks bright.

If we work together this year we can meet these budget challenges...in a way that’s smarter and more efficient than we have done before; while continuing to provide the essential core services that Iowans expect us to provide and maintaining the progress we have made in education and health care.

To do this we must work in a bipartisan fashion – putting aside any hard feelings that may exist from the recent hard fought campaigns. This body has always been most productive when we are working together and when there is meaningful input from all parties. I believe, contrary to what some are saying - we can, and will, have a successful session.

Today, let’s commit to work together, all of us, in a truly bipartisan way to do what’s in the best interest of all Iowans. Thank you very much.

## INTRODUCTION OF BILLS

**House Joint Resolution 1**, by Bell, 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**.

**House File 1**, by Zirkelbach, a bill for an act requiring certain group health insurance policies, contracts, or plans to provide coverage for autism spectrum disorders for certain persons, requiring certification of behavior specialists, and providing an applicability date.

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

**House File 2**, by Smith, a bill for an act adding hallucinogenic substances to the list of schedule I controlled substances, and providing penalties.

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

**House File 3**, by Smith, a bill for an act relating to confinement feeding operations by providing for the approval by counties of construction of structures associated with the operations.

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

**House File 4**, by Horbach, a bill for an act providing that a child who is ten years of age or older, truant, and refuses to engage in mediation or violates a mediation agreement commits a delinquent act.

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

**House File 5**, by Pettengill, a bill for an act requiring all payments for prepaid cemetery and funeral merchandise, and funeral services to be placed in trust or secured by a surety bond.

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

**House File 6**, by Smith, a bill for an act relating to eliminating the exemption of gaming floors from the prohibitions of the smokefree air Act.

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

## RULE 57 SUSPENDED

McCarthy of Polk asked and received unanimous consent to suspend Rule 57, relating to committee notice and agenda for a meeting of the committee on administration and rules at 3:00 p.m. today.

On motion by McCarthy of Polk, the House was recessed at 11:28 a.m., until 1:45 p.m.

## STANDING COMMITTEES APPOINTED

The Speaker announced the following appointments to the standing committees of the House:

### ADMINISTRATION AND RULES – 14 Members

Wessel-Kroeschell, Chair	Kaufmann	Murphy	Upmeyer
Gayman*	Lukan	Paulsen	Whitaker
Tymeson**	McCarthy	Reasoner	
Abdul-Samad	Miller, H.	Roberts	

### AGRICULTURE – 21 Members

Mertz, Chair	Bukta	Huseman	Struyk
Marek*	De Boef	Miller, H.	Sweeney
Drake**	Dolecheck	Olson, S.	Wenthe
Bailey	Frevert	Rayhons	Worthan
Beard	Gayman	Reasoner	Zirkelbach
Bell			

### APPROPRIATIONS – 25 Members

Oldson, Chair	Cownie	Hunter	Roberts
Wenthe*	De Boef	Huseman	Swaim
Raecker**	Dolecheck	Jacoby	Taylor, T.
Alons	Gayman	Kuhn	Watts
Bailey	Heaton	Lukan	Winckler
Cohoon	Heddens	Reichert	Worthan
			Zirkelbach

### COMMERCE – 23 Members

Petersen, Chair	Kelley	Quirk	Sorenson
Kressig*	Lukan	Rants	Struyk
Soderberg**	Oldson	Reasoner	Taylor, D.
Bailey	Olson, D.	Reichert	Wagner
Helland	Olson, T.	Sands	Windschitl
Jacoby	Pettengill	Shomshor	

## ECONOMIC GROWTH— 21 Members

Thomas, Chair	Horbach	Miller, H.	Steckman
Bailey*	Jacoby	Schueller	Swaim
Forristall**	Kelley	Schultz	Thede
Anderson	Marek	Soderberg	Upmeyer
Cownie	May	Sorenson	Wenthe
Ford			

## EDUCATION — 23 Members

Wendt, Chair	Cownie	Koester	Steckman
Ficken*	Dolecheck	Mascher	Sweeney
May**	Ford	Miller, L.	Thede
Abdul-Samad	Forristall	Palmer	Tymeson
Bukta	Heddens	Raecker	Willems
Cohoon	Kelley	Schulte	

## ENVIRONMENTAL PROTECTION — 21 Members

Olson, D., Chair	Frevert	Lensing	Smith
Kearns*	Gaskill	Lukan	Soderberg
Olson, S.**	Gayman	Miller, H.	Watts
Anderson	Hagenow	Reichert	Whitaker
Deyoe	Kressig	Schultz	Whitead
Drake			

## GOVERNMENT OVERSIGHT — 9 Members

Lensing, Chair	Baudler	Olson, S.	Swaim
Ford*	Berry	Sorenson	Whitead
Watts**			

## HUMAN RESOURCES — 21 Members

Smith, Chair	Forristall	Mascher	Steckman
Berry*	Heaton	Olson, T.	Thede
Miller, L.*	Heddens	Peterson	Upmeyer
Abdul-Samad	Hunter	Schulte	Wendt
Alons	Koester	Soderberg	Wessel-Kroeschell
Baudler			

## JUDICIARY — 21 Members

Swaim, Chair	Helland	Mertz	Schultz
Palmer*	Horbach	Oldson.	Smith
Anderson**	Huser	Olson, R.	Struyk
Baudler	Kaufmann	Olson, T.	Wessel-Kroeschell
Ford	Lensing	Schulte	Willems
Heaton			

## LABOR – 17 Members

Olson, R. Chair	Burt	Isenhardt	Tymeson
Willems*	Cownie	Kearns	Van Engelenhoven
Horbach**	Grassley	Mascher	Watts
Abdul-Samad	Hunter	Taylor, T.	Winckler
Anderson			

## LOCAL GOVERNMENT – 21 Members

Gaskill, Chair	Deyoe	Olson, D.	Tjepkes
Kressig*	Ford	Roberts	Van Engelenhoven
Wagner**	Grassley	Schueller	Whitead
Arnold	Huser	Sorenson	Winckler
Burt	Isenhardt	Taylor, D.	Windschitl
Cohoon			

## NATURAL RESOURCES – 21 Members

Bell, Chair	Huseman	Palmer	Thede
Beard*	Lykam	Rayhons	Upmeyer
Deyoe**	Marek	Schultz	Whitaker
Arnold	May	Steckman	Whitead
Baudler	Mertz	Sweeney	Zirkelbach
Ficken			

## PUBLIC SAFETY – 21 Members

Lykam, Chair	Bukta	Kuhn	Reichert
Burt*	Gaskill	Lukan	Sands
Baudler**	Hagenow	Olson, R.	Tjepkes
Alons	Heddens	Olson, S.	Whitaker
Bell	Kressig	Rayhons	Worthan
Berry			

## REBUILD IOWA AND DISASTER RECOVERY – 17 Members

Schueller, Chair	Helland	Kuhn	Sorenson
Berry *	Huser	Olson, T.	Taylor, D.
Grassley**	Jacoby	Pettengill	Taylor, T.
Burt	Kaufmann	Sands	Thomas
De Boef			

## STATE GOVERNMENT – 21 Members

Mascher, Chair	Isenhardt	Quirk	Shomshor
Beard*	Kaufmann	Raecker	Taylor, T.
Struyk**	Koester	Rants	Wendt
Cohoon	Lensing	Roberts	Whitead
Drake	Pettengill	Schulte	Willems
Frevort			



## TRANSPORTATION – 21 Members

Quirk, Chair	Cohon	Lykam	Wagner
Kelley*	Gaskill	Marek	Wendt
Tjepkes**	Hagenow	May	Wenthe
Abdul-Samad	Huseman	Olson, D.	Whitaker
Arnold	Koester	Roberts	Worthan
Bell			

## VETERANS AFFAIRS – 17

Zirkelbach, Chair	Bukta	Mascher	Thomas
Whitead*	Ficken	Rants	Tymeson
Windschitl**	Gayman	Sweeney	Van Engelenhoven
Alons	Kearns	Taylor, D.	Watts
Bailey			

## WAYS AND MEANS – 25 Members

Shomshor, Chair	Grassley	Miller, L.	Struyk
Olson, T.*	Hagenow	Olson, D.	Thomas
Sands**	Helland	Petersen	Wagner
Bell	Isenhart	Pettengill	Wendt
Bukta	Kaufmann	Reasoner	Willems
Forristall	Kelley	Steckman	Windschitl
Frevert			

## ETHICS – 6 Members

Miller, H., Chair	Pettengill**	Raecker	
Olson, T.*	Palmer	Tymeson	

## HOUSE APPROPRIATIONS SUBCOMMITTEES

## ADMINISTRATION AND REGULATION – 9 Members

Hunter, Chair	Drake	Helland	Kelley
Taylor, D.*	Gaskill	Kearns	Wagner
Alons**			

## AGRICULTURE AND NATURAL RESOURCES – 9 Members

Kuhn, Chair	Beard	Grassley	Olson, D.
Marek	Deyoe	Mertz	Sweeney
De Boef**			

## ECONOMIC DEVELOPMENT – 9 Members

Jacoby, Chair	Forristall	Schueller	Soderberg
Isenhart.*	Kressig	Schultz	Thomas
Cownie**			

## EDUCATION – 9 Members

Winckler, Chair	Ficken	Koester	Van Engelenhoven
Steckman*	Frevert	May	Wenthe
Dolecheck**			

## HEALTH AND HUMAN SERVICES – 9 Members

Heddens, Chair	Miller, L.	Schulte	Smith
Thede*	Rayhons	Shomshor	Wessel-Kroeschell
Heaton**			

## JUSTICE SYSTEMS – 9 Members

Taylor T., Chair	Anderson	Olson, R.	Willems
Palmer*	Horbach	Tjepkes	Zirkelbach
Worthan**			

## TRANSPORTATION, INFRASTRUCTURE AND CAPITALS – 9 Members

Cohoon, Chair	Burt	Lykam	Sands
Bailey*	Hagenow	Reichert	Windschitl
Huseman**			

\* Vice Chair

\*\* Ranking Member

## HOUSE COMMITTEE ASSIGNMENTS

Ako Abdul-Samad	Administration and Rules Education Human Resources Labor Transportation
Dwayne Alons	Appropriations Human Resources Public Safety Veterans Affairs Administration and Regulation, Appropriations Subcommittee, Ranking Member
Richard Anderson	Economic Growth Environmental Protection Judiciary, Ranking Member Labor Justice System, Appropriations Subcommittee
Richard Arnold	Local Government Natural Resources Transportation

McKinley Bailey	Agriculture Appropriations Commerce Economic Growth, Vice Chair Veterans Affairs Transportation, Infrastructure and Capitals, Appropriations Subcommittee, Vice Chair
Clel Baudler	Government Oversight Human Resources Judiciary Natural Resources Public Safety, Ranking Member
John Beard	Agriculture Natural Resources, Vice Chair State Government, Vice Chair Agriculture and Natural Resources, Appropriations Subcommittee
Paul Bell	Agriculture Natural Resources, Chair Public Safety Transportation Ways and Means
Deborah Berry	Government Oversight Human Resources, Vice Chair Public Safety Rebuild Iowa and Disaster Recovery, Vice Chair
Polly Bukta	Agriculture Education Public Safety Veterans Affairs Ways and Means
Kerry Burt	Labor Local Government Public Safety, Vice Chair Rebuild Iowa and Disaster Recovery Transportation, Infrastructure, and Capitals, Appropriations Subcommittee
Royd Chambers	Committees to be assigned upon return from Military service
Dennis Cohoon	Appropriations Education Local Government State Government Transportation

Transportation, Infrastructure and Capitals,  
Appropriations Subcommittee, Chair

Peter Cownie  
Appropriations  
Economic Growth  
Education  
Labor  
Economic Development,  
Appropriations Subcommittee, Ranking Member

Betty De Boef  
Agriculture  
Appropriations  
Rebuild Iowa and Disaster Recovery  
Agriculture and Natural Resources,  
Appropriations Subcommittee, Ranking Member

Dave Deyoe  
Environmental Protection  
Local Government  
Natural Resources, Ranking Member  
Agriculture and Natural Resources,  
Appropriations Subcommittee

Cecil Dolecheck  
Agriculture  
Appropriations  
Education  
Education,  
Appropriations Subcommittee, Ranking Member

Jack Drake  
Agriculture, Ranking Member  
Environmental Protection  
State Government  
Administration and Regulation,  
Appropriations Subcommittee

Gene Ficken  
Education, Vice Chair  
Natural Resources  
Veterans Affairs  
Education, Appropriations Subcommittee

Wayne Ford  
Economic Growth  
Education  
Government Oversight, Vice Chair  
Judiciary  
Local Government

Greg Forristall  
Economic Growth, Ranking Member  
Education  
Human Resources  
Ways and Means  
Economic Development,  
Appropriations Subcommittee

Marcella Frevert	Agriculture Environmental Protection State Government Ways and Means Education, Appropriations Subcommittee
Mary Gaskill	Environmental Protection Local Government, Chair Public Safety Transportation Administration and Regulation, Appropriations Subcommittee
Elesha Gayman	Administration and Rules, Vice Chair Agriculture Appropriations Environmental Protection Veterans Affairs
Pat Grassley	Labor Local Government Rebuild Iowa and Disaster Recovery, Ranking Member Ways and Means Agriculture and Natural Resources, Appropriations Subcommittee
Chris Hagenow	Environmental Protection Public Safety Transportation Ways and Means Transportation, Infrastructure and Capitals, Appropriations Subcommittee
Dave Heaton	Appropriations Human Resources Judiciary Health and Human Services, Appropriations Subcommittee, Ranking Member
Lisa Heddens	Appropriations Education Human Resources Public Safety Health and Human Services, Appropriations Subcommittee, Chair
Erik Helland	Commerce Judiciary Rebuild Iowa and Disaster Recovery

	Ways and Means Administration and Regulation, Appropriations Subcommittee
Lance Horbach	Economic Growth Judiciary Labor, Ranking Member Justice System, Appropriations Subcommittee
Bruce Hunter	Appropriations Human Resources Labor Administration and Regulation, Appropriations Subcommittee, Chair
Dan Huseman	Agriculture Appropriations Natural Resources Transportation Transportation, Infrastructure and Capitals, Appropriations Subcommittee, Ranking Member
Geri Huser	Judiciary Local Government Rebuild Iowa and Disaster Recover
Charles Isenhart	Labor Local Government State Government Ways and Means Economic Development, Appropriations Subcommittee, Vice Chair
Dave Jacoby	Appropriations Commerce Economic Growth Rebuild Iowa and Disaster Recovery Economic Development, Appropriations Subcommittee, Chair
Jeff Kaufmann	Administration and Rules Judiciary Rebuild Iowa and Disaster Recover State Government Ways and Means
Jerry Kearns	Environment Protection, Vice Chair Labor Veterans Affairs Administration and Regulation, Appropriations Subcommittee

Doris Kelley	Commerce Economic Growth Education Transportation, Vice Chair Ways and Means Administration and Regulation, Appropriations Subcommittee
Kevin Koester	Education Human Resources State Government Transportation Education, Appropriations Subcommittee
Bob Kressig	Commerce, Vice Chair Environmental Protection Local Government, Vice Chair Public Safety Economic Development, Appropriations Subcommittee
Mark Kuhn	Appropriations Public Safety Rebuild Iowa and Disaster Recover Agriculture and Natural Resources, Appropriations Subcommittee, Chair
Vicki Lensing	Environmental Protection Government Oversight, Chair Judiciary State Government
Steven Lukan	Administration and Rules Appropriations Commerce Environmental Protection Public Safety
Jim Lykam	Natural Resources Public Safety, Chair Transportation Transportation, Infrastructure and Capitals, Appropriations Subcommittee
Larry Marek	Agriculture, Vice Chair Economic Growth Natural Resources Transportation Agriculture and Natural Resources, Appropriations Subcommittee

Mary Mascher	Education Human Resources Labor State Government, Chair Veterans Affairs
Mike May	Economic Growth Education, Ranking Member Natural Resources Transportation Education, Appropriations Subcommittee
Kevin McCarthy	Administration and Rules
Dolores Mertz	Agriculture, Chair Judiciary Natural Resources Agriculture and Natural Resources, Appropriations Subcommittee
Helen Miller	Administration and Rules Agriculture Economic Growth Environmental Protection Ethics, Chair
Linda Miller	Education Human Resources, Ranking Member Ways and Means Health and Human Services, Appropriations Subcommittee
Pat Murphy	Administration and Rules
Jo Oldson	Appropriations, Chair Commerce Judiciary
Donovan Olson	Commerce Environmental Protection, Chair Local Government Transportation Ways and Means Agriculture and Natural Resources, Appropriations Subcommittee
Rick Olson	Judiciary Labor, Chair Public Safety Justice System, Appropriations Subcommittee



Steve Olson	Agriculture Environmental Protection, Ranking Member Government Oversight Public Safety
Tyler Olson	Commerce Ethics, Vice Chair Human Resources Judiciary Rebuild Iowa and Disaster Recovery Ways and Means, Vice Chair
Eric Palmer	Education Ethics Judiciary, Vice Chair Natural Resources Justice System, Appropriations Subcommittee, Vice Chair
Kraig Paulsen	Administration and Rules
Janet Petersen	Commerce, Chair Human Resources Ways and Means
Dawn Pettengill	Commerce Ethics, Ranking Member Rebuild Iowa and Disaster Recovery State Government Ways and Means, Vice Chair
Brian Quirk	Commerce State Government Transportation, Chair
J. Scott Raecker	Appropriations, Ranking Member Education Ethics State Government
Christopher Rants	Commerce State Government Veterans Affairs
Henry Rayhons	Agriculture Natural Resources Public Safety Health and Human Services, Appropriations Subcommittee
Mike Reasoner	Administration and Rules Agriculture

	Commerce Ways and Means
Nathan Reichert	Appropriations Commerce Environmental Protection Public Safety Transportation, Infrastructure and Capitals, Appropriations Subcommittee
Rod Roberts	Administration and Rules Appropriations Local Government State Government Transportation
Tom Sands	Commerce Public Safety Rebuild Iowa and Disaster Recovery Ways and Means, Ranking Member Transportation Infrastructure and Capitals, Appropriations Subcommittee
Tom Schueller	Economic Growth Local Government Rebuild Iowa and Disaster Recovery, Chair Economic Development, Appropriations Subcommittee
Renee Schulte	Education Human Resources Judiciary State Government Health and Human Services, Appropriations Subcommittee
Jason Schultz	Economic Growth Environmental Protection Judiciary Natural Resources Economic Development, Appropriations Subcommittee
Paul Shomshor	Commerce State Government Ways and Means, Chair Health and Human Services, Appropriations Subcommittee
Mark Smith	Environmental Protection Human Resources, Chair Judiciary

	Health and Human Services, Appropriations Subcommittee
Chuck Soderberg	Commerce, Ranking Member Economic Growth Environmental Protection Human Resources Economic Development, Appropriations Subcommittee
Kent Sorenson	Commerce Economic Growth Government Oversight Local Government Rebuild Iowa and Disaster Recovery
Sharon Steckman	Economic Growth Education Human Resources Natural Resources Ways and Means Education, Appropriations Subcommittee, Vice Chair
Doug Struyk	Agriculture Commerce Judiciary State Government, Ranking Member Ways and Means
Kurt Swaim	Appropriations Economic Growth Government Oversight Judiciary, Chair
Annette Sweeney	Agriculture Education Natural Resources Veterans Affairs Agriculture and Natural Resources, Appropriations Subcommittee
Dick Taylor	Commerce Local Government Rebuild Iowa and Disaster Recovery Veterans Affairs Administration and Regulation, Appropriations Subcommittee, Vice Chair
Todd Taylor	Appropriations Labor Rebuild Iowa and Disaster Recovery

	State Government Justice System, Appropriations Subcommittee, Chair
Phyllis Thede	Economic Growth Education Human Resources Natural Resources Health and Humans Services, Appropriations Subcommittee, Vice Chair
Roger Thomas	Economic Growth, Chair Rebuild Iowa and Disaster Recovery Veterans Affairs Ways and Means Economic Development, Appropriations Subcommittee
Dave Tjepkes	Local Government Public Safety Transportation, Ranking Member Justice System, Appropriations Subcommittee
Jodi Tymeson	Administration and Rules, Ranking Member Education Ethics Labor Veterans Affairs
Linda Upmeyer	Administration and Rules Economic Growth Human Resources Natural Resources
Jim Van Engelenhoven	Labor Local Government Veterans Affairs Education, Appropriations Subcommittee
Nick Wagner	Commerce Local Government, Ranking Member Transportation Ways and Means Administration and Regulation, Appropriations Subcommittee
Ralph Watts	Appropriations Environmental Protection Government Oversight, Ranking Member Labor Veterans Affairs

Roger Wendt	Education, Chair Human Resources State Government Transportation Ways and Means
Andrew Wenthe	Agriculture Appropriations, Vice Chair Economic Growth Transportation Education, Appropriations Subcommittee
Beth Wessel-Kroeschell	Administration and Rules, Chair Human Resources Judiciary Health and Human Services, Appropriations Subcommittee
John Whitaker	Administration and Rules Environmental Protection Natural Resources Public Safety Transportation
Wes Whitead	Environmental Protection Government Oversight Local Government Natural Resources State Government Veterans Affairs, Vice Chair
Nathan Willems	Education Judiciary Labor, Vice Chair State Government Ways and Means Justice System, Appropriations Subcommittee
Cindy Winckler	Appropriations Labor Local Government Education, Appropriations Subcommittee, Chair
Matt Windschitl	Commerce Local Government Veterans Affairs, Ranking Member Ways and Means Transportation, Infrastructure and Capitals, Appropriations Subcommittee

Gary Worthan	Agriculture Appropriations Public Safety Transportation Justice System, Appropriations Subcommittee, Ranking Member
Ray Zirkelbach	Agriculture Appropriations Natural Resources Veterans Affairs, Chair Justice System, Appropriations Subcommittee

### AFTERNOON SESSION

The House reconvened at 1:51 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 January 12, 2009, adopted the following resolution in which the concurrence of the Senate was asked:

House Concurrent Resolution 1, a concurrent resolution resolving that a joint convention of the two houses of the 2009 session of the Eighty-third General Assembly be held on Tuesday, January 13, 2009, at 10:00 a.m. for Governor Chester J. Culver to deliver his budget message.

Also: That the Senate has on January 12, 2009, adopted the following resolution in which the concurrence of the Senate was asked:

House Concurrent Resolution 2, a concurrent resolution resolving that a joint convention of the two houses of the 2009 session of the Eighty-third General Assembly be held on Wednesday, January 14, 2009, at 10:00 a.m. for Chief Justice Ternus to present her message of the condition of the judicial branch.

MICHAEL E. MARSHALL, Secretary

### SPECIAL ORDER

The hour for the special order having arrived, the members were requested to vacate their seats.

The drawing of seats was as follows:

1. Speaker of the House Murphy—floor seat
2. Speaker pro tempore Bukta
3. Majority Floor Leader McCarthy
4. Minority Floor Leader Paulsen
5. Assistant Floor Leaders —
6. Members with defective sight, hearing and physical disability
7. Drawing by seniority:
  - a. Former Speaker
  - b. Returning members, by seniority
  - c. New members

The drawing of seats proceeded with the following results:

Name	Seat No.
Ako Abdul-Samad .....	23
Dwayne Alons .....	32
Richard Anderson .....	36
Rich Arnold .....	31
McKinley Bailey .....	54
Clel Baudler .....	26
John Beard .....	57
Paul Bell .....	86
Deborah Berry .....	13
Polly Bukta .....	84
Kerry Burt .....	75
Royd Chambers .....	30
Dennis Cohoon .....	67
Peter Cownie .....	40
Betty De Boef .....	2
Dave Deyoe .....	56
Cecil Dolecheck .....	65
Jack Drake .....	46
Gene Ficken .....	27
Wayne Ford .....	91
Greg Forristall .....	58
Marcella Frevert .....	82
Mary Gaskill .....	63
Elesha Gayman .....	66
Pat Grassley .....	16
Chris Hagenow .....	20
Dave Heaton .....	6
Lisa Heddens .....	81
Erik Helland .....	18
Lance Horbach .....	8
Bruce Hunter .....	93
Dan Huseman .....	45
Geri Huser .....	5
Charles Isenhardt .....	71
Dave Jacoby .....	78
Jeff Kaufmann .....	48

Jerry Kearns .....	69
Doris Kelley.....	15
Kevin Koester.....	10
Bob Kressig .....	9
Mark Kuhn .....	90
Vicki Lensing .....	37
Steve Lukan .....	51
Jim Lykam .....	87
Larry Marek.....	77
Mary Mascher .....	97
Mike May .....	12
Kevin McCarthy.....	100
Dolores Mertz.....	7
Helen Miller .....	92
Linda Miller .....	52
Patrick Murphy.....	14
Jo Oldson.....	80
Donovan Olson .....	3
Rick Olson .....	70
Steve Olson .....	34
Tyler Olson .....	19
Eric Palmer .....	72
Kraig Paulsen .....	99
Janet Petersen.....	1
Dawn Pettengill .....	11
Brian Quirk.....	43
Scott Raecker .....	60
Christopher Rants .....	62
Henry Rayhons .....	64
Mike Reasoner .....	83
Nathan Reichert .....	79
Rod Roberts.....	98
Tom Sands.....	47
Tom Schueller .....	55
Renee Schulte .....	73
Jason Schultz .....	51
Paul Shomshor.....	85
Mark Smith.....	96
Chuck Soderberg.....	28
Kent Sorenson.....	4
Sharon Steckman.....	35
Doug Struyk.....	25
Kurt Swaim.....	44
Annette Sweeney .....	38
Dick Taylor.....	88
Todd Taylor .....	95
Phyllis Thede .....	74
Roger Thomas .....	61
Dave Tjepkes.....	22
Jodi Tymeson .....	33
Linda Upmeyer .....	68
Jim Van Engelenhoven.....	29



Nick Wagner ..... 42  
 Ralph Watts ..... 24  
 Roger Wendt ..... 59  
 Andrew Wenthe ..... 21  
 Beth Wessel-Kroeschell ..... 41  
 John Whitaker ..... 94  
 Wes Whitead ..... 69  
 Nathan Willems ..... 17  
 Cindy Winckler ..... 39  
 Matt Windschitl ..... 49  
 Gary Worthan ..... 50  
 Ray Zirkelbach ..... 76

McCarthy of Polk moved that the assignment of seats be accepted as listed.

The motion prevailed.

**COMMUNICATIONS RECEIVED**

The following communications were received and filed in the office of the Chief Clerk:

**BOARD OF EDUCATION**

Strategic plan update, pursuant to Chapter 216.9 and 256.10(2), Code of Iowa.

**BOARD OF REGENTS**

2008 Economic Development and Technology Transfer Report, pursuant to Chapter 262B.3, Code of Iowa.

**DEPARTMENT OF EDUCATION**

Bureau of Teaching and Learning Services

Annual report regarding the Iowa Core Curriculum implementation, pursuant to Chapter 216.9 and 256.10(2), Code of Iowa.

Annual financial report, pursuant to Chapter 12b.10A(7), Code of Iowa.

**DEPARTMENT OF HUMAN RIGHTS**

Annual report of savings with Iowa Communications Network (ICN), pursuant to Chapter 8D.10, Code of Iowa.

**DEPARTMENT OF HUMAN SERVICES**

Annual report of savings with Iowa Communications Network (ICN), pursuant to Chapter 8D.10, Code of Iowa.

DEPARTMENT OF INSPECTIONS AND APPEALS

Annual report of savings with (ICN) Iowa Communications Network, pursuant to Chapter 8D.10, Code of Iowa.

DEPARTMENT OF PUBLIC SAFETY

2008 fiscal year annual report, pursuant to Chapter 7E.3(4), Code of Iowa.

DEPARTMENT OF REVENUE

Quarterly Collection results paid and costs incurred, pursuant to Chapter 421.17(27)(h)(J), Code of Iowa.

Annual report regarding an appropriation from the Rebuild Iowa Infrastructure Fund report, pursuant to Chapter 8.57(6)(h), Code of Iowa.

Annual report for services to support the Tax Gap Compliance Project for fiscal year 2008, pursuant to Chapter 421.17(23), Code of Iowa.

DEPARTMENT OF TRANSPORTATION

Annual report of improvement, pursuant to Chapter 7A.9, Code of Iowa.

DEPARTMENT OF VETERANS AFFAIRS

Fiscal report and recommendations for the Iowa Veterans Benefit Study, pursuant to Chapter 218.6, Code of Iowa.

Status report on the County Grant Program for Veterans, pursuant to Chapter 218.4, Code of Iowa.

Annual report of savings with Iowa Communications Network (ICN), pursuant to Chapter 8D.10, Code of Iowa.

IOWA COMMUNICATIONS NETWORK

Review of existing maintenance contracts, pursuant to Chapter 8D.3(3)(g), Code of Iowa.

IOWA DIVISION OF BANKING

Annual report of savings with Iowa Communications Network (ICN), pursuant to Chapter 8D.10, Code of Iowa.

IOWA LEGISLATIVE SERVICES AGENCY

Annual report of savings with Iowa Communication Network (ICN), pursuant to Chapter 8D.10, Code of Iowa.

### IOWA PUBLIC EMPLOYEES' RETIREMENT SYSTEM

Annual report of savings with Iowa Communications Network (ICN), pursuant to Chapter 8D.10, Code of Iowa.

Annual report, pursuant to Chapter 12F.5, Code of Iowa.

### IOWA TELECOMMUNICATIONS AND TECHNOLOGY COMMISSION

Annual report of savings with Iowa Communications Network (ICN), pursuant to Chapter 8D.10, Code of Iowa.

### IOWA UTILITIES BOARD

Annual report of savings with Iowa Communications Network, pursuant to Chapter 8D.10, Code of Iowa.

### IOWA WORKFORCE DEVELOPMENT

2008 annual report, pursuant to Chapter 8D.10, Code of Iowa.

### 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

- |        |  |
|--------|--|
| 2009\1 | Vesta Kern, Guttenberg – For celebrating her 90 <sup>th</sup> birthday.                            |
| 2009\2 | Glen (Pete) Calvert, Sioux City – For celebrating his 80 <sup>th</sup> birthday.                   |
| 2009\3 | Wanda Speck, Sioux City – For celebrating her 80 <sup>th</sup> birthday.                           |
| 2009\4 | Don and Rosemary Shimonek, Sioux City – For celebrating their 50 <sup>th</sup> wedding anniversary |
| 2009\5 | Don Costello, Davenport – For celebrating his 80 <sup>th</sup> birthday.                           |
| 2009\6 | Darwin Warner, Harlan – For celebrating his 80 <sup>th</sup> birthday.                             |
| 2009\7 | Bill Casey, Griswold – For celebrating his 95 <sup>th</sup> birthday.                              |

## HOUSE STUDY BILL COMMITTEE ASSIGNMENTS

### **H.S.B. 1 Ethics**

Relating to the rules governing lobbyists in the House of Representatives.

### **H.S.B. 2 Ethics**

Relating to the House code of ethics.

On motion by McCarthy of Polk the House adjourned at 2:25 p.m., until 9:00 a.m., Tuesday, January 13, 2009.

# JOURNAL OF THE HOUSE

Second Calendar Day - Second Session Day

Hall of the House of Representatives  
Des Moines, Iowa, Tuesday, January 13, 2009

The House met pursuant to adjournment at 9:08 a.m., Speaker Murphy in the chair.

Prayer was offered by the honorable Rod Roberts, state representative from Carroll County.

## PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by the Majority Leader's Page, Katie McKnight from Des Moines.

The Journal of Monday, January 12, 2009 was approved.

## EMPLOYEES OF THE HOUSE

Wessel-Kroeschell of Story moved that the recommendations of the House committee on administration and rules, regarding employees of the House, be accepted and that those named employees be elected as employees of the House.

The motion prevailed and the following named persons were duly elected:

Mark W. Brandsgard - Chief Clerk  
David F. Schrader - Assistant Chief Clerk III  
Jeffrey G. Mitchell - Senior Caucus Staff Director  
Joseph P. Romano - Senior Caucus Staff Director  
Dwayne Dean Fiihr, Jr. - Senior Administrative Assistant to Speaker  
Edward J. Conlow - Senior Administrative Assistant to Speaker II  
Carolyn McNeill Gaukel - Senior Administrative Assistant to Speaker II  
Mark N. Langgin - Administrative Assistant I to Leader  
Brian J. Meyer - Administrative Assistant III to Leader  
Josie L. Klingaman - Administrative Assistant I to Leader  
Noreen F. Bush - Administrative Assistant I to Leader  
Rachelle D. Thomas - Legislative Research Analyst  
Ezekiel L. Furlong - Legislative Research Analyst I  
David L. Epley - Legislative Research Analyst II  
Mary C. Braun - Senior Legislative Research Analyst

Anna M. Hyatt-Crozier - Senior Legislative Research Analyst  
Paulee Lipsman - Senior Legislative Research  
Jenifer L. Parsons - Senior Legislative Research Analyst  
Thomas R. Patterson - Senior Legislative Research Analyst  
Joseph M. Gilde - Caucus Secretary  
Matthew E. Hinch - Legislative Research Analyst  
Anthony D. Phillips - Legislative Research Analyst  
Kelly M. Ryan - Legislative Research Analyst II  
Lon W. Anderson - Senior Legislative Research Analyst  
Ann M. McCarthy - Senior Legislative Research Analyst  
Lewis E. Olson - Senior Legislative Research Analyst  
Bradley A. Trow - Senior Legislative Research Analyst  
Jason M. Chapman - Senior Caucus Secretary  
Janet R. Ramsay - Executive Secretary to Chief Clerk  
Kathy J. Stachon - Clerk to Chief Clerk  
Mary M. Sanders - Supervisor of Secretaries I  
Gayle A. Goble - Senior Editor  
Vicki L. Jones - Editor II  
Robin L. Bennett - Assistant Editor  
Colleen R. MacRae - Text Processor I  
Debra K. Rex - Senior Finance Officer III  
Kelly M. Bronsink – Senior Finance Officer II  
Diane K. Burget - Recording Clerk I  
Doreen R. Terrell - Assistant Legal Counsel I  
Pauline E. Kephart - Engrossing & Enrolling Processor  
Michelle K. Bauer - Assistant to the Legal Counsel  
Kristin L. Wentz – Senior Indexer  
Katherine G. Kenline - Indexing Assistant  
Jane E. Phalen - Switchboard Operator  
Karol D. Skeffington - Switchboard Operator  
Clarice E. Alons - Legislative Secretary  
Pamela D. Anderson - Legislative Secretary  
Cheryl K. Arnold - Legislative Secretary  
Mickey Belding - Legislative Secretary  
Adrienne H. Branstad - Legislative Secretary  
Marcus Branstad - Legislative Secretary  
Lia Brown - Legislative Secretary  
Beverly A. Burns – Legislative Secretary  
Scott Corrie - Legislative Secretary  
Sarah S. Cutshall - Legislative Secretary  
Dana Deyoe - Legislative Secretary  
Dawn R. Dillman - Legislative Secretary  
Deborah Donovan - Legislative Secretary  
Shirley J. Drake - Legislative Secretary  
Jordan Durham - Legislative Secretary  
Kelley A. Fifer - Legislative Secretary  
Carol Forristall - Legislative Secretary  
Lindsey Frank - Legislative Secretary  
Kasey Friedrichsen - Legislative Secretary  
Martha L. Fullerton - Legislative Secretary  
Cassandra Furlong - Legislative Secretary  
Susan Geddes - Legislative Secretary

Donna W. Greenwood - Legislative Secretary  
Christopher Hall - Legislative Secretary  
Megan L. Hess - Legislative Secretary  
Joseph Heuertz - Legislative Secretary  
Tiffanee L. Hokel - Legislative Secretary  
Jane M. Hughes - Legislative Secretary  
Kelli Huser - Legislative Secretary  
Jeremy A. Jansen - Legislative Secretary  
Robert F. Kaufmann - Legislative Secretary  
Drew Klein - Legislative Secretary  
Chris Knudsen - Legislative Secretary  
Mary Daily Lange - Legislative Secretary  
Amy J. Langgin - Legislative Secretary  
John R. Lund - Legislative Secretary  
Amy L. Lynch - Legislative Secretary  
Susan M. Mahedy-Ridgway - Legislative Secretary  
Jan Marek - Legislative Secretary  
Carole I. Martin - Legislative Secretary  
Margie A. May - Legislative Secretary  
Nancy M. McDowell - Legislative Secretary  
Lynn McRoberts - Legislative Secretary  
Charlotte Mosher - Legislative Secretary  
Melba K. Murken - Legislative Secretary  
Joe Nehring - Legislative Secretary  
K'la Novencido - Legislative Secretary  
Jean P. Olson - Legislative Secretary  
Lauren Page - Legislative Secretary  
Kevin Patrick - Legislative Secretary  
Janet M. Peterson - Legislative Secretary  
Martha S. Raecker - Legislative Secretary  
Erika Rasey - Legislative Secretary  
Virginia A. Rowen - Legislative Secretary  
Jessica L. Rundlett - Legislative Secretary  
Shannon Sanders - Legislative Secretary  
Catherine Sands - Legislative Secretary  
Taylor Schaa - Legislative Secretary  
Erica Shannon - Legislative Secretary  
Andrew Soderberg - Legislative Secretary  
Virginia A. Sourbeer - Legislative Secretary  
Alyssa Staley - Legislative Secretary  
Lora Starks - Legislative Secretary  
Christopher Street - Legislative Secretary  
M. Bernadine Travers - Legislative Secretary  
Darlene A. Van Oort - Legislative Secretary  
Ruth A. Vander Linden - Legislative Secretary  
Louis Vanderstreek - Legislative Secretary  
Jen Warner-Blankenship - Legislative Secretary  
Terrence J. Welton - Legislative Secretary  
Gabriel J. Whitaker - Legislative Secretary  
Marilyn J. Zagnoli - Legislative Secretary  
Mary Ann Ahrens - Legislative Committee Secretary  
John Bach - Legislative Committee Secretary

Sara Birkenholz - Legislative Committee Secretary  
 Christina Butts - Legislative Committee Secretary  
 Donna K. Downey - Legislative Committee Secretary  
 M. Kathy Ellett - Legislative Committee Secretary  
 Clare Haws - Legislative Committee Secretary  
 Amy Hein - Legislative Committee Secretary  
 Amanda S. Hynek - Legislative Committee Secretary  
 Catherine S. Jury - Legislative Committee Secretary  
 Carol J. Lamb - Legislative Committee Secretary  
 Ericka Meanor - Legislative Committee Secretary  
 Susan G. Meimann - Legislative Committee Secretary  
 Brooke Miller - Legislative Committee Secretary  
 Rachel Moskowitz - Legislative Committee Secretary  
 John Noonan - Legislative Committee Secretary  
 Brenda R. Olson - Legislative Committee Secretary  
 Jeff Perry - Legislative Committee Secretary  
 Cari Sagar - Legislative Committee Secretary  
 Melodie K. Schueller - Legislative Committee Secretary  
 Fran D. Smith - Legislative Committee Secretary  
 Joshua Swaim - Legislative Committee Secretary  
 Doris Taylor - Legislative Committee Secretary  
 Rosemary G. Thomas - Legislative Committee Secretary  
 Patricia Van Cleave - Legislative Committee Secretary  
 Anita R. Wendt - Legislative Committee Secretary  
 Joyce A. Hendrix - Bill Clerk  
 Joan E. Skeffington - Assistant Bill Clerk  
 William C. Walling - Postmaster  
 Maynard L. Boatwright - Sergeant-at-Arms I  
 Marvin Hollingshead - Assistant Sergeant-at-Arms  
 Robert B. Yeager - Chief Doorkeeper  
 Darrell E. Brown - Doorkeeper  
 Jack R. Hall - Doorkeeper  
 Harold L. Harker - Doorkeeper  
 Henry J. Luetjen - Doorkeeper  
 Donald L. Wederquist - Doorkeeper

#### PAGES GROUP I

Laura B. Zeman - Speaker's Page  
 Jessie L. Ede - Chief Clerk's Page  
 Billie J. Silva - Chief Clerk's Page  
 Katelyn R. Schofield - Chief Clerk's Page

Allison P. Adams  
 Adam D. Child  
 Zachary C. Dalluge  
 Drew C. Flickinger  
 Blake E. Grotewold  
 Erica A. Kite  
 Laura F. Leners  
 Kathleen K. McKnight  
 Alicia R. Nicoletto

Isabella S. Nixon  
 Erik Paramo  
 Nicole M. Pratt  
 Chad P. Ratashak  
 Hanna T. Rosman  
 Joseph D. Sweeney  
 Cassandra L. Wenger  
 Nicole M. Westergaard



## PAGES GROUP II

Kelsey A. Patience

Katherine E. Pauk

## REPORT OF COMMITTEE ON MILEAGE

Mr. Speaker: Your committee appointed to determine that mileage each member is entitled to begs leave to submit the following report:

Name .....	Round Trip Miles
Ako Abdul-Samad .....	NONE
Dwayne A. Alons .....	460
Richard T. Anderson.....	258
Richard D. Arnold .....	140
McKinley D. Bailey .....	150
Clel E. Baudler .....	122
John W. Beard .....	416
Paul A. Bell .....	76
Deborah L. Berry .....	260
Mary P. Bukta .....	400
Kerry L. Burt .....	228
Royd E. Chambers.....	440
Dennis M. Cohoon.....	322
Peter M. Cownie.....	NONE
Betty R. De Boef .....	166
David R. Deyoe.....	72
Cecil Dolecheck .....	180
Jack E. Drake .....	190
Gene E. Ficken.....	252
Wayne W. Ford .....	NONE
Gregory A. Forristall .....	250
Marcella R. Frevert .....	340
Mary A. Gaskill.....	180
Elesha L. Gayman .....	328
Patrick L. Grassley.....	206
Christopher D. Hagenow .....	NONE
David E. Heaton .....	284
Lisa K. Heddens.....	77
Erik M. Helland .....	NONE
Lance J. Horbach .....	150
Bruce L. Hunter.....	NONE
Daniel A. Huseman .....	330
Gerl D. Huser .....	NONE
Charles W. Isenhardt .....	404
David J. Jacoby .....	230
Jeffrey A. Kaufmann .....	276
Jerry A. Kearns.....	366
Doris J. Kelley.....	230
Kevin L. Koester .....	NONE

Robert M. Kressig .....	225
Mark A. Kuhn .....	280
Victoria S. Lensing .....	240
Steven F. Lukan.....	348
James K. Lykam .....	330
Larry K. Marek .....	244
Mary J. Mascher .....	240
William M. May .....	408
Kevin M. McCarthy .....	NONE
Dolores M. Mertz .....	262
Helen N. Miller .....	200
Linda J. Miller .....	372
Patrick J. Murphy.....	400
Joanne M. Oldson .....	NONE
Donovan G. Olson .....	104
Rick L. Olson .....	NONE
Steven N. Olson .....	360
Tyler G. Olson .....	255
Eric J. Palmer .....	130
Kraig M. Paulsen .....	250
Janet A. Petersen .....	NONE
Dawn E. Pettengill .....	224
Brian J. Quirk .....	320
Jeffrey S. Raecker .....	NONE
Christopher C. Rants.....	395
Henry V. Rayhons .....	250
Michael J. Reasoner.....	150
Nathan K. Reichert .....	314
Rodney A. Roberts .....	180
Thomas R. Sands .....	300
Thomas J. Schueller .....	362
C. Renee Schulte .....	244
Jason M. Schultz .....	274
Paul C. Shomshor, Jr.....	270
Mark D. Smith .....	104
Charles J. Soderberg .....	450
Kent L. Sorenson .....	38
Sharon S. Steckman .....	245
Douglas L. Struyk .....	266
Robert Kurt Swaim.....	208
Annette M. Sweeney .....	144
Richard D. Taylor .....	252
Todd E. Taylor .....	248
Phyllis Thede .....	332
Roger D. Thomas .....	340
David A. Tjepkes.....	180
Jodi S. Tymeson .....	60
Linda L. Upmeyer.....	226
James L. Van Engelenhoven.....	104
Nicholas A. Wagner.....	244
Ralph C. Watts.....	44
Roger F. Wendt .....	400

Andrew J. Wenthe .....	352
Beth A. Wessel-Kroeschell .....	70
John R. Whitaker .....	270
Wesley E. Whitead.....	402
Nathan T. Willems.....	276
Cindy L. Winckler .....	334
Matthew W. Windschitl.....	256
Gary T. Worthan.....	308
Raymond S. Zirkelbach .....	330

Respectfully submitted,  
 Joanne M. Oldson, Chair  
 Andrew J. Wenthe  
 David R. Deyoe

The motion prevailed and the report was accepted.

The House stood at ease at 9:13 a.m., until the fall of the gavel.

The House resumed session at 9:34 a.m., Speaker Murphy in the chair.

#### COMMITTEE TO NOTIFY THE SENATE

Jacoby of Johnson moved that a committee of three be appointed to notify the Senate that the House was ready to receive it in joint convention.

The motion prevailed and the Speaker appointed as such committee Jacoby of Johnson, Thede of Scott and Schultz of Crawford.

#### REPORT OF THE COMMITTEE TO NOTIFY THE SENATE

Jacoby of Johnson, Chair of the committee appointed to notify the Senate that the House was ready to receive it in joint convention, reported that the committee had performed its duty.

The report was accepted and the committee discharged.

The Sergeant-at-Arms announced the arrival of the President of the Senate, the Secretary of the Senate and the honorable body of the Senate.

The President was escorted to the Speaker's station, the Secretary to the Chief Clerk's desk and the members of the Senate were seated in the House chamber.

### JOINT CONVENTION

In accordance with law and House Concurrent Resolution 1, duly adopted, the joint convention was called to order at 9:44 a.m., President Kibbie presiding.

Senator Gronstal of Pottawattamie moved that the roll call be dispensed with and that the President of the joint convention be authorized to declare a quorum present.

The motion prevailed.

President Kibbie announced a quorum present and the joint convention duly organized.

Senator Gronstal of Pottawattamie moved that a committee of six, consisting of three members from the Senate and three members from the House of Representatives, be appointed to notify Governor Chester J. Culver that the joint convention was ready to receive him.

The motion prevailed and the President appointed as such committee Senators Hogg of Linn, Appel of Warren and Noble of Polk, on the part of the Senate, and Representatives Winckler of Scott, Beard of Winneshiek and Schulte of Linn, on the part of the House.

Secretary of State Michael A. Mauro; Treasurer of State, Michael Fitzgerald; Secretary of Agriculture and Land Stewardship, Bill Northey; State Auditor, David Vaudt and Attorney General, Tom Miller were escorted into the House chamber.

The Supreme Court Justice, the Justices of the Supreme Court, the Chief Judge and Judges of the Appellate Court were escorted into the House chamber.

Lieutenant Governor Patty Judge was escorted into the House chamber.

Mrs. Culver, and members of the Culver family, and retired General Ron Dardis and his wife, Carmel, were escorted into the House chamber.

The committee waited upon Governor Chester J. Culver and escorted him to the Speaker's station.

President Kibbie presented Governor Chester J. Culver, who delivered the following condition of the state message:

I want to begin by welcoming all of you, especially the newly elected members of the general assembly, to your state capitol.

2008 was a year we will never forget! May 25<sup>th</sup> began like any other spring day in the city of Parkersburg. Just as in hundreds of communities statewide, families were gathered together, celebrating high school graduations, enjoying the Memorial Day weekend, and looking forward to the start of summer.

By sunset on that same day, the lives of all citizens of Parkersburg were changed, forever.

At just before 5 PM, a horrific F5 tornado, the worst in our state's history, ripped through town. City Hall, businesses, banks, restaurants – and 220 homes – were all gone.

This mile-wide tornado traveled nearly 45 miles, through three counties, affecting not just Parkersburg, but Aplington, New Hartford, Waterloo, and Dunkerton. Before the winds stopped, 67 people were injured, and 8 people tragically lost their lives.

The storm also destroyed the physical symbol of the heart and soul of Parkersburg: the Aplington-Parkersburg High School. The classrooms, gymnasium, stadium and football field – a field which, over the years, had come to be known as the sacred acre – were all leveled.

Once the tornado stopped, football Coach Ed Thomas – whose own house was destroyed – walked to what was left of the field, and pledged to play the first game of the season on time, and at home. Players, coaches, strangers, and busloads of students from other schools – volunteered to help clean up the mess. They got on their knees and, moving shoulder-to-shoulder, criss-crossed the field, one way and then the other, pulling up glass, wood and other debris that the F5 tornado winds had driven into the turf. Rival high schools conducted fundraising drives that yielded tens of thousands of dollars in cash donations. Four former football players from Coach Thomas's teams now playing in the National Football League led their own fundraising drive through the NFL charity program. Iowa companies even donated new game lights and turf!

As a result of all of these efforts, and the generosity of Iowans and Americans, the entire football stadium was rebuilt!

And on September 5th, I was proud to join Coach Thomas to attend the very first home game of the Aplington-Parkersburg Football team! Well, guess what: Parkersburg won!

These young student-athletes from Aplington-Parkersburg shared one goal: to rebuild the school they loved and the community they call home! Their team spirit – of faith, optimism, and resilience – is what makes Iowa such a great place. As a former high-school teacher, and coach, I know from experience, this kind of teamwork is something we can emulate and be very proud of!

Now, I want to recognize the one of the most valuable players on our team, my friend and partner Lt. Gov. Patty Judge. Patty has stood by me through successes, and through challenges, most recently the storms of 2008. So, I want to thank the Lt. Governor for her tireless work on behalf of Iowans!

And, to the love of my life, and the First Lady of Iowa, thanks for being such an incredible mother to our two wonderful children, Clare and John. And thank you for being a champion for Iowa's at-risk women and children, too!

Fellow statewide elected officials: Attorney General Miller, your work in consumer protection, fighting predatory lending, and preventing foreclosures, is inspiring. Treasurer Fitzgerald, you have helped open the door for thousands of Iowa college students. Secretary Mauro, you presided over the most successful election in Iowa's history – and helped make history in the process. Secretary Northey, you are making sure Iowa farmers feed and fuel the world, and Auditor Vaudt - we share a commitment to fiscal responsibility and balancing budgets.

I also want to thank my friends in the Judicial Branch: Chief Justice Ternus, Supreme Court Justices, Chief Judge Sackett, and members of the Court of Appeals, thank you for your service. Department heads, and state employees, your work is appreciated, too!

Additionally, I want to thank you, the Members of the General Assembly, and your leadership team: President Kibbie and Speaker Murphy; Leaders Gronstal, McCarthy, McKinley and Paulsen. And, to every Legislator: thank you for your willingness to work together for the betterment of all Iowans!

I also want to take a moment to recognize a former Legislator, who is bravely battling cancer, Senate Leader and Legislator Mary Lundby of Marion. I want her, her family and friends, to know they will remain in our thoughts and prayers.

This is a great team!! Not a team of rivals, but of excellent public officials, and I'm honored to work with all of you every day!

In addition, I want to acknowledge another valuable member of the team; Major General Ron Dardis. For over four decades, General Dardis has proudly worn the uniform of the United States Armed Forces. Soon, he will retire his uniform, and pass the torch to Colonel Tim Orr, who will become the next Adjutant General of the Iowa Guard.

Last summer, under the leadership of General Dardis, more than 4,000 members of the Iowa Guard worked with first responders statewide in our flood fight. Their heroic actions saved countless lives. This was the largest single deployment of our Guard troops since the Civil War.

General Dardis has led the Guard during a very difficult time for Iowa's military families, too. Let's always remember Iowa's Eternal Patriots, the 68 Iowans who, since 9-11, wore the uniform, but sadly never made it home. They gave their lives for the country we all love.

Now, I would like to ask General Dardis to stand and be recognized by all of us here!

Finally, I want to thank all members of the Armed Services, past and present – including State Representative Chambers, who was recently deployed. I simply want to say we owe you a debt of gratitude, for your bravery, service, and commitment to Iowa.

During the disasters of 2008, these Iowa values of bravery, service, and commitment were never more evident.

The tornados, floods, and storms which killed and injured so many at the Little Sioux Scout Camp, and in too many communities across Iowa, didn't discriminate in the pain they caused.

But at the same time, we saw – together -that first responders - and thousands of volunteers - also didn't distinguish between old and young, rich or poor. They didn't ask if you were black, white, or brown, urban or rural. Volunteers clearing debris didn't ask if you were Democrat or Republican! Instead, they asked, Are you okay? What do you need? and How can we help?

Let's carry that lesson with us this legislative session. How can we stand together, shoulder to shoulder, as a team – to rebuild Iowa? How can we help ease the pain, for those still suffering? How can we put people back to work, create jobs, invest in our infrastructure, and balance the budget?

Well, I believe that's our duty. Our constituents sent us here to work as a team, and to provide solutions to today's challenges!

Our Iowa values of optimism, resilience, hard work, determination, and caring about your neighbor in need, have carried us from our first days as a state. So, it gives

me a great deal of pride to stand before you, even in a season with many challenges and say:

The Condition of our State is Strong, because the people of Iowa are strong!

I believe this, because Iowans are tough. We're never better than when our backs are against the wall. We stand tall, and never give up. In Iowa, we keep our promises. Our word is our bond. We stand up for Iowa values. We work together – like a team - to get things done!

And so, I believe our first order of business of the 2009 Legislative session must be to rebuild the state we all love!

I believe real images seen in cities like Cedar Rapids, Palo, Coralville, Waterloo, Cedar Falls and Oakville, tell the story of the damage and devastation better than any words ever could.

Now, let's all be reminded of what our state has been through.

[VIDEO: In Deep Water – The Flood of 2008]

The rebuilding has begun. But there's much more work to do, and that's why I need your help this session.

The good news is, we've made some real progress. For example, more than \$520 million dollars in federal money – has been committed to support more than 5,400 projects in 513 cities, counties and school districts throughout the state. This will help us rebuild our public infrastructure: everything from roads to schools, from senior centers to water treatment plants.

In addition, more than more than \$260 million dollars in both state and federal funds are helping 24,000 Iowans repair or replace their homes damaged by last summer's storms. Nearly 1,000 small businesses are receiving over \$135 million dollars in state and federal money to re-open their doors.

And, over 2,200 Iowans, who lost their jobs because of the storms, are getting a helping hand from \$6.5 million in Disaster Unemployment Assistance. Another 4 million dollars is being used to provide crisis counseling and mental health services to literally tens of thousands of Iowa families impacted by the storms. And, 500,000 dollars in Iowa College Aid has helped more than 400 flood-affected students to stay in school and pay their tuition.

Finally, in the days following the disaster, I asked the private sector to be a part of our Rebuild Iowa team. Thanks to the leadership of Barry Griswell, Fred Hubbell, Bill Knapp, Jim Cownie, Pat Baird, the Des Moines Register, generous Iowa businesses, and individual donors nationwide, the Embrace Iowa fundraising effort has raised nearly 8 Million dollars!



In total, nearly one and a half billion dollars in state, federal, and private-sector money has been secured to date to assist in our rebuilding efforts.

In addition, the Rebuild Iowa Commission, with the help of 15 dedicated private citizens, issued a comprehensive report with their key flood recovery recommendations.

We've also created the Rebuild Iowa Office that serves as a clearinghouse for all flood-recovery efforts, and coordinates our day-to-day rebuilding plans.

Now it's time to take the next steps. Let's start this session by acting quickly on three key areas related to flood recovery.

Number one: I respectfully ask you to immediately pass the \$43 Million dollar Rebuild Iowa Bill that I've submitted to you. I recommend we use money from the Rainy Day Fund to pay for this.

Our cash reserves and Rainy Day Funds are at historic levels - \$620 Million dollars. By comparison, after the floods of '93 we had only \$48 Million dollars in our reserves. This Rainy Day Fund is essential for the state to provide services during emergencies and economic downturns. Well, during the floods of 2008, it rained, it rained, and it rained.

So, I believe it's necessary to now use some of the money from this fund to pay for the costs associated with our ongoing disaster recovery efforts. This \$43 million will help struggling communities like Cedar Rapids pay their bills, assist non-profits and cultural organizations, and provide much needed financial assistance for individuals and families still facing challenges.

It also will provide additional funding to address unmet rental housing and small business needs, which are currently not eligible for federal funds. And, it keeps the doors open at the newly established Rebuild Iowa Office, so the state can continue to play a vital role in coordinating all flood recovery efforts.

So, I want to formally ask you to pass this Rebuild Iowa Funding Bill without delay, and send it to my desk as soon as possible.

Number two: the Rebuild Iowa Advisory Commission report identifies twelve key areas of concern. So, I'm asking you to act upon these recommendations this session. Modern flood plain mapping, levee mitigation, disaster insurance, watershed management, and first responder and emergency management training are all important issues that need to be addressed.

In addition to the devastation of the natural disasters, Iowans have been hit by another perfect storm – but this time, it's an economic one. We're dealing with a severe recession, the likes of which we haven't seen since the great depression. And, it has already displaced Iowa workers and threatened jobs.

So, now, the third step I'm asking you to take responds to both of these disasters.

In an effort to stimulate economic growth during this recession, create good private sector jobs, and address unmet infrastructure needs, I propose the creation of the Rebuild Iowa Infrastructure Authority. But when I say infrastructure, I'm not just talking about bridges and roads. I mean all infrastructures: rail, trails, public buildings, water and sewer treatment facilities, the utility grid, and telecommunications, too.

But, there's no time to wait! This legislative session, we must address every facet of our 21st century infrastructure, to ensure that we continue to grow our economy and support the jobs of the future.

In fact, for every \$100 million spent on highway construction alone, more than 4,000 new jobs are created! Infrastructure investment is essential for not only job creation, but for keeping existing jobs in Iowa. So, the authority will create and then issue up to \$700 million of bonds, over the next several years.

It will also allow us to build upon any additional federal stimulus or flood recovery funds our state might receive in the future.

We can do this! This is the first time our state's history we've earned a Triple-A bond rating. And I intend to use it!

So, we're cutting back on the day-to-day expenditures of state government. But, at the same time, we will be investing in bricks and mortar – to create jobs and keep our economy going. And we're in a position to pay back the bonds without raising taxes.

The Rebuild Iowa Investment Bonds will be funded through existing gaming revenue, and will provide grants, and loans for projects statewide.

Just as we locked arms and worked together during the flood fight, we must continue our efforts, as partners – to Rebuild Iowa, by investing in, and modernizing our infrastructure.

Our second real challenge this session is to balance the budget. As you know, along with the rest of the nation, we're now entering a period of economic upheaval.

However, unlike the federal government, we can't deficit spend. And, we're not going to tax our way out of this, like California or New York.

While I know our nation's short term economic future is uncertain, I believe our state's long term future is bright. Our future will be bright if we use Iowa common-sense in planning our budget. When we do, I believe we will emerge from this recession in a better position to lead.

Let's be clear. This economic challenge is historic in its scope. Its roots can be traced to the greedy actions of a few on Wall Street, lack of financial oversight, and misguided federal policies from Washington.

All of these things have consequences. The result is an economic recession that is hitting families and main streets, factories and farms across the nation. As we speak, 44 states are either in, or headed towards a deficit for fiscal year 2009. Additionally, according to the Center for Budget and Policy Priorities, these states are projected to have budget shortfalls as high as \$140 billion dollars collectively by 2010. Yes, that's \$140 billion dollars!

In short, this world-wide recession is affecting nearly every state in the nation, no matter if they are big or small, rural or urban, Democratic or Republican. This is the economic reality. And I believe it's our responsibility to limit the impact of this recession on hardworking Iowans.

Let's stay true to our Iowa values by effectively managing the budget for the rest of fiscal year 2009, and for 2010. Regarding the 2009 budget, we've already made progress in the Executive Branch, by making some tough decisions. For example, when the state's revenues fell short of projections last fall, I started with my own office, and my own departments, telling them to cut waste, cut unnecessary travel, and freeze state hiring. These selective cuts, totaling \$40 Million dollars - were not easy - but they were the right thing to do.

Then, on December 22<sup>nd</sup>, as revenues continued to lag, I invoked my Executive Authority to make a 1.5 percent across the board cut in general fund spending. This saved the state \$90 Million dollars!

But this must be a team effort. As Governor, I'm limited in what I can do within the Executive Branch. So, here is what I'm asking you to do to ensure we balance the budget for fiscal year 2009.

Number one: De-appropriate \$37 million dollars for the new state office building.

Number two: Approve the transfer of \$10 million dollars from accounts and funds that I've requested.

Number three: I'm asking you for one exception to my across the board cut. Corrections Officers and Troopers are essential to our public safety, and I want to make sure these positions are not cut.

I, for one, accept the responsibility to manage our state through these turbulent times. I will stand up for you, tell it like it is, and you can hold me accountable for what happens on my watch.

So, I'll be very frank. Most of us here - in fact, all of us - won't like some of the effects of these cuts. But all Iowans must share in the responsibility to keep our fiscal

house in order. Simply put, if Iowans are being asked to do more with less, then so should our government!

Here's what we're going to do. Make government more lean and efficient, create infrastructure jobs, and cut spending. This means some services will be cut. And, as I've said, because of the national recession, I believe this is no time to raise taxes on hardworking Iowans.

Here's the good news: Iowa is well-positioned to get through this worldwide and national recession. In fact, we're better situated than almost every other state in the nation. For example, our \$620 million dollar cash reserves and Triple-A bond rating allows us to do some things that other states may find impossible to do. Our unemployment rate is considerably lower than the national average. And, companies like Aviva, Microsoft and Google have come to Iowa – investing billions while creating hundreds of new, good paying jobs. In addition, we've attracted new companies to Iowa like Acciona, Clipper, TPI, Siemens, and Trinity – which have created thousands of wind energy jobs in every corner of the state.

Now, regarding the 2010 budget, which I'm required to submit to you by the end of the month, President-elect Obama and Congress have already started working on an economic stimulus package designed to assist the states.

This will impact our 2010 budget and it could help us address some of our education and health care needs.

But, for the time being, we don't know what the final package will look like. And we will be constrained by a tight budget year. However, I am asking you to do all you can to protect the investments we've made together.

For example, in the Iowa Power Fund, which has helped create green collar jobs of future statewide. And, let's keep Iowa a national leader in education. Let's keep working to make health care more accessible, and affordable. And let's build upon our progress on making Iowa the renewable energy capitol of the United States, and the silicon valley of the Midwest!

But as we do, let's agree that everything's on the table with respect to balancing the budget and finding cost savings in state government. Let's take this opportunity to improve the way our government works. Let's not be afraid of changing how we do business. I believe we should explore the sale or lease of some state assets; let's consolidate state contracts and group purchasing agreements, and use other sensible ways to save taxpayers' money!

In closing, we have a strong, talented citizenry who demand that their political leaders pull together to get the job done. So, let's waste no time in getting to work.

Neither the natural disasters, nor the economic recession, are the fault of Iowans. But the difficulties each create are something we must all face together, and our constituents are counting on us.

2009 will be a year of challenges – some as great as any our country has ever faced. And today, I've asked you – the members of the Legislature – to make some tough decisions.

These are difficult days – but in Iowa, we don't run from challenges, we tackle them head –on. Our state was built by the hard work and sweat of people who weren't afraid to take on this land with all of its challenges. They believed, as I do, that in every challenge, is an opportunity.

So, despite some setbacks, I am both optimistic and confident about what the future holds for our state. Let's put partisan politics aside and work together as a team for the good of all Iowans. When we do, I believe our best and brightest days are ahead of us.

Governor Chester J. Culver was escorted from the House chamber by the committee previously appointed.

On motion by McCarthy of Polk, the joint convention was dissolved at 10:53 a.m.

The House resumed session at 11:07 a.m., Speaker Murphy in the chair.

## COMMUNICATIONS RECEIVED

The following communications were received and filed in the office of the Chief Clerk:

### AIR QUALITY BUREAU Greenhouse Gas Emission and Climate Change Program

Annual report, pursuant to Chapter 455A.7, Code of Iowa.

### ATTORNEY GENERALS OFFICE

Report of savings using the Iowa Communications Network (ICN), pursuant to Chapter 8D.10, Code of Iowa.

### AUDITOR OF STATE

Review of targeted small business procurement activities, pursuant to Chapter 11.46, Code of Iowa.

### BOARD OF PAROLE

Annual report of savings using the Iowa Communications Network, pursuant to Chapter 8D.10, Code of Iowa.

## BOARD OF REGENTS

Annual report of the Sudan Divestment, pursuant to Chapter 12A.5, Code of Iowa.

Annual report of Diversity and Minority and Women Educators Program, pursuant to Chapters 19B.5(3) and 262.93, Code of Iowa.

Annual report of the College Bound and IMAGES Programs, pursuant to Chapters 262.92, 261.101 and 262.93, Code of Iowa.

Annual report of costs using the Iowa Communications Network (ICN), pursuant to Chapter 8D.10, Code of Iowa.

Annual report from the University of Iowa Hospitals and Clinics, pursuant to Chapter 128, Code of Iowa.

DEPARTMENT OF EDUCATION  
Iowa Learning Technology Commission

Results and evaluations for the 2007-2008 grant year, pursuant to Chapter 256, Code of Iowa.

## DEPARTMENT OF HUMAN SERVICES

Annual report of Healthy and Well Kids in Iowa (hawk-i), pursuant to Chapter 514.1(7)(g), Code of Iowa.

Independent Living Services annual report, pursuant to Chapter 234.35, Code of Iowa.

Annual report of Indian Tribes providing Temporary Assistance for Needy Families (TANF), pursuant to Chapter 1187, section 5 of the 2008 Iowa Acts.

## DEPARTMENT OF JUSTICE

Report on the operation of the Iowa Prosecutor Intern Program for 2008, pursuant to Chapter 13.2(12), Code of Iowa.

## DEPARTMENT OF NATURAL RESOURCES

2008 Boat Fee Revenues and Expenditures Report, pursuant to Chapter 462A.52, Code of Iowa.

## DEPARTMENT OF PUBLIC HEALTH

Report of Small Business Qualified Wellness Program Tax Credit Plan, pursuant to 2008 Iowa Acts.

## DEPARTMENT OF REVENUE

Annual report on the tracking of dependent health care coverage in Iowa, pursuant to Chapter 701 IAC 38.19, Code of Iowa.

## DEPARTMENT OF TRANSPORTATION

Report on TIME-21, pursuant to Chapter 307, Code of Iowa.

## IOWA PUBLIC EMPLOYEES' RETIREMENT SYSTEM

Annual report for fiscal year ending June 30, 2008, pursuant to Chapter 97B.4(4)(a), Code of Iowa.

## MUNICIPAL FIRE AND POLICE RETIREMENT SYSTEM OF IOWA

Annual report, pursuant to Chapter 411.5, Code of Iowa.

## STATE LIBRARY

Annual report of savings with Iowa Communications Network, pursuant to Chapter 8D.10, Code of Iowa.

## STATE PUBLIC DEFENDERS OFFICE

Report of savings with Iowa Communications Network (ICN), pursuant to Chapter 8D.10, Code of Iowa.

TREASURER OF STATE  
Tobacco Settlement Authority

Annual report, pursuant to Chapter 12E.15, Code of Iowa.

Annual report regarding fiscal year 2008 investment activity, pursuant to Chapter 12F, Code of Iowa.

## 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

- |         |  |
|---------|--|
| 2009\8  | Melvin Brecht, Holy Cross – For his 45 years of dedication and service with the Holy Cross Fire Department.                |
| 2009\9  | Roger and Marilyn Schnittjer, Delhi – For celebrating their 50 <sup>th</sup> wedding anniversary.                          |
| 2009\10 | Jacob Michael Deutmeyer, Earlville – For attaining the rank of Eagle Scout, the highest rank in the Boy Scouts of America. |

- 2009\11 Dylan Thomas Slattery, Earlville – For attaining the rank of Eagle Scout, the highest rank in the Boy Scouts of America.
- 2009\12 John and Carla Jean Fees, Milo – For celebrating their 50<sup>th</sup> wedding anniversary.
- 2009\13 Bud and Jeanna McCauley, Adel – For celebrating their 50<sup>th</sup> wedding anniversary.
- 2009\14 William Van Bochove, Rock Valley – For celebrating his 91<sup>st</sup> birthday.
- 2009\15 Gerald and Mary Mitchell, Alburnett – For celebrating their 50<sup>th</sup> wedding anniversary.
- 2009\16 Andrew and Martha Andrews, Troy Mills – For celebrating their 70<sup>th</sup> wedding anniversary.
- 2009\17 Roy Bilbrey, Panora – For celebrating his 79<sup>th</sup> birthday.
- 2009\18 Gerald “Red” Knight, Mason City – For celebrating his 100<sup>th</sup> birthday.

## HOUSE STUDY BILL COMMITTEE ASSIGNMENTS

### **H.S.B. 3 Education**

Relating to the funding of school district programs for returning dropouts and dropout prevention.

### **H.S.B. 4 Education**

Relating to the disposition of school property and providing an effective date.

### **H.S.B. 5 Ethics**

Relating to registration and reports filed by lobbyists and clients of lobbyists.

### **H.S.B. 6 Human Resources**

Requiring health insurance coverage for costs relating to mental health conditions, including alcohol or substance abuse treatment services, and creating a mental health insurance advisory committee.



**H.S.B. 7 Human Resources**

Relating to requiring reports for certain precursor substances and extending an information program for drug prescribing and dispensing and providing an effective date.

**H.S.B. 8 Human Resources**

Creating an Iowa collaboration for youth development council and state of Iowa youth advisory council in the department of human rights.

On motion by McCarthy of Polk the House adjourned at 11:07 a.m., until 9:00 a.m., Wednesday, January 14, 2009.

# JOURNAL OF THE HOUSE

Third Calendar Day - Third Session Day

Hall of the House of Representatives  
Des Moines, Iowa, Wednesday, January 14, 2009

The House met pursuant to adjournment at 9:08 a.m., Speaker Murphy in the chair.

Prayer was offered by the Honorable Polly Bukta, Speaker pro tempore from Clinton County.

## PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Chief Clerk's Page, Billie Silva from Ankeny.

The Journal of Tuesday, January 13, 2009 was approved.

## INTRODUCTION OF BILLS

**House File 7**, by Abdul-Samad, a bill for an act establishing a parental involvement grant program and making an appropriation.

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

**House File 8**, by Mertz, a bill for an act relating to child abuse involving members of the clergy and child abuse reporting requirements, and making penalties applicable.

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

**House File 9**, by Abdul-Samad, a bill for an act relating to the use of cellular telephones and other wireless communication devices by motor vehicle operators and providing a penalty.

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

**House File 10**, by Abdul-Samad, a bill for an act relating to employees who are breast-feeding.

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

**House File 11**, by Hunter, a bill for an act to increase the state minimum hourly wage by the same percentage as the increase in federal social security benefits.

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

**House File 12**, by Pettengill, a bill for an act prohibiting the use of artificial light on certain wildlife during specified dates for hunting or recreational purposes and making a penalty applicable.

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

The House stood at ease at 9:12 a.m., until the fall of the gavel.

The House resumed session at 9:36 a.m., Speaker Murphy in the chair.

#### COMMITTEE TO NOTIFY THE SENATE

Reichert of Muscatine moved that a committee of three be appointed to notify the Senate that the House was ready to receive it in joint convention.

The motion prevailed and the Speaker appointed as such committee the following: Reichert of Muscatine, Chair; Isenhardt of Dubuque and Hagenow of Polk.

The House stood at ease at 9:36 a.m., until the fall of the gavel.

The House resumed session at 9:49 a.m., Speaker Murphy in the chair.

#### REPORT OF THE COMMITTEE TO NOTIFY THE SENATE

Reichert of Muscatine, chair of the committee to notify the Senate that the House was ready to receive it in joint convention, reported that it had performed its duty.

The report was accepted and the committee discharged.

The Sergeant-at-Arms announced the arrival of the President of the Senate, the Secretary of the Senate and the honorable body of the Senate.

The President was escorted to the Speaker's station, the Secretary to the Chief Clerk's desk and the members of the Senate were seated in the House chamber.

### JOINT CONVENTION

In accordance with law and House Concurrent Resolution 2, duly adopted, the joint convention was called to order at 9:50 a.m., President Kibbie presiding.

Senator Gronstal of Pottawattamie moved that the roll call be dispensed with and that the President of the joint convention be authorized to declare a quorum present.

The motion prevailed.

Senator Gronstal of Pottawattamie moved that a committee of six consisting of three members from the Senate and three members from the House of Representatives be appointed to escort Governor Chester J. Culver to the House Chamber for the Condition of the Judicial Branch Message.

The motion prevailed and the President appointed as such committee Senators Olive of Story, Schmitz of Jefferson and Noble of Polk, on the part of the Senate, and Representatives H. Miller of Webster, Ficken of Buchanan and Sorenson of Warren, on the part of the House.

Senator Gronstal of Pottawattamie moved that a committee of six consisting of three members from the Senate and three members from the House of Representatives be appointed to notify Chief Justice Marsha K. Ternus that the joint convention was ready to receive her.

The motion prevailed and the President appointed as such committee Senators Heckroth of Bremer, Kreiman of Davis and Hartsuch of Scott, on the part of the Senate, and Representatives Palmer of Mahaska, Willems of Linn and Anderson of Page, on the part of the House.

The House stood at ease at 9:53 a.m., until the fall of the gavel.

The House resumed session at 9:55 a.m., President Kibbie in the chair.

Mari Culver, wife of the Governor, was escorted into the chamber.

Secretary of State, Michael A. Mauro; Treasurer of State, Michael Fitzgerald; Secretary of Agriculture and Land Stewardship, Bill Northey; State Auditor David Vaudt; and Attorney General Tom Miller were escorted into the House chamber.

The Justices of the Supreme Court, the Chief Judge and Chief Judges of the Court of Appeals and the Chief Judges of the state's judicial districts were escorted into the House chamber.

Denny Drake, husband of the Chief Justice, and Whitney Drake, daughter of the Chief Justice, were escorted into the House chamber.

Lieutenant Governor Patty Judge was escorted into the House chamber.

The committee waited upon Governor Chester J. Culver and escorted him into the House chamber.

The committee waited upon Chief Justice Marsha K. Ternus who delivered the following Condition of the Judicial Branch Message:

Thank you for inviting me again this year to talk with you about the condition of Iowa's judicial branch. As your partner in government, we look forward to working with you on issues affecting the administration of justice. If I could capture the condition of our courts, indeed the condition of our state, in a few words, it would be: "We live in challenging times." No one knows the true meaning of this phrase better than those Iowans hit by natural disasters. But my focus today is, of course, on the courts. Ensuring the delivery of equal, affordable and accessible justice is always challenging work, but it will be especially so this year and the next in light of the State's budget problems. Given the magnitude of this challenge, it is even more imperative that we work together in the spirit of unity, candor and cooperation. And I address you today in this spirit.

We are deeply concerned, as you are, about the present financial situation and its effect on individual Iowans. Naturally, we are particularly troubled about its impact on the delivery of justice to our citizens. Even in good economic times, the administration of justice is difficult to fulfill given the sheer volume and complexity of problems Iowans bring to their courthouses. Because of the effects of the nation's

economic downturn, people will need access to justice now more than ever. We already see this happening. The number of mortgage foreclosure cases in Iowa rose 14% in the past year. Debt collection cases increased 20% in the same time. An increase in these types of cases is predictable in tough economic times, but other types of problems may escalate as well. Some experts fear that a recession may also give rise to more crime, child abuse, domestic violence, and substance abuse. Naturally, for the sake of the people who may be harmed by these problems, we hope they do not occur. If they do, however, these matters will demand our immediate attention.

We are resolved to do everything in our power to reduce our operating expenses while fulfilling our constitutional responsibilities to the people of Iowa. However, we must not be so focused on the present budget dilemma that we lose sight of the future. Our court system faces a host of serious issues that have long-range implications. Left unaddressed, they will only grow more onerous, and as they do, they will test the fabric of our government. We cannot afford to march in place until state revenues improve. We must ensure the fundamentals of governing our State, including the administration of justice, are strong, especially in tough times such as these. We are frequently reminded these days that government cannot do everything. We agree. Government cannot do everything, and in times like these it cannot afford to do everything. But bear these simple truths in mind: there are some things that only government can do, and these things it must do well. Administering justice under the law equally to all people is a function that only government can fulfill. The determination of guilt and innocence, property rights and parental rights, and legal privileges and power are judgments only government can make. Administering justice is one of the reasons that government exists. If we neglect this fundamental obligation to the people, we break trust with them, and ultimately, lose their confidence. And for government, public trust and confidence is everything.

I know you have difficult decisions ahead. My goal today is to provide you with a thorough account of Iowa's court system so you have a clear picture of how your decisions will impact not only the administration of justice—but the people whose lives it affects. I will also suggest steps the judicial branch will take to address the challenges we face, as well as steps you can take to help us move forward, notwithstanding the State's financial situation.

### **Unmet Legal Needs**

One of the most serious challenges facing Iowa's court system, indeed the nation's courts, is meeting the civil legal needs of people who cannot afford to hire a lawyer to represent them. We cannot ignore this growing problem.

Equal access to fair and impartial justice is a deep-seated tenet of our democratic society. As United States Supreme Court Justice Lewis Powell said, "Equal justice under law . . . is perhaps the most inspiring ideal of our society . . . [I]t is fundamental that justice should be the same, in substance and availability, without regard to economic status." I believe that. I think you do too. But more and more citizens cannot access the courts, or cannot access them effectively, because they cannot afford an attorney. We have long recognized that the cost of legal representation is beyond the reach of the poor, but it is now often beyond the reach of the middle class. The end result: we have equal justice for some, but certainly not for all.

There is no single, surefire response to this particular problem. The solution will require a combination of steps by government, as well as by the legal profession. Today, I will discuss some pragmatic and reasonably achievable steps we can take to improve the situation.

### **Legal Service Organizations**

Providing financial support to legal service organizations is the most effective way to direct legal services to the poor. These organizations serve as a lifeline for thousands of low-income Iowans who have serious civil legal problems—problems that affect their basic life needs such as shelter, income, food, and medical care. Your appropriation of state funds to legal service organizations in prior years demonstrates your commitment to this important public service. We strongly encourage you to maintain the current level of funding for legal service organizations. For obvious reasons, these services are especially critical in hard economic times.

For our part, we will step up our efforts to encourage lawyers to offer pro bono services to those who cannot afford an attorney.

### **Self-Represented Litigants**

One way in which the courts have attempted to address the civil legal needs of our citizens is by making it easier for people to navigate through the courts on their own. For different reasons, but primarily for financial ones, many people go it alone in court without the help of an attorney, especially in family law cases. This development is a nationwide trend that has accelerated in the past decade. We do not have any statistics to measure this trend in Iowa, but we know that last year more than 32,000 people served as their own lawyers in the Nebraska courts. We believe Iowa's experience is comparable.

In recent years, we have adopted relatively easy-to-use standard legal forms and hope to develop more. Even so, standard legal forms alone are not enough to effectively meet the needs of self-represented litigants. Ideally, we would like to provide services like those used by courts in other states such as self-help centers in courthouses, self-help hotlines, online how-to videos and live-chat email services. These examples are just some of the ways we can serve the needs of our citizens who represent themselves in court. If and when we find the resources to enable us to provide these new services, the payback for Iowans will be immeasurable.

### **New Strategies for Civil Litigation**

Another access-to-justice issue arises from the cumbersome and costly process for litigating common civil disputes, such as contract claims, personal injury lawsuits, malpractice claims, and commercial disputes. Some citizens, individuals and businesses alike, simply don't pursue valid claims because doing so costs too much and takes too long. Similarly, some persons who are sued settle claims that have no merit simply to avoid the cost of litigation. For these Iowans, the court system is not a viable option. Instead of using the courts, many would-be litigants turn to private dispute resolution where they can more easily control the timing and cost of the process. But even private mediation or arbitration is not a practical alternative for many persons who face civil legal problems. For them, the promise of justice is a luxury they cannot afford.

Why, you might be wondering, is the civil justice system costly and slow as compared to private dispute resolution? Well, first of all, courts must concentrate limited resources on priority cases such as criminal, abuse-and-neglect, and juvenile cases. Consequently, civil litigants, including those involved in family law cases, must wait in line. In addition, traditional civil legal procedures are cumbersome, and therefore, time-consuming and costly. We do not intend to stand by and do nothing. We must improve the civil justice system so it is faster, easier to use, and more affordable.

So where do we start?

Fortunately, we do not have to reinvent the wheel. Other states have taken steps that we can build upon. For example, the New York state courts use an expedited process called a summary trial. This process is a voluntary option that is structured like a traditional trial, but by agreement between the parties, the scope of discovery is limited, the length of the trial is restricted to one or two days, and relaxed rules of evidence are employed. As a result the case is resolved faster and at less expense than using traditional civil legal procedures. Another idea that many states have used successfully is a specialized business court that handles cases involving disputes between businesses. Judges assigned to a business court are uniquely experienced in commercial litigation. Participation by litigants is often voluntary, and such courts usually offer the option of limited discovery and a fast-track timetable. In addition to the obvious benefits, business courts bring an added bonus. Because businesses like business courts, states view them as a way to attract new business.

These two examples—summary trials and business courts—illustrate how we can make enormous improvements at little to no additional cost to taxpayers. There are many other innovative ideas that are worthy of our discussion and consideration. We do not propose a particular strategy, nor do we recommend any action by you in this regard at this time. We believe the best results will come from a thorough and comprehensive study involving all stakeholder groups. To this end, we plan to organize a statewide conference for the purpose of exploring different options, and hopefully, building consensus regarding the procedures that hold the most promise and are best suited for Iowa litigants.

### **Interpreters**

Now I turn to another serious challenge for our courts — our struggle to serve people who are not proficient in English.

Earlier I described the difficulties self-represented litigants have trying to understand our legal system. Now imagine the difficulties for persons who do not speak or understand English. Yet, due to Iowa's increasingly diverse population, we see more and more of these people in court. Our courts have a constitutional obligation to ensure equal justice for everyone, including people who speak and understand little or no English. For this reason, the use of interpreters is an essential court service.

The essential nature of this service is reinforced by a federal law that states all agencies and courts that receive federal funds are responsible to provide access for limited English proficient persons to important services. Noncompliance may result in the loss of federal funding — something we cannot let happen.



In the past decade, the judicial branch has adopted measures to ensure that our courts use well-qualified interpreters. Still, we struggle to provide interpreters to litigants and witnesses in civil cases, interpreters in rural parts of the State, and interpreters for languages other than Spanish. Surely, we are not alone in this regard. State agencies, local governments, hospitals, school districts, and private companies throughout Iowa must struggle with this problem too.

For this reason, we propose that the State consider a comprehensive solution: a statewide language interpreter center that pools and coordinates interpreter resources. Having a central point of service can better meet demands for different languages, enhance quality control, match interpreter qualifications to different jobs, and regulate costs through economies of scale. The fact that the State's financial resources are limited is only more reason that the State should explore this collaborative solution — perhaps, through a legislative interim study committee. By pooling our experiences and our resources, however limited, we can surely accomplish more than we do with each governmental entity and private business struggling to address this issue on their own.

### **Juveniles**

Now I shift to some of the courts' most important work—our work with troubled juveniles. Each year, our juvenile court officers, staff, and judges work closely with thousands of troubled children and teens. When working with these young people they have three goals—to ensure community safety, hold young offenders accountable, and teach them how to change their ways. As I told you last year, we urgently need more juvenile court officers and support staff to strengthen our work with these young people. This need is urgent because a relatively new federal law requires that our juvenile court officers visit youths in out-of-home placements and the parents of these young people more often. A similar requirement applies to DHS and children under its care. Obviously, our juvenile court officers have only so much time in a day. We have shifted some resources to address part of this need, but we must have more staff to fully comply with this federal mandate. Noncompliance threatens the availability of federal funds—valuable resources Iowa cannot afford to lose.

### **Drug Courts**

Another challenge we face is age-old—the impact of substance abuse on our society. Alcohol abuse and drug addiction are often the root of juvenile delinquency, adult criminal behavior, child abuse and neglect, and other problems that damage individuals, destroy families and hurt communities. We know because we struggle with these problems in our courts every day.

As I reported to you last year, we have achieved good results with drug courts. Experience shows that, when compared with offenders handled in the traditional way, drug court participants are more inclined to follow through with their treatment. Successful treatment in turn increases the odds these people will not commit more crimes.

Iowa currently has 15 drug courts, including family drug courts and juvenile drug courts. Drug courts are labor intensive. A recent Iowa time study shows that a judge-centered drug court uses as much as twelve times more judge time than the traditional criminal process. We would like to expand the number of drug courts in Iowa to benefit

more people and more communities. However, absent federal funding, expansion efforts will wait until we have more resources.

## Resources

Of course the most immediate and significant challenge before us is the current fiscal situation.

We will do our part to help you reduce the State's operating expenses. Honestly, though, our options for cost cutting are quite limited. Our resources are spread painfully thin due to the lasting and cumulative effects of the budget cuts in the first part of this decade. Many cost-saving measures we adopted then are still in place today. Because labor costs constitute 96% of our operating budget, it is impossible to significantly reduce our expenses without cutting personnel. Depending on the size of the cut you impose on the judicial branch, in all likelihood we will have to institute furloughs to reduce expenses this fiscal year.

You may wonder: why furloughs rather than layoffs? Our workforce today is nearly 7% smaller than it was in Fiscal Year 2000 when we had substantial layoffs. Further staff reduction through layoffs would cripple our ability to fulfill our constitutional responsibilities. We learned from our previous budget-cutting experience that furlough days scattered throughout the year will do the least amount of harm to the public, now and in the long run. It's that simple.

That is not to say, however, that furloughs will not impact our citizens. Quite the contrary: furlough days will cause gaps in services such as forwarding child support payments to parents, updating criminal case history and fine payment data used by state and local agencies, and sending copies of orders and notices of hearings to litigants and law enforcement agencies. Cases, in particular civil cases, will have to wait. Some businesses that depend on court records will experience delays. There is simply no way around these problems.

There is another side of the revenue picture I wish to discuss — our efforts to collect unpaid court fines and fees — a matter of particular importance today. We work with allied agencies and local officials to find ways to keep the pressure on people who do not pay their court-imposed fines and fees. We produce solid results using procedures such as contempt hearings, computer-generated noticing, income tax offset, and vehicle registration renewal stops. We collect a sizable amount with the help of the centralized collections unit, revenue and finance, county auditors, and county attorneys. Despite these diligent efforts, however, millions of dollars of fines and fees remain unpaid.

We know we can improve our efforts to collect unpaid fines. We are in the process of implementing the statutory changes you approved last year, and that should help. But let me be frank. Putting a good idea down on paper is one thing; making it into a working reality is another. Complex changes to our database and operating procedures take time and money, so we would appreciate your patience as we tackle this difficult task. I assure you, though, that we are ever mindful of the importance of the effective enforcement of fines and fees, and we are determined to strengthen our efforts within the limits of our resources. For us, this problem is more than a matter of revenue; it is a matter of the integrity of our court orders.

But as John Adams said, “Facts are stubborn things.” And the fact is that many of the people who owe these debts are poor. In fact, 22% of all unpaid court debt springs from the cost of providing state-paid legal representation to indigent defendants, who by definition have no money to pay. So, in reality, even the most forceful measures to collect these debts will never produce a windfall.

### **Renovation, Innovation, and Reallocation**

Up to this point, I have described a number of serious challenges we must address sooner rather than later to meet the demands of our changing society. As I have acknowledged, many of the solutions to these challenges require resources. We know that in the current environment new resources are out of the question. We are confident, however, that we can address some of these challenges without additional funds. We can do so using a three-pronged approach: updating, innovating, and reallocating. We must update our long-established court structure and procedures to achieve maximum efficiency. We must use technology in innovative ways to lower the cost of performing routine, labor-intensive business processes. And we must shift existing resources to meet the new challenges we face. Mind you, we cannot accomplish all of these goals in one session or even in one year, but we can accomplish them in due time if we all set our minds to it.

### **Updating Court Structure and Procedures**

With the exception of our use of information technology, we are working with a trial court structure that is outdated in many respects. At best, much of the way we process our cases is right out of the 1970s, in some respects out of the 1870s. Nonetheless, we believe there are improvements that can be made to update our court system so it can better address modern day realities.

Before I mention some of our proposals for improvement, I want to address an issue that has come up in the past and will likely come up again in the face of the State’s current financial situation and that is the possibility of consolidation: consolidation of clerks offices, consolidation of trial courts, and consolidation of judicial districts. The suggestions that we propose and that I intend to discuss with you this morning do not include plans for any sort of consolidation. The omission of this topic is not meant to imply that we believe it is not worthy of examination. Nor do we suggest consolidation is a good idea. We simply do not want to spend precious time on a concept that you are not prepared to consider, and in the past, you have acted to prevent any movement toward consolidating court operations.

Times like these demand action, so we intend to concentrate our time and efforts on change that is realistically achievable. We hope to work with you to implement a number of commonsense proposals that will enhance the efficiency and effectiveness of the court system without additional resources, without disruption of services, and without delay.

### **Streamlining Procedures, Eliminating Obsolete Tasks**

Streamlining the procedures our clerk-of-court offices must perform is absolutely essential. Clerks are the pulse of our court system. They touch and move nearly everything we do. In addition, their workflow directly affects the work of other government agencies and offices, including the Department of Corrections, the

Department of Transportation, the Department of Public Safety, and the Department of Human Services.

Over the years, we have boasted about the efficiency and effectiveness of our statewide court information database. This database contains a myriad of information that we use and that we push to state and local agencies. This database is the source of information the public sees on our popular online court records service. Now, I'm going to let you in on a secret: the information in this database does not get there by magic; our clerks manually enter every single detail. They must enter this information promptly and accurately. At the same time, they must perform hundreds of other duties, most of which are required by statute. The capacity of our clerk-of-court offices is stretched to the limit, and we cannot realistically expect them to do more work without either adding more staff or reducing their workload. Because adding more staff is not in the cards right now, we must find ways to streamline and reduce their workload.

We know of a number of statutes that require clerks of court to perform obsolete and cumbersome tasks. There are probably others out there yet to be identified. We propose to amend some of these statutes and to eliminate others. On the surface, some of these changes may appear inconsequential, but please remember—even the smallest improvements have the capacity for a large impact.

## **Judges**

Judges are another important resource. We propose a number of changes to modernize our use and assignment of judicial officers, so we can make the most of their time.

Before I share those ideas, I want to make you aware that with the assistance of the National Center for State Courts, the judicial branch recently updated its judicial officer formula. We use this formula to gauge the number of judges we need to handle Iowa's caseload. The formula shows that the amount of time judges spend on certain types of cases has grown significantly in the past nine years. The best example of this fact is the growth in time judges must devote to sex offender cases. So, although our caseload has recently dropped somewhat, Iowa needs more judicial officers. Notwithstanding this need, we are not asking for more judges this year because of the State's budget situation.

With your help, however, we can do more with the judges we have. For starters, it is time to update the statutory scheme for selecting and assigning district associate judges. This judicial position is the offshoot of the municipal courts and police courts of old. In the 1970s, Iowa changed these judgeships into the position of district associate judge. Over the years, you have expanded the case jurisdiction and duties of these judges, but by statute their geographical jurisdiction and selection method remain unchanged. We believe that the geographical jurisdiction and method of selecting district associate judges should reflect their expanded role and the importance of their work. Their jurisdiction should be district-wide, and their selection should involve the district nominating commissions. These improvements will increase the pool of qualified applicants for these judgeships and improve our ability to prudently manage our judicial resources. We know you cannot provide the courts with more judges, but you can pass legislation to give us the management flexibility we need to more effectively use our current judicial resources.

## Magistrates

Now I turn to another type of judicial officer—part-time judicial magistrates. Our magistrates play a key role in the delivery of justice in Iowa. They handle procedures that require urgent judicial attention such as search and arrest warrants and emergency hospitalization matters. They preside over thousands of everyday lawsuits such as small claims, landlord-tenant cases, simple misdemeanors, and traffic offenses. Our magistrate system has remained unchanged in many respects since its inception in the mid-1970s. We have a number of proposals that will modernize our judicial magistrate structure, which in turn will improve the delivery of judicial services across the state, and most particularly, in the rural areas of Iowa.

Last year, I told you of the special task force we created to examine Iowa's judicial magistrate structure. I am pleased to announce that the task force submitted its report last month. This valuable report is thorough and insightful. I want to recognize and thank the members of our task force, many of whom are here today. I want to specially mention and thank the talented chair of our task force — Cedar Falls attorney and former state senator, Donald Redfern. We are grateful for his capable leadership on this important study.

After comprehensive examination and thorough analysis, the task force concluded that while magistrates throughout the state are doing a very good job, there are significant problems with the current system. Among the problems identified by the task force are substantial disparities in workloads among magistrates, even though each magistrate receives the same amount of compensation, a very limited pool of qualified applicants in some counties, an increase in the complexity of civil and criminal laws within the jurisdiction of magistrates, and significant quality-of-life problems that diminish job satisfaction. These problems, the task force concluded, will become a greater challenge in the future if not addressed now.

The task force made sensible proposals for legislation and other measures to improve Iowa's magistrate system. For the sake of time, I will only mention some of the recommendations that require legislative action, including the following proposals:

- Require that a magistrate must be an attorney licensed in Iowa, but make an exception for current non-lawyer magistrates.
- Allow a magistrate position in one county to be filled by a lawyer living in a contiguous county.
- Authorize the creation of a full-time magistrate position through the conversion of two part-time positions.
- Eliminate the requirement that each county have a resident magistrate or judge, but require that magistrate court be held regularly in every county.
- 

Your approval of these recommendations along with the recommendations we intend to adopt will bring about important improvements. Moreover, we ask for no additional funding to implement them. These recommendations give you the chance to improve the delivery of court services to local communities, even in these difficult economic times. Please do not pass up this opportunity.

## **Other Legislation**

We have many other recommendations for legislation that we think will improve the operation of the courts, but time does not allow me to mention them all. Let me just say that they are all important and will improve the delivery of court services in our state. They merit your approval.

## **Innovation: Leverage Technology**

And finally, I want to mention the potential of innovation through the use of technology. In the long run, information technology holds great promise for increasing our efficiency and productivity. By automating labor-intensive, routine manual processes, we can shift tight resources to meet public demand; and in particular, to address the challenges I mentioned previously. Leveraging technology is a smart approach for taxpayers.

In the past twenty years, we have changed and expanded the meaning of access to Iowa's court system through the use of information technology. We have also made extensive use of information technology to more efficiently and effectively exchange data with state and local government agencies, to eliminate unnecessary duplication of effort, and to conserve state resources. Now we are poised to do even more.

At long last we are ready to implement electronic filing and document management. This system is being designed as I speak, and this summer we will test the system in two counties, and later, in the appellate courts. As I have said before, this technology will revolutionize the way our courts do business. It is a case-processing tool that will make us more efficient and productive. It will improve access to court records. It may eventually allow clerk-of-court staff to focus their time on other important duties, such as data quality assurance, fine collections, working with the public, and assisting self-represented litigants.

This technology offers other important benefits. For one thing, it will eventually eliminate the need for vast storage space for court records. Counties will appreciate this benefit because right now they have the burden of providing this space. Also, this technology will greatly improve document safety because electronic documents can be easily backed up and stored in a safe location. We cannot afford another devastating loss such as the one we experienced in Linn County this summer when flood waters rose well beyond predictions and inundated the first floor of the courthouse. Although our judges and court employees worked frantically to move these records to a safe place, they could not anticipate the 500-year flood. We lost files in more than half a million cases!

We are confident there are other ways to leverage technology to make our court operations run more efficiently and affordably. We promise to scrutinize our business procedures from top-to-bottom to identify other technological advances that have this potential.

## **Conclusion**

As I have discussed, even before the current economic downturn, our courts were facing many serious challenges, and now the budget problem, and its potential impact on the delivery of justice to Iowans, looms large. But we face two other challenges that

are no less daunting: the challenge of change and the challenge of maintaining public trust and confidence.

These days we hear a lot about the need for change. But I have enough experience to know that humans naturally resist change, even when they know it's good for them. It reminds me of a bumper sticker I recently saw: "Change is good. You go first."

We stand at a crossroads. Change will come whether we want it or not. We cannot stop the sweeping forces that are transforming our society, but we do have control over our response. We can choose to shape the future or we can wait for the future to shape us and then face the consequences of our inaction.

For our part, the Iowa Judicial Branch is ready to be a catalyst for change. We are fully prepared to prudently change Iowa's court structure, procedures and services and to reallocate its resources to better meet the demands of our changing society. Because most of our structure and procedures are statutory, we cannot move forward unilaterally; we must have your support. As I have discussed, we propose a number of statutory changes required to bring about the improvements we envision, and we urge you to approve them all. With your approval,

- we can support the continued delivery of high quality justice in Iowa,
- we can ensure that a fundamental function of our democratic government stays strong, and
- we can build and maintain public confidence in our government for generations to come.

Martin Luther King once said, "The ultimate measure of a man is not where he stands in moments of comfort or convenience, but where he stands at times of challenge and controversy." Iowa has faced challenging times before, and the bright points in our history have been when Iowa's leaders have found the vision, the courage, and the commitment to shape the future.

Let this be such a time.

Chief Justice Marsha K. Ternus was escorted from the House chamber by the committee previously appointed.

Governor Chester J. Culver was escorted from the House chamber by the committee previously appointed.

McCarthy of Polk moved that the joint convention be dissolved at 10:50 a.m.

### COMMUNICATIONS RECEIVED

The following communications were received and filed in the office of the Chief Clerk:

BOARD OF REGENTS

Report on the Beginning Farmer Center at Iowa State University, pursuant to Chapter 266.39E, Code of Iowa.

Final report from the University of Iowa on the Consider Iowa Pilot Program, pursuant to Chapter 1180.11, Code of Iowa.

DEPARTMENT OF ADMINISTRATIVE SERVICES

Annual report, pursuant to Chapter 8A.204, Code of Iowa.

DEPARTMENT OF AGRICULTURE AND LAND STEWARDSHIP

Report of savings using the Iowa Communications Network, pursuant to Chapter 8D.10, Code of Iowa.

DEPARTMENT OF EDUCATION

Annual report of usage and savings with the Iowa Communications Network, pursuant to Chapter 8D.10, Code of Iowa.

Report on Healthy Kids Act, pursuant to Chapter 256.7, Code of Iowa.

Annual strategic plan, pursuant to Chapter 216.9, Code of Iowa.

DEPARTMENT OF MANAGEMENT

Report of standing appropriations, pursuant to Chapter 8.6(2), Code of Iowa.

DEPARTMENT OF PUBLIC DEFENSE – IOWA NATIONAL GUARD

Report of usage and savings with the Iowa Communications Network, pursuant to Chapter 8D.10, Code of Iowa.

IOWA HOMELAND SECURITY AND EMERGENCY MANAGEMENT

Annual report on the Iowa Individual Assistance Grant Program, pursuant to Chapter 29C.20A(4), Code of Iowa.

IOWA UTILITIES BOARD

Annual report on status of utility customers contribution funds, pursuant to Chapter 476.66(6), Code of Iowa.

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

2009\19 Marjorie Elinore Kurtz, Burlington – For celebrating her 90<sup>th</sup> birthday.

2009\20 Eva Doyle, Burlington – For celebrating her 80<sup>th</sup> birthday.

SUBCOMMITTEE ASSIGNMENTS

**House File 1**

Human Resources: Wessel-Kroeschell, Chair; Forristall and Hunter.

**House File 2**

Human Resources: Smith, Chair; Heddens and Schulte.

**House File 4**

Human Resources: Mascher, Chair; Koester and Wendt.

HOUSE STUDY BILL SUBCOMMITTEE ASSIGNMENTS

**House Study Bill 3**

Education: Heddens, Chair; Forristall and Wendt.

**House Study Bill 4**

Education: Mascher, Chair; Koester and Palmer.

**House Study Bill 6**

Human Resources: Wessel-Kroeschell, Chair; Hunter and Upmeyer.

**House Study Bill 7**

Human Resources: Smith, Chair; Heddens and L. Miller.

**House Study Bill 8**

Human Resources: Berry, Chair; Baudler and Mascher.

HOUSE STUDY BILL COMMITTEE ASSIGNMENTS

**H.S.B. 9 Veterans Affairs**

Concerning preferential hiring treatment by government for veterans.

**H.S.B. 10 Veterans Affairs**

Exempting certain persons who transport members of the Iowa veterans home from the requirement to be licensed as a chauffeur.

On motion by McCarthy of Polk the House adjourned at 10:51 a.m., until 9:00 a.m., Thursday, January 15, 2009.

# JOURNAL OF THE HOUSE

Fourth Calendar Day - Fourth Session Day

Hall of the House of Representatives  
Des Moines, Iowa, Thursday, January 15, 2009

The House met pursuant to adjournment at 9:04 a.m., Speaker Murphy in the chair.

Prayer was offered by Reverend Darran Whiting, pastor of Calvary Baptist Church, Coggan. He was the guest of Minority Leader Kraig Paulsen of Linn County.

## PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Andrew Whiting, son of the pastor of the day.

The Journal of Wednesday, January 14, 2009 was approved.

## INTRODUCTION OF BILLS

**House File 13**, by Gaskill, a bill for an act relating to confinement feeding operation structures by providing separation distance requirements for visitor attractions and cities, and providing an effective date.

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

**House File 14**, by Hunter, a bill for an act repealing the Iowa English language reaffirmation Act.

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

**House File 15**, by Hunter, a bill for an act relating to mandatory disclosures in certain political telephone communications, and applying a penalty.

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

**House File 16**, by Hunter, a bill for an act providing for a worker shortage loan forgiveness program.

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

**House File 17**, by Hunter, a bill for an act prohibiting a person under eighteen years of age from using a cell phone or other device for remote two-way communication while operating a motor vehicle on a roadway and providing a penalty.

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

**House File 18**, by Hunter, a bill for an act providing free motor vehicle registration for certain disabled veterans.

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

**House File 19**, by Hunter, a bill for an act relating to restraint requirements for motor vehicle occupants and making a penalty applicable.

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

**House File 20**, by Hunter, a bill for an act providing for reduced automobile insurance premiums for older adults who complete a certified driver safety education course.

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

**House File 21**, by Zirkelbach, a bill for an act allowing certain manufacturers of beer to sell higher alcohol content beer for consumption on the premises of the manufacturer.

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

**House File 22**, by Whitaker, a bill for an act relating to the definition of resident for purposes of tuition and fees for qualified veterans at Iowa's public universities and community colleges and for programs administered by the college student aid commission, and establishing a veterans educational assistance council.

Read first time and referred to committee on **veterans affairs**.

**House File 23**, by Hunter, a bill for an act providing an Iowa individual income tax checkoff for qualified Iowa zoos, making an appropriation and providing for the Act's implementation.

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

**House File 24**, by Hunter, a bill for an act requiring employers to provide employees with meal periods and rest periods and providing penalties.

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

**House File 25**, by Hunter, a bill for an act relating to the provision of certain information for insureds regarding external review of health care coverage decisions.

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

#### 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

- 2009\21 Gerald and Greta Newberry, North English – For celebrating their 67<sup>th</sup> wedding anniversary.
- 2009\22 Mitchell Campbell, North English – For celebrating his 80<sup>th</sup> birthday.
- 2009\23 Harley Cover, North English – For celebrating his 85<sup>th</sup> birthday.
- 2009\24 Marvin and Sandra Sieren, Keota – For celebrating their 50<sup>th</sup> anniversary.
- 2009\25 Catherine Merz, Keota – For celebrating her 100<sup>th</sup> birthday.
- 2009\26 Marie DeBoom, Le Mars – For celebrating her 90<sup>th</sup> birthday.
- 2009\27 Arlene and Cliff Peter, Le Mars – For celebrating their 60<sup>th</sup> anniversary.
- 2009\28 Fred and Rena Holtrop, Ireton – For celebrating their 60<sup>th</sup> anniversary.
- 2009\29 Robert Niemeier, Rowley – For celebrating his 75<sup>th</sup> birthday.

- 2009\30 Margaret Tray, Ottumwa – For celebrating her 75<sup>th</sup> birthday.
- 2009\31 Ruth Jensen, Ames – For celebrating her 95<sup>th</sup> birthday.
- 2009\32 Dorothy Dasalla, Dubuque – For celebrating her 85<sup>th</sup> birthday.
- 2009\33 Mary Thomas, Dubuque – For celebrating her 85<sup>th</sup> birthday.
- 2009\34 Eleanor Fisher, Coralville – For celebrating her 75<sup>th</sup> birthday.
- 2009\35 Patricia Kauffman, Iowa City – For celebrating her 75<sup>th</sup> birthday.
- 2009\36 Carl Dresser, Keokuk – For celebrating his 80<sup>th</sup> birthday.
- 2009\37 Lucy Prado, Fort Madison – For celebrating her 80<sup>th</sup> birthday.
- 2009\38 John Rotter, Fort Madison – For celebrating his 80<sup>th</sup> birthday.
- 2009\39 Donna Granneman, Davenport – For celebrating her 75<sup>th</sup> birthday.
- 2009\40 Cletus Schneider, Mason City – For celebrating his 85<sup>th</sup> birthday.
- 2009\41 Darwin Long, Cedar Rapids – For celebrating his 75<sup>th</sup> birthday.
- 2009\42 Richard Hardy, Sioux City – For celebrating his 80<sup>th</sup> birthday.
- 2009\43 Ramona Meuret, Sioux City – For celebrating her 80<sup>th</sup> birthday.
- 2009\44 Marcella Clark, Mount Vernon – For celebrating her 90<sup>th</sup> birthday.
- 2009\45 Mary Fitzgerald, Mitchellville – For celebrating her 85<sup>th</sup> birthday.
- 2009\46 Marcella Riggert, Waterloo – For celebrating her 75<sup>th</sup> birthday.
- 2009\47 Pedro Gonzalez, Waterloo – For celebrating his 80<sup>th</sup> birthday.
- 2009\48 Alice Hofner, Waterloo – For celebrating her 80<sup>th</sup> birthday.
- 2009\49 Mary Huxham, Waterloo – For celebrating her 80<sup>th</sup> birthday.
- 2009\50 John Temeyer, Independence – For celebrating his 80<sup>th</sup> birthday.
- 2009\51 Harry McVey, Ottumwa – For celebrating his 80<sup>th</sup> birthday.
- 2009\52 Carol Pearson, Ottumwa – For celebrating his 85<sup>th</sup> birthday.
- 2009\53 Gerald Carlson, Madrid – For celebrating his 80<sup>th</sup> birthday.
- 2009\54 Ruth Clancy, Dubuque – For celebrating her 80<sup>th</sup> birthday.
- 2009\55 Joan Lickteig Sr., Dubuque – For celebrating her 80<sup>th</sup> birthday.

- 2009\56 Russel Meier, Dubuque – For celebrating his 95<sup>th</sup> birthday.
- 2009\57 Bonnie Smith, Dubuque – For celebrating her 80<sup>th</sup> birthday.
- 2009\58 Dorothy Rowland, Coralville – For celebrating her 85<sup>th</sup> birthday.
- 2009\59 Letta Grosekemper, Fort Madison – For celebrating her 75<sup>th</sup> birthday.
- 2009\60 Robert Hammill, Davenport – For celebrating his 75<sup>th</sup> birthday.
- 2009\61 Catherine Iannuzzelli, Davenport – For celebrating her 75<sup>th</sup> birthday.
- 2009\62 Richard Lemek, Davenport – For celebrating his 75<sup>th</sup> birthday.
- 2009\63 Pauline Osborn, Marshalltown – For celebrating her 85<sup>th</sup> birthday.
- 2009\64 Loren Hunt, Mason City – For celebrating his 75<sup>th</sup> birthday.
- 2009\65 Hurley Bassett, Cedar Rapids – For celebrating his 85<sup>th</sup> birthday.
- 2009\66 Mildred Smith, Cedar Rapids – For celebrating her 90<sup>th</sup> birthday.
- 2009\67 Edwin Smith Jr., Monona, – For celebrating his 85<sup>th</sup> birthday.
- 2009\68 Robert Worden, Sioux City – For celebrating his 85<sup>th</sup> birthday.
- 2009\69 Joseph Sollazzo, Sioux City – For celebrating his 90<sup>th</sup> birthday.
- 2009\70 Delores Scheetz, Oxford – For celebrating her 80<sup>th</sup> birthday.
- 2009\71 Ruth Vanderkraan, Praire City – For celebrating her 80<sup>th</sup> birthday.
- 2009\72 Pearl Krueger, Waterloo – For celebrating her 85<sup>th</sup> birthday.
- 2009\73 Roland Miller, Waterloo – For celebrating his 85<sup>th</sup> birthday.
- 2009\74 Margaret Guiter, Ottumwa – For celebrating her 80<sup>th</sup> birthday.
- 2009\75 Janette Dunne, Dubuque – For celebrating her 85<sup>th</sup> birthday.
- 2009\76 Martin Lange, Dubuque – For celebrating his 85<sup>th</sup> birthday.
- 2009\77 Wallace Hudson, Iowa City – For celebrating his 80<sup>th</sup> birthday.
- 2009\78 Loren Heston, Keokuk – For celebrating his 80<sup>th</sup> birthday.
- 2009\79 Billy Whalen, Keokuk – For celebrating his 85<sup>th</sup> birthday.
- 2009\80 Michael Cervantes, Davenport – For celebrating his 85<sup>th</sup> birthday.
- 2009\81 Leonard Ewoldt, Davenport – For celebrating his 95<sup>th</sup> birthday.

- 2009\82 Marcelline Harvey, Marshalltown – For celebrating her 75<sup>th</sup> birthday.
- 2009\83 Eugene Sellon, Mason City – For celebrating his 85<sup>th</sup> birthday.
- 2009\84 Ernest Larson, Cedar Rapids – For celebrating his 85<sup>th</sup> birthday.
- 2009\85 Dorothy Schmidtke, Elkader – For celebrating her 80<sup>th</sup> birthday.
- 2009\86 Iola Grauer, Oxford – For celebrating her 75<sup>th</sup> birthday.
- 2009\87 Adelaide Cochran, Oxford – For celebrating her 90<sup>th</sup> birthday.
- 2009\88 Betty Thayer, Altoona – For celebrating her 80<sup>th</sup> birthday.
- 2009\89 Rose Fathke, Waterloo – For celebrating her 75<sup>th</sup> birthday.
- 2009\90 Gilbert Glasson, Waterloo – For celebrating his 85<sup>th</sup> birthday.
- 2009\91 John Walker, Waterloo – For celebrating his 90<sup>th</sup> birthday.
- 2009\92 Pauline Donahue, Independence – For celebrating her 85<sup>th</sup> birthday.
- 2009\93 Neil Hershberger, Fairbank – For celebrating his 75<sup>th</sup> birthday.
- 2009\94 Betty Massey, Ottumwa – For celebrating her 85<sup>th</sup> birthday.
- 2009\95 Robert Voetberg, Ames – For celebrating his 80<sup>th</sup> birthday.
- 2009\96 T. Pauline Sampson, Ames – For celebrating her 85<sup>th</sup> birthday.
- 2009\97 Mildred Nelson, Ames – For celebrating her 90<sup>th</sup> birthday.
- 2009\98 William Kruse, Dubuque – For celebrating his 85<sup>th</sup> birthday.
- 2009\99 Glenda Rannals, Dubuque – For celebrating her 75<sup>th</sup> birthday.
- 2009\100 Suseela Bendapudi, Iowa City – For celebrating her 75<sup>th</sup> birthday.
- 2009\101 Vincil Delay Sr., Davenport – For celebrating his 90<sup>th</sup> birthday.
- 2009\102 Alfred Thacker, Marshalltown – For celebrating her 80<sup>th</sup> birthday.
- 2009\103 Margie Woltjer, Marshalltown – For celebrating her 75<sup>th</sup> birthday.
- 2009\104 Mary Hanson, Mason City – For celebrating her 85<sup>th</sup> birthday.
- 2009\105 Raymond Kitzman, Cedar Rapids – For celebrating his 90<sup>th</sup> birthday.
- 2009\106 James Burkle, Earlville – For celebrating his 85<sup>th</sup> birthday.
- 2009\107 Edward Steinbrech, Solon – For celebrating his 75<sup>th</sup> birthday.



- 2009\108 Edward Dudek, Springville – For celebrating his 90<sup>th</sup> birthday.
- 2009\109 Joanne Wilson, Waterloo – For celebrating her 75<sup>th</sup> birthday.
- 2009\110 Lavone Wissink, Waterloo – For celebrating her 80<sup>th</sup> birthday.
- 2009\111 Audrey Underwood, Waterloo – For celebrating her 90<sup>th</sup> birthday.
- 2009\112 Richard Ede, Dunkerton – For celebrating his 75<sup>th</sup> birthday.
- 2009\113 George Gates, Independence – For celebrating his 85<sup>th</sup> birthday.
- 2009\114 Donald Larson, Ottumwa – For celebrating his 80<sup>th</sup> birthday.
- 2009\115 Margaret Mitchell, Ottumwa – For celebrating her 100<sup>th</sup> birthday.
- 2009\116 Paul Doak, Ames – For celebrating his 80<sup>th</sup> birthday.
- 2009\117 Margaret Weiler, Dubuque – For celebrating her 80<sup>th</sup> birthday.
- 2009\118 Patrick Henry, Iowa City – For celebrating his 75<sup>th</sup> birthday.

#### SUBCOMMITTEE ASSIGNMENTS

##### **House File 7**

Education: Abdul-Samad, Chair; Bukta and Sweeney.

##### **House File 8**

Human Resources: Berry, Chair; Alons and Smith.

#### HOUSE STUDY BILL SUBCOMMITTEE ASSIGNMENT

##### **House Study Bill 6 Reassigned**

Human Resources: Wessel-Kroeschell, Chair; Hunter and Schulte.

#### HOUSE STUDY BILL COMMITTEE ASSIGNMENTS

##### **H.S.B. 11 State Government**

Relating to the payment of a salary or other compensation to a candidate's family member, and making a penalty applicable.

##### **H.S.B. 12 State Government**

Providing for gender balance on local boards, commissions, committees, and councils, and including an applicability provision.

**H.S.B. 13 State Government**

Relating to the provision of services over certain Iowa communications network connection facilities under specified circumstances.

**H.S.B. 14 State Government**

Relating to electronic filing of campaign finance disclosure statements and reports by certain political committees and providing an effective date.

**H.S.B. 15 State Government**

Relating to express advocacy disseminated through mass media for campaign finance disclosure purposes.

**H.S.B. 16 State Government**

Relating to the administration of campaign disclosure laws.

**H.S.B. 17 State Government**

Relating to ethics regulations for the executive branch, legislative branch, and local officials and employees.

**H.S.B. 18 State Government**

Relating to the licensing of persons installing fire protection systems.

**H.S.B. 19 Economic Growth**

Establishing a lifelong learning accounts program within the educational savings plan trust and providing tax credits for contributions made by employers to lifelong learning accounts and including an applicability date provision.

**H.S.B. 20 Economic Growth**

Changing the eligibility requirements of web search portal businesses and information technology facilities for certain sales, use, and property tax exemptions and refunds.

**H.S.B. 21 Economic Growth**

Adding four nonvoting members to the Iowa workforce development board.

**H.S.B. 22 Education**

Relating to the duties and operations of the department of education and local school boards.

**H.S.B. 23 Education**

Relating to assisting schools to recover from disaster by changing the approval method for transfers of emergency fund moneys, by modifying certain funding provisions to relate to disaster recovery, and by allowing area education agency boards greater authority to purchase and lease-purchase property.

**H.S.B. 24 Education**

Relating to the establishment and implementation of a statewide writing assessment for public school students in grades three, six, and ten.

**H.S.B. 25 Education**

Providing for the establishment of a school district innovation grant program.

On motion by Whitaker of Van Buren the House adjourned at 9:11 a.m., until 9:00 a.m., Friday, January 16, 2009.

# JOURNAL OF THE HOUSE

Fifth Calendar Day - Fifth Session Day

Hall of the House of Representatives  
Des Moines, Iowa, Friday, January 16, 2009

The House met pursuant to adjournment at 10:12 a.m., Speaker Murphy in the chair.

Prayer was offered by the honorable Speaker of the House, Pat Murphy.

## PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Speaker Murphy.

The Journal of Thursday, January 15, 2009 was approved.

## INTRODUCTION OF BILLS

**House File 26**, by Tjepkes, a bill for an act relating to the minimum hours of instructional school time in a school year for grades one through twelve for school districts, charter schools, and accredited nonpublic schools, and providing an effective date.

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

**House File 27**, by Baudler, a bill for an act relating to the awarding of bonuses to appointed state officers and state employees, employees of entities created for the joint exercise of governmental powers, and employees of entities receiving government funds pursuant to a service contract with the state, and providing an effective date.

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

**House File 28**, by Wenthe, a bill for an act concerning the appointment of airport commissioners.

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

**House File 29**, by Zirkelbach and Bailey, a bill for an act establishing the interstate compact on educational opportunity for military children and providing an effective date.

Read first time and referred to committee on **veterans affairs**.

**House File 30**, by Lykam, a bill for an act providing for the regulation of commercial establishments that house animals by the department of agriculture and land stewardship.

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

**House File 31**, by Lukan, a bill for an act relating to textbooks and applicable computer hardware adopted for use by school districts and provided to public and accredited nonpublic school students.

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

**House File 32**, by Lykam, a bill for an act relating to domestic abuse protective orders and animals owned or held by a petitioner, respondent, or minor child of the petitioner or respondent in domestic abuse cases.

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

**House File 33**, by Lykam, a bill for an act providing for the killing of dogs which present an immediate public danger and providing penalties.

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

**House File 34**, by Heddens, a bill for an act relating to the sale of a pseudoephedrine product by a pharmacy or retailer, and providing penalties and contingent applicability.

Read first time and referred to committee on **public safety**.

**House File 35**, by Hunter, a bill for an act requiring certain new school buses to be equipped with seat belts, requiring the use of such seat belts, and making a penalty applicable.

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

**House File 36**, by Baudler, a bill for an act relating to relocation of the child support recovery unit to the department of revenue.

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

**House File 37**, by Wenthe, a bill for an act prohibiting the use of false caller identification for campaign purposes and providing penalties.

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

#### REPORT OF ADMINISTRATION AND RULES COMMITTEE

MR. SPEAKER: Pursuant to Senate Concurrent Resolution 2, your committee on administration and rules submits the following to be employed in the indicated positions, and at the indicated classification, grades and steps, and the changes in the classification of the indicated officers and employees to be effective on the date indicated.

<u>Position</u>	<u>Name</u>	<u>Grade And Step</u>	<u>Class of appoint- ment</u>	<u>Eff. Date</u>
Text Processor I	Joseph M. Gilde	19-4 to 19-5	P-FT	05-02-08
Assistant Legal Counsel I	Doreen R. Terrell	30-6 to 30-7	P-FT	05-02-08
Admin Asst III to Speaker	Dwayne Dean Fiihr, Jr.	35-3 to 35-4	P-FT	06-13-08
Admin Asst III to Leader	Brian J. Meyer	35-3 to 35-4	P-FT	06-27-08
Editor I	Vicki L. Jones	22-5 to 25-4	P-FT	06-27-08
Editor II				
Indexing Assistant	Katherine G. Kenline	19-3 to 19-4	P-FT	06-27-08
Supervisor of Secretaries I	Mary M. Sanders	24-2 to 24-3	P-FT	06-27-08
Sr Finance Officer I	Kelly M. Bronsink	31-7 to 35-4	P-FT	07-11-08
Sr Finance Officer II				
Legislative Research Analyst III	Mary K. Earnhardt	35-2 to 35-4	P-FT	07-11-08
Sr Legislative Research	Lewis E. Olson	38-6 to 38-7	P-FT	07-11-08
Analyst Legislative Research Analyst II	Kelly M. Ryan	32-3 to 32-5	P-FT	07-11-08

<u>Position</u>	<u>Name</u>	<u>Grade and Step</u>	<u>Class of appointment</u>	<u>Eff. Date</u>
Sr Legislative Research Analyst	Bradley A. Trow	38-4 to 38-5	P-FT	07-25-08
Legislative Research Analyst	Noreen F. Bush	27-3 to 27-5	P-FT	10-03-08
Clerk to Chief Clerk	Kathy J. Stachon	16-1 to 16-2	S-O	10-31-08
Sr Caucus Secretary	Jason M. Chapman	24-5 to 24-6	P-FT	11-28-08
Sr Caucus Staff Director	Paulee Lipsman	41-7 to 38-7	P-FT	12-11-08
Sr Legislative Research Analyst	Joseph P. Romano	38-7 to 41-7	P-FT	12-11-08
Sr Caucus Staff Director		41-7		
Sr Admin Asst to Speaker	Edward J. Conlow	38-7 to 41-7	P-FT	12-12-08
Sr Admin Asst to Speaker II		41-7		
Caucus Secretary	Rachelle D. Thomas	21-3 to 21-5	P-FT	12-12-08
Legislative Research Analyst	Anthony D. Phillips	27-2	P-FT	12-17-08
Caucus Secretary	Rachelle D. Thomas	21-5 to 27-3	P-FT	12-18-08
Leg. Research Analyst		27-3		
Leg. Research Analyst	Matthew E. Hinch	27-5	P-FT	12-22-08
Leg. Research Analyst I	David L. Epley	29-5 to 32-6	P-FT	12-26-08
Leg. Research Analyst II		32-6		
Leg. Research Analyst	Ezekiel L. Furlong	27-4 to 29-6	P-FT	12-26-08
Leg. Research Analyst I		29-6		
Assistant Chief Clerk II	David F. Schrader	35-4 to 38-4	P-FT	12-26-08
Assistant Chief Clerk III		38-4		
Text Processor I	Joseph M. Gilde	19-5 to 21-6	P-FT	01-02-09
Caucus Secretary		21-6		
Text Processor I	Colleen R. MacRae	19-2	P-FT	01-05-09
Asst to the Legal Counsel	Michelle K. Bauer	19-3	S-O	01-05-09
Admin Asst III to Speaker	Dwayne Dean Fiihr, Jr.	35-4 to 38-3	P-FT	01-07-09
Sr Admin Asst to Speaker		38-3		
Sr Leg. Research Analyst	Anna M. Hyatt-Crozier	38-3	P-FT	01-07-09
Chief Clerk	Mark W. Brandsgard	44-5 to 44-7	P-FT	01-09-09
Leg. Research Analyst		44-7		
Admin Asst I to Leader	Noreen F. Bush	27-5 to 29-6	P-FT	01-09-09
Leg. Research Analyst	William T.D. Freeland	27-3 to 27-6	P-FT	01-09-09

<u>Position</u>	<u>Name</u>	<u>Grade and Step</u>	<u>Class of appointment</u>	<u>Eff. Date</u>
Admin Asst to Leader	Mark N. Langgin	27-5 to	P-FT	01-09-09
Admin Asst I to Leader		29-6		
Switchboard Operator	Jane E. Phalen	14-1	S-O	01-09-09
Leg. Comm. Secretary	Mary Ann Ahrens	17-1	S-O	01-12-09
Leg. Comm. Secretary	John Bach	17-1	S-O	01-12-09
Legislative Secretary	Mickey Belding	15-1	S-O	01-12-09
Leg. Comm. Secretary	Sara Birkenholz	17-1	S-O	01-12-09
Legislative Secretary	Adrianne H. Branstad	16-2 to	S-O	01-12-09
		17-2		
Legislative Secretary	Marcus Branstad	17-1 to	S-O	01-12-09
		16-1		
Legislative Secretary	Lia Brown	17-1	S-O	01-12-09
Legislative Secretary	Beverly A. Burns	17-2 to	S-O	01-12-09
		16-2		
Leg. Comm. Secretary	Christina Butts	17-1	S-O	01-12-09
Legislative Secretary	Scott Corrie	17-1	S-O	01-12-09
Legislative Secretary	Sara S. Cutshall	16-1 to	S-O	01-12-09
Legislative Secretary		15-1		
Legislative Secretary	Dana Deyoe	16-1	S-O	01-12-09
Legislative Secretary	Dawn R. Dillman	18-3 to	S-O	01-12-09
		17-3		
Legislative Secretary	Deborah Donovan	16-1	S-O	01-12-09
Legislative Secretary	Jordan Durham	15-1	S-O	01-12-09
Leg. Comm. Secretary	M. Kathy Ellett	18-2 to	S-O	01-12-09
		17-2		
Legislative Secretary	Kelley A. Fifer	15-3 to	S-O	01-12-09
		16-3		
Legislative Secretary	Carol Forristall	16-1	S-O	01-12-09
Legislative Secretary	Kasey Friedrichsen	16-1	S-O	01-12-09
Legislative Secretary	Cassandra Furlong	15-1	S-O	01-12-09
Legislative Secretary	Susan Geddes	15-1	S-O	01-12-09
Leg. Comm. Secretary	Clare Haas	17-1	S-O	01-12-09
Legislative Secretary	Christopher Hall	17-1	S-O	01-12-09
Leg. Comm. Secretary	Amy Hein	17-1	S-O	01-12-09
Legislative Secretary	Joseph Heuertz	16-1	S-O	01-12-09
Legislative Secretary	Tiffanee L. Hokel	15-2 to	S-O	01-12-09
		16-2		
Legislative Secretary	Jane M. Hughes	15-2 to	S-O	01-12-09
		16-2		
Leg. Comm. Secretary	Kelli A. Huser	17-1 to	S-O	01-12-09
Legislative Secretary		15-1		
Leg. Comm. Secretary	Amanda S. Hynek	17-1	S-O	01-12-09
Legislative Secretary	Jeremy A. Jansen	16-1 to	S-O	01-12-09
		17-1		
Legislative Secretary	Robert F. Kaufmann	18-2 to	S-O	01-12-09
		17-2		
Legislative Secretary	Drew Klein	15-1	S-O	01-12-09



<u>Position</u>	<u>Name</u>	<u>Grade and Step</u>	<u>Class of appointment</u>	<u>Eff. Date</u>
Legislative Secretary	Chris Knudsen	16-1	S-O	01-12-09
Legislative Secretary	Carol J. Lamb	17-2 to	S-O	01-12-09
Leg. Comm. Secretary		17-2		
Legislative Secretary	Mary Daily Lange	16-1	S-O	01-12-09
Legislative Secretary	Amy J. Langgin	17-1	S-O	01-12-09
Legislative Secretary	John R. Lund	15-1 to	S-O	01-12-09
		16-1		
Legislative Secretary	Susan M. Mahedy-	16-2 to	S-O	01-12-09
	Ridgway	15-2		
Legislative Secretary	Jan Marek	17-1	S-O	01-12-09
Leg. Comm. Secretary	Carole I. Martin	17-2 to	S-O	01-12-09
Legislative Secretary		15-2		
Legislative Secretary	Nancy M. McDowell	16-2 to	S-O	01-12-09
		15-2		
Legislative Secretary	Lynn McRoberts	15-1	S-O	01-12-09
Leg. Comm. Secretary	Ericka Meanor	17-1	S-O	01-12-09
Leg. Comm. Secretary	Brooke Miller	17-1	S-O	01-12-09
Legislative Secretary	Charolotte Mosher	15-7	S-O	01-12-09
Leg. Comm. Secretary	Rachel Moskowitz	17-1	S-O	01-12-09
Legislative Secretary	Melba K. Murken	16-4 to	S-O	01-12-09
		18-4		
Legislative Secretary	Joe Nehring	16-1	S-O	01-12-09
Leg. Comm. Secretary	John Noonan	17-1	S-O	01-12-09
Legislative Secretary	K'la Novencido	16-1	S-O	01-12-09
Legislative Secretary	Lauren Page	15-1	S-O	01-12-09
Legislative Secretary	Kevin Patrick	17-1	S-O	01-12-09
Leg. Comm. Secretary	Jeff Perry	17-1	S-O	01-12-09
Legislative Secretary	Janet M. Peterson	15-1 to	S-O	01-12-09
		17-1		
Legislative Secretary	Erika Rasey	16-1	S-O	01-12-09
Legislative Secretary	Jessica L. Rundlett	15-1 to	S-O	01-12-09
		16-1		
Legislative Secretary	Shannon Sanders	18-1	S-O	01-12-09
Legislative Secretary	Catherine Sands	16-1	S-O	01-12-09
Legislative Secretary	Taylor Schaa	17-1	S-O	01-12-09
Legislative Secretary	Melodie K. Schueller	16-2 to	S-O	01-12-09
Leg. Comm. Secretary		17-2		
Legislative Secretary	Erica Shannon	16-1	S-O	01-12-09
Leg. Comm. Secretary	Fran D. Smith	18-2 to	S-O	01-12-09
		17-2		
Legislative Secretary	Andrew Soderberg	16-1	S-O	01-12-09
Legislative Secretary	Alyssa Staley	15-1	S-O	01-12-09
Legislative Secretary	Lora Starks	16-1	S-O	01-12-09
Legislative Secretary	Christopher Street	17-1	S-O	01-12-09
Leg. Comm. Secretary	Joshua Swaim	17-1	S-O	01-12-09
Leg. Comm. Secretary	Doris Taylor	17-1	S-O	01-12-09
Leg. Comm. Secretary	Patricia Van Cleave	17-1	S-O	01-12-09

<u>Position</u>	<u>Name</u>	<u>Grade and Step</u>	<u>Class of appointment</u>	<u>Eff. Date</u>
Legislative Secretary	Darlene A. VanOort	16-4 to 15-4	S-O	01-12-09
Legislative Secretary	Louis Vanderstreek	16-1	S-O	01-12-09
Legislative Secretary	Jen Warner-Blankenship	16-1	S-O	01-12-09
Legislative Secretary	Terrence J. Welton	16-1	S-O	01-12-09
Legislative Secretary	Gabriel J. Whitaker	17-1	S-O	01-12-09
Legislative Secretary	Marilyn J. Zagnoli	16-3+1	S-O	01-12-09

## PAGES-GROUP I

Speaker's Page	Laura B. Zeman	9-1	S-O
Chief Clerk's Page	Jessie L. Ede	9-1	S-O
Chief Clerk's Page	Billie J. Silva	9-1	S-O
Chief Clerk's Page	Katelyn R. Schofield	9-1	S-O
Page	Allison P. Adams	9-1	S-O
Page	Adam D. Child	9-1	S-O
Page	Zachary C. Dalluge	9-1	S-O
Page	Drew C. Flickinger	9-1	S-O
Page	Blake E. Grotewold	9-1	S-O
Page	Erica A. Kite	9-1	S-O
Page	Laura F. Leners	9-1	S-O
Page	Kathleen K. McKnight	9-1	S-O
Page	Alicia R. Nicoletto	9-1	S-O
Page	Isabella S. Nixon	9-1	S-O
Page	Erik Paramo	9-1	S-O
Page	Nicole M. Pratt	9-1	S-O
Page	Chad P. Ratashak	9-1	S-O
Page	Hanna T. Rosman	9-1	S-O
Page	Joseph D. Sweeney	9-1	S-O
Page	Cassandra L. Wenger	9-1	S-O
Page	Nicole M. Westergaard	9-1	S-O

## PAGES-GROUP II

Page	Kelsey A. Patience	9-1	S-O
Page	Katherine E. Pauk	9-1	S-O

The following are resignations from the officers and employees of the House:

Leg. Research Analyst III Mary K. Earnhardt 11-14-08

Pursuant to Senate Concurrent Resolution 2, duly adopted, the following is a list of changes for officers and employees of the Joint Senate/House:

<u>Position</u>	<u>Name</u>	<u>Grade and Step</u>	<u>Class of appointment</u>	<u>Eff. Date</u>
Leg. Security Officer I	Mahlon Y. Lamp	20-5 to 20-6	P-FT	05-02-08
Leg. Security Officer I	Gordon M. Skeffington	20-2 to 20-3	P-FT	05-02-08
Leg. Security Officer I	Robert W. Cornwell	20-2 to 20-3	P-FT	05-16-08
Leg. Security Officer I	Kent M. Stevens	20-4 to 20-5	E-FT	05-16-08
Leg. Security Officer I	Kathleen C. Bacus	20-1	P-FT	07-11-08
Leg. Security Officer I	Marshall T. Irwin	20-6 to 20-7	P-FT	07-11-08
Leg. Security Officer I	Carl E. Lami	20-6 to 20-7	P-FT	07-11-08
Leg. Security Officer I	Judith A. Salier	20-6 to 20-7	P-FT	07-11-08
Leg. Security Officer I	Kert J. Schnell	20-5 to 20-6	P-FT	07-11-08
Leg. Security Officer I	Curtis L. Scott	20-4 to 20-5	P-FT	07-11-08
Leg. Security Officer I	Leo R. Skeffington	20-4 to 20-5	P-FT	07-11-08
Leg. Security Officer I	Richard D. Taylor	20-1	P-FT	07-25-08
Leg. Security Officer I	Staci M. Bohlen	20-1 to 20-2	P-FT	08-08-08
Leg. Security Officer I	James W. Walton	20-1 to 20-2	P-FT	08-08-08
Leg. Security Coordinator II	Shawna S. Ferguson	26-4 to 26-5	P-FT	12-26-08
Asst. Copy Ctr. Operator	Kathleen G. Splittgerber	18-1	S/O	01-05-09
Leg. Security Officer I	Samuel L. Groves	20-1	P-FT	01-02-09
Leg. Security Officer I	Kathleen C. Bacus	20-1 to 20-2	P-FT	01-09-09

The following are resignations from the officers and employees of the Joint Senate/House:

Leg. Security Officer I	Roy E. Paradise	05-29-08
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## 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

- 2009\119 Terence Williams, Coralville – For celebrating his 80<sup>th</sup> birthday.
- 2009\120 Mary Chesser, Keokuk – For celebrating her 90<sup>th</sup> birthday.
- 2009\121 Gladys Hoff, Davenport – For celebrating her 95<sup>th</sup> birthday.
- 2009\122 Kenneth Hutchinson, Davenport – For celebrating his 85<sup>th</sup> birthday.
- 2009\123 Gwyequetta Wilkening, Marshalltown – For celebrating her 85<sup>th</sup> birthday.
- 2009\124 Sally Waggoner, Mason City – For celebrating her 75<sup>th</sup> birthday.
- 2009\125 Shirley Schmitz, Waterloo – For celebrating her 75<sup>th</sup> birthday.
- 2009\126 George Uchtyl, Jesup – For celebrating his 75<sup>th</sup> birthday.
- 2009\127 Vernetta Rhine, Ottumwa – For celebrating her 85<sup>th</sup> birthday.
- 2009\128 Madeline Richardson, Ottumwa – For celebrating her 85<sup>th</sup> birthday.
- 2009\129 Helen Hoy, Ottumwa – For celebrating her 90<sup>th</sup> birthday.
- 2009\130 Gilbert Jarvis, Ottumwa – For celebrating his 90<sup>th</sup> birthday.
- 2009\131 Joseph Lo Bianco, Dubuque – For celebrating his 75<sup>th</sup> birthday.
- 2009\132 Bernice Schuetz, Dubuque – For celebrating her 80<sup>th</sup> birthday.
- 2009\133 Myra Davisson, Iowa City – For celebrating her 80<sup>th</sup> birthday.
- 2009\134 James Hassman, North Liberty – For celebrating his 75<sup>th</sup> birthday.
- 2009\135 Kenneth Sprinkle, Coralville – For celebrating his 80<sup>th</sup> birthday.
- 2009\136 Charlotte Beard, Keokuk – For celebrating her 80<sup>th</sup> birthday.
- 2009\137 Wendell Hansen, Keokuk – For celebrating his 75<sup>th</sup> birthday.
- 2009\138 Phyllis Eggers, Marshalltown – For celebrating her 75<sup>th</sup> birthday.
- 2009\139 Rose Pappas, Mason City – For celebrating her 80<sup>th</sup> birthday.
- 2009\140 Darlene Corporon, Cedar Rapids – For celebrating her 75<sup>th</sup> birthday.
- 2009\141 Margaret Bonecutter, Strawberry Point – For celebrating her 95<sup>th</sup> birthday.
- 2009\142 Dennis Schoenfelder, Sioux City – For celebrating his 75<sup>th</sup> birthday.
- 2009\143 Max Miller, Cedar Rapids – For celebrating his 75<sup>th</sup> birthday.

- 2009\144 Alice Crossley, Solon – For celebrating her 80<sup>th</sup> birthday.
- 2009\145 John Bell, Colfax – For celebrating his 75<sup>th</sup> birthday.
- 2009\146 Laurel Gardner, Bondurant – For celebrating her 75<sup>th</sup> birthday.
- 2009\147 Nello Stefani, Altoona – For celebrating his 85<sup>th</sup> birthday.
- 2009\148 Harold Arnold, Waterloo – For celebrating his 75<sup>th</sup> birthday.
- 2009\149 Edith Geerdes, Waterloo – For celebrating her 80<sup>th</sup> birthday.
- 2009\150 Ralph Clements, Waterloo – For celebrating his 95<sup>th</sup> birthday.
- 2009\151 Joanne Odneal, Gilbertville – For celebrating her 75<sup>th</sup> birthday.
- 2009\152 Vernetta Youngblut, Jesup – For celebrating her 75<sup>th</sup> birthday.
- 2009\153 Joseph Zeien, La Porte City – For celebrating his 90<sup>th</sup> birthday.
- 2009\154 Steiner Silence, Ames – For celebrating his 75<sup>th</sup> birthday.
- 2009\155 Helen Eppert, Madrid – For celebrating her 80<sup>th</sup> birthday.
- 2009\156 Dean Kloock, Ames – For celebrating his 85<sup>th</sup> birthday.
- 2009\157 George Banworth, Dubuque – For celebrating his 80<sup>th</sup> birthday.
- 2009\158 Rita Conlan, Dubuque – For celebrating her 90<sup>th</sup> birthday.
- 2009\159 Patricia Doll, Dubuque – For celebrating her 80<sup>th</sup> birthday.
- 2009\160 Joseph Macri, Tiffin – For celebrating his 90<sup>th</sup> birthday.
- 2009\161 Lewis Whittmore Jr., Davenport – For celebrating his 80<sup>th</sup> birthday.
- 2009\162 Phil Davis, Marshalltown – For celebrating his 90<sup>th</sup> birthday.
- 2009\163 Reuben Stromley, Mason City – For celebrating his 85<sup>th</sup> birthday.
- 2009\164 Robert Morrow III, Cedar Rapids – For celebrating his 75<sup>th</sup> birthday.
- 2009\165 Norma Plagmann, Cedar Rapids – For celebrating her 75<sup>th</sup> birthday.
- 2009\166 Eugene Baker, Strawberry Point – For celebrating his 80<sup>th</sup> birthday.
- 2009\167 Marian Stone, Edgewood – For celebrating her 95<sup>th</sup> birthday.
- 2009\168 Dorothy Shepley, Mount Vernon – For celebrating her 85<sup>th</sup> birthday.
- 2009\169 Doris Wilson, Solon – For celebrating her 90<sup>th</sup> birthday.

- 2009\170 Phyllis Vanzandt, Berwick – For celebrating her 75<sup>th</sup> birthday.
- 2009\171 Vincent Cutler, Waterloo – For celebrating his 80<sup>th</sup> birthday.
- 2009\172 Sylvia Heston, Ottumwa – For celebrating her 90<sup>th</sup> birthday.
- 2009\173 Geraldine Ryan, Dubuque – For celebrating her 75<sup>th</sup> birthday.
- 2009\174 Judith Steichen, Dubuque – For celebrating her 75<sup>th</sup> birthday.
- 2009\175 Verla Benson, Fort Madison – For celebrating her 75<sup>th</sup> birthday.
- 2009\176 Helen Park, Davenport – For celebrating her 85<sup>th</sup> birthday.
- 2009\177 Donald Jaeger, Marshalltown – For celebrating her 85<sup>th</sup> birthday.
- 2009\178 Deloye Thompson, Cedar Rapids – For celebrating his 85<sup>th</sup> birthday.
- 2009\179 John Welterlen, Edgewood – For celebrating his 85<sup>th</sup> birthday.
- 2009\180 Roger Eimers, Sioux City – For celebrating his 75<sup>th</sup> birthday.
- 2009\181 Helen Faidley, Prairie City – For celebrating her 85<sup>th</sup> birthday.
- 2009\182 Evelyn Roll, Colfax – For celebrating her 75<sup>th</sup> birthday.
- 2009\183 John Randall Sr., Ottumwa – For celebrating his 75<sup>th</sup> birthday.
- 2009\184 Judith Vanlandingham, Ottumwa – For celebrating her 75<sup>th</sup> birthday.
- 2009\185 Marilyn Larue, Ottumwa – For celebrating her 80<sup>th</sup> birthday.
- 2009\186 Stephen Williams, Ottumwa – For celebrating his 80<sup>th</sup> birthday.
- 2009\187 Sophie Mikelson, Ames – For celebrating her 85<sup>th</sup> birthday.
- 2009\188 Mable Woodward, Ames – For celebrating her 90<sup>th</sup> birthday.
- 2009\189 Alice Luthro, Dubuque – For celebrating her 75<sup>th</sup> birthday.
- 2009\190 Robert Knight, Donnellson – For celebrating his 80<sup>th</sup> birthday.
- 2009\191 Robert Schneider, Davenport – For celebrating his 80<sup>th</sup> birthday.
- 2009\192 Hazel Broyles, Marshalltown – For celebrating her 85<sup>th</sup> birthday.
- 2009\193 Marguerite Burns, Marshalltown – For celebrating her 85<sup>th</sup> birthday.
- 2009\194 Jack Myers, Marshalltown – For celebrating his 80<sup>th</sup> birthday.
- 2009\195 Beatrice Payne, Marshalltown – For celebrating her 75<sup>th</sup> birthday.

2009\196 Mary Sopher, Cedar Rapids –For celebrating her 95<sup>th</sup> birthday.

2009\197 Colleen Frey, Fayette – For celebrating her 80<sup>th</sup> birthday.

2009\198 Angela Lappe, Sioux City – For celebrating her 80<sup>th</sup> birthday.

2009\199 Lillian Peterka, Swisher – For celebrating her 80<sup>th</sup> birthday.

#### SUBCOMMITTEE ASSIGNMENTS

##### **House Joint Resolution 1**

Natural Resources: Bell, Chair; Beard, Deyoe, Rayhons and Whitaker.

##### **House File 12**

Natural Resources: Zirkelbach, Chair; Baudler and Steckman.

#### HOUSE STUDY BILL SUBCOMMITTEE ASSIGNMENTS

##### **House Study Bill 19**

Economic Growth: Ford, Chair; Horbach, Jacoby, Schultz and Thomas.

##### **House Study Bill 20**

Economic Growth: Marek, Chair; Cownie and Wenthe.

##### **House Study Bill 21**

Economic Growth: Ford, Chair; Horbach, Jacoby, Schultz and Thomas.

#### HOUSE STUDY BILL COMMITTEE ASSIGNMENTS

### **H.S.B. 26 Education**

Relating to certain reporting requirements or actions required of the department of education, school districts, accredited nonpublic schools, and community colleges.

### **H.S.B. 27 Education**

Relating to the duties and operations of library districts.

**H.S.B. 28 Judiciary**

Granting the civil rights commission additional subpoena power to investigate unfair or discriminatory practices and providing an effective date.

**H.S.B. 29 Judiciary**

Relating to charitable trusts by providing for filing documents with the attorney general.

**H.S.B. 30 Judiciary**

Relating to the compensation of a guardian ad litem in certain criminal cases involving a child witness.

**H.S.B. 31 Judiciary**

Relating to the judicial branch including contested and uncontested parking violations, filing civil citations of municipal infractions with the clerk, records kept by the clerk, and service of original notice in a small claims action.

**H.S.B. 32 State Government**

Establishing a lean enterprise office within the department of management.

**H.S.B. 33 State Government**

Concerning fine arts projects in state buildings.

**H.S.B. 34 Judiciary**

Providing a minimum annual salary for a county attorney, requiring a county to use certain funds to ensure that the minimum salary requirement for a county attorney is satisfied, and providing an effective date.



**H.S.B. 35 Economic Growth**

Providing training program extension benefits to unemployment insurance benefits, and including an applicability date.

**H.S.B. 36 Judiciary**

Relating to elections or appointments to a county magistrate appointing commission.

**H.S.B. 37 Judiciary**

Relating to alcoholic beverage possession or consumption including underage possession or consumption and destruction of operating while intoxicated records, and providing a penalty.

**H.S.B. 38 Education**

Relating to the compulsory school attendance age and providing effective dates.

**H.S.B. 40 Education**

Relating to the use of certain levy funds for school transportation and utility expenses.

**H.S.B. 41 Education**

Allowing school districts to count foreign exchange pupils in certified enrollment counts for budget and funding purposes.

On motion by McCarthy of Polk the House adjourned at 10:16 a.m., until 10:00 a.m., Tuesday, January 20, 2009.

# JOURNAL OF THE HOUSE

Ninth Calendar Day – Sixth Session Day

Hall of the House of Representatives  
Des Moines, Iowa, Tuesday, January 20, 2009

The House met pursuant to adjournment at 10:30 a.m., Speaker Murphy in the chair.

Prayer was offered by Reverend Dr. Marshall Peters, the Executive Director of the Mid-American Baptist Churches of Iowa and Minnesota. He was the guest of Representative John Whitaker of Van Buren County.

## PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Erica Kite, House Page from Jesup.

The Journal of Friday, January 16, 2009 was approved.

## INTRODUCTION OF BILLS

**House File 38**, by L. Miller, a bill for an act relating to the administration of epinephrine in schools, and providing effective and applicability dates.

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

**House File 39**, by Roberts and Drake, a bill for an act modifying the closing hours of precinct polling places.

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

On motion by Reasoner of Union, the House was recessed at 10:36 a.m., until 1:30 p.m.

## AFTERNOON SESSION

The House reconvened at 1:32 p.m., Speaker Murphy in the chair.

Speaker Murphy recognized the honorable Wayne Ford, state representative from Polk County; the honorable Janet Petersen state representative of Polk County; the honorable Mark Smith state representative from Marshall County; and the honorable Ako Abdul-Samad, state representative from Polk County, who placed the portrait of President Barack Obama above the Speaker's station.

### CHANGES IN COMMITTEE MEMBERSHIP

The Speaker announced changes to the following committees:

Gaskill of Wapello is removed from the committee on Public Safety, and assigned to the committee on State Government.

Whitead of Woodbury is removed from the committee on State Government, and assigned to the committee on Public Safety.

### COMMUNICATIONS RECEIVED

The following communications were received and filed in the office of the Chief Clerk:

#### BOARD OF REGENTS

Report on revenues and expenditures by the University of Iowa, Iowa State University and University of Northern Iowa, pursuant to Chapter 15G.111(2), Code of Iowa.

#### CONSUMER ADVOCATE FOR INSURANCE

Annual report, pursuant to Chapter 505.8(5A)(g), Code of Iowa.

#### DEPARTMENT OF EDUCATION

Annual report of Iowa Core Curriculum Progress, pursuant to Chapter 256.9, Code of Iowa.

Annual report on the Student Achievement and Educator Quality Program, pursuant to Chapter 284.13(1)(c), Code of Iowa.

Pay for Performance and Career Ladder report, pursuant to Chapters 284.14(3) and 284.14A(3), Code of Iowa.

Report of Supplemental Strategies and Educational Services Grant Program, pursuant to Chapter 279.65(5), Code of Iowa.

Report on Community College Accreditation and Accountability, pursuant to Chapters 216.9 and 256.10(2), Code of Iowa.

DEPARTMENT OF HUMAN SERVICES  
Iowa Medicaid Drug Utilization Commission

Report on smoking cessation benefit, pursuant to Chapter 441 IAC 5 1.8(1), Code of Iowa.

Annual report of eligible children for the hawk-i program, pursuant to Chapter 514I, Code of Iowa.

DEPARTMENT OF NATURAL RESOURCES

Annual report from the Iowa Environmental Protection Commission (EPC), pursuant to Chapter 455B 105(5), Code of Iowa.

Annual report on Be Smart Iowa, pursuant to Chapter 473.7, Code of Iowa.

DEPARTMENT OF VETERANS AFFAIRS

Annual report on the Iowa Veterans Trust Fund, pursuant to Chapter 35A.13(9), Code of Iowa.

HOMELAND SECURITY AND EMERGENCY MANAGEMENT

Enhanced 911 status report for 2008, pursuant to Chapter 34A.7A(3)(a), Code of Iowa.

INSTITUTE FOR TOMORROW'S WORKFORCE

Annual report, pursuant to Chapter 7K.1.6, Code of Iowa.

IOWA DIVISION OF BANKING

Report of the Iowa Student Loan Liquidity Corporation, pursuant to Chapter 7C.13(6), Code of Iowa.

IOWA STUDENT LOAN

Annual report of "Iowans Helping Iowans", pursuant to Chapter 7C.13(2), Code of Iowa.

IOWA VETERANS HOME

Cost savings report on Iowa Communications Network usage, pursuant to Chapter 8D.10, Code of Iowa.

UNIVERSITY OF NORTHERN IOWA

Report on research and development of pre-k through 12, pursuant to Chapter 262, Code of Iowa.

## 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

- 2009\200 Tom Riley, Marion – For celebrating his 80<sup>th</sup> birthday.
- 2009\201 George Wainwright, Solon – For celebrating his 80<sup>th</sup> birthday.
- 2009\202 Georgia Campbell, Berwick – For celebrating her 75<sup>th</sup> birthday.
- 2009\203 Harald Brenna, Waterloo – For celebrating his 85<sup>th</sup> birthday.
- 2009\204 Bill Kalianov, Waterloo – For celebrating his 85<sup>th</sup> birthday.
- 2009\205 Donald McLean, Ames – For celebrating his 85<sup>th</sup> birthday.
- 2009\206 Alice Carlson, Keokuk – For celebrating her 80<sup>th</sup> birthday.
- 2009\207 Kenneth Peterson, Fort Madison – For celebrating his 80<sup>th</sup> birthday.
- 2009\208 Dennis Hoffnagle, Davenport – For celebrating his 80<sup>th</sup> birthday.
- 2009\209 Bryce Kehn, Davenport – For celebrating his 85<sup>th</sup> birthday.
- 2009\210 Georgia Langford, Davenport – For celebrating her 80<sup>th</sup> birthday.
- 2009\211 Virginia Gilson, Marshalltown – For celebrating her 85<sup>th</sup> birthday.
- 2009\212 Richard Hamblin, Marshalltown – For celebrating his 80<sup>th</sup> birthday.
- 2009\213 Thomas Davis, Cedar Rapids – For celebrating his 80<sup>th</sup> birthday.
- 2009\214 Glen Erie, Cedar Rapids – For celebrating his 80<sup>th</sup> birthday.
- 2009\215 John Vanfleet Jr., Cedar Rapids – For celebrating his 75<sup>th</sup> birthday.
- 2009\216 Barbara Snodgrass, Sioux City – For celebrating her 75<sup>th</sup> birthday.
- 2009\217 Albert Jones, Sioux City – For celebrating his 80<sup>th</sup> birthday.
- 2009\218 Francis Millburn, Colfax – For celebrating his 75<sup>th</sup> birthday.
- 2009\219 Donna Price, Altoona – For celebrating her 75<sup>th</sup> birthday.
- 2009\220 Frances Sulentic, Waterloo – For celebrating her 80<sup>th</sup> birthday.

- 2009\221 Joseph Shirk, Waterloo – For celebrating his 90<sup>th</sup> birthday.
- 2009\222 William Ehlers, La Porte City – For celebrating his 80<sup>th</sup> birthday.
- 2009\223 Darrell Pint, Jesup – For celebrating his 75<sup>th</sup> birthday.
- 2009\224 Jack Fuller Sr., Ottumwa – For celebrating his 75<sup>th</sup> birthday.
- 2009\225 James King, Ottumwa – For celebrating his 75<sup>th</sup> birthday.
- 2009\226 Shirley Rains, Ottumwa – For celebrating her 75<sup>th</sup> birthday.
- 2009\227 John Rusch, Ottumwa – For celebrating his 75<sup>th</sup> birthday.
- 2009\228 Harriet Payne, Ottumwa – For celebrating her 80<sup>th</sup> birthday.
- 2009\229 Francis Fye, Ottumwa – For celebrating his 85<sup>th</sup> birthday.
- 2009\230 Arthur Gruber, Ottumwa – For celebrating his 85<sup>th</sup> birthday.
- 2009\231 John McLaughlin, Dubuque – For celebrating his 85<sup>th</sup> birthday.
- 2009\232 Dixie Jutte, Keokuk – For celebrating her 75<sup>th</sup> birthday.
- 2009\233 Joyce McLearn, Montrose – For celebrating her 75<sup>th</sup> birthday.
- 2009\234 Cecelia Yuhr, Davenport – For celebrating her 75<sup>th</sup> birthday.
- 2009\235 Robert Scheffert, Marshalltown – For celebrating his 85<sup>th</sup> birthday.
- 2009\236 Robert Cates, Mason City – For celebrating his 80<sup>th</sup> birthday.
- 2009\237 Robert Lugar, Mason City – For celebrating his 80<sup>th</sup> birthday.
- 2009\238 James Carnell, Cedar Rapids – For celebrating his 80<sup>th</sup> birthday.
- 2009\239 Glen Calvert, Sioux City – For celebrating his 80<sup>th</sup> birthday.
- 2009\240 George Feekes, Sioux City – For celebrating his 80<sup>th</sup> birthday.
- 2009\241 Wanda Speck, Sioux City – For celebrating her 80<sup>th</sup> birthday.
- 2009\242 Richard Zehrbach, Solon – For celebrating his 80<sup>th</sup> birthday.
- 2009\243 Helen Lawson, Des Moines – For celebrating her 75<sup>th</sup> birthday.
- 2009\244 Virginia Riddle, Denmark – For celebrating her 80<sup>th</sup> birthday.
- 2009\245 Charles and Janet Buford, Donnellson – For celebrating their 50<sup>th</sup> wedding anniversary.

- 2009\246 Alexis Arriaga, Crossroads Park Elementary School – For receiving the “Good Conduct Award” from the Iowa Department of Transportation.
- 2009\247 Sarah Ahmed, Crossroads Park Elementary School – For receiving the “Good Conduct Award” from the Iowa Department of Transportation.
- 2009\248 Sarah Timmerman, Crossroads Park Elementary School – For receiving the “Good Conduct Award” from the Iowa Department of Transportation.
- 2009\249 Caroline Njenga, Crossroads Park Elementary School – For receiving the “Good Conduct Award” from the Iowa Department of Transportation.
- 2009\250 Juan Diaz, Crossroads Park Elementary School – For receiving the “Good Conduct Award” from the Iowa Department of Transportation.
- 2009\251 Lauren Schulze, Crossroads Park Elementary School – For receiving the “Good Conduct Award” from the Iowa Department of Transportation.
- 2009\252 Madison Oster, Crossroads Park Elementary School – For receiving the “Good Conduct Award” from the Iowa Department of Transportation.
- 2009\253 Vern Beernink, Sioux Center – For his 16 years of dedicated service on the Sioux County Board of Supervisors.
- 2009\254 Harold Meester, Lester – For his 38 years of dedicated service with Peoples Bank.
- 2009\255 Reva (Blunt) Wilson, Indianola – For celebrating her 80<sup>th</sup> birthday.
- 2009\256 Emma Sutherland, Indianola – For celebrating her 90<sup>th</sup> birthday.
- 2009\257 Jason Plourde, Council Bluffs – For receiving the Milken Family Foundation National Educator Award.
- 2009\258 Wanda Hawe, Dumont – For celebrating her 99<sup>th</sup> birthday.
- 2009\259 Betty Lou and George Lunn, Jr., Clear Lake – For celebrating their 60<sup>th</sup> wedding anniversary.

#### HOUSE STUDY BILL SUBCOMMITTEE ASSIGNMENTS

##### **House Study Bill 22**

Education: Cohoon, Chair; Dolecheck and Steckman.

##### **House Study Bill 23**

Education: Willems, Chair; Schulte and Thede.

**House Study Bill 24**

Education: Abdul-Samad, Chair; Ficken and L. Miller.

**House Study Bill 25**

Education: Abdul-Samad, Chair; Ficken and L. Miller.

**House Study Bill 26**

Education: Kelley, Chair; Ficken and Sweeney.

**House Study Bill 27**

Education: Bukta, Chair; Schulte and Thede.

**House Study Bill 35**

Economic Growth: Ford, Chair; Horbach, Jacoby, Schultz and Thomas.

**House Study Bill 38**

Education: Ford, Chair; Cownie and Heddens.

**House Study Bill 40**

Education: Heddens, Chair; Dolecheck and Masher.

**House Study Bill 41**

Education: Heddens, Chair; Cownie and Wendt.

**HOUSE STUDY BILL COMMITTEE ASSIGNMENTS**

**H.S.B. 42 Economic Growth**

Relating to the number of historic preservation grants that may be awarded in a county and providing an effective date.

**H.S.B. 43 Public Safety**

Requiring a person convicted of an aggravated misdemeanor to submit a DNA sample and providing an effective date.

**H.S.B. 44 Public Safety**

Relating to the criminal offense of enticing or attempting to entice a minor and providing penalties.



**H.S.B. 45 Public Safety**

Relating to financing agreements entered into on behalf of the department of corrections by the treasurer of state.

**H.S.B. 46 Public Safety**

Prohibiting a person who is the subject of a protective order or who has been convicted of a misdemeanor crime of domestic violence in violation of federal law from possessing, transferring, or selling firearms or offensive weapons and providing a penalty.

**H.S.B. 47 Public Safety**

Establishing custody and security levels for the institutions and facilities of the department of corrections.

**H.S.B. 48 Judiciary**

Relating to judicial branch practices and procedures, including offsets for the collection of delinquent court debt, assessment and appropriation of fees, and appropriations from the jury and witness fee revolving fund.

**H.S.B. 49 Human Resources**

Relating to child support enforcement including withholding of an employee's compensation by an employer for support of a child under a support order, the required establishment of a personal account for self-employed child support obligors, and protection of child support information, providing a penalty, and providing an effective date.

**H.S.B. 50 Human Resources**

Relating to health-related activities and regulation by the department of public health and making penalties applicable.

**H.S.B. 51 Human Resources**

Relating to the practice of pharmacy by establishing a registration program for pharmacy support persons and regulating the internet

sale of prescription products, including a program of registration of pharmacy internet sites, making penalties applicable, and establishing a general definition for the term “internet site”.

On motion by McCarthy of Polk the House adjourned at 1:46 p.m., until 9:00 a.m., Wednesday, January 21, 2009.

# JOURNAL OF THE HOUSE

Tenth Calendar Day - Seventh Session Day

Hall of the House of Representatives  
Des Moines, Iowa, Wednesday, January 21, 2009

The House met pursuant to adjournment at 9:14 a.m., Speaker Murphy in the chair.

Prayer was offered by Reverend Mike Evans, pastor of Crossroad Evangelical Free Church, Earlham. He was the guest of Representative Jodi Tymeson from Madison County.

## PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Allison Adams, House Page from Red Oak.

The Journal of Tuesday, January 20, 2009 was approved.

## INTRODUCTION OF BILLS

**House File 40**, by Heddens, Hunter, Abdul-Samad, Ford, Whitead, Wendt, Dolecheck, Gaskill, Lukan, Murphy, Kelley, D. Taylor, Berry, Whitaker, Palmer and D. Olson, a bill for an act relating to the compulsory school attendance age and providing effective dates.

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

**House File 41**, by Arnold, a bill for an act relating to bobcat hunting in the state.

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

**House File 42**, by Zirkelbach, a bill for an act relating to additional free wild turkey and deer hunting licenses for multiple owners of a farm unit.

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

**House File 43**, by Wessel-Kroeschell, a bill for an act establishing a parole procedure for certain class "A" felons.

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

**House File 44**, by Reichert, a bill for an act relating to the regulation of smoking in outdoor areas of bars and restaurants and on gaming floors under the smokefree air Act.

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

**House File 45**, by Heddens, a bill for an act relating to the suspension or termination of medical assistance during the period that an individual is committed to certain facilities or institutions.

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

**House File 46**, by Kressig, a bill for an act requiring radon gas information in certain transfers of real estate.

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

**House File 47**, by Pettengill, a bill for an act expanding the number of members appointed to the utilities board within the utilities division of the department of commerce.

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

**House File 48**, by Zirkelbach, a bill for an act limiting methods of campaign communications and making penalties applicable.

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

**House File 49**, by Zirkelbach, a bill for an act relating to the right of a crime victim to be present at public court proceedings.

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

## 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

- 2009\260 Robert and Lois Hovey, Hampton – For celebrating their 50<sup>th</sup> anniversary.
- 2009\261 Wayne and Beulah Schmalle, Thornton – For celebrating their 65<sup>th</sup> anniversary.
- 2009\262 Arno and Alma Olson, Ventura – For celebrating their 65<sup>th</sup> anniversary.
- 2009\263 Dick and Jean Mott, Johnston – For celebrating their 60<sup>th</sup> anniversary.
- 2009\264 Richard and Janice Dorenkamp, Thornton – For celebrating their 60<sup>th</sup> anniversary.
- 2009\265 Andrew Gall, Burlington – For obtaining his rank of Eagle Scout in the Boy Scouts of America.
- 2009\266 Leland Merle Butler, Brenton – For celebrating his 85<sup>th</sup> birthday and recognition for his military service.
- 2009\267 Lilly Smith, Dubuque – For winning 1<sup>st</sup> place in the K-2 Grade category of the Write Women Back Into History Poster Contest.
- 2009\268 Madelyn Day, Dubuque – For receiving 2<sup>nd</sup> place in the K-2 grade category of the Write Women Back Into History Poster Contest.
- 2009\269 Douglas Beisker-Olson – For winning 1<sup>st</sup> place in the 3-5 grade category in the Write Women Back Into History Poster Contest.
- 2009\270 Kate Hanley, Dubuque – For receiving 2<sup>nd</sup> place in the 3-5 grade category of the Write Women Back Into History Poster Contest.
- 2009\271 Lauren May, Dubuque – For winning 1<sup>st</sup> place in the 3-5 grade category of the Write Women Back Into History Essay Contest.
- 2009\272 Seth Taylor, Dubuque – For receiving 2<sup>nd</sup> place in the 3-5 grade category of the Write Women Back Into History Essay Contest.
- 2009\273 Beatrix Loewen, Dubuque – For winning 1<sup>st</sup> place in the 6-8 grade category of the Write Women Back Into History Visual Display Contest.

- 2009\274 Brooke M. Bisdorf, Dubuque – For receiving an Honorable Mention in the 6-8 category of the Write Women Back Into History Visual Display Contest.
- 2009\275 Abby Frick, Dubuque – For receiving an Honorable Mention in the 6-8 grade category of the Write Women Back Into History Visual Display Contest.
- 2009\276 Perrin Olmstead, Dubuque – For receiving an Honorable Mention in the 6-8 grade category of the Write Women Back Into History Visual Display Contest.
- 2009\277 Paige Peters, Dubuque – For winning 1<sup>st</sup> place in the 6-8 grade category of the Write Women Back Into History Essay Contest.
- 2009\278 Jonathan Carpenter, Dubuque – For receiving 2<sup>nd</sup> place in the 6-8 grade category of the Write Women Back Into History Essay Contest.
- 2009\279 Jacob Grace, Dubuque – For tying for 1<sup>st</sup> place in the Write Women Back Into History Multimedia Presentation Contest.
- 2009\280 Alex Johll, Dubuque – For tying for 1<sup>st</sup> place in the 6-8 category of the Write Women Back Into History Multimedia Presentation Contest.
- 2009\281 Nakiah Lieb Kimble, Dubuque – For recognition for tying for 2<sup>nd</sup> place in the 6-8 grade category in the Write Women Back Into History Multimedia Presentation Contest.
- 2009\282 Nick Kringle, Dubuque – For recognition for tying for 2<sup>nd</sup> place in the 6-8 grade category of the Write Women Back Into History Multimedia Presentation Contest.
- 2009\283 Olivia Dietzel, Dubuque – For winning 1<sup>st</sup> place in the 9-12 grade category of the Write Women Back Into History Visual Display Contest.
- 2009\284 Matt Sabers, Dubuque – For receiving 2<sup>nd</sup> place in the 9-12 grade category of the Write Women Back Into History Visual Display Contest.
- 2009\285 Antonio Garza, Dubuque – For winning 1<sup>st</sup> place in the 9-12 grade category of the Write Women Back Into History Essay Contest.
- 2009\286 Gaby Vega, Dubuque – For receiving 2<sup>nd</sup> place in the 9-12 grade category in the Write Women Back Into History Essay Contest.
- 2009\287 Lizzy Chorak, Dubuque – For winning 1<sup>st</sup> place in the 9-12 grade category of the Write Women Back Into History Multimedia Presentation Contest.
- 2009\288 Jim and Helen Bell, Dubuque – For celebrating their 65<sup>th</sup> anniversary.

- 2009\289 George and Gertrude Klinge, Dubuque – For celebrating their 50<sup>th</sup> anniversary.
- 2009\290 Natalie Kurt, Dubuque – For celebrating her 75<sup>th</sup> birthday.
- 2009\291 Katherine Sawvel, Dubuque – For celebrating her 90<sup>th</sup> birthday.
- 2009\292 Dorothy Crowley, Dubuque – For celebrating her 95<sup>th</sup> birthday.
- 2009\293 Robert Hinds, Dubuque – For celebrating his 80<sup>th</sup> birthday.
- 2009\294 Robert Clark, Dubuque – For celebrating his 75<sup>th</sup> birthday.
- 2009\295 Mildred Finzel, Dubuque – For celebrating her 85<sup>th</sup> birthday.
- 2009\296 Lawrence Berendes, Dubuque – For celebrating his 75<sup>th</sup> birthday.
- 2009\297 Esther Link, Dubuque – For celebrating her 85<sup>th</sup> birthday.
- 2009\298 Kenneth Yerington, Coralville – For celebrating his 75<sup>th</sup> birthday.
- 2009\299 Norma Fell, Iowa City – For celebrating her 75<sup>th</sup> birthday.
- 2009\300 Geraldine Potter, Coralville – For celebrating her 90<sup>th</sup> birthday.
- 2009\301 William Cushing, Iowa City – For celebrating his 85<sup>th</sup> birthday.
- 2009\302 Paul Davis, North Liberty – For celebrating his 75<sup>th</sup> birthday.
- 2009\303 Ruth Frauenholtz, North Liberty – For celebrating her 75<sup>th</sup> birthday.
- 2009\304 Anita Spenler, Iowa City – For celebrating her 75<sup>th</sup> birthday.
- 2009\305 Velma Duff, Iowa City – For celebrating her 90<sup>th</sup> birthday.
- 2009\306 Jane Riedemann, Independence – For celebrating her 85<sup>th</sup> birthday.
- 2009\307 Stanley Goodin, Jesup – For celebrating his 75<sup>th</sup> birthday.
- 2009\308 Ruth Manross, Independence – For celebrating her 90<sup>th</sup> birthday.
- 2009\309 Norma Hager, La Porte City – For celebrating her 75<sup>th</sup> birthday.
- 2009\310 Myron Sheffler, La Porte City – For celebrating his 85<sup>th</sup> birthday.
- 2009\311 Norbert Pint, Independence – For celebrating his 80<sup>th</sup> birthday.
- 2009\312 Thelma Wendt, Jesup – For celebrating her 80<sup>th</sup> birthday.
- 2009\313 Jack Johnson, Fairbank – For celebrating his 75<sup>th</sup> birthday.
- 2009\314 Richard Kinney, Winthrop – For celebrating his 80<sup>th</sup> birthday.

- 2009\315 Ruth Lee, Runnells – For celebrating her 75<sup>th</sup> birthday.
- 2009\316 Marjorie Tyler, Mitchellville – For celebrating her 75<sup>th</sup> birthday.
- 2009\317 Lowell Kramme, Des Moines – For celebrating his 75<sup>th</sup> birthday.
- 2009\318 Joe Moore, Runnells – For celebrating his 75<sup>th</sup> birthday.
- 2009\319 Carl Vanhouweling, Prairie City – For celebrating his 95<sup>th</sup> birthday.
- 2009\320 Betty Kern, Des Moines – For celebrating her 75<sup>th</sup> birthday.
- 2009\321 William Wilson, Mitchellville – For celebrating his 80<sup>th</sup> birthday.
- 2009\322 Olive Hagmeier, Keokuk – For celebrating her 95<sup>th</sup> birthday.
- 2009\323 Mildred Pohren, Farmington – For celebrating her 85<sup>th</sup> birthday.
- 2009\324 Joan Seabold, Keokuk – For celebrating her 80<sup>th</sup> birthday.
- 2009\325 H. Cowles, Fort Madison – For celebrating his 80<sup>th</sup> birthday.
- 2009\326 Marcella Mansheim, Fort Madison – For celebrating her 75<sup>th</sup> birthday.
- 2009\327 Lorraine Mierski, Keokuk – For celebrating her 75<sup>th</sup> birthday.
- 2009\328 Patricia Rupert, Fort Madison – For celebrating her 85<sup>th</sup> birthday.
- 2009\329 Darlene Umthun, Fort Madison – For celebrating her 85<sup>th</sup> birthday.
- 2009\330 Wilma Walter, Argyle – For celebrating her 90<sup>th</sup> birthday.
- 2009\331 Richard Johnson, Keokuk – For celebrating his 75<sup>th</sup> birthday.
- 2009\332 Patricia Varnold, Keokuk – For celebrating her 75<sup>th</sup> birthday.
- 2009\333 John Genck, Donnellson – For celebrating his 80<sup>th</sup> birthday.
- 2009\334 Joseph Rapagnani, Keokuk – For celebrating his 75<sup>th</sup> birthday.
- 2009\335 Ruth Basham, Fort Madison – For celebrating her 75<sup>th</sup> birthday.
- 2009\336 Dorothy Holland, Keokuk – For celebrating her 80<sup>th</sup> birthday.
- 2009\337 Antonio Estrada, Fort Madison – For celebrating his 80<sup>th</sup> birthday.
- 2009\338 Doris Irvin, Keokuk – For celebrating her 75<sup>th</sup> birthday.
- 2009\339 Della Radcliffe, Keokuk – For celebrating her 95<sup>th</sup> birthday.
- 2009\340 Pearl Tweedy, Keokuk – For celebrating her 95<sup>th</sup> birthday.



- 2009\341 Mabel Childers, Fort Madison – For celebrating her 85<sup>th</sup> birthday.
- 2009\342 Wilma Freeman, Davenport – For celebrating her 75<sup>th</sup> birthday.
- 2009\343 Lois Jager, Davenport – For celebrating her 85<sup>th</sup> birthday.
- 2009\344 Robert Long, Davenport – For celebrating his 80<sup>th</sup> birthday.
- 2009\345 Herbert Treftz, Davenport – For celebrating his 90<sup>th</sup> birthday.
- 2009\346 Doris Bieg, Davenport – For celebrating her 90<sup>th</sup> birthday.
- 2009\347 George Rekkas, Davenport – For celebrating his 80<sup>th</sup> birthday.
- 2009\348 Mary Leonard, Davenport – For celebrating her 95<sup>th</sup> birthday.
- 2009\349 Jacquelin Tunis, Davenport – For celebrating her 80<sup>th</sup> birthday.
- 2009\350 Walter Kisner, Davenport – For celebrating his 85<sup>th</sup> birthday.
- 2009\351 Walter Lampkin, Davenport – For celebrating his 80<sup>th</sup> birthday.
- 2009\352 Lou Chase, Waterloo – For celebrating her 80<sup>th</sup> birthday.
- 2009\353 Betty Dixon, Waterloo – For celebrating her 80<sup>th</sup> birthday.
- 2009\354 Gertrude Gilles, Waterloo – For celebrating her 85<sup>th</sup> birthday.
- 2009\355 Georganna Horak, Waterloo – For celebrating her 90<sup>th</sup> birthday.
- 2009\356 Ronald Venenga, Waterloo – For celebrating his 75<sup>th</sup> birthday.
- 2009\357 Jong Beard, Waterloo – For celebrating her 75<sup>th</sup> birthday.
- 2009\358 Delores Marlow, Waterloo – For celebrating her 80<sup>th</sup> birthday.
- 2009\359 Earl Langenwalter, Waterloo – For celebrating his 80<sup>th</sup> birthday.
- 2009\360 John Young, Waterloo – For celebrating his 75<sup>th</sup> birthday.
- 2009\361 Wilson Howard, Waterloo – For celebrating his 75<sup>th</sup> birthday.
- 2009\362 Vivian Pruckler, Waterloo – For celebrating her 85<sup>th</sup> birthday.
- 2009\363 Fern Fincham, Ames – For celebrating her 90<sup>th</sup> birthday.
- 2009\364 Frances Vaughn, Ames – For celebrating her 80<sup>th</sup> birthday.
- 2009\365 Marjorie Benson, Ames – For celebrating her 85<sup>th</sup> birthday.
- 2009\366 Harry Stewart, Ames – For celebrating his 85<sup>th</sup> birthday.

- 2009\367 Mary Todd, Madrid – For celebrating her 85<sup>th</sup> birthday.
- 2009\368 Verna Alcott, Madrid – For celebrating her 85<sup>th</sup> birthday.
- 2009\369 Celia Baker, Ames – For celebrating her 85<sup>th</sup> birthday.
- 2009\370 Lois Gruber, Ames – For celebrating her 80<sup>th</sup> birthday.
- 2009\371 Marjorie Burkgren, Ames – For celebrating her 80<sup>th</sup> birthday.
- 2009\372 Benita Linde, Ames – For celebrating her 80<sup>th</sup> birthday.
- 2009\373 Rubie Patrick, Madrid – For celebrating her 80<sup>th</sup> birthday.
- 2009\374 Clyde Evers, Marshalltown – For celebrating his 85<sup>th</sup> birthday.
- 2009\375 Robert McCormack, Marshalltown – For celebrating his 75<sup>th</sup> birthday.
- 2009\376 Muriel Burke, Marshalltown – For celebrating her 80<sup>th</sup> birthday.
- 2009\377 Barbara Runneals, Marshalltown – For celebrating her 75<sup>th</sup> birthday.
- 2009\378 Marjorie Braga, Marshalltown – For celebrating her 85<sup>th</sup> birthday.
- 2009\379 James Carkhuff, Marshalltown – For celebrating his 80<sup>th</sup> birthday.
- 2009\380 Mary McNutt, Marshalltown – For celebrating her 80<sup>th</sup> birthday.
- 2009\381 Darlene Smith, Marshalltown – For celebrating her 80<sup>th</sup> birthday.
- 2009\382 Louise Boehm, Marshalltown – For celebrating her 90<sup>th</sup> birthday.
- 2009\383 Rose Schultz, Marshalltown – For celebrating her 75<sup>th</sup> birthday.
- 2009\384 Marilyn Hutton, Ottumwa – For celebrating her 75<sup>th</sup> birthday.
- 2009\385 Evelyn Shober, Ottumwa – For celebrating her 90<sup>th</sup> birthday.
- 2009\386 Imogene Dyke, Ottumwa – For celebrating her 75<sup>th</sup> birthday.
- 2009\387 James Heasley, Ottumwa – For celebrating his 85<sup>th</sup> birthday.
- 2009\388 Nina Kornutiak, Ottumwa – For celebrating her 85<sup>th</sup> birthday.

#### SUBCOMMITTEE ASSIGNMENTS

#### House File 14

State Government: Lensing, Chair; Isenhart and Rants.

**House File 15**

State Government: Cohoon, Chair; Schulte and Willems.

**House File 21**

State Government: Lensing, Chair; Pettengill and T. Taylor.

**House File 27**

State Government: Lensing, Chair; Drake and Isenhart.

**House File 36**

State Government: Lensing, Chair; Isenhart and Pettengill.

**House File 37**

State Government: Cohoon, Chair; Quirk and Schulte.

**House File 39**

State Government: Gaskill, Chair; Isenhart and Roberts.

**HOUSE STUDY BILL SUBCOMMITTEE ASSIGNMENTS****House Study Bill 42**

Economic Growth: Steckman, Chair; Kelley and Sorenson.

**House Study Bill 43**

Public Safety: Reichert, Chair; Bukta and Tjepkes.

**House Study Bill 44**

Public Safety: Berry, Chair; Heddens and Worthan.

**House Study Bill 45**

Public Safety: Lukan, Chair; Bell and Lykam.

**House Study Bill 46**

Public Safety: Whitaker, Chair; Baudler and Whitead.

**House Study Bill 47**

Public Safety: R. Olson, Chair; Reichert and Tjepkes.

**House Study Bill 49**

Human Resources: Abdul-Samad, Chair; Forristall and Steckman.

**House Study Bill 50**

Human Resources: Thede, Chair; T. Olson and Soderberg.

**House Study Bill 51**

Human Resources: Smith, Chair; L. Miller and Wendt.

**HOUSE STUDY BILL COMMITTEE ASSIGNMENTS**

**H.S.B. 52 State Government**

Relating to electrician licensure by modifying existing classifications and specifying new classifications.

**H.S.B. 53 Rebuild Iowa and Disaster Recovery**

Relating to appropriations for soil and water conservation.

**H.S.B. 54 Rebuild Iowa and Disaster Recovery**

Relating to the imposition of a local option sales tax after a disaster and providing an effective date.

**H.S.B. 55 Transportation**

Providing for license plates for officers of the department of agriculture and land stewardship responsible for ensuring compliance with meat and poultry regulations.

**H.S.B. 56 Environmental Protection**

Providing for qualification for the wind energy production tax credit by specified educational institutions and public hospitals.

**H.S.B. 57 Environmental Protection**

Modifying the maximum amount of nameplate generating capacity for all facilities qualifying for wind energy production and renewable energy tax credits.

**H.S.B. 58 Environmental Protection**

Relating to solid waste tonnage fees and making a penalty applicable.

**H.S.B. 59 Environmental Protection**

Relating to the water quality protection fund by changing the calculation of operating fees assessed against public water supply systems.

**H.S.B. 60 Environmental Protection**

Relating to the collection and expenditure of storage tank management fees.

**H.S.B. 61 Labor**

Pertaining to the duties and regulations under the purview of the labor commissioner.

**H.S.B. 62 Labor**

Requiring employers to provide notice of plant closings and mass layoffs and providing penalties.

**H.S.B. 63 Labor**

Relating to the duties of the labor commissioner pursuant to wage payment collection and child labor law enforcement, making an appropriation, and providing penalties.

**H.S.B. 64 Rebuild Iowa and Disaster Recovery**

Relating to disaster assistance by providing a jumpstart housing assistance program, disaster aid individual assistance grants, and community disaster grants, making appropriations, and providing effective and retroactive applicability dates.

**H.S.B. 65 Veterans Affairs**

Concerning the definition of veteran.

**H.S.B. 66 Veterans Affairs**

Relating to the county commissions of veteran affairs fund and required hours of service for executive directors and administrators.

**H.S.B. 67 Commerce**

Relating to matters under the purview of the credit union division of the department of commerce.

**H.S.B. 68 Commerce**

Providing for the development of a complaint response process by the superintendent of credit unions and relating to the confidentiality of information obtained during the course of that process.

**H.S.B. 69 Commerce**

Relating to the consumer credit code by increasing dollar amount limitations for transactions governed by the consumer credit code and providing for periodic adjustment of those amounts pursuant to changes in the consumer price index, and establishing an exemption from the definition of a consumer loan for specified debts secured by real property.

**COMMITTEE RECOMMENDATION**

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

MARK W. BRANDSGARD  
Chief Clerk of the House

**COMMITTEE ON REBUILD IOWA AND DISASTER RECOVERY**

**Committee Bill** (Formerly House Study Bill 64), relating to disaster assistance by providing a jumpstart housing assistance program, disaster aid individual assistance grants, and community disaster grants, making appropriations, and providing effective and retroactive applicability dates.

Fiscal Note is not required.

Recommended **Amend and Do Pass** January 21, 2009.

On motion by McCarthy of Polk the House adjourned at 9:20 a.m., until 9:00 a.m., Thursday, January 22, 2009.

# JOURNAL OF THE HOUSE

Eleventh Calendar Day - Eighth Session Day

Hall of the House of Representatives  
Des Moines, Iowa, Thursday, January 22, 2009

The House met pursuant to adjournment at 9:02 a.m., Speaker Murphy in the chair.

Prayer was offered by Craig Nelson, chaplain at the Iowa Veterans Home. He was the guest of Representative Mark Smith from Marshall County.

## PLEDGE OF ALLEGIANCE

The Pledge of Allegiance and a choral response was led by the Veterans Home Choir from the Iowa Veterans Home in Marshalltown.

The Journal of Wednesday, January 21, 2009 was approved.

## INTRODUCTION OF BILLS

**House Joint Resolution 2**, by Reichert, a joint resolution designating the channel catfish as the official state fish for the State of Iowa.

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

**House File 50**, by Wessel-Kroeschell, Lensing, Winckler, Gayman, Gaskill and Petersen, a bill for an act providing for gender balance on local boards, commissions, committees, and councils, and including an applicability provision.

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

**House File 51**, by Struyk, a bill for an act relating to civil service employment residency requirements.

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



**House File 52**, by Struyk, a bill for an act relating to the coverage of specialized medical equipment under medical assistance home and community-based services waivers.

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

**House File 53**, by Struyk, a bill for an act concerning the use of moneys appropriated but unexpended for certain vacant state employee positions.

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

**House File 54**, by Struyk, a bill for an act establishing a regulatory efficiency commission.

Read first time and referred to committee on **economic growth**.

**House File 55**, by Bailey, a bill for an act concerning veterans affairs by establishing a county commissions of veteran affairs grant program, requiring the development of an internet website to assist veterans, and making an appropriation.

Read first time and referred to committee on **veterans affairs**.

**House File 56**, by Whitaker, a bill for an act relating to early childhood immunizations for influenza containing mercury and making penalties applicable.

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

**House File 57**, by Whitaker, a bill for an act relating to inclusion of assisted living services under the medical assistance home and community-based services waiver for the elderly.

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

**House File 58**, by Whitaker, a bill for an act exempting from the sales and use taxes as casual sales the provision of certain lawn care, landscaping, and custodial services to religious organizations.

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

**House File 59**, by Kressig, a bill for an act relating to the membership of the public safety communications interoperability board and providing an effective and applicability date provision.

Read first time and referred to committee on **public safety**.

**House File 60**, by Tymeson, a bill for an act relating to a petition for a name change filed on behalf of a minor child under the age of fourteen.

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

**House File 61**, by Tymeson, a bill for an act increasing the amount of an Iowa tuition grant a qualified student may receive.

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

**House File 62**, by Tymeson, a bill for an act to make a decision by an administrative law judge final agency action for the purposes of judicial review.

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

**House File 63**, by Tymeson, a bill for an act relating to the dental screening program for children enrolling in elementary or high school.

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

**House File 64**, by committee on rebuild Iowa and disaster recovery, a bill for an act relating to disaster assistance by providing a jumpstart housing assistance program, disaster aid individual assistance grants, a rebuild Iowa office, and community disaster grants, making appropriations, and providing effective and retroactive applicability dates.

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

McCarthy of Polk asked and received unanimous consent for the immediate consideration of House Resolution 3.

## ADOPTION OF HOUSE RESOLUTION 3

Wagner of Linn called up for consideration **House Resolution 3**, a resolution honoring the life and memory of former Representative and Senator Mary Lundby, and moved its adoption.

The motion prevailed and the resolution was adopted.

The House rose and expressed its appreciation.

## 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

2009\389 Velma Corzette, Ottumwa – For celebrating her 80<sup>th</sup> birthday.

2009\390 Patricia Kelley, Ottumwa – For celebrating her 80<sup>th</sup> birthday.

2009\391 Beverly Christy, Ottumwa – For celebrating her 75<sup>th</sup> birthday.

2009\392 Milton Forbes, Ottumwa – For celebrating his 90<sup>th</sup> birthday.

2009\393 Mary Morris, Cedar Rapids – For celebrating her 80<sup>th</sup> birthday.

2009\394 Eugene Lawrence, Mount Vernon – For celebrating his 75<sup>th</sup> birthday.

2009\395 Leonard Kamberling, Lisbon – For celebrating his 85<sup>th</sup> birthday.

2009\396 Willis Lamb, Cedar Rapids – For celebrating his 80<sup>th</sup> birthday.

2009\397 Josephine Rozinek, Ely – For celebrating her 90<sup>th</sup> birthday.

2009\398 Irene Fishel, Edgewood – For celebrating her 90<sup>th</sup> birthday.

2009\399 Velma Burke, Earlville – For celebrating her 90<sup>th</sup> birthday.

2009\400 Leo McNally, Monona – For celebrating his 95<sup>th</sup> birthday.

2009\401 Marjorie Drahn, Monona – For celebrating her 80<sup>th</sup> birthday.

2009\402 Milford Koehn, Elkader – For celebrating his 80<sup>th</sup> birthday.

2009\403 Cecil Torrey, Guttenberg – For celebrating his 85<sup>th</sup> birthday.

- 2009\404 Arthur Eschen, Lamont – For celebrating his 80<sup>th</sup> birthday.
- 2009\405 Vesta Kern, Guttenberg – For celebrating her 90<sup>th</sup> birthday.
- 2009\406 William Reardon, Farmersburg – For celebrating his 80<sup>th</sup> birthday.
- 2009\407 Gerald Knight, Mason City – For celebrating his 100<sup>th</sup> birthday.
- 2009\408 Marjorie Peterson, Mason City – For celebrating her 85<sup>th</sup> birthday.
- 2009\409 Kathryn Stevenson, Mason City – For celebrating her 90<sup>th</sup> birthday.
- 2009\410 Marian Dahlstrom, Mason City – For celebrating her 85<sup>th</sup> birthday.
- 2009\411 Barbara Tyler, Mason City – For celebrating her 80<sup>th</sup> birthday.
- 2009\412 Alfred Herlitzka, Mason City – For celebrating his 85<sup>th</sup> birthday.
- 2009\413 Phyllis Ruby, Mason City – For celebrating her 80<sup>th</sup> birthday.
- 2009\414 Constance Johnson, Mason City – For celebrating her 75<sup>th</sup> birthday.
- 2009\415 Beverly Pearson, Cedar Rapids – For celebrating her 75<sup>th</sup> birthday.
- 2009\416 Donella Watkinson, Cedar Rapids – For celebrating her 75<sup>th</sup> birthday.
- 2009\417 Norma Meyer, Cedar Rapids – For celebrating her 85<sup>th</sup> birthday.
- 2009\418 Miriam Morgan, Cedar Rapids – For celebrating her 85<sup>th</sup> birthday.
- 2009\419 Georgia Schilling, Cedar Rapids – For celebrating her 75<sup>th</sup> birthday.
- 2009\420 Orton Gralund, Cedar Rapids – For celebrating his 90<sup>th</sup> birthday.
- 2009\421 Janet Webster, Cedar Rapids – For celebrating her 75<sup>th</sup> birthday.
- 2009\422 Arlene Hansel, Sioux City – For celebrating her 80<sup>th</sup> birthday.
- 2009\423 Annetta Weihe, Sioux City – For celebrating her 75<sup>th</sup> birthday.
- 2009\424 Lester Barger, Sioux City – For celebrating his 75<sup>th</sup> birthday.
- 2009\425 Kent Crandall, Sioux City – For celebrating his 75<sup>th</sup> birthday.
- 2009\426 Margaret Finken, Sioux City – For celebrating her 75<sup>th</sup> birthday.
- 2009\427 Doris Johnson, Sioux City – For celebrating her 80<sup>th</sup> birthday.
- 2009\428 Martha Jean Nichols, West Liberty – For celebrating her 90<sup>th</sup> birthday.
- 2009\429 Leona Dewell, Clarence – For celebrating her 95<sup>th</sup> birthday.

- 2009\430 Irene Decker, Clarence – For celebrating her 90<sup>th</sup> birthday.
- 2009\431 Robert and Lavonne Voss, Clinton – For celebrating their 50<sup>th</sup> anniversary.
- 2009\432 Ashlie Decker, West Des Moines – For winning the Iowa State Cross Country individual title in Class 4A.
- 2009\433 Alice Steckelberg, Avoca – For celebrating her 90<sup>th</sup> birthday.
- 2009\434 Lucille Koch, Panama – For celebrating her 80<sup>th</sup> birthday.
- 2009\435 Don and Betty Moser, Guttenberg – For celebrating their 62<sup>nd</sup> anniversary.
- 2009\436 Edward and Mardella Wiedenman, Farmersburg – For celebrating their 60<sup>th</sup> anniversary.
- 2009\437 Marion and Fern Olson, Monona – For celebrating their 60<sup>th</sup> anniversary.
- 2009\438 Alice Andreae, Elkader – For celebrating her 105<sup>th</sup> birthday.
- 2009\439 Vesta Kern, Guttenberg – For celebrating her 90<sup>th</sup> birthday.
- 2009\440 Edith Nading, McGregor – For celebrating her 80<sup>th</sup> birthday.
- 2009\441 Henry Van Ballegooyen, Hawarden – For celebrating his 80<sup>th</sup> birthday.
- 2009\442 Dorothy Schumacher, Hawarden – For celebrating her 85<sup>th</sup> birthday.
- 2009\443 Lucille Draman, Orient – For celebrating her 90<sup>th</sup> birthday.
- 2009\444 Leon and Carole Lundy, Greenfield – For celebrating their 50<sup>th</sup> anniversary.
- 2009\445 Ray and Gertrude Van Wyk, Pella – For celebrating their 60<sup>th</sup> anniversary.
- 2009\446 Jim and Helen Bell, Dyersville – For celebrating their 60<sup>th</sup> anniversary.
- 2009\447 Marion “Junior” Kuntz, Burlington – For celebrating his 90<sup>th</sup> birthday.
- 2009\448 Agnes Slater, Wapello – For celebrating her 95<sup>th</sup> birthday.
- 2009\449 Ralph E. and Marie A. Pace, Muscatine – For celebrating their 70<sup>th</sup> anniversary.
- 2009\450 Bruce and Sandra Huston, Muscatine – For celebrating their 50<sup>th</sup> anniversary.

- 2009\451 Lena Fedders, Sioux Center – For celebrating her 90<sup>th</sup> birthday.
- 2009\452 Sy Bakker, Hull – For celebrating his 80<sup>th</sup> birthday.
- 2009\453 Amelia Roemen, Inwood – For celebrating her 86<sup>th</sup> birthday.
- 2009\454 Loren Reed, Spencer – For celebrating his 90<sup>th</sup> birthday.
- 2009\455 Ray and Alma Puhrmann, Paullina – For celebrating their 70<sup>th</sup> anniversary.
- 2009\456 Marlyn Woelber, Boyden – For being named a 2008 Iowa Master Pork Producer by the Iowa Pork Producers Association.
- 2009\457 Elizabeth Meis, Sioux City – For receiving an Excellence in Education grant from the Siouxland Community Foundation.
- 2009\458 Erin Pinney, Sioux City – For receiving an Excellence in Education grant from the Siouxland Community Foundation.
- 2009\459 Alyce Strong, Sioux City – For receiving an Excellence in Education grant from the Siouxland Community Foundation.
- 2009\460 Jennifer Koch, Sioux City – For receiving an Excellence in Education grant from the Siouxland Community Foundation.
- 2009\461 Julie Prusa, Sioux City – For receiving an Excellence in Education grant from the Siouxland Community Foundation.
- 2009\462 Alison Rininger, Sioux City – For receiving an Excellence in Education grant from the Siouxland Community Foundation.
- 2009\463 Debra Smith, Sioux City – For receiving an Excellence in Education grant from the Siouxland Foundation.
- 2009\464 Judeen Matsuo, Sioux City – For receiving an Excellence in Education grant from the Siouxland Community Foundation.
- 2009\465 Heidi Christensen, Sioux City – For receiving an Excellence in Education grand from the Siouxland Community Foundation.
- 2009\466 Stephanie White, Sioux City – For receiving an Excellence in Education grant from the Siouxland Community Foundation.
- 2009\467 Phil Harrington, Adel – For receiving the Friends of Guidance Award from the Association for Career and Technical Education Guidance and Career Development Division.
- 2009\468 Michael and Angie Meier, Clarinda – For being named 2008 Iowa Master Pork Producers by the Iowa Pork Producers Association.

- 2009\469 Jonathan Jay Penry, Malvern – For receiving the Student Leader in Career and Technical Education: Health Occupations Students of America Award.
- 2009\470 Phyllis Bauer, Waterloo – For celebrating her 80<sup>th</sup> birthday.
- 2009\471 Everett Pint, Waterloo – For celebrating his 85<sup>th</sup> birthday.
- 2009\472 Marlene Hogan, Waterloo – For celebrating her 75<sup>th</sup> birthday.
- 2009\473 Lewis Carpenter, Waterloo – For celebrating his 90<sup>th</sup> birthday.
- 2009\474 Harold Blocker, Waterloo – For celebrating his 75<sup>th</sup> birthday.
- 2009\475 Glenn Nyman, Waterloo – For celebrating his 75<sup>th</sup> birthday.
- 2009\476 Bryon Sells, Waterloo – For celebrating his 75<sup>th</sup> birthday.
- 2009\477 Francis Camarata, Waterloo – For celebrating his 75<sup>th</sup> birthday.
- 2009\478 William Smith Jr., Waterloo – For celebrating his 75<sup>th</sup> birthday.
- 2009\479 Ivan Goodwin, Waterloo – For celebrating his 85<sup>th</sup> birthday.
- 2009\480 Myrle Bjerke, Waterloo – For celebrating her 80<sup>th</sup> birthday.
- 2009\481 Robert Ferguson, Waterloo – For celebrating his 80<sup>th</sup> birthday.
- 2009\482 Janice Brown, Waterloo – For celebrating her 75<sup>th</sup> birthday.
- 2009\483 Delores Teare, Waterloo – For celebrating her 75<sup>th</sup> birthday.
- 2009\484 Neola Norris, Waterloo – For celebrating her 100<sup>th</sup> birthday.
- 2009\485 Carol Fassett, Waterloo – For celebrating her 75<sup>th</sup> birthday.
- 2009\486 Norene Kirkevold, Waterloo – For celebrating her 80<sup>th</sup> birthday.
- 2009\487 Carole Mountain, Waterloo – For celebrating her 75<sup>th</sup> birthday.
- 2009\488 Russell Renner, Waterloo – For celebrating his 80<sup>th</sup> birthday.
- 2009\489 Marian Stout, Waterloo – For celebrating her 80<sup>th</sup> birthday.
- 2009\490 Renee Dubuc, Waterloo – For celebrating her 85<sup>th</sup> birthday.
- 2009\491 Mary Taylor, Waterloo – For celebrating her 75<sup>th</sup> birthday.
- 2009\492 Carroll Conlkin, Independence – For celebrating his 80<sup>th</sup> birthday.
- 2009\493 Robert Nelson, Independence – For celebrating his 85<sup>th</sup> birthday.

- 2009\494 Catherine Crawford, Winthrop – For celebrating her 80<sup>th</sup> birthday.
- 2009\495 Betty Engelkes, La Porte City – For celebrating her 80<sup>th</sup> birthday.
- 2009\496 Harlan Reck, Winthrop – For celebrating his 75<sup>th</sup> birthday.
- 2009\497 Lucille McGrath, Independence – For celebrating her 90<sup>th</sup> birthday.
- 2009\498 Ronald Peters, La Porte City – For celebrating his 75<sup>th</sup> birthday.
- 2009\499 Dorothy Stamper, Independence – For celebrating her 90<sup>th</sup> birthday.
- 2009\500 Derald Miller, Washburn – For celebrating his 75<sup>th</sup> birthday.
- 2009\501 M. Alice Zuck, La Porte City – For celebrating her 75<sup>th</sup> birthday.
- 2009\502 Agnes Anderson, La Porte City – For celebrating her 95<sup>th</sup> birthday.
- 2009\503 Bonnie MacHacek, Winthrop – For celebrating her 90<sup>th</sup> birthday.
- 2009\504 Estell Noland, Ottumwa – For celebrating her 90<sup>th</sup> birthday.
- 2009\505 William Watson, Ottumwa – For celebrating his 85<sup>th</sup> birthday.
- 2009\506 Daniel Kent, Ottumwa – For celebrating his 75<sup>th</sup> birthday.
- 2009\507 Rita Pulver, Bloomfield – For celebrating her 75<sup>th</sup> birthday.
- 2009\508 Thurlow Ellis, Ottumwa – For celebrating his 75<sup>th</sup> birthday.
- 2009\509 Polly Wells, Ottumwa – For celebrating her 75<sup>th</sup> birthday.
- 2009\510 Harold Lisk, Ottumwa – For celebrating his 80<sup>th</sup> birthday.
- 2009\511 Dorothy Weirbach, Ottumwa – For celebrating her 80<sup>th</sup> birthday.
- 2009\512 Lavina Deevers, Ottumwa – For celebrating her 75<sup>th</sup> birthday.
- 2009\513 Katherine Stevens, Ottumwa – For celebrating her 75<sup>th</sup> birthday.
- 2009\514 James Holder, Ottumwa – For celebrating his 90<sup>th</sup> birthday.
- 2009\515 Naomi Poncy, Ottumwa – For celebrating her 90<sup>th</sup> birthday.
- 2009\516 Frances Wilson, Ottumwa – For celebrating her 80<sup>th</sup> birthday.
- 2009\517 Pauline Allen, Ottumwa – For celebrating her 85<sup>th</sup> birthday.
- 2009\518 Jean Zollars, Ottumwa – For celebrating her 85<sup>th</sup> birthday.
- 2009\519 Arlene Douglas, Ottumwa – For celebrating her 75<sup>th</sup> birthday.



- 2009\520 Mary Millard, Ottumwa – For celebrating her 85<sup>th</sup> birthday.
- 2009\521 Dorothy Thielen, Ottumwa – For celebrating her 90<sup>th</sup> birthday.
- 2009\522 Dorven Bride, Ottumwa – For celebrating his 75<sup>th</sup> birthday.
- 2009\523 Jo Davis, Ottumwa – For celebrating her 75<sup>th</sup> birthday.
- 2009\524 Joseph Seilx, Ottumwa – For celebrating his 80<sup>th</sup> birthday.
- 2009\525 Louis Galetich, Madrid – For celebrating his 80<sup>th</sup> birthday.
- 2009\526 Rosemary Sampson, Ames – For celebrating her 80<sup>th</sup> birthday.
- 2009\527 Roger Hogle, Ames – For celebrating his 75<sup>th</sup> birthday.
- 2009\528 Vernon Vermeer, Ames – For celebrating his 75<sup>th</sup> birthday.
- 2009\529 Margaret Gross, Ames – For celebrating her 85<sup>th</sup> birthday.
- 2009\530 Elizabeth Stevenson, Ames – For celebrating her 85<sup>th</sup> birthday.
- 2009\531 Pauline Book, Ames – For celebrating her 90<sup>th</sup> birthday.
- 2009\532 Dick Verheul, Ames – For celebrating his 75<sup>th</sup> birthday.
- 2009\533 Ruth Smith, Ames – For celebrating her 75<sup>th</sup> birthday.
- 2009\534 Lenita Carstens, Ames – For celebrating her 85<sup>th</sup> birthday.
- 2009\535 William Stewart, Ames – For celebrating his 80<sup>th</sup> birthday.
- 2009\536 Robert Van Doren, Ames – For celebrating his 95<sup>th</sup> birthday.
- 2009\537 Lester Gibbons, Madrid – For celebrating his 80<sup>th</sup> birthday.
- 2009\538 Harold King, Pleasant Hill – For celebrating his 75<sup>th</sup> birthday.
- 2009\539 Wilma Cornelius, Altoona – For celebrating her 80<sup>th</sup> birthday.
- 2009\540 Jean Hackett, Des Moines – For celebrating her 75<sup>th</sup> birthday.
- 2009\541 Betty Pope, Bondurant – For celebrating her 80<sup>th</sup> birthday.
- 2009\542 Clyde Bishop, Runnells – For celebrating his 80<sup>th</sup> birthday.
- 2009\543 Merrill Hall, Bondurant – For celebrating his 85<sup>th</sup> birthday.
- 2009\544 Charles Hulen, Prairie City – For celebrating his 90<sup>th</sup> birthday.
- 2009\545 Nancy Gill, Altoona – For celebrating her 75<sup>th</sup> birthday.

- 2009\546 Alice Paul, Des Moines – For celebrating her 75<sup>th</sup> birthday.
- 2009\547 Gertrude Klinge, Dubuque – For celebrating her 90<sup>th</sup> birthday.
- 2009\548 Rosemary Radtke, Dubuque – For celebrating her 85<sup>th</sup> birthday.
- 2009\549 Jennie Gagliano, Dubuque – For celebrating her 80<sup>th</sup> birthday.
- 2009\550 Margaret Hosier, Dubuque – For celebrating her 80<sup>th</sup> birthday.
- 2009\551 Mildred Scharf, Dubuque – For celebrating her 80<sup>th</sup> birthday.
- 2009\552 Beverly Braden, Dubuque – For celebrating her 75<sup>th</sup> birthday.
- 2009\553 George Davis, Dubuque – For celebrating his 95<sup>th</sup> birthday.
- 2009\554 Shella Kobza, Dubuque – For celebrating her 75<sup>th</sup> birthday.
- 2009\555 Rita Schiltz, Dubuque – For celebrating her 85<sup>th</sup> birthday.
- 2009\556 Vincent Troy, Dubuque – For celebrating his 75<sup>th</sup> birthday.
- 2009\557 Roger Hedrick, Dubuque – For celebrating his 75<sup>th</sup> birthday.
- 2009\558 Richard Westhoff, Dubuque – For celebrating his 75<sup>th</sup> birthday.
- 2009\559 Francis Reinert, Dubuque – For celebrating his 75<sup>th</sup> birthday.
- 2009\560 Francis Breitbach, Dubuque – For celebrating his 90<sup>th</sup> birthday.
- 2009\561 Ronald Cavanaugh, Dubuque – For celebrating his 80<sup>th</sup> birthday.
- 2009\562 Elizabeth Schmit, Dubuque – For celebrating her 75<sup>th</sup> birthday.
- 2009\563 Thomas Breitbach, Dubuque – For celebrating his 85<sup>th</sup> birthday.
- 2009\564 Maurice Carew, Dubuque – For celebrating his 85<sup>th</sup> birthday.
- 2009\565 Ross Hagen, Iowa City – For celebrating his 80<sup>th</sup> birthday.
- 2009\566 Robert Kabel, North Liberty – For celebrating his 75<sup>th</sup> birthday.
- 2009\567 Won Choi, Iowa City – For celebrating his 75<sup>th</sup> birthday.
- 2009\568 Marjorie Lamansky, Coralville – For celebrating her 80<sup>th</sup> birthday.
- 2009\569 Beverly Dolezal, Tiffin – For celebrating her 75<sup>th</sup> birthday.
- 2009\570 Myrna Farraj, Iowa City – For celebrating her 75<sup>th</sup> birthday.
- 2009\571 Vivian Woodley, North Liberty – For celebrating her 80<sup>th</sup> birthday.

- 2009\572 William Bryant, Coralville – For celebrating his 85<sup>th</sup> birthday.
- 2009\573 Joyce Juvan, North Liberty – For celebrating her 75<sup>th</sup> birthday.
- 2009\574 Clifford Poots, Coralville – For celebrating his 75<sup>th</sup> birthday.
- 2009\575 Sally Burchett, Keokuk – For celebrating her 75<sup>th</sup> birthday.
- 2009\576 Ray Kern, Fort Madison – For celebrating his 85<sup>th</sup> birthday.
- 2009\577 Martha Sandona, Keokuk – For celebrating her 85<sup>th</sup> birthday.
- 2009\578 Cynthia Breiten Bucher, Keokuk – For celebrating her 80<sup>th</sup> birthday.
- 2009\579 Lucille Menke, Fort Madison – For celebrating her 85<sup>th</sup> birthday.
- 2009\580 Richard Shriver, Fort Madison – For celebrating his 80<sup>th</sup> birthday.
- 2009\581 Marilyn Noll, Fort Madison – For celebrating her 80<sup>th</sup> birthday.
- 2009\582 John Stice, Keokuk – For celebrating his 85<sup>th</sup> birthday.
- 2009\583 Rose Decker, Montrose – For celebrating her 75<sup>th</sup> birthday.
- 2009\584 Curtis Ayers, Keokuk – For celebrating his 75<sup>th</sup> birthday.
- 2009\585 Sarah Fletcher, Keokuk – For celebrating her 80<sup>th</sup> birthday.
- 2009\586 Barbara Arnold, Fort Madison – For celebrating her 75<sup>th</sup> birthday.
- 2009\587 V. Irene Smith, Montrose – For celebrating her 85<sup>th</sup> birthday.
- 2009\588 Robert Ashworth, Keokuk – For celebrating his 80<sup>th</sup> birthday.
- 2009\589 Gwendolyn Worster, Keokuk – For celebrating her 75<sup>th</sup> birthday.
- 2009\590 Roslyn Kamp, Fort Madison – For celebrating her 80<sup>th</sup> birthday.
- 2009\591 Marion Swearingen, Fort Madison – For celebrating her 85<sup>th</sup> birthday.
- 2009\592 Peggy Smith, Keokuk – For celebrating her 75<sup>th</sup> birthday.
- 2009\593 Odetta Steeples, Fort Madison – For celebrating her 80<sup>th</sup> birthday.
- 2009\594 James Groff, Davenport – For celebrating his 80<sup>th</sup> birthday.
- 2009\595 Marilyn Eckermen, Davenport – For celebrating her 75<sup>th</sup> birthday.
- 2009\596 Henrietta Graham, Davenport – For celebrating her 85<sup>th</sup> birthday.
- 2009\597 Evelyn Habenicht, Davenport – For celebrating her 75<sup>th</sup> birthday.

- 2009\598 Roy Vanderkamp, Davenport – For celebrating his 90<sup>th</sup> birthday.
- 2009\599 Richard Savala, Davenport – For celebrating his 75<sup>th</sup> birthday.
- 2009\600 Alice Witt, Davenport – For celebrating her 85<sup>th</sup> birthday.
- 2009\601 Evelyn Bachelder, Davenport – For celebrating her 85<sup>th</sup> birthday.
- 2009\602 Virginia Comstock, Davenport – For celebrating her 85<sup>th</sup> birthday.
- 2009\603 Evelyn Teel, Davenport – For celebrating her 85<sup>th</sup> birthday.
- 2009\604 Lorraine Burroughs, Davenport – For celebrating her 80<sup>th</sup> birthday.
- 2009\605 Wesley Hein, Davenport – For celebrating his 75<sup>th</sup> birthday.
- 2009\606 Mary Landhauser, Davenport – For celebrating her 80<sup>th</sup> birthday.
- 2009\607 Agnes Neumann, Davenport – For celebrating her 95<sup>th</sup> birthday.
- 2009\608 Alice Rowland, Davenport – For celebrating her 85<sup>th</sup> birthday.
- 2009\609 Irene Howell, Davenport – For celebrating her 90<sup>th</sup> birthday.
- 2009\610 Marilyn Robbins, Davenport – For celebrating her 85<sup>th</sup> birthday.
- 2009\611 Robert Rowe, Davenport – For celebrating his 80<sup>th</sup> birthday.
- 2009\612 Carl Giannetto, Marshalltown – For celebrating his 75<sup>th</sup> birthday.
- 2009\613 Gene Seim, Marshalltown – For celebrating his 80<sup>th</sup> birthday.
- 2009\614 Jean Brennecke, Marshalltown – For celebrating her 90<sup>th</sup> birthday.
- 2009\615 Dorothy Sutherland, Albion – For celebrating her 75<sup>th</sup> birthday.
- 2009\616 June Gummert, Marshalltown – For celebrating her 85<sup>th</sup> birthday.
- 2009\617 Oscar Shore, Marshalltown – For celebrating his 80<sup>th</sup> birthday.
- 2009\618 Robert Gunderson, Marshalltown – For celebrating his 80<sup>th</sup> birthday.
- 2009\619 Joseph Bramon, Marshalltown – For celebrating his 75<sup>th</sup> birthday.
- 2009\620 Myron Shetler, Marshalltown – For celebrating his 85<sup>th</sup> birthday.
- 2009\621 Barbara Thomas, Marshalltown – For celebrating her 75<sup>th</sup> birthday.
- 2009\622 Charles Boyd, Marshalltown – For celebrating his 85<sup>th</sup> birthday.
- 2009\623 Donna Eddy, Marshalltown – For celebrating her 75<sup>th</sup> birthday.

- 2009\624 Mildred Mayer, Marshalltown – For celebrating her 80<sup>th</sup> birthday.
- 2009\625 G. Ward Miller, Marshalltown – For celebrating his 75<sup>th</sup> birthday.
- 2009\626 Ennola Ennor, Marshalltown – For celebrating her 75<sup>th</sup> birthday.
- 2009\627 Thelma Clemons, Marshalltown – For celebrating her 85<sup>th</sup> birthday.
- 2009\628 Mary Hamblin, Marshalltown – For celebrating her 80<sup>th</sup> birthday.
- 2009\629 Claire Wolter, Marshalltown – For celebrating her 85<sup>th</sup> birthday.
- 2009\630 Joyce Gaunt, Marshalltown – For celebrating her 80<sup>th</sup> birthday.
- 2009\631 Geraldine Dodge, Marshalltown – For celebrating her 80<sup>th</sup> birthday.
- 2009\632 Carl Galloway, Marshalltown – For celebrating his 95<sup>th</sup> birthday.
- 2009\633 Elwood Hass, Marshalltown – For celebrating his 95<sup>th</sup> birthday.
- 2009\634 Jean Casey, Mason City – For celebrating her 90<sup>th</sup> birthday.
- 2009\635 Sally Ward, Mason City – For celebrating her 75<sup>th</sup> birthday.
- 2009\636 George Pappas, Mason City – For celebrating his 80<sup>th</sup> birthday.
- 2009\637 Charlotte Ring, Mason City – For celebrating her 75<sup>th</sup> birthday.
- 2009\638 Richard Sutton, Mason City – For celebrating his 75<sup>th</sup> birthday.
- 2009\639 Doris Lumley, Mason City – For celebrating her 90<sup>th</sup> birthday.
- 2009\640 Fred Crovisier, Mason City – For celebrating his 90<sup>th</sup> birthday.
- 2009\641 Elaine Halsne, Mason City – For celebrating her 90<sup>th</sup> birthday.
- 2009\642 Lloyd Klein, Mason City – For celebrating his 85<sup>th</sup> birthday.
- 2009\643 Reverend Leonard Root, Mason City – For celebrating his 80<sup>th</sup> birthday.
- 2009\644 Betty Fibelstad, Mason City – For celebrating her 75<sup>th</sup> birthday.
- 2009\645 Margaret Huygens, Mason City – For celebrating her 75<sup>th</sup> birthday.
- 2009\646 Jack McCourt, Mason City – For celebrating his 75<sup>th</sup> birthday.
- 2009\647 Jean Boomhower, Mason City – For celebrating her 85<sup>th</sup> birthday.
- 2009\648 Carlene Roof, Mason City – For celebrating her 80<sup>th</sup> birthday.
- 2009\649 Robert Ehlers, Mason City – For celebrating his 80<sup>th</sup> birthday.

- 2009\650 Francis Harrer, Mason City – For celebrating his 85<sup>th</sup> birthday.
- 2009\651 Joan Bantz, Mason City – For celebrating her 80<sup>th</sup> birthday.
- 2009\652 Vernice Klesath, Mason City – For celebrating her 75<sup>th</sup> birthday.
- 2009\653 Betty Lowe, Mason City – For celebrating her 80<sup>th</sup> birthday.
- 2009\654 Inez Siefken, Mason City – For celebrating her 85<sup>th</sup> birthday.
- 2009\655 Marilyn Bertelsen, Mason City – For celebrating her 75<sup>th</sup> birthday.
- 2009\656 August Groh Jr., Mason City – For celebrating his 80<sup>th</sup> birthday.
- 2009\657 A. Pauline Vanheel, Mason City – For celebrating her 85<sup>th</sup> birthday.
- 2009\658 Westly Bahnsen, Mason City – For celebrating his 75<sup>th</sup> birthday.
- 2009\659 John Seger, Mason City – For celebrating his 75<sup>th</sup> birthday.
- 2009\660 Kenneth Rainbolt, Cedar Rapids – For celebrating his 85<sup>th</sup> birthday.
- 2009\661 Robert Just, Cedar Rapids – For celebrating his 90<sup>th</sup> birthday.
- 2009\662 Margaret Omeara, Cedar Rapids – For celebrating her 90<sup>th</sup> birthday.
- 2009\663 Lowell Waybill, Cedar Rapids – For celebrating his 75<sup>th</sup> birthday.
- 2009\664 Velma Lutz, Cedar Rapids – For celebrating her 80<sup>th</sup> birthday.
- 2009\665 Helen Vickery, Cedar Rapids – For celebrating her 90<sup>th</sup> birthday.
- 2009\666 Lois Thompson, Cedar Rapids – For celebrating her 80<sup>th</sup> birthday.
- 2009\667 Robert Mitchell, Cedar Rapids – For celebrating his 85<sup>th</sup> birthday.
- 2009\668 Ruth Darling, Cedar Rapids – For celebrating her 85<sup>th</sup> birthday.
- 2009\669 James Hutton, Cedar Rapids – For celebrating his 75<sup>th</sup> birthday.
- 2009\670 Cleone Merrifield, Cedar Rapids – For celebrating her 90<sup>th</sup> birthday.
- 2009\671 Luella Vileta, Cedar Rapids – For celebrating her 85<sup>th</sup> birthday.
- 2009\672 Bruno Wildeboer, Garnavillo – For celebrating his 85<sup>th</sup> birthday.
- 2009\673 Edith Nading, McGregor – For celebrating her 80<sup>th</sup> birthday.
- 2009\674 Dorothy Kann, Guttenberg – For celebrating her 90<sup>th</sup> birthday.
- 2009\675 James Kellogg, Strawberry Point – For celebrating his 80<sup>th</sup> birthday.

- 2009\676 Juanita Marting, Farmersburg – For celebrating her 80<sup>th</sup> birthday.
- 2009\677 Letha Walters, Earlville – For celebrating her 90<sup>th</sup> birthday.
- 2009\678 Earlene Thompson, Manchester – For celebrating her 80<sup>th</sup> birthday.
- 2009\679 Dorothy Fauser, Elgin – For celebrating her 80<sup>th</sup> birthday.
- 2009\680 Alice Powell, Strawberry Point – For celebrating her 85<sup>th</sup> birthday.
- 2009\681 Aleta Reeder, Elgin – For celebrating her 85<sup>th</sup> birthday.
- 2009\682 Robert Hinkel, Marquette – For celebrating his 80<sup>th</sup> birthday.
- 2009\683 Janice Thiese, Guttenberg – For celebrating her 80<sup>th</sup> birthday.
- 2009\684 Carol Jorgensen, Strawberry Point – For celebrating her 85<sup>th</sup> birthday.
- 2009\685 Randolph Reiersen, Elgin – For celebrating his 90<sup>th</sup> birthday.
- 2009\686 Kermit Glass, Arlington – For celebrating his 85<sup>th</sup> birthday.
- 2009\687 Patricia Norton, Sioux City – For celebrating her 75<sup>th</sup> birthday.
- 2009\688 Mary McElroy, Sioux City – For celebrating her 80<sup>th</sup> birthday.
- 2009\689 Kenneth O’Dea Sr., Sioux City – For celebrating his 75<sup>th</sup> birthday.
- 2009\690 Ralph Thomas, Sioux City – For celebrating his 80<sup>th</sup> birthday.
- 2009\691 Marian Le Grand, Sioux City – For celebrating her 80<sup>th</sup> birthday.
- 2009\692 Richard Jorstad, Sioux City – For celebrating his 75<sup>th</sup> birthday.
- 2009\693 Richard Brennan, Sioux City – For celebrating his 80<sup>th</sup> birthday.
- 2009\694 Twila Weaver, Sioux City – For celebrating her 85<sup>th</sup> birthday.
- 2009\695 Franklin Henrich, Sioux City – For celebrating his 75<sup>th</sup> birthday.
- 2009\696 Velmer Hughes, Sioux City – For celebrating his 75<sup>th</sup> birthday.
- 2009\697 Florence McCormick, Sioux City – For celebrating her 95<sup>th</sup> birthday.
- 2009\698 Elvin Rasmussen, Sioux City – For celebrating his 75<sup>th</sup> birthday.
- 2009\699 Verona Trosper, Sioux City – For celebrating her 75<sup>th</sup> birthday.
- 2009\700 Carol Henderson, Central City – For celebrating her 80<sup>th</sup> birthday.
- 2009\701 Opal Laetare, Lisbon – For celebrating her 90<sup>th</sup> birthday.

2009\702 Norma Fetter, Cedar Rapids – For celebrating her 75<sup>th</sup> birthday.

2009\703 Warren Frey, Lisbon – For celebrating his 85<sup>th</sup> birthday.

2009\704 Laverne Chapman, Central City – For celebrating his 75<sup>th</sup> birthday.

2009\705 Wilbur Lingel, Solon – For celebrating his 80<sup>th</sup> birthday.

2009\706 Martha Buresh, Cedar Rapids – For celebrating her 90<sup>th</sup> birthday.

2009\707 Ruth Lumbus, Solon – For celebrating her 75<sup>th</sup> birthday.

2009\708 Ellen Jones, Ely – For celebrating her 75<sup>th</sup> birthday.

#### SUBCOMMITTEE ASSIGNMENTS

##### **House File 5**

Commerce: Reichert, Chair; Pettengill and Shomshor.

##### **House File 6**

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

##### **House File 9**

Transportation: Abdul-Samad, Chair; Arnold and Quirk.

##### **House File 10**

Labor: Abdul-Samad, Chair; Watts and Winckler.

##### **House File 11**

Labor: Hunter, Chair; Cownie and Mascher.

##### **House File 16**

Education: Kelley, Chair; Koester and Steckman.

##### **House File 17**

Transportation: Abdul-Samad, Chair; Arnold and Quirk.

##### **House File 18**

Transportation: Quirk, Chair; Bell and Wagner.

##### **House File 19**

Transportation: Abdul-Samad, Chair; Arnold and Quirk.



**House File 20**

Transportation: Lykam, Chair; May and Wendt.

**House File 22**

Veterans Affairs: Mascher, Chair; Van Engelenhoven and Zirkelbach.

**House File 24**

Labor: Hunter, Chair; Burt and Van Engelenhoven.

**House File 25**

Commerce: T. Olson, Chair; Kressig and Sorenson.

**House File 26**

Education: Wendt, Chair; Dolecheck and Willems.

**House File 28**

Transportation: Wenthe, Chair; Hagenow and Kelley.

**House File 29**

Veterans Affairs: Zirkelbach, Chair; Bailey and Tymeson.

**House File 34**

Public Safety: Heddens, Chair; Baudler and Burt.

**House File 35**

Transportation: Quirk, Chair; Abdul-Samad and May.

**House File 38**

Education: Kelley, Chair; L. Miller and Steckman.

**House File 40**

Education: Heddens, Chair; Cownie and Ford.

**House File 44**

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

**House File 46**

Commerce: Kressig, Chair; Reasoner and Sorenson.

**House File 47**

Commerce: Oldson, Chair; Reasoner and Soderberg.

**House File 48**

State Government: Cohoon, Chair; Beard and Schulte.

**House File 50**

State Government: Mascher, Chair; Lensing and Pettengill.

**House File 62**

State Government: Lensing, Chair; Frevert and Kaufmann.

HOUSE STUDY BILL SUBCOMMITTEE ASSIGNMENTS

**House Study Bill 9**

Veterans Affairs: Mascher, Chair; Kearns and Tymeson.

**House Study Bill 10**

Veterans Affairs: Gayman, Chair; Ficken and Sweeney.

**House Study Bill 11**

State Government: Cohoon, Chair; Beard and Raecker.

**House Study Bill 12**

State Government: Mascher, Chair; Lensing and Pettengill.

**House Study Bill 13**

State Government: Lensing, Chair; Koester, Mascher, Pettengill and Quirk.

**House Study Bill 14**

State Government: Cohoon, Chair; Raecker and Willems.

**House Study Bill 15**

State Government: Cohoon, Chair; Quirk and Rants.

**House Study Bill 16**

State Government: Cohoon, Chair; Isenhardt and Schulte.

**House Study Bill 17**

State Government: Lensing, Chair; Kaufmann and T. Taylor.

**House Study Bill 18**

State Government: Quirk, Chair; Frevert and Koester.

**House Study Bill 28**

Judiciary: Lensing, Chair; Baudler and Willems.

**House Study Bill 29**

Judiciary: Ford, Chair; Kaufmann and Willems.

**House Study Bill 30**

Judiciary: Smith, Chair; Schultz and Wessel-Kroeschell.

**House Study Bill 31**

Judiciary: T. Olson, Chair; Huser and Schulte.

**House Study Bill 32**

State Government: Lensing, Chair; Kaufmann and T. Taylor.

**House Study Bill 33**

State Government: Mascher, Chair; Drake and Lensing.

**House Study Bill 34**

Judiciary: Mertz, Chair; Lensing and Struyk.

**House Study Bill 36**

Judiciary: Huser, Chair; Helland and Palmer.

**House Study Bill 37**

Judiciary: Wessel-Kroeschell, Chair; Struyk and Willems.

**House Study Bill 48**

Judiciary: Palmer, Chair; Horbach and R. Olson.

**House Study Bill 52**

State Government: Quirk, Chair; Koester and T. Taylor.

**House Study Bill 55**

Transportation: Marek, Chair; Huseman and Wenthe.

**House Study Bill 56**

Environmental Protection: Lensing, Chair; Reichert and Schultz.

**House Study Bill 57**

Environmental Protection: Lensing, Chair; Reichert and Soderberg.

**House Study Bill 58**

Environmental Protection: Kressig, Chair; Kearns and Watts.

**House Study Bill 59**

Environmental Protection: Frevert, Chair; Drake and H. Miller.

**House Study Bill 60**

Environmental Protection: Whitaker, Chair; Deyoe and H. Miller.

**House Study Bill 61**

Labor: Abdul-Samad, Chair; Anderson and Kearns.

**House Study Bill 62**

Labor: Hunter, Chair; Isenhardt and Watts.

**House Study Bill 63**

Labor: T. Taylor, Chair; Cownie and Willems.

**House Study Bill 65**

Veterans Affairs: Thomas, Chair; Alons and Kearns.

**House Study Bill 66**

Veterans Affairs: Bailey, Chair; D. Taylor and Watts.

**House Study Bill 67**

Commerce: Kressig, Chair; D. Olson and Sands.

**House Study Bill 68**

Commerce: Kressig, Chair; Helland and D. Olson.

**House Study Bill 69**

Commerce: Reasoner, Chair; Helland and Kressig.

**HOUSE STUDY BILL COMMITTEE ASSIGNMENTS****H.S.B. 70 Veterans Affairs**

Proposing an amendment to the Constitution of the State of Iowa requiring public or private funds appropriated, allocated, or received by the state to provide assistance to veterans to be used for that purpose.

**H.S.B. 71 Judiciary**

Relating to the commission of a criminal offense classified as murder in the first degree, and providing a penalty.

**H.S.B. 72 Commerce**

Specifying a duty of agency applicable to licensed mortgage brokers and making penalties applicable.

**H.S.B. 73 State Government**

Providing that wage discrimination is an unfair employment practice under the Iowa civil rights Act and providing an enhanced remedy.

**H.S.B. 74 Public Safety**

Relating to the crime of human trafficking.

**H.S.B. 75 Public Safety**

Relating to the criminal offenses of enticing a minor, and the possession, distribution, and reporting of obscene material, and providing penalties.

**H.S.B. 76 Public Safety**

Relating to required testing for infectious diseases of persons under supervision of judicial district departments of correctional services.

**H.S.B. 77 Public Safety**

Enhancing the penalty for certain domestic abuse assault cases and providing a penalty.

**COMMITTEE RECOMMENDATION**

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

MARK W. BRANDSGARD  
Chief Clerk of the House

**COMMITTEE ON APPROPRIATIONS**

**House File 64**, a bill for an act relating to disaster assistance by providing a jumpstart housing assistance program, disaster aid individual assistance grants, a rebuild Iowa office, and community disaster grants, making appropriations, and providing effective and retroactive applicability dates.

Fiscal Note is not required.

Recommended **Do Pass with Amendment H-1001** January 22, 2009.

**AMENDMENT FILED**

H—1001      H.F.      64      Committee on Appropriations

On motion by McCarthy of Polk the House adjourned at 9:21 a.m., until 9:00 a.m., Friday, January 23, 2009.

# JOURNAL OF THE HOUSE

Twelfth Calendar Day - Ninth Session Day

Hall of the House of Representatives  
Des Moines, Iowa, Friday, January 23, 2009

The House met pursuant to adjournment at 9:08 a.m., Speaker Murphy in the chair.

Prayer was offered by the honorable Tom Schueller, state representative from Jackson County.

## PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Speaker Murphy.

The Journal of Thursday, January 22, 2009 was approved.

## INTRODUCTION OF BILLS

**House File 65**, by Smith, Heaton and L. Miller, a bill for an act establishing a shaken baby syndrome prevention program in the department of public health.

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

**House File 66**, by Horbach, a bill for an act providing for a waiver of liquor license fees for veterans organizations.

Read first time and referred to committee on **veterans affairs**.

**House File 67**, by Zirkelbach, a bill for an act providing an appropriation to establish an Iowa national guard infantry unit war veterans memorial.

Read first time and referred to committee on **veterans affairs**.

**House File 68**, by Zirkelbach, a bill for an act requiring insurance coverage benefits for veterans for treatment of mental illness and substance abuse.

Read first time and referred to committee on **veterans affairs**.

**House File 69**, by Whitaker, a bill for an act creating an unsewered community revolving loan program and fund.

Read first time and referred to committee on **environmental protection**.

**House File 70**, by Bell, a bill for an act authorizing counties to charge an administrative fee for issuance or renewal of a driver's license or nonoperator's identification card.

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

**House File 71**, by Heaton, a bill for an act authorizing the school budget review committee to provide transportation assistance to certain school districts and providing an appropriation.

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

**House File 72**, by Baudler, a bill for an act prohibiting telephone utilities from charging a monthly fee for unlisted telephone numbers requested and maintained by specified individuals.

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

**House File 73**, by L. Miller, a bill for an act requiring an incumbent cable provider applying for a certificate of franchise authority to maintain or honor concessions made by the company when entering into the company's original franchise agreement with the municipality.

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

**House File 74**, by Paulsen, Struyk, Helland and Upmeyer, a bill for an act relating to the establishment of a searchable budget database website for the public to access the details of the expenditure of state tax revenues and a searchable tax rate database for the public to access the details of each tax rate for all taxing districts in the state.

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



## 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

- 2009\709 Marilyn Ziskovsky, Swisher – For celebrating her 75<sup>th</sup> birthday.
- 2009\710 Viola Zahradnik, Ely – For celebrating her 80<sup>th</sup> birthday.
- 2009\711 Allen and Marilyn Drake, Patterson – For celebrating their 50<sup>th</sup> wedding anniversary.
- 2009\712 Gladys Higgason, Eldora – For celebrating her 90<sup>th</sup> birthday.
- 2009\713 Jim and Pat Holt, Knoxville – For celebrating their 60<sup>th</sup> wedding anniversary.
- 2009\714 Lorraine Wolbrink, Wellsburg – For celebrating her 90<sup>th</sup> birthday.
- 2009\715 LaVelle Richmann, Iowa Falls – For celebrating her 80<sup>th</sup> birthday.
- 2009\716 Jacob Heim, Cascade – For attaining the rank of Eagle Scout, the highest rank in the Boy Scouts of America.
- 2009\717 Bryce Althoff, Farley – For attaining the rank of Eagle Scout, the highest rank in the Boy Scouts of America.
- 2009\718 Brent Fangman, Asbury – For attaining the rank of Eagle Scout, the highest rank in the Boy Scouts of America.

## SUBCOMMITTEE ASSIGNMENTS

**House File 45**

Human Resources: Heddens, Chair; Baudler and Wendt.

**House File 55**

Veterans Affairs: Bailey, Chair; Whitead and Windschitl.

**House File 56**

Human Resources: Wendt, Chair; Koester and Steckman.

**House File 57**

Human Resources: Wendt, Chair; Soderberg and Steckman.

**House File 63**

Human Resources: Mascher, Chair; Alons and Hunter.

**HOUSE STUDY BILL SUBCOMMITTEE ASSIGNMENTS**

**House Study Bill 71**

Judiciary: T. Olson, Chair; Heaton and R. Olson.

**House Study Bill 72**

Commerce: Shomshor, Chair; Bailey and Wagner.

**House Study Bill 73**

State Government: Lensing, Chair; Isenhart and Pettengill.

**House Study Bill 74**

Public Safety: Heddens, Chair; Alons and Whitead.

**House Study Bill 75**

Public Safety: Berry, Chair; Heddens and Worthan.

**House Study Bill 76**

Public Safety: Tjepkes, Chair; Kressig and Reichert.

**House Study Bill 77**

Public Safety: Whitaker, Chair; Baudler and Whitead.

On motion by Schueller of Jackson the House adjourned at 9:13 a.m., until 1:00 p.m., Monday, January 26, 2009.

# JOURNAL OF THE HOUSE

Fifteenth Calendar Day - Tenth Session Day

Hall of the House of Representatives  
Des Moines, Iowa, Monday, January 26, 2009

The House met pursuant to adjournment at 1:20 p.m., Speaker Murphy in the chair.

Prayer was offered by Reverend Don Cox, pastor of Celebration First Assembly of God Church, Waterloo. He was the guest of Representative Doris Kelley from Black Hawk County.

## PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Cassie Wenger, House Page from Wellman.

The Journal of Friday, January 23, 2009 was approved.

## INTRODUCTION OF BILLS

**House File 75**, by Lukan, a bill for an act relating to the practitioner license renewal requirements adopted by the board of educational examiners.

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

**House File 76**, by Raecker and Huser, a bill for an act relating to political campaigns by limiting campaign contributions for statewide and legislative elections and making penalties applicable.

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

**House File 77**, by Tjepkes, a bill for an act providing an excess weight allowance for vehicles hauling dried distillers grains.

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

**House File 78**, by Lukan, a bill for an act relating to the removal of electric transmission or gas pipeline equipment and facilities under specified circumstances.

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

**House File 79**, by Shomshor, a bill for an act relating to the sales and use tax imposed on the operation of bingo games.

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

**House File 80**, by Hunter, a bill for an act concerning civil service commissions, disciplinary procedures, leaves of absence, providing a civil penalty, and making a penalty applicable.

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

**House File 81**, by Anderson, a bill for an act establishing an environmental design and construction program for open animal feeding operations.

Read first time and referred to committee on **economic growth**.

**House File 82**, by Schueller, Bukta, Swaim, Kressig, Willems, Gaskill, Gayman, Mertz and Lukan, a bill for an act providing volunteer emergency services providers protection from employment termination.

Read first time and referred to committee on **public safety**.

**House File 83**, by Hunter and Burt, a bill for an act concerning the statewide fire and police retirement system by establishing a presumption that cancer is work-related for purposes of disability and death benefits for fire fighters and by increasing the contribution rate for fire fighters.

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

**House File 84**, by Hunter, a bill for an act prohibiting the use of cellular telephones and other wireless communication devices while operating a motor vehicle and providing a penalty.

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

**House File 85**, by Isenhart and Lukan, a bill for an act relating to orders for postsecondary education subsidies.

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

### HOUSE FILE 30 REREFERRED

The Speaker announced that House File 30, previously referred to committee on **agriculture** was rereferred to committee on **public safety**.

### COMMUNICATIONS RECEIVED

The following communications were received and filed in the office of the Chief Clerk:

#### BOARD OF REGENTS

Report on projects such as “Lead the Way”, pursuant to Chapters 262.91 and 262.93, Code of Iowa.

#### CRIMINAL AND JUVENILE JUSTICE PLANING

Legislative monitoring report, pursuant to Chapter 216A.1, Code of Iowa.

#### DEPARTMENT OF ADMINISTRATIVE SERVICES

Annual comprehensive financial report, pursuant to Chapter 7A.3(9), Code of Iowa.

#### DEPARTMENT OF EDUCATION

Report on the Liaison Advisory Committee on Transfer Students (LACTS), pursuant to Chapter 7E.5, Code of Iowa.

State competitive grant report, pursuant to Chapter 262, Code of Iowa.

#### DEPARTMENT OF ELDER AFFAIRS

2008 annual report of the State Long-Term Care Ombudsman, pursuant to Chapter 231F.1, Code of Iowa.

#### DEPARTMENT OF HUMAN SERVICES

Iowa Medicaid Pharmaceutical and Therapeutics report, pursuant to Chapter 249A.20A, Code of Iowa.

Direct Care Worker Compensation Advisory Committee report, pursuant to Chapter 217, Code of Iowa.

DEPARTMENT OF NATURAL RESOURCES

Mercury Containing Lamp Recycling Program Study, pursuant to 2008 Iowa Acts.

DEPARTMENT OF REVENUE

Annual report of the Iowa Capital Investment Board, pursuant to Chapter 7A.11A, Code of Iowa.

DEPARTMENT OF TRANSPORTATION

Annual report, pursuant to Chapter 307.21, Code of Iowa.

GOVERNORS OFFICE OF DRUG CONTROL POLICY

2009 Iowa Drug Control Strategy, pursuant to Chapter 80E.1, Code of Iowa.

IOWA COLLEGE STUDENT AID COMMISSION

Tuition grant report, pursuant to Chapter 261, Code of Iowa.

IOWA COUNTY ENGINEERS ASSOCIATION SERVICE BUREAU

Annual report, pursuant to Chapter 312.3B, Code of Iowa.

IOWA WORKFORCE DEVELOPMENT

Annual report, pursuant to Chapter 15.108(6), Code of Iowa.

LEGISLATIVE SERVICES AGENCY

State debt and obligation report, pursuant to Chapter 8.36, Code of Iowa.

SUBCOMMITTEE ASSIGNMENTS

**House File 43**

Judiciary: Lensing, Chair; Kaufmann and T. Olson.

**House File 49**

Judiciary: Willems, Chair; Helland and T. Olson.

**House File 51**

Local Government: Winckler, Chair; Whitead and Windschitl.

**House File 54**

Economic Growth: Bailey, Chair; Forristall and H. Miller.

**House File 59**

Public Safety: Kressig, Chair; Berry and Tjepkes.

**House File 61**

Education: Wendt, Chair; Tymeson and Willems.

**House File 71**

Education: Heddens, Chair; May and Wendt.

**House File 74**

State Government: Frevert, Chair; Isenhart and Pettengill.

**House File 76**

State Government: Cohoon, Chair; Raecker and Willems.

**House File 83**

State Government: Frevert, Chair; Beard and Roberts.

**HOUSE STUDY BILL COMMITTEE ASSIGNMENTS****H.S.B. 78 Judiciary**

Proposing an amendment to the Constitution of the State of Iowa eliminating a requirement that a criminal offense, where the maximum permissible penalty does not exceed thirty days of imprisonment, be prosecuted on information under oath.

**H.S.B. 79 Judiciary**

Relating to the unlawful manufacture, delivery, or possession with the intent to deliver cocaine or substances or counterfeit substances related to cocaine, and making penalties applicable.

**H.S.B. 80 Judiciary**

Relating to a private cause of action for certain consumer fraud violations.

**H.S.B. 81 Judiciary**

Relating to the protection of a minor victim's identity in a criminal proceeding.

**H.S.B. 82 Judiciary**

Relating to criminal acts, records, and proceedings, including interference with judicial acts, deferred judgment, donations and contributions in a criminal proceeding, and providing a penalty.

**H.S.B. 83 Judiciary**

Relating to the appointment of judicial officers and the clerk of the district court, the appointment and retirement of senior judges, and the entry of orders in civil proceedings.

**H.S.B. 84 Public Safety**

Relating to alcoholic beverages, including the possession or consumption of alcoholic beverages by underage persons and destruction of operating while intoxicated records, and providing a penalty.

**H.S.B. 85 Commerce**

Requiring health benefit coverage for certain cancer treatment delivered pursuant to approved cancer clinical trials and providing an applicability date.

**H.S.B. 86 State Government**

Relating to the licensing and regulation of plumbers, mechanical professionals, and contractors, and including an applicability provision.

**H.S.B. 87 State Government**

Providing time off from work to attend presidential precinct caucuses and making penalties applicable.



**H.S.B. 88 State Government**

Providing compensatory time off for holiday work for peace officer supervisors employed by the department of public safety or the department of natural resources.

**H.S.B. 89 Economic Growth**

Relating to an increase in the balance of the unemployment compensation reserve fund and the purposes for which the fund's interest may be used.

**AMENDMENT FILED**

H—1002      H.F.      64      Thomas of Clayton

On motion by McCarthy of Polk the House adjourned at 1:30 p.m., until 9:00 a.m., Tuesday, January 27, 2009.

# JOURNAL OF THE HOUSE

Sixteenth Calendar Day - Eleventh Session Day

Hall of the House of Representatives  
Des Moines, Iowa, Tuesday, January 27, 2009

The House met pursuant to adjournment at 9:15 a.m., Speaker Murphy in the chair.

Prayer was offered by Reverend Wendy Abrahamson, pastor of St. Johns Episcopal Church, Mason City. She was the guest of Representative Sharon Steckman from Cerro Gordo County.

## PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Adam Child, House Page from Des Moines.

The Journal of Monday, January 26, 2009 was approved.

## INTRODUCTION OF BILLS

**House Joint Resolution 3**, Windschitl, Schultz, Struyk, Koester, Sorenson and Deyoe, a joint resolution proposing an amendment to the Constitution of the State of Iowa relating to the sessions of the General Assembly.

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

**House File 86**, by Windschitl, Schultz, Tymeson, Lukan, Struyk, Helland, Sorenson, Huseman, Kaufmann, Paulsen and Deyoe, a bill for an act relating to the justifiable use of reasonable force.

Read first time and referred to committee on **public safety**.

**House File 87**, by Windschitl, Schultz, Struyk, Helland, Sorenson and Huseman, a bill for an act relating to the taking of fingerprints upon an application for a permit to carry a weapon.

Read first time and referred to committee on **public safety**.

**House File 88**, by Windschitl, Schultz, Tymeson, Lukan, S. Olson, Struyk, Koester, Helland, Huseman, Pettengill, Kaufmann, Sorenson, Paulsen and Deyoe, a bill for an act relating to the issuance of weapons permits by a county sheriff or the commissioner of public safety.

Read first time and referred to committee on **public safety**.

**House File 89**, by Wendt and Whitead, a bill for an act relating to reimbursement of hazardous substance cleanup costs.

Read first time and referred to committee on **environmental protection**.

**House File 90**, by Wendt and Whitead, a bill for an act providing for the suspension or revocation of an alcoholic beverage license or permit for failure to pay sales taxes and making penalties applicable.

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

**House File 91**, by Tymeson, a bill for an act relating to the suspension of students who commit assault.

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

**House File 92**, by May, a bill for an act relating to a property tax limitation for certain elderly persons, providing a penalty, and including an applicability date provision.

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

**House File 93**, by May, a bill for an act relating to the collection and distribution of civil penalties for water quality violations.

Read first time and referred to committee on **environmental protection**.

**House File 94**, by Tymeson, a bill for an act requiring the state board of education to define student proficiency in mathematics and reading.

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

On motion by McCarthy of Polk, the House was recessed at 9:23 a.m., until 4:00 p.m.

### AFTERNOON SESSION

The House reconvened at 4:16 p.m., Sands of Louisa 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 January 27, 2009, passed the following bill in which the concurrence of the House is asked:

Senate File 27, a bill for an act relating to the crime of human trafficking.

Also: That the Senate has on January 27, 2009, passed the following bill in which the concurrence of the House is asked:

Senate File 43, a bill for an act relating to the abatement or refund of property taxes for certain religious, literary, and charitable societies and including effective and retroactive applicability date provisions.

Also: That the Senate has on January 27, 2009, passed the following bill in which the concurrence of the House is asked:

Senate File 45, a bill for an act relating to issuance of certain county general obligation bonds by requiring published notice and modifying the ballot proposition, and including effective date, validation, and retroactive applicability provisions.

MICHAEL E. MARSHALL, Secretary

### INTRODUCTION OF BILL

**House File 95**, by committee on Rebuild Iowa and Disaster Recovery, a bill for an act relating to the imposition of a local option sales tax after a disaster and providing an effective date.

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

### SENATE MESSAGES CONSIDERED

**Senate File 27**, by committee on judiciary, a bill for an act relating to the crime of human trafficking.

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

**Senate File 43**, by committee on local government, a bill for an act relating to the abatement or refund of property taxes for certain religious, literary, and charitable societies and including effective and retroactive applicability date provisions.

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

**Senate File 45**, by committee on local government, a bill for an act relating to issuance of certain county general obligation bonds by requiring published notice and modifying the ballot proposition, and including effective date, validation, and retroactive applicability provisions.

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

The House stood at ease at 4:17 p.m., until the fall of the gavel.

The House resumed session at 5:42 p.m., Sands of Louisa in the chair.

#### LEAVE OF ABSENCE

Leave of absence was granted as follows:

Baudler of Adair on request of Paulsen of Linn.

#### CONSIDERATION OF BILLS Appropriations Calendar

**House File 64**, a bill for an act relating to disaster assistance by providing a jumpstart housing assistance program, disaster aid individual assistance grants, a rebuild Iowa office, and community disaster grants, making appropriations, and providing effective and retroactive applicability dates, with report of committee recommending amendment and passage, was taken up for consideration.

Oldson of Polk asked and received unanimous consent to withdraw the committee amendment H-1001 filed by the committee on appropriations on January 22, 2009.

Thomas of Clayton asked and received unanimous consent to withdraw amendment H-1002 filed by him on January 26, 2009.

## RULE 31.8 SUSPENDED

McCarthy of Polk asked and received unanimous consent to suspend Rule 31.8, related to the timely filing of amendments, for the immediate consideration of amendment H-1003.

T. Olson of Linn offered the following amendment H-1003 filed by him from the floor as follows:

H-1003

1 Amend House File 64 as follows:  
2 1. By striking page 1, line 3, through page 3,  
3 line 7.  
4 2. Page 3, by striking line 8 and inserting the  
5 following:  
6 "Section 1. APPROPRIATION.  
7 1. There is appropriated from the".  
8 3. Page 3, by inserting after line 15 the  
9 following:  
10 "2. The authority shall adopt rules for the  
11 jumpstart housing assistance program consistent with  
12 all of the following:  
13 a. An eligible resident must have a family income  
14 equal to or less than one hundred fifty percent of the  
15 area median family income. An application for  
16 assistance must be submitted by September 1, 2009.  
17 b. Forgivable loans awarded after the effective  
18 date of this division of this Act shall be awarded  
19 pursuant to the following priorities:  
20 (1) First priority shall be given to eligible  
21 residents who have not received any moneys under the  
22 jumpstart housing assistance program prior to the  
23 effective date of this division of this Act.  
24 (2) Second priority shall be given to eligible  
25 residents who have received less than twenty-four  
26 thousand nine hundred ninety-nine dollars under the  
27 jumpstart housing assistance program prior to the  
28 effective date of this division of this Act.  
29 (3) Third priority shall be given to eligible  
30 residents who have received twenty-four thousand nine  
31 hundred ninety-nine dollars under the jumpstart  
32 housing assistance program prior to the effective date  
33 of this division of this Act and who continue to have  
34 unmet needs for down payment assistance, emergency  
35 housing repair or rehabilitation, interim mortgage  
36 assistance, or energy efficiency assistance. An  
37 eligible resident shall not receive more than an  
38 additional twenty-four thousand nine hundred  
39 ninety-nine dollars under this subparagraph.

40 c. Except as provided in paragraph "b",  
 41 subparagraph (3), an eligible resident who meets the  
 42 area median family income requirement shall not  
 43 receive more than twenty-four thousand nine hundred  
 44 ninety-nine dollars under the program."

45 4. Page 3, line 16, by striking the word  
 46 "Notwithstanding" and inserting the following:  
 47 "3. Notwithstanding".

48 5. By striking page 3, line 35, through page 6,  
 49 line 22, and inserting the following:  
 50 "DIVISION II

Page 2

1 IOWA UNMET NEEDS DISASTER GRANT PROGRAM  
 2 Sec.\_\_\_\_. IOWA UNMET NEEDS DISASTER GRANT PROGRAM  
 3 – APPROPRIATION.

4 1. There is appropriated from the Iowa economic  
 5 emergency fund created in section 8.55 to the  
 6 department of human services for the fiscal year  
 7 beginning July 1, 2008, and ending June 30, 2009, the  
 8 following amount, or so much thereof as is necessary,  
 9 to be used for the purposes designated:

10 For providing individual disaster grants for unmet  
 11 needs pursuant to the requirements in this section:  
 12 ..... \$ 10,000,000

13 2. From the moneys appropriated in this section,  
 14 there is transferred to the department of human rights  
 15 two hundred fifty thousand dollars for deposit in the  
 16 individual development account state match fund  
 17 created in section 541A.7. Notwithstanding other  
 18 provisions to the contrary in section 541A.3,  
 19 subsection 1, moneys appropriated to the individual  
 20 development account state match fund under this  
 21 subsection shall be used to provide the state match to  
 22 account holders affected by a natural disaster  
 23 occurring in 2008 for which the president of the  
 24 United States declared a disaster area, and who have a  
 25 household income that is equal to or less than three  
 26 hundred percent of the federal poverty level as  
 27 defined by the most recently revised poverty income  
 28 guidelines published by the United States department  
 29 of health and human services.

30 3. The department of human services shall  
 31 establish and administer an Iowa unmet needs disaster  
 32 grant program for purposes of reimbursing expenses for  
 33 unmet needs for persons located in an area which was  
 34 declared a disaster area by the president of the  
 35 United States due to a disaster occurring after May  
 36 24, 2008, and before August 14, 2008.

37 4. Determination of eligibility under the program  
 38 and certification of unmet needs under the program

39 shall be made by area long-term disaster committees  
40 and the disaster recovery case management program  
41 established by the rebuild Iowa office. An eligible  
42 participant shall receive reimbursement for expenses  
43 upon presenting a receipt for an eligible unmet need  
44 or shall receive a voucher through a voucher system  
45 administered jointly by the department of human  
46 services and the area long-term disaster committees.  
47 The voucher system shall ensure sufficient data  
48 collection to discourage and prevent fraud. A grant  
49 recipient shall not receive more than two thousand  
50 five hundred dollars per household. A grant recipient

Page 3

1 must have an income that is equal to or less than  
2 three hundred percent of the federal poverty level  
3 based on the number of people in the household of the  
4 recipient as defined by the most recently revised  
5 poverty income guidelines as published by the United  
6 States department of health and human services. Unmet  
7 needs disaster grants shall not supplant any other  
8 financial support, assistance, or grants provided by  
9 any other federal or state government, nonprofit  
10 agency, or faith-based agency.

11 5. Unmet need expenses eligible for reimbursement  
12 shall be limited to expenses associated with personal  
13 property, home repair, food assistance, mental health  
14 assistance, child care, and temporary housing.

15 6. An area long-term disaster committee shall be  
16 reimbursed for administrative expenses incurred in an  
17 amount not to exceed three percent of the grant moneys  
18 awarded for the area pursuant to an intergovernmental  
19 agreement to be established between the department of  
20 human services and the agency of record responsible  
21 for the long-term disaster committee in each area.  
22 The department of human services shall not be  
23 reimbursed for using moneys appropriated in this  
24 section for administrative costs associated with  
25 administering the Iowa unmet needs disaster grant  
26 program.

27 7. Notwithstanding section 8.33 and section 8.55,  
28 subsection 3, paragraph "a", moneys appropriated in  
29 this section that remain unencumbered or unobligated  
30 at the close of the fiscal year shall not revert but  
31 shall remain available for expenditure for the  
32 purposes designated until the close of the succeeding  
33 fiscal year.

34 Sec.\_\_\_\_. EMERGENCY RULES. The department of  
35 human services may adopt emergency rules under section  
36 17A.4, subsection 3, and section 17A.5, subsection 2,  
37 paragraph "b", to implement the provisions of this



38 division of this Act and the rules shall be effective  
 39 immediately upon filing unless a later date is  
 40 specified in the rules. Any rules adopted in  
 41 accordance with this section shall also be published  
 42 as a notice of intended action as provided in section  
 43 17A.4.

44 Sec.\_\_\_\_. EFFECTIVE AND RETROACTIVE APPLICABILITY  
 45 DATES. This division of this Act, being deemed of  
 46 immediate importance, takes effect upon enactment, is  
 47 retroactively applicable to May 24, 2008, and is  
 48 applicable on and after that date.

49 DIVISION III  
 50 COMMUNITY DISASTER GRANTS

Page 4

1 Sec.\_\_\_\_. COMMUNITY DISASTER GRANTS –  
 2 APPROPRIATION.

3 1. There is appropriated from the Iowa economic  
 4 emergency fund created in section 8.55 to the  
 5 department of public defense for the homeland security  
 6 and emergency management division for the fiscal year  
 7 beginning July 1, 2008, and ending June 30, 2009, the  
 8 following amount, or so much thereof as is necessary,  
 9 to be used for the purposes designated:

10 For providing community disaster grants to cities  
 11 and counties:  
 12 ..... \$ 22,000,000

13 2. a. Using moneys appropriated under this  
 14 section, the homeland security and emergency  
 15 management division shall award grants to cities and  
 16 counties based on their pro rata share of damage costs  
 17 associated with presidential disaster declaration  
 18 DR-1763-IA occurring after May 24, 2008, and before  
 19 August 14, 2008, as calculated by obligated funds from  
 20 the federal emergency management agency individual  
 21 assistance program and small business administration  
 22 disaster loan program as of the effective date of this  
 23 division of this Act. Every city or county in a  
 24 disaster area shall receive at least two thousand  
 25 dollars.

26 b. Moneys awarded pursuant to this section shall  
 27 be used by the recipient for disaster-related costs  
 28 not otherwise funded by federal or nonfederal sources  
 29 and for any of the following purposes:

- 30 (1) Nonprofit organization assistance.
- 31 (2) Assistance for the public purchase of land and  
 32 accompanying structures if financial assistance for  
 33 such purchases is not available from the federal  
 34 emergency management agency or when a nonfederal match  
 35 is required for a grant involved in the public  
 36 purchase of land and accompanying structures.

37 (3) Assistance for the repair, replacement, or  
38 upgrade of public infrastructure damaged by the  
39 disaster including measures to assist in the  
40 mitigation of future damage due to natural disasters.  
41 (4) Assistance for increased costs associated with  
42 the revaluation and assessment of property due to a  
43 natural disaster occurring in 2008.  
44 (5) Small business assistance.  
45 (6) Assistance for the replacement or  
46 rehabilitation of housing.  
47 3. Immediately following the effective date of  
48 this division of this Act, the homeland security and  
49 emergency management division shall notify each  
50 eligible recipient of the availability of funds and

Page 5

1 the associated application process.  
2 4. By April 1, 2009, an eligible grant recipient  
3 under this section must submit a written application  
4 in the form as specified by the homeland security and  
5 emergency management division. The application shall  
6 contain information on the recipient's proposed uses  
7 of the moneys and any other information required by  
8 the homeland security and emergency management  
9 division.  
10 5. After April 1, 2009, any funds allocated to an  
11 eligible grant recipient who does not complete and  
12 submit an application by April 1, 2009, shall be  
13 awarded on a pro rata basis as defined in subsection  
14 2, paragraph "a".  
15 6. By January 1, 2010, each grant recipient under  
16 this section shall submit a written report to the  
17 homeland security and emergency management division  
18 specifying the allocation and uses of moneys received  
19 pursuant to this section. By January 8, 2010, the  
20 division shall compile and forward copies of all  
21 reports received to the governor and the general  
22 assembly.  
23 7. The department of public defense may request  
24 the auditor of state to perform any audits needed in  
25 the administration of this division of the Act and  
26 reimburse the auditor of state for the costs of the  
27 audits.  
28 8. Notwithstanding section 8.33 and section 8.55,  
29 subsection 3, paragraph "a", moneys appropriated in  
30 this section that remain unencumbered or unobligated  
31 at the close of the fiscal year shall not revert but  
32 shall remain available for expenditure for the  
33 purposes designated until the close of the succeeding  
34 fiscal year.  
35 Sec.\_\_\_\_. EMERGENCY RULES. The department of

36 public defense may adopt emergency rules under section  
37 17A.4, subsection 3, and section 17A.5, subsection 2,  
38 paragraph "b", to implement the provisions of this  
39 division of this Act and the rules shall be effective  
40 immediately upon filing unless a later date is  
41 specified in the rules. Any rules adopted in  
42 accordance with this section shall also be published  
43 as a notice of intended action as provided in section  
44 17A.4.

45 Sec. \_\_\_\_\_. EFFECTIVE DATE. This division of this  
46 Act, being deemed of immediate importance, takes  
47 effect upon enactment."

48 6. Page 6, by striking lines 28 and 29 and  
49 inserting the following: "rebuilding efforts  
50 following the declaration of a disaster area by the

Page 6

1 president of the United States after May 24, 2008, and  
2 before June 30, 2011."

3 7. Page 6, line 34, by inserting after the word  
4 "governor" the following: "and confirmed by the  
5 senate pursuant to section 2.32. The executive  
6 director shall annually compile a comprehensive budget  
7 which reflects all fiscal matters related to the  
8 operation of the office and each activity of the  
9 office in accordance with section 8.23".

10 8. Page 7, by striking lines 13 through 17 and  
11 inserting the following:

12 "g. Assist in establishing guidelines for the  
13 disbursing of federal moneys.

14 h. Establish goals, benchmarks, and objectives by  
15 which progress in disaster recovery and long-term  
16 reconstruction can be measured. Such goals,  
17 benchmarks, and objectives shall include, but not be  
18 limited to, all of the following:

19 (1) Measures on returning displaced residents to  
20 permanent homes.

21 (2) Progress on economic restoration in disaster  
22 areas such as opening or reopening of businesses,  
23 employment, and sales tax receipts.

24 (3) Progress on the public purchase of land and  
25 accompanying structures both with and without  
26 financial assistance from the federal emergency  
27 management agency.

28 (4) Progress on natural disaster forecasting,  
29 watershed management, and floodplain management.

30 (5) Measures on the expediency of obligation and  
31 distribution of federal and state moneys for disaster  
32 recovery."

33 9. Page 7, by striking lines 24 through 27 and  
34 inserting the following:

35 "k. By January 10, April 10, July 10, and October  
36 10 of each year, as applicable, submit a written  
37 report to the governor and the general assembly  
38 regarding the activities of the office during the  
39 previous three months. The report shall include an  
40 updated budgetary and financial analysis including  
41 full-time equivalent positions, and progress in  
42 obtaining goals, benchmarks, and objectives  
43 established pursuant to paragraph "h".

44 1. By January 1, 2011, submit a written report to  
45 the governor and the general assembly identifying for  
46 consideration transition issues for disaster recovery  
47 assistance due to the elimination of the office on  
48 June 30, 2011."

49 10. Page 7, line 32, by inserting after the word  
50 "chairperson." the following: "The members of the

Page 7

1 council shall not receive a per diem and shall not be  
2 reimbursed for their actual and necessary expenses  
3 while in attendance at any meeting of the council and  
4 shall not be reimbursed for their expenses for going  
5 to and from a meeting. Legislative members of the  
6 commission shall not receive per diem or reimbursement  
7 for necessary travel and actual expenses pursuant to  
8 section 2.10 or 2.12."

9 11. Page 7, line 34, by striking the words "state  
10 agencies".

11 12. Page 8, by inserting after line 14 the  
12 following:

13 "(15) The department of agriculture and land  
14 stewardship.

15 (16) The office of energy independence.

16 (17) The Iowa utilities board.

17 (18) One representative of the Iowa league of  
18 cities appointed by the league.

19 (19) One representative of the Iowa state  
20 association of counties appointed by the association.

21 (20) One representative of a council of  
22 governments appointed by the governor.

23 (21) Four members of the general assembly serving  
24 as ex officio, nonvoting members, one representative  
25 to be appointed by the speaker of the house of  
26 representatives, one representative to be appointed by  
27 the minority leader of the house of representatives,  
28 one senator to be appointed by the president of the  
29 senate after consultation with the majority leader of  
30 the senate, and one senator to be appointed by the  
31 minority leader of the senate."

32 13. Page 8, by striking lines 21 and 22.

33 14. Title page, lines 1 and 2, by striking the

34 words "a jumpstart housing assistance program,  
 35 disaster and individual assistance" and inserting the  
 36 following: "for jumpstart housing assistance, unmet  
 37 needs disaster".  
 38 15. By renumbering as necessary.

Lukan of Dubuque offered the following amendment H-1005, to amendment H-1003, filed by him from the floor and moved its adoption:

H-1005

1 Amend the amendment, H-1003, to House File 64 as  
 2 follows:  
 3 1. Page 2, line 43, by striking the word "need"  
 4 and inserting the following: "need."  
 5 2. Page 2, by striking lines 44 through 48 and  
 6 inserting the following: "A grant".

Roll call was requested by Lukan of Dubuque and Ford of Polk.

On the question "Shall amendment H-1005 be adopted?" (H.F. 64)

The ayes were, 42:

Alons	Anderson	Arnold	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	Schulte
Schultz	Soderberg	Sorenson	Struyk
Sweeney	Tjepkes	Tymeson	Upmeyer
Van Engelenhoven	Wagner	Watts	Windschitl
Worthan	Sands,		
	Presiding		

The nays were, 56:

Abdul-Samad	Bailey	Beard	Bell
Berry	Bukta	Burt	Cphoon
Ficken	Ford	Frevert	Gaskill
Gayman	Heddens	Hunter	Huser
Isenhardt	Jacoby	Kearns	Kelley
Kressig	Kuhn	Lensing	Lykam
Marek	Mascher	McCarthy	Mertz
Miller, H.	Murphy, Spkr.	Oldson	Olson, D.
Olson, R.	Olson, T.	Palmer	Petersen

Quirk	Reasoner	Reichert	Schueller
Shomshor	Smith	Steckman	Swaim
Taylor, D.	Taylor, T.	Thede	Thomas
Wendt	Wenthe	Wessel-Kroeschell	Whitaker
Whitead	Willems	Winckler	Zirkelbach

Absent or not voting, 2:

Baudler                      Chambers

Amendment H-1005 lost.

Rants of Woodbury offered the following amendment H-1004, to amendment H-1003, filed by him from the floor and moved its adoption:

H-1004

- 1 Amend the amendment, H-1003, to House File 64 as
- 2 follows:
- 3 1. Page 7, by striking line 32 and inserting the
- 4 following:
- 5 "\_\_\_\_. Page 8, by striking lines 21 and 22 and
- 6 inserting the following:
- 7 "6. For each full-time equivalent position
- 8 authorized and filled for the rebuild Iowa office and
- 9 for each contract employee employed in the rebuild
- 10 Iowa office, an equal number of full-time equivalent
- 11 and contract employee positions shall be vacated in
- 12 other agencies of the executive branch.""
- 13 2. By renumbering as necessary.

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

On the question "Shall amendment H-1004 be adopted?" (H.F. 64)

The ayes were, 42:

Alons	Anderson	Arnold	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	Schulte
Schultz	Soderberg	Sorenson	Struyk
Sweeney	Tjepkes	Tymeson	Upmeyer

Van Engelenhoven Worthan	Wagner Sands, Presiding	Watts	Windschitl
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The nays were, 56:

Abdul-Samad	Bailey	Beard	Bell
Berry	Bukta	Burt	Cphoon
Ficken	Ford	Frevrt	Gaskill
Gayman	Heddens	Hunter	Huser
Isenhardt	Jacoby	Kearns	Kelley
Kressig	Kuhn	Lensing	Lykam
Marek	Mascher	McCarthy	Mertz
Miller, H.	Murphy, Spkr.	Oldson	Olson, D.
Olson, R.	Olson, T.	Palmer	Petersen
Quirk	Reasoner	Reichert	Schueller
Shomshor	Smith	Steckman	Swaim
Taylor, D.	Taylor, T.	Thede	Thomas
Wendt	Wenthe	Wessel-Kroeschell	Whitaker
Whitead	Willems	Winckler	Zirkelbach

Absent or not voting, 2:

Baudler	Chambers
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Amendment H-1004 lost.

Wagner of Linn offered the following amendment H-1006, to amendment H-1003, filed by him from the floor and moved its adoption:

H-1006

- 1 Amend the amendment, H-1003, to House File 64 as
- 2 follows:
- 3 1. By striking page 5, line 48, through page 7,
- 4 line 32, and inserting the following:
- 5 "\_\_\_\_. By striking page 6, line 23, through page
- 6 8, line 27."
- 7 2. Page 7, by inserting after line 37 the
- 8 following:
- 9 "\_\_\_\_. Title page, line 3, by striking the words
- 10 "a rebuild Iowa office,"."
- 11 3. By renumbering as necessary.

Roll call was requested by Wagner of Linn and Paulsen of Linn.

On the question "Shall amendment H-1006 be adopted?" (H.F. 64)

The ayes were, 43:

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

The nays were, 55:

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

Absent or not voting, 2:

Baudler                      Chambers

Amendment H-1006 lost.

T. Olson of Linn moved the adoption of amendment H-1003.

Amendment H-1003 was adopted.

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

On the question "Shall the bill pass?" (H.F. 64)



The ayes were, 98:

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

The nays were, none.

Absent or not voting, 2:

Baudler                      Chambers

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

## 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 January 27, 2009, passed the following bill in which the concurrence of the House is asked:

Senate File 3, a bill for an act providing for a .08 blood alcohol limit for motorboat or sailboat operating while intoxicated offenses.

Also: That the Senate has on January 27, 2009, passed the following bill in which the concurrence of the House is asked:

Senate File 44, a bill for an act relating to the imposition of a local option sales and services tax after a disaster and providing an effective date.

MICHAEL E. MARSHALL, Secretary

### SENATE MESSAGE CONSIDERED

**Senate File 44**, by committee on ways and means, a bill for an act relating to the imposition of a local option sales and services tax after a disaster and providing an effective date.

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

### IMMEDIATE MESSAGE

McCarthy of Polk asked and received unanimous consent that **House File 64** be immediately messaged to the Senate.

### CHANGE IN COMMITTEE MEMBERSHIP

The Speaker announced the following change to the House committee on education:

Heddens of Story is removed from the committee on education.

Winckler of Scott has been assigned to the committee on education.

### SPONSOR ADDED (House File 47)

De Boef of Keokuk requested to be added as a sponsor of House File 47.

### SPONSOR ADDED (House File 74)

S. Olson of Clinton requested to be added as a sponsor of House File 74.

## 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

- 2009\719 Lilly Smith, St. Anthony Elementary School, Dubuque – For winning 1<sup>st</sup> place in the K-2 Grade category in the Drawing (Poster) Division of the 2008-2009 Martin Luther King Jr. Tribute Contest.
- 2009\720 Madelyn Day, Irving Elementary School, Dubuque – For receiving 2<sup>nd</sup> place in the K-2 Grade category in the Drawing (Poster) Division of the 2008-2009 Martin Luther King Jr. Tribute Contest.
- 2009\721 Douglas Beisker-Olson, Irving Elementary School, Dubuque – For winning 1<sup>st</sup> place in the 3-5 Grade category in the Drawing (Poster) Division of the 2008-2009 Martin Luther King Jr. Tribute Contest
- 2009\722 Kate Hanley, St. Anthony Elementary School, Dubuque – For receiving 2<sup>nd</sup> place in the 3-5 Grade category in the Drawing (Poster) Division of the 2008-2009 Martin Luther King Jr. Tribute Contest.
- 2009\723 Lauren May, St. Anthony Elementary School, Dubuque – For winning 1<sup>st</sup> place in the 3-5 Grade category in the Written Report (Essay) Division of the 2008-2009 Martin Luther King Jr. Tribute Contest.
- 2009\724 Seth Taylor, Prescott Elementary School, Dubuque – For receiving 2<sup>nd</sup> place in the 3-5 Grade category in the Written Report (Essay) Division of the 2008-2009 Martin Luther King Jr. Tribute Contest.
- 2009\725 Beatrix Loewen, George Washington Middle School, Dubuque – For winning 1<sup>st</sup> place in the 6-8 Grade category in the Visual Display (Poster) Division of the 2008-2009 Martin Luther King Jr. Tribute Contest
- 2009\726 Leonard Collins, Thomas Jefferson Middle School, Dubuque – For tying for 2<sup>nd</sup> place in the 6-8 Grade category in the Visual Display (Poster) Division of the 2008-2009 Martin Luther King Jr. Tribute Contest
- 2009\727 Terry Frost, Thomas Jefferson Middle School, Dubuque – For tying for 2<sup>nd</sup> place in the 6-8 Grade category in the Visual Display (Poster) Division of the 2008-2009 Martin Luther King Jr. Tribute Contest
- 2009\728 Brooke M. Bisdorf, Eleanor Roosevelt Middle School, Dubuque – For receiving an Honorable Mention in the 6-8 Grade category in the Visual Display (Poster) Division of the 2008-2009 Martin Luther King Jr. Tribute Contest

- 2009\729 Abby Frick, Eleanor Roosevelt Middle School, Dubuque – For receiving an Honorable Mention in the 6-8 Grade category in the Visual Display (Poster) Division of the 2008-2009 Martin Luther King Jr. Tribute Contest
- 2009\730 Perrin Olmstead, Eleanor Roosevelt Middle School, Dubuque – For receiving an Honorable Mention in the 6-8 Grade category in the Visual Display (Poster) Division of the 2008-2009 Martin Luther King Jr. Tribute Contest
- 2009\731 Paige Peters, Eleanor Roosevelt Middle School, Dubuque – For winning 1<sup>st</sup> place in the 6-8 Grade category in the Written Report (Essay) Division of the 2008-2009 Martin Luther King Jr. Tribute Contest.
- 2009\732 Jonathan Carpenter, Mazzuchelli middle School, Dubuque – For receiving 2<sup>nd</sup> place in the 6-8 Grade category in the Written Report (Essay) Division of the 2008-2009 Martin Luther King Jr. Tribute Contest.
- 2009\733 Jacob Grace, Thomas Jefferson Middle School, Dubuque – For tying for 1<sup>st</sup> place in the 6-8 Grade category in the Multimedia Presentation Division of the 2008-2009 Martin Luther King Jr. Tribute Contest.
- 2009\734 Alex Johll, Eleanor Roosevelt Middle School, Dubuque – For tying for 1<sup>st</sup> place in the 6-8 Grade category in the Multimedia Presentation Division of the 2008-2009 Martin Luther King Jr. Tribute Contest.
- 2009\735 Nakhiah Lieb Kimble, Eleanor Roosevelt Middle School, Dubuque – For tying for 2<sup>nd</sup> place in the 6-8 Grade category in the Multimedia Presentation Division of the 2008-2009 Martin Luther King Jr. Tribute Contest.
- 2209\736 Nick Kringle, Eleanor Roosevelt Middle School, Dubuque – For tying for 2<sup>nd</sup> place in the 6-8 Grade category in the Multimedia Presentation Division of the 2008-2009 Martin Luther King Jr. Tribute Contest.
- 2009\737 Olivia Dietzel, Wahlert Catholic High School, Dubuque – For winning 1<sup>st</sup> place in the 9-12 Grade category in the Visual Display (Poster) Division of the 2008-2009 Martin Luther King Jr. Tribute Contest.
- 2009\738 Matt Sabers, Wahlert Catholic High School, Dubuque – For receiving 2<sup>nd</sup> place in the 9-12 Grade category in the Visual Display (Poster) Division of the 2008-2009 Martin Luther King Jr. Tribute Contest.
- 2009\739 Antonio Garza, Dubuque Senior High School, Dubuque – For winning 1<sup>st</sup> place in the 9-12 Grade category in the Written Report (Essay) Division of the 2008-2009 Martin Luther King Jr. Tribute Contest.
- 2009\740 Gaby Vega, Wahlert Catholic High School, Dubuque – For receiving 2<sup>nd</sup> place in the 9-12 Grade category in the Written Report (Essay) Division of the 2008-2009 Martin Luther King Jr. Tribute Contest.

- 2009\741 Lizzy Chorak, Wahlert Catholic High School, Dubuque – For winning 1st place in the 9-12 Grade category in the Multimedia Presentation Division of the 2008-2009 Martin Luther King Jr. Tribute Contest.
- 2009\742 Dan and Carol Stitzmann, Sioux City – For celebrating their 55<sup>th</sup> wedding anniversary.
- 2009\743 Myron (Charlie) and Sandra Bokemper, Sioux City – For celebrating their 55<sup>th</sup> wedding anniversary.
- 2009\744 Bill and Sarah Rawlings, Sioux City – For celebrating their 50<sup>th</sup> wedding anniversary.
- 2009\745 Cliff and Gladys Traum, Sioux City – For celebrating their 55<sup>th</sup> wedding anniversary.
- 2009\746 Mildred Schilling, Little Rock – For celebrating her 90<sup>th</sup> birthday.
- 2009\747 Delores Rohlf, Tipton – For celebrating her 80<sup>th</sup> birthday.
- 2009\748 Mary Ann Wulf, Exira – For celebrating her 90<sup>th</sup> birthday.
- 2009\749 Frances Cortner, Audubon – For celebrating her 90<sup>th</sup> birthday.
- 2009\750 Aylfeen Smith, Guthrie Center – For celebrating her 80<sup>th</sup> birthday.
- 2009\751 Dudley and Jonell Owen, Audubon – For celebrating their 50<sup>th</sup> wedding anniversary.
- 2009\752 Doyle and Nancy White, Davenport – For celebrating their 50<sup>th</sup> wedding anniversary.
- 2009\753 Dorothy Barrett, Estherville – For celebrating her 85<sup>th</sup> birthday.
- 2009\754 Lacquita Wagner, Estherville – For celebrating her 75<sup>th</sup> birthday.
- 2009\755 Peter Fransco, Ruthven – For celebrating his 80<sup>th</sup> birthday.
- 2009\756 George Tonderum, Emmetsburg – For celebrating his 75<sup>th</sup> birthday.
- 2009\757 Leona Alderson, West Bend – For celebrating her 80<sup>th</sup> birthday.
- 2009\758 Doris Carrico, Estherville – For celebrating her 75<sup>th</sup> birthday.
- 2009\759 Maynard Gregersen, Swea City – For celebrating his 75<sup>th</sup> birthday.
- 2009\760 Louise Melz, Swea City – For celebrating her 95<sup>th</sup> birthday.
- 2009\761 Jeannine Rasmussen, Dolliver – For celebrating her 80<sup>th</sup> birthday.
- 2009\762 Lois Lammers, Graettinger – For celebrating her 85<sup>th</sup> birthday.

- 2009\763 Robert Leland, Swea City – For celebrating his 90<sup>th</sup> birthday.
- 2009\764 Mary Needham, Emmetsburg – For celebrating her 75<sup>th</sup> birthday.
- 2009\765 Thomas Theesfeld, Estherville – For celebrating his 75<sup>th</sup> birthday.
- 2009\766 Mary White, Bancroft – For celebrating her 85<sup>th</sup> birthday.
- 2009\767 Gladys Clipperton, Graettinger – For celebrating her 80<sup>th</sup> birthday.
- 2009\768 Gladys Fuerstenau, Whittemore – For celebrating her 80<sup>th</sup> birthday.
- 2009\769 Dawney Harms, Titonka – For celebrating her 85<sup>th</sup> birthday.
- 2009\770 Zelma Peta, Estherville – For celebrating her 85<sup>th</sup> birthday.
- 2009\771 Lois Dunigan, Emmetsburg – For celebrating her 80<sup>th</sup> birthday.
- 2009\772 Noradel Larsen, Swea City – For celebrating her 85<sup>th</sup> birthday.
- 2009\773 Dwight Gross, Burt – For celebrating his 75<sup>th</sup> birthday.
- 2009\774 William Tjaden, Titonka – For celebrating his 80<sup>th</sup> birthday.
- 2009\775 Marie Haukoos, Estherville – For celebrating her 100<sup>th</sup> birthday.
- 2009\776 Marie Pettit, Emmetsburg – For celebrating her 90<sup>th</sup> birthday.
- 2009\777 Howard Croner, Estherville – For celebrating his 85<sup>th</sup> birthday.
- 2009\778 Richard Egertson, Estherville – For celebrating his 80<sup>th</sup> birthday.
- 2009\779 Virgil Huberty, Emmetsburg – For celebrating his 75<sup>th</sup> birthday.
- 2009\780 Eunice Langfitt, Armstrong – For celebrating her 85<sup>th</sup> birthday.
- 2009\781 Doris White, Emmetsburg – For celebrating her 90<sup>th</sup> birthday.
- 2009\782 Marjorie Hoffman, Graettinger – For celebrating her 75<sup>th</sup> birthday.
- 2009\783 Carroll Monsen, Estherville – For celebrating his 75<sup>th</sup> birthday.
- 2009\784 Betty Loomis, Ayrshire – For celebrating her 85<sup>th</sup> birthday.
- 2009\785 Verla Brown, West Bend – For celebrating her 75<sup>th</sup> birthday.
- 2009\786 Trudy Budlong, Titonka – For celebrating her 80<sup>th</sup> birthday.
- 2009\787 Harold Feye, Whittemore – For celebrating his 85<sup>th</sup> birthday.
- 2009\788 Sherlene Tindall, Graettinger – For celebrating her 75<sup>th</sup> birthday.

- 2009\789 Glenna Brott, Ruthven – For celebrating her 80<sup>th</sup> birthday.
- 2009\790 Darlene Croft, Estherville – For celebrating her 80<sup>th</sup> birthday.
- 2009\791 Velda Harms, Titonka – For celebrating her 75<sup>th</sup> birthday.
- 2009\792 Roger Larsen, Armstrong – For celebrating his 75<sup>th</sup> birthday.
- 2009\793 Genese Swanson, Armstrong – For celebrating her 75<sup>th</sup> birthday.
- 2009\794 Alice Kunzelman, Graettinger – For celebrating her 75<sup>th</sup> birthday.
- 2009\795 Archie Banwart, West Bend – For celebrating his 85<sup>th</sup> birthday.
- 2009\796 Audrey Boekelman, Titonka – For celebrating her 85<sup>th</sup> birthday.
- 2009\797 Irene Iseminger, Estherville – For celebrating her 95<sup>th</sup> birthday.
- 2009\798 Christina Shellabarger, Curlew – For celebrating her 95<sup>th</sup> birthday.
- 2009\799 Rolland Shipley, Estherville – For celebrating his 80<sup>th</sup> birthday.
- 2009\800 Maxine Kollasch, Bancroft – For celebrating her 75<sup>th</sup> birthday.
- 2009\801 James Schmidt, Ayrshire – For celebrating his 75<sup>th</sup> birthday.
- 2009\802 Lucille Hellman, Bancroft – For celebrating her 80<sup>th</sup> birthday.
- 2009\803 Luella Jensen, Ringsted – For celebrating her 95<sup>th</sup> birthday.
- 2009\804 Mary Ditch, Emmetsburg – For celebrating her 85<sup>th</sup> birthday.
- 2009\805 Ann Thomsen, Estherville – For celebrating her 75<sup>th</sup> birthday.
- 2009\806 Emogene Croner, Estherville – For celebrating her 85<sup>th</sup> birthday.
- 2009\807 Catharine Dillon, Emmetsburg – For celebrating her 80<sup>th</sup> birthday.
- 2009\808 Lena Harms, Titonka – For celebrating her 90<sup>th</sup> birthday.
- 2009\809 Edith Potter, Emmetsburg – For celebrating her 100<sup>th</sup> birthday.
- 2009\810 Neoma Thompson, Lone Rock – For celebrating her 95<sup>th</sup> birthday.
- 2009\811 Richard Chicoine, Sioux City – For celebrating his 80<sup>th</sup> birthday.
- 2009\812 Bonnie West, Sioux City – For celebrating her 75<sup>th</sup> birthday.
- 2009\813 Earl Deits, Sioux City – For celebrating his 90<sup>th</sup> birthday.
- 2009\814 Norma Brotherson, Sioux City – For celebrating her 75<sup>th</sup> birthday.

- 2009\815 June Murdock, Sioux City – For celebrating her 85<sup>th</sup> birthday.
- 2009\816 Bernice Hughes, Sioux City – For celebrating her 75<sup>th</sup> birthday.
- 2009\817 Marjory Horton, Sioux City – For celebrating her 85<sup>th</sup> birthday.
- 2009\818 Lucille Phillips, Sioux City – For celebrating her 75<sup>th</sup> birthday.
- 2009\819 Evelyn Pedersen, Sioux City – For celebrating her 85<sup>th</sup> birthday.
- 2009\820 Myrtle Karnes, Sioux City – For celebrating her 90<sup>th</sup> birthday.
- 2009\821 Mary Karpuk, Sioux City – For celebrating her 85<sup>th</sup> birthday.
- 2009\822 Robert Barnes, Sioux City – For celebrating his 75<sup>th</sup> birthday.
- 2009\823 Milton Farney, Sioux City – For celebrating his 80<sup>th</sup> birthday.
- 2009\824 Constantine Balomenos, Sioux City – For celebrating his 80<sup>th</sup> birthday.
- 2009\825 Roberta Fischer, Sioux City – For celebrating her 85<sup>th</sup> birthday.
- 2009\826 Richard Betz, Sioux City – For celebrating his 80<sup>th</sup> birthday.
- 2009\827 Delores Nelson, Sioux City – For celebrating her 80<sup>th</sup> birthday.
- 2009\828 Robert Walker, Sioux City – For celebrating his 75<sup>th</sup> birthday.
- 2009\829 Keiko Littles, Sioux City – For celebrating her 80<sup>th</sup> birthday.
- 2009\830 Harold Amland, Sioux City – For celebrating his 75<sup>th</sup> birthday.
- 2009\831 Lawrence Loos, Sioux City – For celebrating his 75<sup>th</sup> birthday.
- 2009\832 Fay McLaughlin, Sioux City – For celebrating her 75<sup>th</sup> birthday.
- 2009\833 Vera Hanna, Sioux City – For celebrating her 80<sup>th</sup> birthday.
- 2009\834 Cecil Weber, Sioux City – For celebrating his 80<sup>th</sup> birthday.
- 2009\835 Lloyd Full, Sioux City – For celebrating his 75<sup>th</sup> birthday.
- 2009\836 Colin John Perry, Mediapolis – For attaining the rank of Eagle Scout, the highest rank in the Boy Scouts of America.
- 2009\837 Marion “Junior” and Irma Kuntz, Burlington – For celebrating their 70<sup>th</sup> wedding anniversary.
- 2009\838 Rudolph Rust, Burlington – For celebrating his 85<sup>th</sup> birthday.
- 2009\839 Kathleen Sands, Columbus Junction – For celebrating her 80<sup>th</sup> birthday.



- 2009\840 Dorothy “Dot” Lind, Burlington – For celebrating her 90<sup>th</sup> birthday.
- 2009\841 Larry and DeMarris “Dee” Burch, Burlington – For celebrating their 50<sup>th</sup> wedding anniversary.
- 2009\842 Pauline Van Der Zwaag, Orange City – For celebrating her 90<sup>th</sup> birthday.
- 2009\843 Dr. Brain Hansen, Mason City – For receiving the North Iowa’s Golden Hands Award given by the Mercy Health Network.
- 2009\844 Renelda Petersen, Clear Lake – For celebrating her 90<sup>th</sup> birthday.
- 2009\845 Frederick and Lula Bell, Klemme – For celebrating their 60<sup>th</sup> wedding anniversary.
- 2009\846 John and Grace Toomsen, Geneva – For celebrating their 60<sup>th</sup> wedding anniversary.
- 2009\847 David and Elizabeth Mineart, Norwalk – For celebrating their 50<sup>th</sup> wedding anniversary.
- 2009\848 Frances P. Woodyard, Indianola – For celebrating her 100<sup>th</sup> birthday.
- 2009\849 Luella Wadle, Indianola – For celebrating her 93<sup>rd</sup> birthday.
- 2009\850 Arthurine Whyte Thomas, What Cheer – For celebrating her 80<sup>th</sup> birthday.
- 2009\851 Florence Gardner, Williamsburg – For celebrating her 90<sup>th</sup> birthday.
- 2009\852 Robert (Bob) Faas, Ladora – For celebrating his 80<sup>th</sup> birthday.
- 2009\853 Oletha Hedrick, North English – For celebrating her 97<sup>th</sup> birthday.
- 2009\854 Dan Correy, Dyersville – For recording his 300<sup>th</sup> career victory as a boys high school basketball coach.
- 2009\855 Joshua Svenson, Hiawatha – For attaining the rank of Eagle Scout, the highest rank in the Boy Scouts of America.
- 2009\856 Amber Cother, Spirit Lake – For attaining the Girl Scout Gold Award, the highest award in Girl Scouting.
- 2009\857 Jessica Wallace, Spirit Lake – For attaining the Girl Scout Gold Award, the highest award in Girl Scouting.
- 2009\858 Antilia Wingert, Harlan – For celebrating her 90<sup>th</sup> birthday.
- 2009\859 Delta Wiuff, Harlan – For celebrating her 90<sup>th</sup> birthday.

- 2009\860 Sam and Marilyn Horras, Keota – For celebrating their 50<sup>th</sup> wedding anniversary.
- 2009\861 Gene Denison, South English – For 46 years of dedication to the English Valley High School athletic program.
- 2009\862 Bernice and Emil Henschel, Dubuque – For celebrating their 70<sup>th</sup> wedding anniversary.
- 2009\863 Amanda Dedrick, Vinton – For Academic Excellence.
- 2009\864 Kandi Newton, Irving Elementary, Sioux City – For receiving an Excellence in Education grant from the Siouxland Community Foundation.
- 2009\865 David Andrews, Eldora – For celebrating his 80<sup>th</sup> birthday.
- 2009\866 Raymond and Vivian Kloetzer, Ackley – For celebrating their 60<sup>th</sup> wedding anniversary.
- 2009\867 Cy Bryngelson, Marshalltown – For celebrating his 102<sup>nd</sup> birthday.
- 2009\868 Roy and Mildred Engel, Eldora – For celebrating their 65<sup>th</sup> wedding anniversary.

#### SUBCOMMITTEE ASSIGNMENTS

##### **House Joint Resolution 2**

Natural Resources: Thede, Chair; Marek and May.

##### **House File 30**

Public Safety: Kuhn, Chair; Lykam and Sands.

##### **House File 33**

Natural Resources: Mertz, Chair; Sweeney and Zirkelbach.

##### **House File 40 Reassigned**

Education: Winckler, Chair; Cownie and Ford.

##### **House File 41**

Natural Resources: Beard, Chair; Arnold and Thede.

##### **House File 42**

Natural Resources: Whitaker, Chair; Baudler and Steckman.

**House File 60**

Judiciary: Huser, Chair; Heaton and Mertz.

**House File 65**

Human Resources: Steckman, Chair; Heaton and Smith.

**House File 66**

Veterans Affairs: Whitead, Chair; D. Taylor and Watts.

**House File 67**

Veterans Affairs: Ficken, Chair; Kearns and Van Engelenhoven.

**House File 68**

Veterans Affairs: Bukta, Chair; Alons and Kearns.

**House File 71 Reassigned**

Education: Winckler, Chair; May and Wendt.

**House File 81**

Economic Growth: H. Miller, Chair; Anderson and Jacoby.

**House File 85**

Judiciary: Willems, Chair; Kaufmann and Smith.

**HOUSE STUDY BILL SUBCOMMITTEE ASSIGNMENTS****House Study Bill 1**

Ethics: Palmer, Chair; T. Olson and Pettengill.

**House Study Bill 2**

Ethics: H. Miller, Chair; Palmer and Raecker.

**House Study Bill 5**

Ethics: T. Olson, Chair; H. Miller and Pettengill.

**House Study Bill 28 Reassigned**

Judiciary: Wessel-Kroeschell, Chair; Baudler and Willems.

**House Study Bill 38 Reassigned**

Education: Ford, Chair; Cownie and Winckler.

**House Study Bill 40 Reassigned**

Education: Winckler, Chair; Dolecheck and Mascher.

**House Study Bill 41 Reassigned**

Education: Winckler, Chair; Cownie and Wendt.

**House Study Bill 78**

Judiciary: Huser, Chair; Horbach and R. Olson.

**House Study Bill 79**

Judiciary: Ford, Chair; Baudler and R. Olson.

**House Study Bill 80**

Judiciary: Palmer, Chair; Anderson and Swaim.

**House Study Bill 81**

Judiciary: Wessel-Kroeschell, Chair; Heaton and Smith.

**House Study Bill 82**

Judiciary: T. Olson, Chair; Schultz and Willems.

**House Study Bill 83**

Judiciary: Palmer, Chair; R. Olson and Struyk.

**House Study Bill 84**

Public Safety: Kuhn, Chair; Lykam and Sands.

**House Study Bill 86**

State Government: Quirk, Chair; Koester and Willems.

**House Study Bill 87**

State Government: Cohoon, Chair; Roberts and Willems.

**House Study Bill 88**

State Government: Lensing, Chair; Drake and Frevert.

**House Study Bill 89**

Economic Growth: Ford, Chair; Horbach, Jacoby, Schultz and Thomas.

**HOUSE STUDY BILL COMMITTEE ASSIGNMENTS****H.S.B. 90 Environmental Protection**

Relating to open burning of residential waste in certain areas of the state and providing penalties.

**H.S.B. 91 Judiciary**

Relating to judicial branch records and providing effective dates.

**H.S.B. 92 Judiciary**

Relating to a state false claims Act, providing penalties, and providing an effective date and applicability provision.

**H.S.B. 93 Public Safety**

Relating to reporting the treatment of serious wounds received as the result of a crime to a law enforcement agency and making penalties applicable.

**H.S.B. 94 Public Safety**

Relating to the authorized uses of local exchange service information by specified individuals and entities.

**H.S.B. 95 Public Safety**

Making changes to the criminal offense of indecent exposure and providing penalties.

**H.S.B. 96 Public Safety**

Relating to the possession, distribution, and reporting of obscene material and making penalties applicable.

**H.S.B. 97 Public Safety**

Relating to the sale of a pseudoephedrine product by a pharmacy or retailer, and providing penalties and contingent applicability.

**H.S.B. 98 State Government**

Relating to an agreement among the states to elect the president by national popular vote and providing an effective date.

**H.S.B. 99 Judiciary**

Relating to the penalties for the unlawful manufacture, delivery, or possession with intent to deliver of marijuana or related substances and the solicitation of such offenses.

**H.S.B. 100 Judiciary**

Relating to the admissibility of medical records and bills in civil cases.

**H.S.B. 101 Judiciary**

Relating to automobile or motor vehicle insurance coverage of liability arising from uninsured, underinsured, or hit-and-run motorists.

**H.S.B. 102 Judiciary**

Relating to courthouse security, lease purchase agreements, and the issuance of bonds for building projects on certain buildings occupied by the judicial branch, and making an appropriation.

**COMMITTEE RECOMMENDATIONS**

MR. SPEAKER: The Chief Clerk of the House respectfully reports that the following committee recommendations have been received and are on file in the office of the Chief Clerk.

MARK W. BRANDSGARD  
Chief Clerk of the House

## COMMITTEE ON HUMAN RESOURCES

**Committee Bill** (Formerly House Study Bill 6), requiring health insurance coverage for costs relating to mental health conditions, including alcohol or substance abuse treatment services, and creating a mental health insurance advisory committee.

Fiscal Note is not required.

Recommended **Amend and Do Pass** January 26, 2009.

**Committee Bill** (Formerly House Study Bill 7), requiring reports for certain precursor substances and extending an information program for drug prescribing and dispensing and providing an effective date.

Fiscal Note is not required.

Recommended **Do Pass** January 26, 2009.

## COMMITTEE ON REBUILD IOWA AND DISASTER RECOVERY

**Committee Bill** (Formerly House Study Bill 54), relating to the imposition of a local option sales tax after a disaster and providing an effective date.

Fiscal Note is not required.

Recommended **Amend and Do Pass** January 26, 2009.

## RESOLUTION FILED

**HR 4**, by Murphy and Paulsen, a resolution to honor the memory of former Representative Rosemary Thomson.

Laid over under **Rule 25**.

On motion by McCarthy of Polk the House adjourned at 7:18 p.m., until 9:00 a.m., Wednesday, January 28, 2009.

# JOURNAL OF THE HOUSE

Seventeenth Calendar Day - Twelfth Session Day

Hall of the House of Representatives  
Des Moines, Iowa, Wednesday, January 28, 2009

The House met pursuant to adjournment at 9:13 a.m., Speaker Murphy in the chair.

Prayer was offered by Reverend William Cotton, retired pastor of Grace United Methodist Church, Des Moines and formerly of Emmetsburg. He was the guest of Representative Marcella Frevert from Palo Alto County.

## THE PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Joe Sweeney, House Page from Alden.

The Journal of Tuesday, January 27, 2009 was approved.

## INTRODUCTION OF BILLS

**House File 96**, by Struyk, Windschitl, Forristall, Pettengill, Huseman, Alons, Helland, Huser, Mertz, Drake, Rayhons, Heaton and Horbach, a bill for an act establishing a rural community dentist loan repayment program and fund.

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

**House File 97**, by Gaskill, a bill for an act requiring the use of headlights on a motor vehicle during any period of moisture accumulation and making a penalty applicable.

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

**House File 98**, by Struyk, Forristall, Huseman, Huser, Mertz, Drake, Rayhons and Horbach, a bill for an act providing a property tax exemption for certain recreational property and including effective and retroactive applicability date provisions.

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



**House File 99**, by Struyk, Windschitl, Forristall, Schultz, Alons, Drake, Rayhons, Heaton and Horbach, a bill for an act establishing a child endangerment offense for the mother of a newborn child who caused an illegal drug to be present in the newborn child's body, and providing a penalty.

Read first time and referred to committee on **public safety**.

**House File 100**, by Struyk, Windschitl, Forristall, Pettengill, Schultz, Alons, Huser, Mertz, Drake and Rayhons, a bill for an act providing exceptions to the age of admission to kindergarten.

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

**House File 101**, by Struyk, Huser, Mertz and Rayhons, a bill for an act concerning eligibility to participate in a sick leave conversion program by certain peace officers employed within the department of public safety.

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

**House File 102**, by Raecker and Rants, a bill for an act concerning the operation and governance of the Iowa lottery.

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

**House File 103**, by Struyk, Windschitl, Alons, Huser, Mertz, Drake, Rayhons and Forristall, a bill for an act relating to articulation agreements between community colleges and regents universities for credits earned under a renewable fuels training program.

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

**House File 104**, by Lukan, a bill for an act authorizing lottery games to benefit volunteer fire fighters and emergency medical services providers.

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

**House File 105**, by Heaton, a bill for an act relating to the youthful offender status of a juvenile in adult court.

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

**House File 106**, by Heaton, a bill for an act relating to including service animals as an eligible service reimbursable under the home and community-based services waivers.

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

**House File 107**, by Struyk, Windschitl, Forristall, Pettengill, Schultz, Huseman, Alons, Drake, Rayhons and Horbach, a bill for an act providing for the enforcement of immigration laws in this state, including the detention and deportation of unauthorized aliens and the seizure of assets.

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

**House File 108**, by Struyk, Huser, Mertz and Rayhons, a bill for an act providing for the deposit of certain insurance premium tax receipts in the fire and police retirement fund of the statewide fire and police retirement system.

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

**House File 109**, by Struyk, Windschitl, Alons, Forristall, Helland, Drake and Rayhons, a bill for an act relating to developing an integrated state government database system regarding the immigration status and citizenship of a person.

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

**House File 110**, by Smith, a bill for an act relating to leaving a child unattended or not properly supervised in a motor vehicle, and providing a penalty.

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

**House File 111**, by Gaskill, a bill for an act requiring an election to approve the use of increased local sales and services tax revenues to fund urban renewal projects.

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

**House File 112**, by Smith, a bill for an act relating to the wearing of an alcohol monitoring device as a condition of probation for certain operating-while-intoxicated and related offenses.

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

**House File 113**, by Pettengill, Lukan, S. Olson, De Boef, Upmeyer, Struyk, Alons, Horbach, Drake, Deyoe and Paulsen, a bill for an act exempting investment counseling services from state sales tax.

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

**House File 114**, by Schueller, Kressig, Lukan, Kelley and Gaskill, a bill for an act relating to body piercing and tattooing, and providing penalties.

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

**House File 115**, by Rants, a bill for an act relating to workers' compensation for an employee's injuries caused by certain willful acts.

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

**House File 116**, by Baudler, a bill for an act relating to the carrying of a gun in or on a vehicle on a public highway and making penalties applicable.

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

**House File 117**, by Pettengill, a bill for an act relating to hunting by landowners on certain land owned by them.

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

**House File 118**, by Struyk, Windschitl, Forristall, Pettengill, Schultz, Huseman, Helland, Drake, Rayhons, Horbach, Huser and Mertz, a bill for an act eliminating the inheritance tax on property passing to relatives related to the decedent within the third degree of consanguinity or affinity and including an applicability date provision.

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

**House File 119**, by Tymeson, a bill for an act limiting the school aid formula to provide funding for four years of high school per student.

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

**House File 120**, by Kaufmann and Raecker, a bill for an act allowing voters to reject all candidates on general election ballots for certain offices and providing for a special election and for filing deadlines.

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

**House File 121**, by Struyk, a bill for an act exempting a resident of a state medical institution from prosecution for the criminal offense of willful injury.

Read first time and referred to committee on **public safety**.

#### SENATE MESSAGE CONSIDERED

**Senate File 3**, by Johnson, a bill for an act relating to a .08 blood alcohol limit for motorboat or sailboat operating while intoxicated offenses.

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

Whitaker of Van Buren asked and received unanimous consent to suspend the rules for the immediate consideration of House Resolution 4.

## ADOPTION OF HOUSE RESOLUTION 4

Wagner of Linn called up for consideration **House Resolution 4**, a resolution to honor the memory of former Representative Rosemary Thomson, and moved its adoption.

The motion prevailed and the resolution was adopted.

## SPECIAL PRESENTATION

Wagner of Linn introduced to the House Jim Thomson, the husband of the late Rosemary Thomson, former state representative from Linn County who addressed the House briefly thanking the body for the honor.

The House rose and expressed its welcome.

On motion by Whitaker of Van Buren, the House was recessed at 9:28 a.m., until 4:00 p.m.

## AFTERNOON SESSION

The House reconvened at 4:20 p.m., Speaker Murphy in the chair.

## INTRODUCTION OF BILLS

**House File 122**, by committee on human resources, a bill for an act relating to requiring reports for certain precursor substances and extending an information program for drug prescribing and dispensing and providing an effective date.

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

**House File 123**, by Struyk, Huser, Drake, Rayhons, Heaton and Horbach, a bill for an act relating to county juvenile detention homes by increasing the financial aid provided by the state.

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

**House File 124**, by Struyk, Windschitl, Lukan, Pettengill, Schultz, Alons, Helland, Drake, Rayhons and Horbach, a bill for an act prohibiting local legislation that prevents local government

officials or employees from cooperating with federal officials with regard to the immigration status of persons within the state.

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

**House File 125**, by Frevert, a bill for an act relating to and making an appropriation to provide for an uncompensated care additional payment to hospitals eligible for Medicaid reimbursement rate rebasing.

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

**House File 126**, by Struyk, a bill for an act relating to classification and assessment of property for purposes of property taxation and including effective date and retroactive applicability date provisions.

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

**House File 127**, by T. Taylor, a bill for an act providing for the licensure of elevator contractors and elevator mechanics and providing penalties.

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

**House File 128**, by Smith, Kressig, D. Olson and Ficken, a bill for an act relating to the operation of bicycles on a street or highway, providing requirements for motor vehicle operators encountering other vehicles or bicycles, and providing penalties.

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

**House File 129**, by Abdul-Samad, a bill for an act relating to requirements for the promotion of students from kindergarten through grade twelve based on grade-level proficiency in reading and mathematics.

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

**House File 130**, by Pettengill, De Boef and Struyk, a bill for an act relating to reimbursement for case management for the frail elderly.

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

**House File 131**, by Reasoner, a bill for an act relating to approval of proposed urban renewal plans and amendments to urban renewal plans, and including effective and applicability date provisions.

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

**House File 132**, by Tymeson, a bill for an act relating to public land included in territory subject to voluntary annexation and providing an applicability date.

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

**House File 133**, by Reichert, a bill for an act relating to eligible beneficiaries for a line of duty death benefit under the statewide fire and police retirement system and providing an effective date.

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

**House File 134**, by Pettengill, a bill for an act allowing a refund of motor fuel taxes paid by an authorized, privately owned ambulance, rescue, or first response service.

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

**House File 135**, by Reichert, a bill for an act relating to the issuance of permits to carry weapons.

Read first time and referred to committee on **public safety**.

**House File 136**, by Wendt and Whitead, a bill for an act relating to representation of the department of human services in juvenile court.

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

**House File 137**, by May, a bill for an act providing for a .08 blood alcohol limit for motorboat or sailboat operating while intoxicated offenses.

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

**House File 138**, by Whitaker, a bill for an act relating to requirements for school districts providing transportation to students participating in open enrollment.

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

**House File 139**, by committee on human resources, a bill for an act requiring health insurance coverage for costs relating to mental health conditions, including alcohol or substance abuse treatment services.

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

**House File 140**, by Wendt and Whitead, a bill for an act relating to providing sales, use, and property tax exemptions for certain data processing businesses.

Read first time and referred to committee on **economic growth**.

#### EXPLANATION OF VOTE

I was necessarily absent from the House chamber on January 27, 2009. Had I been present, I would have voted "aye" on House File 64.

BAUDLER of Adair

#### 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

2009\869 Warren Valentine, Rock Valley – For celebrating his 75<sup>th</sup> birthday.

2009\870 Darlene Van Roekel, Sioux Center – For celebrating her 75<sup>th</sup> birthday.

2009\871 Willard Wissink, Rock Valley – For celebrating his 75<sup>th</sup> birthday.

2009\872 Richard Wissink, Rock Valley – For celebrating his 75<sup>th</sup> birthday.

2009\873 Lavonne Riphagen, Sioux Center – For celebrating her 75<sup>th</sup> birthday.



- 2009\874 Marvin G. Wissink, Sioux Center – For celebrating his 75<sup>th</sup> birthday.
- 2009\875 Jenni Van Whye, Lester – For celebrating her 75<sup>th</sup> birthday.
- 2009\876 Robert Hodgson, Alvord – For celebrating his 75<sup>th</sup> birthday.
- 2009\877 Gertrude Vanden Top, Doon – For celebrating her 75<sup>th</sup> birthday.
- 2009\878 Arend Folkens, Lester – For celebrating his 80<sup>th</sup> birthday.
- 2009\879 Harley Behrens, George – For celebrating his 80<sup>th</sup> birthday.
- 2009\880 Marvin Warns, Inwood – For celebrating his 80<sup>th</sup> birthday.
- 2009\881 Marilyn Boote, Hull – For celebrating her 80<sup>th</sup> birthday.
- 2009\882 Louis Altena, Rock Valley – For celebrating his 80<sup>th</sup> birthday.
- 2009\883 Dolores Wiertzema, Little Rock – For celebrating her 80<sup>th</sup> birthday.
- 2009\884 Donald Grotluschen, George – For celebrating his 80<sup>th</sup> birthday.
- 2009\885 John Van Ginkel, Rock Valley – For celebrating his 80<sup>th</sup> birthday.
- 2009\886 Eleanor Wibben, George – For celebrating her 80<sup>th</sup> birthday.
- 2009\887 Berdena Bylsma, Hull – For celebrating her 80<sup>th</sup> birthday.
- 2009\888 Martena Kragt, Rock Valley – For celebrating her 85<sup>th</sup> birthday.
- 2009\889 George Oldenkamp, Rock Valley – For celebrating his 85<sup>th</sup> birthday.
- 2009\890 Grace Dykstra, Hull – For celebrating her 85<sup>th</sup> birthday.
- 2009\891 Gerald Juffer, Sioux Center – For celebrating his 85<sup>th</sup> birthday.
- 2009\892 Marius Evertse, Hull – For celebrating his 85<sup>th</sup> birthday.
- 2009\893 Myra Heuer, Rock Valley – For celebrating her 85<sup>th</sup> birthday.
- 2009\894 Arlene Schuiteman, Sioux Center – For celebrating her 85<sup>th</sup> birthday.
- 2009\895 Hubert Landegent, Rock Valley – For celebrating his 85<sup>th</sup> birthday.
- 2009\896 Lorayne Koll, Rock Valley – For celebrating her 85<sup>th</sup> birthday.
- 2009\897 William Koedam, Rock Valley – For celebrating his 85<sup>th</sup> birthday.
- 2009\898 Wava Braun, Rock Rapids – For celebrating her 85<sup>th</sup> birthday.
- 2009\899 Alice Wulf, Lester – For celebrating her 85<sup>th</sup> birthday.

- 2009\900 Gertie Bonnema, Sioux Center – For celebrating her 90<sup>th</sup> birthday.
- 2009\901 Gertie Feller, Rock Rapids – For celebrating her 90<sup>th</sup> birthday.
- 2009\902 Stella Dahlman, Rock Rapids – For celebrating her 90<sup>th</sup> birthday.
- 2009\903 Jack and Loretta Meyers, Nichols – For celebrating their 50<sup>th</sup> wedding anniversary.
- 2009\904 Harold and Mary Ann Stange, Muscatine – For celebrating their 60<sup>th</sup> wedding anniversary.
- 2009\905 Joe Ann Lockwood, Muscatine – For celebrating her 80<sup>th</sup> birthday.
- 2009\906 Emil and Bernice Hanschel, Dubuque – For celebrating their 70<sup>th</sup> wedding anniversary.
- 2009\907 George and Gertrude Klinge, Dubuque – For celebrating their 50<sup>th</sup> wedding anniversary.
- 2009\908 Robert and Sandy Connolly, Dubuque – For celebrating their 50<sup>th</sup> wedding anniversary.
- 2009\909 Rodney Fitzgerald, Peterson – For being named a 2008 Master Pork Producer by the Iowa Pork Producers Association.
- 2009\910 Dana and Nicky Sleezer, Aurelia – For being named 2008 Pork All Americans by the Iowa Pork Producers Association.
- 2009\911 Buzz and Judy Messenbrink, Schleswig – For celebrating their 50<sup>th</sup> wedding anniversary.
- 2009\912 Ina Ulmer, Denison – For celebrating her 85<sup>th</sup> birthday.
- 2009\913 Verna Pieper, Denison – For celebrating her 90<sup>th</sup> birthday.
- 2009\914 Shirley Schneider, Denison – For celebrating her 75<sup>th</sup> birthday.
- 2009\915 Nadine Stender, Denison – For celebrating her 75<sup>th</sup> birthday.

#### SUBCOMMITTEE ASSIGNMENTS

##### **House Joint Resolution 3**

State Government: T. Taylor, Chair; Frevert and Koester.

##### **House File 31**

Education: Cohoon, Chair; Abdul-Samad and Sweeney.

**House File 75**

Education: Winckler, Chair; Koester and Mascher.

**House File 82**

Public Safety: Bukta, Chair; Kressig and Worthan.

**House File 90**

State Government: Wendt, Chair; Isenhardt and Schulte.

**House File 91**

Education: Ficken, Chair; Abdul-Samad and May.

**House File 94**

Education: Cohoon, Chair; Steckman and Tymeson.

**House File 101**

State Government: Frevert, Chair; Beard and Drake.

**House File 102**

State Government: Quirk, Chair; Kaufmann and Willems.

**House File 104**

State Government: Quirk, Chair; Pettengill and T. Taylor.

**House File 107**

State Government: T. Taylor, Chair; Koester and Willems.

**House File 109**

State Government: T. Taylor, Chair; Koester and Willems.

**House File 120**

State Government: Gaskill, Chair; Pettengill and Willems.

**Senate File 45**

Local Government: Kressig, Chair; Sorenson and D. Taylor.

HOUSE STUDY BILL SUBCOMMITTEE ASSIGNMENTS

**House Study Bill 3 Reassigned**

Education: Winckler, Chair; Forristall and Wendt.

**House Study Bill 90**

Environmental Protection: Smith, Chair; Anderson and Gaskill.

**House Study Bill 91**

Judiciary: Lensing, Chair; R. Olson and Schulte.

**House Study Bill 92**

Judiciary: T. Olson, Chair; Helland and Wessel-Kroeschell.

**House Study Bill 93**

Public Safety: Burt, Chair; Bukta and Tjepkes.

**House Study Bill 94**

Public Safety: Whitead, Chair; Alons and Kuhn.

**House Study Bill 95**

Public Safety: Baudler, Chair; Kressig and R. Olson.

**House Study Bill 96**

Public Safety: Berry, Chair; Heddens and Worthan.

**House Study Bill 97**

Public Safety: Heddens, Chair; Baudler and Burt.

**House Study Bill 98**

State Government: Gaskill, Chair; Lensing and Struyk.

HOUSE STUDY BILL COMMITTEE ASSIGNMENTS

**H.S.B. 103 Ways and Means**

Providing a sales tax exemption for purchases made by a nonprofit blood bank licensed by the federal food and drug administration.

**H.S.B. 104 Ways and Means**

Relating to the technical administration of the tax and related laws by the department of revenue, including administration of income taxes, sales and use taxes, fees for new vehicle registrations, and property taxes and including a retroactive applicability date provision.

**H.S.B. 105 Ways and Means**

Updating the Code references to the Internal Revenue Code, providing for decoupling from a certain bonus depreciation provision in the Internal Revenue Code, and including effective and retroactive applicability date provisions.

**H.S.B. 106 Ways and Means**

Relating to a sales tax exemption for the operation of nonprofit private performing arts centers and allowing a sales tax refund for construction of such centers.

**H.S.B. 107 Local Government**

Concerning the issuance of certain county general obligation bonds by requiring published notice and modifying the ballot proposition, and including effective date, validation, and retroactive applicability provisions.

**H.S.B. 108 Labor**

Relating to unemployment insurance benefits and compliance with federal law regarding and in order to qualify for funding, and including effective and applicability dates.

**H.S.B. 109 Economic Growth**

Relating to economic development by providing for an innovation and commercialization development fund, making the department of revenue responsible for approving certain tax credits for third-party developers, making appropriations, and providing an effective date.

**H.S.B. 110 Local Government**

Relating to the operation of county, city, and memorial hospitals and the duties and powers of hospital trustees and commissioners.

**H.S.B. 111 Human Resources**

Relating to the public health system by providing for the voluntary accreditation of certain public health agencies, the adoption of Iowa public health standards, the establishment of an accreditation data collection system, creating a fund, and providing for a penalty and an effective date.

**H.S.B. 112 Human Resources**

Relating to administrative and planning requirements involving children for whom the department of human services has responsibility under state or federal law.

**H.S.B. 113 Public Safety**

Modifying the elements of sexual abuse by including certain deceptive acts, and providing penalties.

**H.S.B. 114 Transportation**

Relating to the civil penalty imposed when the department of transportation suspends or revokes a person's driver's license or nonresident operating privilege for failure to maintain proof of financial responsibility.

**H.S.B. 115 Transportation**

Relating to department of transportation administrative procedures by establishing a procedure to remove a conviction relating to the operation of a motor vehicle from a driving record based on identity theft and requiring verification of status in regards to the driver's license of a foreign national.

**H.S.B. 116 Transportation**

Relating to railway assistance and passenger rail service, including provisions for the administration of the railway revolving loan and grant fund, the elimination of the railway finance authority, and the administration of the passenger rail service revolving fund.

**H.S.B. 117 Agriculture**

Providing for an agriculture energy efficiency education program.

**H.S.B. 118 Transportation**

Providing for specially designed motor vehicle registration plates to be issued for municipal police vehicles.

**H.S.B. 119 Public Safety**

Relating to the detention of a person taken into immediate custody in an involuntary hospitalization proceeding and providing a penalty.

**H.S.B. 120 State Government**

Requiring the licensing of abstractors within the department of commerce, establishing fees, penalties, and judicial remedies, and providing an effective date.

**H.S.B. 121 Agriculture**

Relating to the fees deposited in and the balance maintained in the grain depositors and sellers indemnity fund, and by providing for fees.

**H.S.B. 122 Judiciary**

Relating to the assessment of city and county fines.

## COMMITTEE RECOMMENDATIONS

MR. SPEAKER: The Chief Clerk of the House respectfully reports that the following committee recommendations have been received and are on file in the office of the Chief Clerk.

MARK W. BRANDSGARD  
Chief Clerk of the House

## COMMITTEE ON HUMAN RESOURCES

**Committee Bill** (Formerly House File 2), adding hallucinogenic substances to the list of schedule I controlled substances, and providing penalties.

Fiscal Note is not required.

Recommended **Do Pass** January 28, 2009.

**Committee Bill** (Formerly House File 8), relating to child abuse involving members of the clergy and child abuse reporting requirements, and making penalties applicable.

Fiscal Note is not required.

Recommended **Amend and Do Pass** January 28, 2009.

## COMMITTEE ON NATURAL RESOURCES

**House Joint Resolution 1**, 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.

Fiscal Note is not required.

Recommended **Do Pass** January 27, 2009.

## COMMITTEE ON WAYS AND MEANS

**Senate File 44**, a bill for an act relating to the imposition of a local option sales and services tax after a disaster and providing an effective date.

Fiscal Note is not required.

Recommended **Do Pass** January 28, 2009.



## RESOLUTION FILED

**HR 5**, by Reichert, Cohoon, Jacoby and Struyk, a resolution to recognize the Iowa Small Business Development Centers and honor 2008 award winners Sally Nichols and John Lohman.

Laid over under **Rule 25**.

## AMENDMENTS FILED

H—1007	S.F.	44	Helland of Polk
H—1008	S.F.	44	Helland of Polk
H—1009	S.F.	44	Helland of Polk

On motion by McCarthy of Polk the House adjourned at 4:26 p.m., until 9:00 a.m., Thursday, January 29, 2009.

# JOURNAL OF THE HOUSE

Eighteenth Calendar Day - Thirteenth Session Day

Hall of the House of Representatives  
Des Moines, Iowa, Thursday, January 29, 2009

The House met pursuant to adjournment at 9:20 a.m., Speaker Murphy in the chair.

Prayer was offered by the honorable Phyllis Thede, state representative from Scott County.

## PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Katelyn Schofield, the Chief Clerk's Page from Essex.

The Journal of Wednesday, January 28, 2009 was approved.

## LEAVE OF ABSENCE

Leave of absence was granted as follows:

Huser of Polk on request of McCarthy of Polk.

## INTRODUCTION OF BILLS

**House File 141**, by Struyk, Windschitl, Lukan, Pettengill, Schultz, Alons, Drake, Rayhons and Horbach, a bill for an act requiring students at state postsecondary institutions to provide proof of legal status, reducing funding for state postsecondary institutions that enroll students without such proof, and providing an applicability date.

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

**House File 142**, by Pettengill, Lukan, S. Olson, De Boef, Upmeyer, Struyk, Alons, Horbach, Drake, Deyoe and Paulsen, a bill for an act exempting certain sales by qualified organizations representing veterans from sales tax.

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

**House File 143**, by Kaufmann and Baudler, a bill for an act providing for restricted driver motor vehicle registration plates to identify persons driving under a temporary restricted driver's license following a second or subsequent revocation for operating while intoxicated, and providing penalties.

Read first time and referred to committee on **public safety**.

**House File 144**, by Ford, a bill for an act requiring governing bodies dispensing public funds for economic development to consider the recruitment and retention of minority persons by businesses receiving such funds.

Read first time and referred to committee on **economic growth**.

**House File 145**, by May, a bill for an act relating to the taxation of a homestead owned by a disabled veteran and including effective date and applicability date provisions.

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

**House File 146**, by Rants, a bill for an act providing sales, use, and property tax exemptions for certain data centers.

Read first time and referred to committee on **economic growth**.

**House File 147**, by Struyk, Huser and Forristall, a bill for an act creating a recreational class of property for purposes of property assessment and taxation.

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

**House File 148**, by Rants, a bill for an act relating to the liability of an alcoholic beverage licensee or permittee.

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

**House File 149**, by Struyk, S. Olson, Helland, Drake and Rayhons, a bill for an act relating to a limitation on the amount of property taxes that may be certified by counties and cities and providing effective and applicability dates.

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

**House File 150**, by Whitaker, a bill for an act relating to beverage container control by expanding the number of beverage containers covered, eliminating the requirement of distributors to collect and pay refund values, and making conforming changes.

Read first time and referred to committee on **environmental protection**.

**House File 151**, by L. Miller, a bill for an act requiring the owner of a motor vehicle to maintain financial liability coverage as a condition for registration of the vehicle, requiring insurance carriers to certify automobile financial liability coverage to the department of transportation, and providing civil and criminal penalties.

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

**House File 152**, by Struyk, a bill for an act relating to valuation of commercial property using an income approach for purposes of property assessment and taxation, allowing appraisal methods in lieu of an income approach, and providing an applicability date.

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

#### 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 January 28, 2009, passed the following bill in which the concurrence of the Senate was asked:

House File 64, a bill for an act relating to disaster assistance by providing for jumpstart housing assistance, unmet needs disaster grants, a rebuild Iowa office, and community disaster grants, making appropriations, and providing effective and retroactive applicability dates.

MICHAEL E. MARSHALL, Secretary

McCarthy of Polk asked and received unanimous consent for the immediate consideration of House Resolution 5.

#### ADOPTION OF HOUSE RESOLUTION 5

Reichert of Muscatine, Cohoon of Des Moines and Jacoby of Johnson called up for consideration **House Resolution 5**, a resolution to recognize the Iowa Small Business Development Centers and honor 2008 award winners Sally Nichols and John Lohman, and moved its adoption.

The motion prevailed and the resolution was adopted.

#### SPECIAL PRESENTATION

Jacoby of Johnson introduced to the House, Sally Nichols and John Lohman who briefly thanked the House for the honor.

The House rose and expressed its appreciation.

On motion by McCarthy of Polk, the House was recessed at 9:33 a.m., until 4:00 p.m.

#### AFTERNOON SESSION

The House reconvened at 12:02 p.m., Speaker Murphy in the chair.

#### INTRODUCTION OF BILLS

**House File 153**, by Struyk, a bill for an act relating to valuation of commercial property using an income approach for purposes of property assessment and taxation, allowing a commercial property owner to protest such an assessment, and providing an applicability date.

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

**House File 154**, by Struyk, a bill for an act relating to a limitation on certain county and city property taxes in certain fiscal years and providing for the Act's applicability.

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

**House File 155**, by Gaskill, a bill for an act relating to the use of wireless communication devices by motor vehicle operators and providing a penalty.

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

**House File 156**, by Reichert, a bill for an act providing an appropriation for a pilot project to implement a child care center that operates twenty-four hours per day, seven days per week.

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

**House File 157**, by Kuhn, a bill for an act crediting revenues from the use tax on aircraft to the state aviation fund.

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

**House File 158**, by Kaufmann, a bill for an act providing for the establishment of a permanent substitute teacher license by the board of educational examiners.

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

**House File 159**, by Deyoe and Heddens, a bill for an act relating to the authority of a city to dispose of real property by gift.

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

**House File 160**, by Tymeson, a bill for an act relating to procedures for voluntary annexation and including an applicability date provision.

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

**House File 161**, by Kaufmann, a bill for an act prohibiting certain individuals from acting as agents for school textbooks or school supplies and making a penalty applicable.

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

**House File 162**, by May, a bill for an act excluding from the individual income tax the retirement pay of certain veterans of the armed forces and including a retroactive applicability date provision.

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

**House File 163**, by Tymeson, a bill for an act allowing receiving school districts to send school vehicles into the district of residence to transport an open-enrolled pupil under certain circumstances.

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

The House stood at ease at 12:04 p.m., until the fall of the gavel.

The House resumed session at 12:19 p.m., Speaker Murphy in the chair.

#### QUORUM CALL

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

#### LEAVE OF ABSENCE

Leave of absence was granted as follows:

Mertz of Kossuth on request of McCarthy of Polk; Arnold of Lucas, Rants of Woodbury, Schultz of Crawford and Struyk of Pottawattamie, on request of Paulsen of Linn.

McCarthy of Polk asked and received unanimous consent to suspend the rules for the immediate consideration of Senate File 44.

#### CONSIDERATION OF BILLS

##### Ways and Means Calendar

**Senate File 44**, a bill for an act relating to the imposition of a local option sales and services tax after a disaster and providing an effective date, with report of committee recommending passage, was taken up for consideration.

Helland of Polk asked and received unanimous consent to withdraw amendment H-1008 filed by him on January 28, 2009.

Helland of Polk offered the following amendment H-1009 filed by him and moved its adoption:

H-1009

- 1 Amend Senate File 44, as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 2, by inserting after line 26 the
- 4 following:
- 5 "4A. Notwithstanding section 423B.1, subsection 5,
- 6 subsection 6, paragraph "a", and subsection 9, a local
- 7 option sales and services tax imposed pursuant to this
- 8 Act shall be repealed not later than June 30, 2014."
- 9 2. By renumbering as necessary.

Roll call was requested by Paulsen of Linn and Sands of Louisa.

On the question "Shall amendment H-1009 be adopted?" (S.F. 44)

The ayes were, 40:

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

The nays were, 52:

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



Absent or not voting, 8:

Arnold	Bell	Chambers	Huser
Mertz	Rants	Schultz	Struyk

Amendment H-1009 lost.

Helland of Polk offered the following amendment H-1007 filed by him and moved its adoption:

H-1007

1 Amend Senate File 44, as amended, passed, and  
 2 reprinted by the Senate, as follows:  
 3 1. Page 2, by inserting after line 34 the  
 4 following:  
 5 "Sec.\_\_\_\_. EXPENDITURE PURPOSES. A city or  
 6 unincorporated area of a county that imposes a local  
 7 option sales and services tax pursuant to section 1 of  
 8 this Act shall use revenue generated by the local  
 9 option sales and services tax for purposes of repairs  
 10 necessitated due to flood damage in 2008."  
 11 2. By renumbering as necessary.

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

On the question "Shall amendment H-1007 be adopted?" (S.F. 44)

The ayes were, 40:

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

The nays were, 52:

Abdul-Samad	Bailey	Beard	Berry
Bukta	Burt	Cohoon	Ficken
Ford	Frevert	Gaskill	Gayman
Heddens	Hunter	Isenhardt	Jacoby
Kearns	Kelley	Kressig	Kuhn
Lensing	Lykam	Mascher	McCarthy

Miller, H.	Oldson	Olson, D.	Olson, R.
Olson, T.	Palmer	Petersen	Quirk
Reasoner	Reichert	Schueller	Shomshor
Smith	Steckman	Swaim	Taylor, D.
Taylor, T.	Thede	Thomas	Wendt
Wenthe	Wessel-Kroeschell	Whitaker	Whitead
Willems	Winckler	Zirkelbach	Mr. Speaker Murphy

Absent or not voting, 8:

Arnold	Bell	Chambers	Huser
Mertz	Rants	Schultz	Struyk

Amendment H-1007 lost.

### RULE 31.8 SUSPENDED

Watts of Dallas asked and received unanimous consent to suspend Rule 31.8, related to the timely filing of amendments, for the immediate consideration of amendment H-1010.

Watts of Dallas offered the following amendment H-1010 filed by him from the floor and moved its adoption:

H-1010

1 Amend Senate File 44, as amended, passed, and  
 2 reprinted by the Senate, as follows:  
 3 1. Page 1, by inserting before line 1 the  
 4 following:  
 5 "Section 1. Section 423B.1, subsection 3, Code  
 6 2009, is amended to read as follows:  
 7 3. A local option tax shall be imposed only after  
 8 an election at which a majority of those voting on the  
 9 question favors imposition and shall then be imposed  
 10 until repealed as provided in subsection 6, paragraph  
 11 "a". If the tax is a local vehicle tax imposed by a  
 12 county, it shall apply to all incorporated and  
 13 unincorporated areas of the county. If the tax is a  
 14 local sales and services tax imposed by a county, it  
 15 shall only apply to those incorporated areas and the  
 16 unincorporated area of that county in which a majority  
 17 of those voting in the area on the tax favors its  
 18 imposition. For purposes of the local sales and  
 19 services tax, all cities contiguous to each other  
 20 shall be treated as part of one incorporated area and  
 21 the tax would be imposed in each of those contiguous  
 22 cities only if the majority of those voting in the

23 total area covered by the contiguous cities favors its  
 24 imposition. In the case of a local sales and services  
 25 tax submitted to the registered voters of two or more  
 26 contiguous counties as provided in subsection 4,  
 27 paragraph "c", all cities contiguous to each other and  
 28 where the boundaries of such cities overlap county  
 29 lines shall be treated as part of one incorporated  
 30 area, ~~even if the corporate boundaries of one or more~~  
 31 ~~of the cities include areas of more than one county.~~  
 32 and the tax shall be imposed in each of those  
 33 contiguous cities only if a majority of those voting  
 34 on the tax in the total area covered by the contiguous  
 35 cities favored its imposition. For purposes of the  
 36 local sales and services tax, a city is not contiguous  
 37 to another city if the only road access between the  
 38 two cities is through another state.

39 Sec.\_\_\_\_. Section 423B.1, subsection 6, paragraph  
 40 a, subparagraph (1), Code 2009, is amended to read as  
 41 follows:

42 (1) If a majority of those voting on the question  
 43 of imposition of a local option tax favors imposition  
 44 of a local option tax, the governing body of that  
 45 county shall impose the tax at the rate specified for  
 46 an unlimited period. However, in the case of a local  
 47 sales and services tax, the county shall not impose  
 48 the tax in any incorporated area or the unincorporated  
 49 area if the majority of those voting on the tax in  
 50 that area did not favor its imposition. For purposes

Page 2

1 of the local sales and services tax, all cities  
 2 contiguous to each other shall be treated as part of  
 3 one incorporated area and the tax shall be imposed in  
 4 each of those contiguous cities only if the majority  
 5 of those voting on the tax in the total area covered  
 6 by the contiguous cities favored its imposition. In  
 7 the case of a local sales and services tax submitted  
 8 to the registered voters of two or more contiguous  
 9 counties as provided in subsection 4, paragraph "c",  
 10 all cities contiguous to each other and where the  
 11 boundaries of such cities overlap county lines shall  
 12 be treated as part of one incorporated area, ~~even if~~  
 13 ~~the corporate boundaries of one or more of the cities~~  
 14 ~~include areas of more than one county,~~ and the tax  
 15 shall be imposed in each of those contiguous cities  
 16 only if a majority of those voting on the tax in the  
 17 total area covered by the contiguous cities favored  
 18 its imposition.

19 Sec.\_\_\_\_. Section 423B.5, unnumbered paragraph 1,  
 20 Code 2009, is amended to read as follows:

21 A local sales and services tax at the rate of not

22 more than one percent may be imposed by a county on  
23 the sales price taxed by the state under chapter 423,  
24 subchapter II. A local sales and services tax shall  
25 be imposed on the same basis as the state sales and  
26 services tax or in the case of the use of natural gas,  
27 natural gas service, electricity, or electric service  
28 on the same basis as the state use tax and shall not  
29 be imposed on the sale of any property or on any  
30 service not taxed by the state, except the tax shall  
31 not be imposed on the sales price from the sale of  
32 motor fuel or special fuel as defined in chapter 452A  
33 which is consumed for highway use or in watercraft or  
34 aircraft if the fuel tax is paid on the transaction  
35 and a refund has not or will not be allowed, on the  
36 sales price from the sale of equipment by the state  
37 department of transportation, or on the sales price  
38 from the sale or use of natural gas, natural gas  
39 service, electricity, or electric service in a city or  
40 county where the sales price from the sale of natural  
41 gas or electric energy is subject to a franchise fee  
42 or user fee during the period the franchise or user  
43 fee is imposed. A local sales and services tax is  
44 applicable to transactions within those incorporated  
45 and unincorporated areas of the county where it is  
46 imposed and shall be collected by all persons required  
47 to collect state sales taxes. All cities contiguous  
48 to each other shall be treated as part of one  
49 incorporated area and the tax would be imposed in each  
50 of those contiguous cities only if the majority of

Page 3

1 those voting in the total area covered by the  
2 contiguous cities favors its imposition. In the case  
3 of a local sales and services tax submitted to the  
4 registered voters of two or more contiguous counties  
5 as provided in section 423B.1, subsection 4, paragraph  
6 "c", all cities contiguous to each other and where the  
7 boundaries of such cities overlap county lines shall  
8 be treated as part of one incorporated area, ~~even if~~  
9 ~~the corporate boundaries of one or more of the cities~~  
10 ~~include areas of more than one county~~, and the tax  
11 shall be imposed in each of those contiguous cities  
12 only if a majority of those voting on the tax in the  
13 total area covered by the contiguous cities favored  
14 its imposition."

15 2. Page 1, by striking lines 12 through 14 and  
16 inserting the following:

17 "1. Notwithstanding section 423B.1, subsection 3,  
18 Code 2009, and as amended in this Act, section 423B.1,  
19 subsection 6, Code 2009, and as amended in this Act,  
20 section 423B.1, subsection 9, and section 423B.5,

- 21 unnumbered paragraph 1, Code 2009, and as amended in  
 22 this Act, cities contiguous to each".  
 23 3. Page 2, line 13, by inserting after the word  
 24 and figure "subsection 5," the following: "Code 2009,  
 25 and as amended in this Act,".  
 26 4. Page 2, line 20, by inserting after the word  
 27 and figure "subsection 5," the following: "Code 2009,  
 28 and as amended in this Act,".  
 29 5. Page 2, line 21, by inserting after the word  
 30 and letter "paragraph "a"," the following: "Code  
 31 2009, and as amended in this Act,".  
 32 6. Title page, line 2, by striking the words  
 33 "after a disaster".  
 34 7. By renumbering as necessary.

Amendment H-1010 lost.

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.

On the question "Shall the bill pass?" (S.F. 44)

The ayes were, 55:

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

The nays were, 37:

Alons	Anderson	Baudler	Cownie
De Boef	Deyoe	Dolecheck	Drake
Forristall	Grassley	Hagenow	Heaton
Helland	Horbach	Huseman	Kaufmann
Lukan	Marek	May	Miller, L.
Olson, S.	Paulsen	Raecker	Rayhons
Roberts	Sands	Soderberg	Sorenson

Sweeney	Tjepkes	Tymeson	Upmeyer
Van Engelenhoven	Wagner	Watts	Windschitl
Worthan			

Absent or not voting, 8:

Arnold	Bell	Chambers	Huser
Mertz	Rants	Schultz	Struyk

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

### IMMEDIATE MESSAGE

McCarthy of Polk asked and received unanimous consent that **Senate File 44** be immediately messaged to the Senate.

### HOUSE FILE 139 REFERRED

The Speaker announced that House File 139, previously placed on **the calendar** was referred to committee on **human resources**.

### SENATE FILE 3 REREFERRED

The Speaker announced that Senate File 3, previously referred to committee on **natural resources** was rereferred to committee on **public safety**.

### CERTIFICATE OF RECOGNITION

**MR. SPEAKER:** The Chief Clerk of the House respectfully reports that a certificate of recognition has been issued as follows.

MARK W. BRANDSGARD  
Chief Clerk of the House

2009\916 Lowell and Virginia Walk, Grafton – For celebrating their 60<sup>th</sup> wedding anniversary.

### SUBCOMMITTEE ASSIGNMENTS

#### House File 32

Judiciary: Huser, Chair; Baudler and Wessel-Kroeschell.

#### House File 52

Human Resources: Petersen, Chair; Koester and Thede.

**House File 69**

Environmental Protection: H. Miller, Chair; S. Olson and Whitaker.

**House File 80**

Labor: Hunter, Chair; Burt and Van Engelenhoven.

**House File 86**

Public Safety: Whitaker, Chair; Baudler and Whitead.

**House File 87**

Public Safety: Whitaker, Chair; Alons and Whitead.

**House File 88**

Public Safety: Whitaker, Chair; Alons and Whitead.

**House File 89**

Environmental Protection: Kearns, Chair; Gayman and Hagenow.

**House File 93**

Environmental Protection: Drake, Chair; Deyoe and Gayman.

**House File 99**

Public Safety: Bukta, Chair; Alons and Bell.

**House File 112**

Judiciary: Palmer, Chair; Horbach and Willems.

**House File 121**

Public Safety: Bukta, Chair; Bell and Sands.

**House File 140**

Economic Growth: Kelley, Chair; Soderberg and Thomas.

**House File 144**

Economic Growth: Bailey, Chair; Cownie and H. Miller.

**House File 146**

Economic Growth: Kelley, Chair; Soderberg and Thomas.

**House File 148**

Judiciary: R. Olson, Chair; Helland and Lensing

**Senate File 27**

Judiciary: Ford, Chair; Schulte and Wessel-Kroeschell.

**LSB 1605YC**

Administration and Rules: Wessel-Kroeschell, Chair; Reasoner and Tymeson.

**LSB 1944YC 83**

Administration and Rules: Wessel-Kroeschell, Chair; Lukan and Reasoner.

**HOUSE STUDY BILL SUBCOMMITTEE ASSIGNMENTS**

**House Study Bill 54**

Rebuild Iowa and Disaster Recovery: T. Taylor, Chair; Burt and Kaufmann.

**House Study Bill 85**

Commerce: T. Olson, Chair; D. Olson and Pettengill.

**House Study Bill 99**

Judiciary: Lensing, Chair; Baudler and Willems.

**House Study Bill 100**

Judiciary: Palmer, Chair; Horbach and Swaim.

**House Study Bill 101**

Judiciary: R. Olson, Chair; T. Olson and Schulte.

**House Study Bill 102**

Judiciary: Huser, Chair; Schultz and Willems.

**House Study Bill 103**

Ways and Means: Frevert, Chair; L. Miller and Steckman.

**House Study Bill 104**

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



**House Study Bill 105**

Ways and Means: D. Olson, Chair; Bukta and Wagner.

**House Study Bill 108**

Labor: T. Taylor, Chair; Anderson and Isenhart.

**House Study Bill 109**

Economic Growth: Wenthe, Chair; Bailey and May.

**House Study Bill 111**

Human Resources: Wendt, Chair; Mascher and Schulte.

**House Study Bill 112**

Human Resources: Smith, Chair; Alons and Hunter.

**House Study Bill 113**

Public Safety: R. Olson, Chair; Baudler and Whitaker.

**House Study Bill 119**

Public Safety: Kressig, Chair; S. Olson and Reichert.

**House Study Bill 122**

Judiciary: Wessel-Kroeschell, Chair; Lensing and Schulte.

**HOUSE STUDY BILL COMMITTEE ASSIGNMENTS****H.S.B. 123 Economic Growth**

Relating to the administration of the Iowa water pollution control works and drinking water facilities financing program.

**H.S.B. 124 Human Resources**

Relating to the licensing and inspection of hospitals.

**H.S.B. 125 Natural Resources**

Relating to various conservation and recreation activities under the purview of the department of natural resources, modifying fees, and making penalties applicable.

## COMMITTEE RECOMMENDATION

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

MARK W. BRANDSGARD  
Chief Clerk of the House

### COMMITTEE ON COMMERCE

**Committee Bill** (Formerly House Study Bill 68), providing for the development of a complaint response process by the superintendent of credit unions and relating to the confidentiality of information obtained during the course of that process.

Fiscal Note is not required.

Recommended **Do Pass** January 29, 2009.

## RESOLUTION FILED

**HR 6**, by Whitead, Smith, Whitaker, Bukta, Lykam, Ford, Frevert, Reichert, Thede, Cohoon, Berry and Heddens, a resolution urging implementation of disability-friendly principles for Iowa's health care coverage system.

Laid over under **Rule 25**.

## AMENDMENTS FILED

H—1011	H.F.	139	Pettengill of Benton
H—1012	H.F.	139	L. Miller of Scott
H—1013	H.F.	139	Schulte of Linn
H—1014	H.F.	139	Upmeyer of Hancock
H—1015	H.F.	139	Soderberg of Plymouth

On motion by McCarthy of Polk the House adjourned at 1:03 p.m., until 1:00 p.m., Monday, February 2, 2009.

# JOURNAL OF THE HOUSE

Twenty-second Calendar Day - Fourteenth Session Day

Hall of the House of Representatives  
Des Moines, Iowa, Monday, February 2, 2009

The House met pursuant to adjournment at 1:12 p.m., Speaker Murphy in the chair.

Prayer was offered by Reverend Koch, pastor of Assumption Catholic Church, Granger. He was the guest of Representative Jerry Kerns from Lee County.

## PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Blake Grotewold, House Page from Lake Mills.

The Journal of Thursday, January 29, 2009 was approved.

## INTRODUCTION OF BILLS

**House File 164**, by Hunter, a bill for an act relating to reduced fees for camping and other special privileges for certain older Iowans.

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

**House File 165**, by Heaton and Smith, a bill for an act relating to provision of child abuse information concerning children under the supervision of juvenile court services and making penalties applicable.

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

**House File 166**, by Kuhn, a bill for an act providing for the disposition of school property and providing an effective date.

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

**House File 167**, by Wendt and Whitead, a bill for an act relating to withholding agreements and local match requirements of the targeted jobs withholding tax credit program.

Read first time and referred to committee on **economic growth**.

**House File 168**, by Tymeson, a bill for an act relating to certain open meeting requirements.

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

**House File 169**, by Jacoby, a bill for an act relating to the state and local hotel and motel tax by making taxable certain transactions exempt from the sales tax.

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

**House File 170**, by Quirk, a bill for an act relating to the exclusion of veterans' disability compensation in calculating property disposition and support obligations.

Read first time and referred to committee on **veterans affairs**.

**House File 171**, by Worthan, a bill for an act providing an exemption from the fee for new registration for a leased vehicle purchased by the lessee for immediate resale.

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

**House File 172**, by Tymeson, a bill for an act applying the open meetings law to advisory bodies created by joint governmental entities.

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

**House File 173**, by Lukan, a bill for an act relating to free hunting and fishing licenses for active duty military personnel stationed in the state.

Read first time and referred to committee on **veterans affairs**.

**House File 174**, by May, a bill for an act relating to the regulation of smoking in the outdoor areas of bars and restaurants and on gaming floors.

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

**House File 175**, by Schueller, a bill for an act relating to the sales tax by providing an exemption for certain casual sales by nonprofit organizations.

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

**House File 176**, by Schueller, a bill for an act relating to the sales tax by providing an exemption for the sales price of lighting provided to farm buildings.

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

**House File 177**, by Lukan, a bill for an act providing for a renewable energy homestead property tax credit for certain homesteads meeting certification requirements relating to renewable energy system installation, making an appropriation, and including an effective and applicability date provision.

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

**House File 178**, by committee on human resources, a bill for an act adding hallucinogenic substances to the list of schedule I controlled substances, and providing penalties.

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

**House File 179**, by committee on human resources, a bill for an act including members of the clergy as mandatory reporters of child abuse, and making penalties applicable.

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

**House File 180**, by committee on commerce, a bill for an act providing for the development of a complaint response process by the

superintendent of credit unions and relating to the confidentiality of information obtained during the course of that process.

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

### BILL ENROLLED, SIGNED AND SENT TO GOVERNOR

The Chief Clerk of the House submitted the following report:

Mr. Speaker: The Chief Clerk of the House respectfully reports that the following bill has been examined and found correctly enrolled, signed by the Speaker of the House and the President of the Senate, and presented to the Governor for his approval on this 30<sup>th</sup> day of January, 2009: House File 64.

MARK W. BRANDSGARD  
Chief Clerk of the House

Report adopted.

### BILLS SIGNED BY THE GOVERNOR

A communication was received from the Governor announcing that on February 2, 2009, he approved and transmitted to the Secretary of State the following bills:

House File 64, an Act relating to disaster assistance by providing for jumpstart housing assistance, unmet needs disaster grants, a rebuild Iowa office, and community disaster grants, making appropriations, and providing effective and retroactive applicability dates.

Senate File 44, an Act relating to the imposition of a local option sales and services tax after a disaster and providing an effective date.

### COMMUNICATIONS RECEIVED

The following communications were received and filed in the office of the Chief Clerk:

## BOARD OF REGENTS

Report on the Articulation Website, pursuant to Chapter 262, Code of Iowa.

## DEPARTMENT OF ADMINISTRATIVE SERVICES

Annual Review of Affirmative Action in the Executive Branch of State Government, pursuant to Chapter 19B, Code of Iowa.

## DEPARTMENT OF CORRECTIONS

Drug court annual report, pursuant to Chapter 904, Code of Iowa.

## DEPARTMENT OF ECONOMIC DEVELOPMENT

Annual report, pursuant to Chapter 15.104(9), Code of Iowa.

Quarterly report of the Workforce Development Fund, pursuant to Chapter 15.343(3), Code of Iowa.

Report of activities of the Iowa Commission on Volunteer Service, pursuant to Chapter 15H.2(2), Code of Iowa.

## DEPARTMENT OF EDUCATION

Report on Prekindergarten, Elementary and Secondary Education, pursuant to Chapter 256, Code of Iowa.

## DEPARTMENT OF ELDER AFFAIRS

Single Point of Entry report, pursuant to Chapter 231, Code of Iowa.

## DEPARTMENT OF HUMAN SERVICES

Analysis of employee turnover in nursing facilities, pursuant to Chapter 81.6(16)g, Code of Iowa.

Annual drug testing report, pursuant to Chapter 80E.2, Code of Iowa.

## DEPARTMENT OF NATURAL RESOURCES

2007 Public Drinking Water Program Annual Compliance Report, pursuant to Chapter 466, Code of Iowa.

Report on 2008 Water Quality Improvement Efforts, pursuant to Chapter 455B.291, Code of Iowa.

2008 Household Hazardous Material Report, pursuant to Chapter 455, Code of Iowa.

2009 annual report on lake restoration, pursuant to Chapter 455, Code of Iowa.

DEPARTMENT OF PUBLIC HEALTH

Governors Physical Fitness and Nutrition Report, pursuant to Chapters 22 and 139A, Code of Iowa.

DEPARTMENT OF REVENUE

Iowa tax expenditures report, pursuant to Chapter 421, Code of Iowa.

DEPARTMENT OF TRANSPORTATION

Electronic Payments for Drivers Licensing Transactions Review, pursuant to Chapter 321, Code of Iowa.

Report on Registered Flex Fuel Vehicles, pursuant to Chapter 452.33(3), Code of Iowa.

Midwest Regional Rail Passenger Report, pursuant to Chapter 327J.3(5), Code of Iowa.

Report on Highway Construction Program Expenditures/Obligations, pursuant to Chapter 307.12(15), Code of Iowa.

2008 IRFA report, pursuant to Chapter 3271.8(6), Code of Iowa.

Use of Reversions Report, pursuant to Chapter 307.46(2), Code of Iowa.

Report of savings using the Iowa Communications Network, pursuant to Chapter 8D.10, Code of Iowa.

2008 Biodiesel Fuel Revolving Fund Expenditures report, pursuant to Chapter 307.20, Code of Iowa.

IOWA CAPITAL INVESTMENT BOARD

Annual report, pursuant to Chapter 15E.41, Code of Iowa.

IOWA CAPITAL INVESTMENT CORPORATION

Annual report, pursuant to Chapter 15E.41, Code of Iowa.

IOWA UTILITIES BOARD

Report of energy efficiency, pursuant to Chapter 476, Code of Iowa.

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

- 2009\918 Karen Furman, Nevada – For recognition, upon her retirement, for her 34 and a half years of service with Sauer-Danfoss (Sundstrand).
- 2009\919 Willis and Ruby Haddix, Mason City – For celebrating their 60<sup>th</sup> wedding anniversary.
- 2009\920 Raymond and Barbara Andrews, Mason City – For celebrating their 50<sup>th</sup> wedding anniversary.
- 2009\921 Lavonne Boderius, Bandcroft – For celebrating her 75<sup>th</sup> birthday.
- 2009\922 Wayne Christophel, Estherville – For celebrating his 80<sup>th</sup> birthday.
- 2009\923 Leroy Crook, Emmetsburg – For celebrating his 90<sup>th</sup> birthday.
- 2009\924 Tillie Gustafson, Swea City – For celebrating her 80<sup>th</sup> birthday.
- 2009\925 Roger Jensen, Lone Rock – For celebrating his 85<sup>th</sup> birthday.
- 2009\926 Caryle Moller, Estherville – For celebrating her 75<sup>th</sup> birthday.
- 2009\927 Virgil Knox, Estherville – For celebrating her 85<sup>th</sup> birthday.
- 2009\928 Ethel Reese, Mallard – For celebrating her 75<sup>th</sup> birthday.
- 2009\929 Irene Foster, Estherville – For celebrating her 85<sup>th</sup> birthday.
- 2009\930 Clarence Golwitzer, Wesley – For celebrating his 75<sup>th</sup> birthday.
- 2009\931 Marjorie Nitchals, Wallingford – For celebrating her 85<sup>th</sup> birthday.
- 2009\932 Norman Shryock, Estherville – For celebrating his 85<sup>th</sup> birthday.
- 2009\933 Ardis Swain, Emmetsburg – For celebrating her 95<sup>th</sup> birthday.
- 2009\934 Shirley Fain, Estherville – For celebrating her 75<sup>th</sup> birthday.
- 2009\935 Betty Draper, Swea City – For celebrating her 80<sup>th</sup> birthday.
- 2009\936 Delores Marshall, Estherville – For celebrating her 85<sup>th</sup> birthday.
- 2009\937 Helen Zaugg, West Bend – For celebrating her 90<sup>th</sup> birthday.
- 2009\938 Cleora Hanson, Estherville – For celebrating her 75<sup>th</sup> birthday.
- 2009\939 Shirley Siefken, Estherville – For celebrating her 80<sup>th</sup> birthday.

- 2009\940 Betty Myhre, Estherville – For celebrating her 80<sup>th</sup> birthday.
- 2009\941 Franklin Rusch, Whittemore – For celebrating his 75<sup>th</sup> birthday.
- 2009\942 Anita Barlow, Estherville – For celebrating her 80<sup>th</sup> birthday.
- 2009\943 Joe Bauer, Bancroft – For celebrating his 80<sup>th</sup> birthday.
- 2009\944 Joyce Hix, Fenton – For celebrating her 75<sup>th</sup> birthday.
- 2009\945 Carlton Tangen, Estherville – For celebrating his 80<sup>th</sup> birthday.
- 2009\946 Margaret Stangl, Ruthven – For celebrating her 85<sup>th</sup> birthday.
- 2009\947 Evelyn Truelsen, West Bend – For celebrating her 95<sup>th</sup> birthday.
- 2009\948 Arlo Duhn, Ruthven – For celebrating his 95<sup>th</sup> birthday.
- 2009\949 Helen Koppen, Wesley – For celebrating her 75<sup>th</sup> birthday.
- 2009\950 Nadine Larson, Estherville – For celebrating her 80<sup>th</sup> birthday.
- 2009\951 Marvin Struecker, West Bend – For celebrating his 75<sup>th</sup> birthday.
- 2009\952 Earl Cherland, Burt – For celebrating his 95<sup>th</sup> birthday.
- 2009\953 Dolores Geelan, Ruthven – For celebrating her 90<sup>th</sup> birthday.
- 2009\954 Mary Goche, Bancroft – For celebrating her 75<sup>th</sup> birthday.
- 2009\955 Elnora Hurlburt, Lone Rock – For celebrating her 75<sup>th</sup> birthday.
- 2009\956 Mary Leigh, Algona – For celebrating her 80<sup>th</sup> birthday.
- 2009\957 Eugene Schumacher, Bancroft – For celebrating his 80<sup>th</sup> birthday.
- 2009\958 Paul Bates, Emmetsburg – For celebrating his 90<sup>th</sup> birthday.
- 2009\959 Rodney Hansen, Armstrong – For celebrating his 80<sup>th</sup> birthday.
- 2009\960 Elmer Hellman, Bancroft – For celebrating his 85<sup>th</sup> birthday.
- 2009\961 James Kollasch, Bancroft – For celebrating his 75<sup>th</sup> birthday.
- 2009\962 Donald McKinney, Emmetsburg – For celebrating his 75<sup>th</sup> birthday.
- 2009\963 Harvey Hanson, Estherville – For celebrating his 75<sup>th</sup> birthday.
- 2009\964 Roy Luhman, Graettinger – For celebrating his 75<sup>th</sup> birthday.
- 2009\965 Bernadene Vonholdt, Estherville – For celebrating her 80<sup>th</sup> birthday.

- 2009\966 James Reinders, Estherville – For celebrating his 75<sup>th</sup> birthday.
- 2009\967 David Berkland, Emmetsburg – For celebrating his 75<sup>th</sup> birthday.
- 2009\968 James Koons, Swea City – For celebrating his 85<sup>th</sup> birthday.
- 2009\969 Robert Gilligan, Dubuque – For celebrating his 85<sup>th</sup> birthday.
- 2009\970 Mary Jo Leifker, Dubuque – For celebrating her 85<sup>th</sup> birthday.
- 2009\971 Violet Klaas, Dubuque – For celebrating her 85<sup>th</sup> birthday.
- 2009\972 Dolores Kotz, Dubuque – For celebrating her 85<sup>th</sup> birthday.
- 2009\973 Jean Ley, Dubuque – For celebrating her 75<sup>th</sup> birthday.
- 2009\974 Mildred Kalb, Dubuque – For celebrating her 85<sup>th</sup> birthday.
- 2009\975 Dolores Pille, Dubuque – For celebrating her 80<sup>th</sup> birthday.
- 2009\976 Paul Schuster, Dubuque – For celebrating his 80<sup>th</sup> birthday.
- 2009\977 Leo Breitbach, Dubuque – For celebrating his 95<sup>th</sup> birthday.
- 2009\978 Patricia Ahmann, Dubuque – For celebrating her 75<sup>th</sup> birthday.
- 2009\979 Kathleen Greibe, Dubuque – For celebrating her 75<sup>th</sup> birthday.
- 2009\980 Dorothy Gottschalk, Dubuque – For celebrating her 75<sup>th</sup> birthday.
- 2009\981 James McMahon, Dubuque – For celebrating his 75<sup>th</sup> birthday.
- 2009\982 David Atchison, Dubuque – For celebrating his 80<sup>th</sup> birthday.
- 2009\983 Mona Hanley, Dubuque – For celebrating her 80<sup>th</sup> birthday.
- 2009\984 Florence Schlegel, Dubuque – For celebrating her 75<sup>th</sup> birthday.
- 2009\985 Ruth Mecklenburg, Dubuque – For celebrating her 90<sup>th</sup> birthday.
- 2009\986 Delmer Scales, Dubuque – For celebrating his 75<sup>th</sup> birthday.
- 2009\987 Janis Lange, Dubuque – For celebrating her 80<sup>th</sup> birthday.
- 2009\988 Patricia Schroeder, Dubuque – For celebrating her 75<sup>th</sup> birthday.
- 2009\989 Helen Hoppmann, Dubuque – For celebrating her 90<sup>th</sup> birthday.
- 2009\990 Leo Zeithamel, North Liberty – For celebrating his 80<sup>th</sup> birthday.
- 2009\991 Frances Hayslett, Coralville – For celebrating her 75<sup>th</sup> birthday.

- 2009\992 Marilyn Osborne, Coralville – For celebrating her 80<sup>th</sup> birthday.
- 2009\993 Terence Preston, Coralville – For celebrating his 80<sup>th</sup> birthday.
- 2009\994 Wayne Goode, Iowa City – For celebrating his 80<sup>th</sup> birthday.
- 2009\995 Carlyle Parsons, North Liberty – For celebrating his 85<sup>th</sup> birthday.
- 2009\996 Therese Patterson, Coralville – For celebrating her 80<sup>th</sup> birthday.
- 2009\997 Nancy Schlote, Coralville – For celebrating her 75<sup>th</sup> birthday.
- 2009\998 Donna Vraspier, Iowa City – For celebrating her 80<sup>th</sup> birthday.
- 2009\999 Lois Flickinger, La Porte City – For celebrating her 90<sup>th</sup> birthday.
- 2009\1000 Mary Herzog, Independence – For celebrating her 80<sup>th</sup> birthday.
- 2009\1001 David Zea, La Porte City – For celebrating his 75<sup>th</sup> birthday.
- 2009\1002 Nickie Clark, La Porte City – For celebrating her 80<sup>th</sup> birthday.
- 2009\1003 Lawrence Methers, La Porte City – For celebrating his 90<sup>th</sup> birthday.
- 2009\1004 Robert Slater, Lamont – For celebrating his 75<sup>th</sup> birthday.
- 2009\1005 Carol Temeyer, Jesup – For celebrating her 80<sup>th</sup> birthday.
- 2009\1006 Julius Delagardelle, Gilbertville – For celebrating his 85<sup>th</sup> birthday.
- 2009\1007 Ermajeau Bullis, La Porte City – For celebrating her 80<sup>th</sup> birthday.
- 2009\1008 Germaine Decker, Jesup – For celebrating her 75<sup>th</sup> birthday.
- 2009\1009 Betty Greene, Jesup – For celebrating her 85<sup>th</sup> birthday.
- 2009\1010 Barbara Yoder, Hazleton – For celebrating her 75<sup>th</sup> birthday.
- 2009\1011 Helen Donnelly, Independence – For celebrating her 75<sup>th</sup> birthday.
- 2009\1012 Deloris Lynch, Independence – For celebrating her 80<sup>th</sup> birthday.
- 2009\1013 Lois Nielsen, La Porte City – For celebrating her 80<sup>th</sup> birthday.
- 2009\1014 Alice Bergman, Jesup – For celebrating her 80<sup>th</sup> birthday.
- 2009\1015 Lorraine Hayes, Independence – For celebrating her 85<sup>th</sup> birthday.
- 2009\1016 Mary Ryan, Fairbank – For celebrating her 75<sup>th</sup> birthday.
- 2009\1017 Richard Smith, Independence – For celebrating his 80<sup>th</sup> birthday.

- 2009\1018 Mary Klotzbach, Independence – For celebrating her 80<sup>th</sup> birthday.
- 2009\1019 Shirley Bagby, Independence – For celebrating her 80<sup>th</sup> birthday.
- 2009\1020 Sharon Timson, La Porte City – For celebrating her 75<sup>th</sup> birthday.
- 2009\1021 Geraldine Beattie, Runnells – For celebrating her 75<sup>th</sup> birthday.
- 2009\1022 Walter Daugherty, Prairie City – For celebrating his 85<sup>th</sup> birthday.
- 2009\1023 Clarence Howell, Des Moines – For celebrating his 90<sup>th</sup> birthday.
- 2009\1024 Lora Bauer, Berwick – For celebrating her 80<sup>th</sup> birthday.
- 2009\1025 James Holtkamp, Des Moines – For celebrating his 80<sup>th</sup> birthday.
- 2009\1026 Ola Messmaker, Prairie City – For celebrating her 90<sup>th</sup> birthday.
- 2009\1027 Edith Morrow, Colfax – For celebrating her 85<sup>th</sup> birthday.
- 2009\1028 Helen Smith, Colfax – For celebrating her 75<sup>th</sup> birthday.
- 2009\1029 Jeanette Kruzich, Altoona – For celebrating her 75<sup>th</sup> birthday.
- 2009\1030 Barbara Kreidler, Fort Madison – For celebrating her 75<sup>th</sup> birthday.
- 2009\1031 Vivian Manka, Fort Madison – For celebrating her 90<sup>th</sup> birthday.
- 2009\1032 Helen Atterberg, Keokuk – For celebrating her 75<sup>th</sup> birthday.
- 2009\1033 Richard Bruhl, Fort Madison – For celebrating his 80<sup>th</sup> birthday.
- 2009\1034 Nellie Gabel, Keokuk – For celebrating her 90<sup>th</sup> birthday.
- 2009\1035 Ivan Holden, Fort Madison – For celebrating his 75<sup>th</sup> birthday.
- 2009\1036 Forest Baum, Keokuk – For celebrating his 75<sup>th</sup> birthday.
- 2009\1037 Mary Lorton, Fort Madison – For celebrating her 90<sup>th</sup> birthday.
- 2009\1038 William Cox, Fort Madison – For celebrating his 75<sup>th</sup> birthday.
- 2009\1039 Audrey Kipp, Fort Madison – For celebrating her 75<sup>th</sup> birthday.
- 2009\1040 Thomas Schmidt, Fort Madison – For celebrating his 75<sup>th</sup> birthday.
- 2009\1041 Margaret Dubois, Keokuk – For celebrating her 80<sup>th</sup> birthday.
- 2009\1042 Louise Hierstein, Fort Madison – For celebrating her 85<sup>th</sup> birthday.
- 2009\1043 Whilla Shinn, Donnellson – For celebrating her 75<sup>th</sup> birthday.

- 2009\1044 Mooreen Jones, Keokuk – For celebrating her 75<sup>th</sup> birthday.
- 2009\1045 Virginia Benjamin, Keokuk – For celebrating her 85<sup>th</sup> birthday.
- 2009\1046 Eileen Grogan, Fort Madison – For celebrating her 85<sup>th</sup> birthday.
- 2009\1047 Gloria Cass, Fort Madison – For celebrating her 75<sup>th</sup> birthday.
- 2009\1048 Margaret Florence, Keokuk – For celebrating her 80<sup>th</sup> birthday.
- 2009\1049 Esperanza Reyes, Fort Madison – For celebrating her 90<sup>th</sup> birthday.
- 2009\1050 Lillian Petersen, Davenport – For celebrating her 85<sup>th</sup> birthday.
- 2009\1051 Dolores Session, Davenport – For celebrating her 75<sup>th</sup> birthday.
- 2009\1052 Lois Larrabee, Davenport – For celebrating her 80<sup>th</sup> birthday.
- 2009\1053 Gerald Lee, Davenport – For celebrating his 80<sup>th</sup> birthday.
- 2009\1054 Edward Molis, Davenport – For celebrating his 80<sup>th</sup> birthday.
- 2009\1055 Harold Beuthien, Davenport – For celebrating his 75<sup>th</sup> birthday.
- 2009\1056 Richard Brown, Davenport – For celebrating his 80<sup>th</sup> birthday.
- 2009\1057 Catherine Daley, Davenport – For celebrating her 85<sup>th</sup> birthday.
- 2009\1058 Gloria Schabilion, Davenport – For celebrating her 80<sup>th</sup> birthday.
- 2009\1059 Kent Sidney, Davenport – For celebrating his 75<sup>th</sup> birthday.
- 2009\1060 Rhoda Chaisson, Davenport – For celebrating her 90<sup>th</sup> birthday.
- 2009\1061 Dorothy Coppinger, Davenport – For celebrating her 80<sup>th</sup> birthday.
- 2009\1062 Bennie Johnson, Davenport – For celebrating his 80<sup>th</sup> birthday.
- 2009\1063 Rosemary Bronson, Davenport – For celebrating her 85<sup>th</sup> birthday.
- 2009\1064 Lester Claussen, Davenport – For celebrating his 85<sup>th</sup> birthday.
- 2009\1065 Marea Likeness, Davenport – For celebrating her 90<sup>th</sup> birthday.
- 2009\1066 Doris Ringham, Davenport – For celebrating her 85<sup>th</sup> birthday.
- 2009\1067 Eleanor Anderson, Davenport – For celebrating her 95<sup>th</sup> birthday.
- 2009\1068 Robert Gilmour, Davenport – For celebrating his 90<sup>th</sup> birthday.
- 2009\1069 Mary Payne, Davenport – For celebrating her 75<sup>th</sup> birthday.

- 2009\1070 Cyril Milota, Waterloo – For celebrating his 75<sup>th</sup> birthday.
- 2009\1071 Robert Shafer, Waterloo – For celebrating his 80<sup>th</sup> birthday.
- 2009\1072 Esther Wenthe, Waterloo – For celebrating her 95<sup>th</sup> birthday.
- 2009\1073 Robert Sieglaff, Waterloo – For celebrating his 80<sup>th</sup> birthday.
- 2009\1074 Jean Dubuc, Waterloo – For celebrating his 80<sup>th</sup> birthday.
- 2009\1075 Carol Williams, Waterloo – For celebrating her 80<sup>th</sup> birthday.
- 2009\1076 Gladys Reisinger, Waterloo – For celebrating her 90<sup>th</sup> birthday.
- 2009\1077 Mary Proctor, Waterloo – For celebrating her 80<sup>th</sup> birthday.
- 2009\1078 Harold Foss, Buckingham – For celebrating his 85<sup>th</sup> birthday.
- 2009\1079 Julianne Jorstad, Ames – For celebrating her 75<sup>th</sup> birthday.
- 2009\1080 Alice Dague, Ames – For celebrating her 75<sup>th</sup> birthday.
- 2009\1081 Harold Hall, Ames – For celebrating his 75<sup>th</sup> birthday.
- 2009\1082 Casper Estrem, Ames – For celebrating his 90<sup>th</sup> birthday.
- 2009\1083 LaVerna Flemmer, Ames – For celebrating her 80<sup>th</sup> birthday.
- 2009\1084 William Lee, Ames – For celebrating his 75<sup>th</sup> birthday.
- 2009\1085 Marian Woodyatt, Ames – For celebrating her 90<sup>th</sup> birthday.
- 2009\1086 Bettie Schworm, Ames – For celebrating her 85<sup>th</sup> birthday.
- 2009\1087 David Ballard Sr., Ames – For celebrating his 90<sup>th</sup> birthday.
- 2009\1088 Marilyn Benbow, Madrid – For celebrating her 80<sup>th</sup> birthday.
- 2009\1089 James Gould, Madrid – For celebrating his 75<sup>th</sup> birthday.
- 2009\1090 Warren Kuhn, Ames – For celebrating his 85<sup>th</sup> birthday.
- 2009\1091 Charlene Wee, Ames – For celebrating her 75<sup>th</sup> birthday.
- 2009\1092 Dorothy Stohlmeyer, Ames – For celebrating her 85<sup>th</sup> birthday.
- 2009\1093 Lona Gonzales, Marshalltown – For celebrating her 75<sup>th</sup> birthday.
- 2009\1094 Mildred Heckert, Marshalltown – For celebrating her 90<sup>th</sup> birthday.
- 2009\1095 Betty Weaver, Marshalltown – For celebrating her 85<sup>th</sup> birthday.

- 2009\1096 John Vry, Liscomb – For celebrating his 75<sup>th</sup> birthday.
- 2009\1097 Leona Fogel, Marshalltown – For celebrating her 80<sup>th</sup> birthday.
- 2009\1098 Roger Horn, Marshalltown – For celebrating his 80<sup>th</sup> birthday.
- 2009\1099 Clarence Veld, Marshalltown – For celebrating his 80<sup>th</sup> birthday.
- 2009\1100 Joann Katzer, Marshalltown – For celebrating her 75<sup>th</sup> birthday.
- 2009\1101 Doris Lange, Marshalltown – For celebrating her 85<sup>th</sup> birthday.
- 2009\1102 Maurice Manz, Marshalltown – For celebrating his 75<sup>th</sup> birthday.
- 2009\1103 Flora McKibben, Albion – For celebrating her 75<sup>th</sup> birthday.
- 2009\1104 Joan Ailts, Marshalltown – For celebrating her 75<sup>th</sup> birthday.
- 2009\1105 Nadine Harman, Marshalltown – For celebrating her 85<sup>th</sup> birthday.
- 2009\1106 Doris Fisher, Marshalltown – For celebrating her 80<sup>th</sup> birthday.
- 2009\1107 Frances Wolken, Marshalltown – For celebrating her 80<sup>th</sup> birthday.
- 2009\1108 Thelma Long, Conrad – For celebrating her 90<sup>th</sup> birthday.
- 2009\1109 Madeline McNair, Liscomb – For celebrating her 85<sup>th</sup> birthday.
- 2009\1110 Shirley Settle, Marshalltown – For celebrating her 85<sup>th</sup> birthday.
- 2009\1111 Donna Stonewall, Marshalltown – For celebrating her 75<sup>th</sup> birthday.
- 2009\1112 Margie Bitner, Ottumwa – For celebrating her 80<sup>th</sup> birthday.
- 2009\1113 Bernice Burgett, Ottumwa – For celebrating her 95<sup>th</sup> birthday.
- 2009\1114 Patricia Green, Ottumwa – For celebrating her 75<sup>th</sup> birthday.
- 2009\1115 Cecil Jameson, Ottumwa – For celebrating his 75<sup>th</sup> birthday.
- 2009\1116 Mary Sasso, Ottumwa – For celebrating her 80<sup>th</sup> birthday.
- 2009\1117 Paul Madsen, Ottumwa – For celebrating his 80<sup>th</sup> birthday.
- 2009\1118 Eliza Wilkinson, Ottumwa – For celebrating her 95<sup>th</sup> birthday.
- 2009\1119 Shirley Larson, Ottumwa – For celebrating her 80<sup>th</sup> birthday.
- 2009\1120 Charlene Eaton, Ottumwa – For celebrating her 75<sup>th</sup> birthday.
- 2009\1121 Richard Graham, Ottumwa – For celebrating his 85<sup>th</sup> birthday.



- 2009\1122 Velma Abel, Blakesburg – For celebrating her 75<sup>th</sup> birthday.
- 2009\1123 Walter Collett, Ottumwa – For celebrating his 75<sup>th</sup> birthday.
- 2009\1124 Christine Keasling, Ottumwa – For celebrating her 80<sup>th</sup> birthday.
- 2009\1125 Kenneth Stober, Ottumwa – For celebrating his 80<sup>th</sup> birthday.
- 2009\1126 Faye Walton, Ottumwa – For celebrating her 85<sup>th</sup> birthday.
- 2009\1127 Maxine Moore, Ottumwa – For celebrating her 80<sup>th</sup> birthday.
- 2009\1128 Alma Staton, Ottumwa – For celebrating her 90<sup>th</sup> birthday.
- 2009\1129 Beverley Graham, Ottumwa – For celebrating her 75<sup>th</sup> birthday.
- 2009\1130 Dorothy Criswell, Ottumwa – For celebrating her 85<sup>th</sup> birthday.
- 2009\1131 Ray Hammersley Jr., – For celebrating his 80<sup>th</sup> birthday.
- 2009\1132 Phyllis Housley, Ottumwa – For celebrating her 75<sup>th</sup> birthday.
- 2009\1133 Leonard Stewart, Springville – For celebrating his 90<sup>th</sup> birthday.
- 2009\1134 Herman Stout, Solon – For celebrating his 75<sup>th</sup> birthday.
- 2009\1135 Marilyn Weems, Cedar Rapids – For celebrating her 75<sup>th</sup> birthday.
- 2009\1136 Marcella Murphy, Oxford – For celebrating her 85<sup>th</sup> birthday.
- 2009\1137 Leonard Krotz, Solon – For celebrating his 80<sup>th</sup> birthday.
- 2009\1138 Walter Huk, Cedar Rapids – For celebrating his 90<sup>th</sup> birthday.
- 2009\1139 Juanita Kosier, Solon – For celebrating her 75<sup>th</sup> birthday.
- 2009\1140 Caroline Stahr, Cedar Rapids – For celebrating her 80<sup>th</sup> birthday.
- 2009\1141 Donald Bedell, Springville – For celebrating his 85<sup>th</sup> birthday.
- 2009\1142 Betty Ham, Solon – For celebrating her 85<sup>th</sup> birthday.
- 2009\1143 Lorraine Spidle, Ely – For celebrating her 80<sup>th</sup> birthday.
- 2009\1144 Robert Wessels, Des Moines – For celebrating his 75<sup>th</sup> birthday.
- 2009\1145 Richard Cooper, Solon – For celebrating his 75<sup>th</sup> birthday.
- 2009\1146 Joan Streck, Sioux City – For celebrating her 75<sup>th</sup> birthday.
- 2009\1147 Elgin Derichs, Sioux City – For celebrating his 75<sup>th</sup> birthday.

- 2009\1148 Robert Draisey, Sioux City – For celebrating his 80<sup>th</sup> birthday.
- 2009\1149 Daniel Everist, Sioux City – For celebrating his 80<sup>th</sup> birthday.
- 2009\1150 Richard Scott, Sioux City – For celebrating his 75<sup>th</sup> birthday.
- 2009\1151 Berdena Roussin, Sioux City – For celebrating her 75<sup>th</sup> birthday.
- 2009\1152 Betty Church, Sioux City – For celebrating her 80<sup>th</sup> birthday.
- 2009\1153 Thiep Nguyen, Sioux City – For celebrating his 75<sup>th</sup> birthday.
- 2009\1154 Bertie Boyle, Sioux City – For celebrating her 80<sup>th</sup> birthday.
- 2009\1155 Donald Viksten, Sioux City – For celebrating his 75<sup>th</sup> birthday.
- 2009\1156 John Maehl, Elkader – For celebrating his 85<sup>th</sup> birthday.
- 2009\1157 Sybil Parler, Wadena – For celebrating her 80<sup>th</sup> birthday.
- 2009\1158 Georgina Horstman, Edgewood – For celebrating her 90<sup>th</sup> birthday.
- 2009\1159 Irwin Degnan, Guttenberg – For celebrating his 90<sup>th</sup> birthday.
- 2009\1160 James Stewart, Elkader – For celebrating his 85<sup>th</sup> birthday.
- 2009\1161 Eugene Trudo, Marquette – For celebrating his 80<sup>th</sup> birthday.
- 2009\1162 Geraldine Christen, Elkader – For celebrating her 80<sup>th</sup> birthday.
- 2009\1163 John Holtz, McGregor – For celebrating his 80<sup>th</sup> birthday.
- 2009\1164 Ruby Wineman, Mason City – For celebrating her 75<sup>th</sup> birthday.

#### SUBCOMMITTEE ASSIGNMENTS

##### **House File 70**

Transportation: Hagenow, Chair; Bell and Gaskill.

##### **House File 77**

Transportation: Worthan, Chair; Quirk and Wenthe.

##### **House File 84**

Transportation: Abdul-Samad, Chair; Arnold and Quirk.

##### **House File 96**

Education: Kelley, Chair; L. Miller and Willems.

**House File 100**

Education: Steckman, Chair; Cownie and Thede.

**House File 103**

Education: Winckler, Chair; May and Thede.

**House File 105**

Human Resources: Mascher, Chair; Baudler and Steckman.

**House File 106**

Human Resources: Heddens, Chair; Forristall and Wendt.

**House File 110**

Judiciary: T. Olson, Chair; Schultz and Willems.

**House File 114**

Human Resources: Hunter, Chair; Koester and Mascher.

**House File 119**

Education: Ficken, Chair; Tymeson and Willems.

**House File 123**

Human Resources: Hunter, Chair; Baudler and Mascher.

**House File 129**

Education: Abdul-Samad, Chair; Koester and Wendt.

**House File 130**

Human Resources: Hunter, Chair; Alons and Mascher.

**House File 136**

Human Resources: Wendt, Chair; Baudler and Petersen.

**House File 138**

Education: Ficken, Chair; May and Palmer.

**House File 141**

Education: Winckler, Chair; Forristall and Steckman.

**House File 150**

Environmental Protection: Lensing, Chair; Deyoe and Whitead.

**HOUSE STUDY BILL SUBCOMMITTEE ASSIGNMENTS**

**House Study Bill 53**

Rebuild Iowa and Disaster Recovery: Kuhn, Chair; De Boef and Thomas.

**House Study Bill 111 Reassigned**

Human Resources: T. Olson, Chair; Schulte and Wendt.

**House Study Bill 114**

Transportation: Kelley, Chair; Hagenow and Wenthe.

**House Study Bill 115**

Transportation: Quirk, Chair; Huseman and Lykam.

**House Study Bill 116**

Transportation: Bell, Chair; Roberts and Wendt.

**House Study Bill 118**

Transportation: Wenthe, Chair; Roberts and Wendt.

**House Study Bill 121**

Agriculture: Marek, Chair; Bailey, Bell, Dolecheck and Drake.

**House Study Bill 123**

Economic Growth: Thede, Chair; Forristall and Swaim.

**House Study Bill 125**

Natural Resources: Bell, Chair; Arnold, Deyoe, Palmer and Whitaker.

**HOUSE STUDY BILL COMMITTEE ASSIGNMENTS**

**H.S.B. 126 Education**

Relating to the election for approval of the physical plant and equipment levy and providing an effective date.

**H.S.B. 127 Education**

Establishing a facility schools division within the department of education and a facility schools board; providing for the approval, administration, and funding of facility schools; and providing for educational services for children in out-of-home placement.

**H.S.B. 128 Public Safety**

Relating to the practices and procedures of the department of public safety and other law enforcement agencies, including building inspections, controlled substance detection training, and criminal history data storage.

On motion by McCarthy of Polk the House adjourned at 1:23 p.m., until 9:00 a.m., Tuesday, February 3, 2009.

# JOURNAL OF THE HOUSE

Twenty-third Calendar Day - Fifteenth Session Day

Hall of the House of Representatives  
Des Moines, Iowa, Tuesday, February 3, 2009

The House met pursuant to adjournment at 9:07 a.m., Speaker Murphy in the chair.

Prayer was offered by Reverend, Dr. Frank Beaty, pastor of Zion Evangelical and Reformed Church, Garner. He was the guest of Representative Linda Upmeyer from Hancock County.

## PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Chad Ratashak, House Page from Mitchellville.

The Journal of Monday, February 2, 2009 was approved.

## INTRODUCTION OF BILLS

**House File 181**, by Reichert, a bill for an act relating to classification of certain residential property for purposes of property assessment and taxation and including effective date and retroactive applicability date provisions.

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

**House File 182**, by Winckler, a bill for an act relating to the allocation of funds to the all Iowa opportunity foster care grant program and providing an effective date.

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

**House File 183**, by Roberts, a bill for an act relating to the teaching of chemical and biological evolution in school districts and public postsecondary institutions and providing an effective date.

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

**House File 184**, by Kaufmann, a bill for an act requiring the reporting of child custody-related information by the judicial branch.

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

**House File 185**, by Jacoby, a bill for an act relating to the criminal offense of interference with official acts.

Read first time and referred to committee on **public safety**.

On motion by McCarthy of Polk, the House was recessed at 9:13 a.m., until 4:00 p.m.

#### AFTERNOON SESSION

The House reconvened at 4:16 p.m., Speaker Murphy in the chair.

#### INTRODUCTION OF BILLS

**House Joint Resolution 4**, by Schultz, Windschitl, Struyk, Pettengill, Soderberg, Huseman, Helland, Drake, Worthan, Upmeyer and Deyoe, a joint resolution proposing an amendment to the Constitution of the State of Iowa restricting the use of revenues derived from the increase in the state sales and use tax rates for school infrastructure purposes.

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

**House File 186**, by Winckler, a bill for an act transferring the authority to register postsecondary schools from the secretary of state to the college student aid commission and providing for related matters.

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

**House File 187**, by Van Engelenhoven, a bill for an act prohibiting a licensed foster parent from providing child care when a foster child is present who has been found to have committed abuse of another child.

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

**House File 188**, by Lukan, a bill for an act allowing the use of moneys in the Iowa educational savings plan trust to be used for payment of a beneficiary's student loans, excluding such payments from individual income tax, and including effective and retroactive applicability date provisions.

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

**House File 189**, by Arnold, a bill for an act relating to the issuance of free wild turkey hunting licenses to owners and tenants of farm units.

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

**House File 190**, by Arnold, a bill for an act relating to deer hunting using muzzle loading firearms.

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

**House File 191**, by Wendt and Raecker, a bill for an act relating to participation in varsity interscholastic athletic contests and athletic competitions by students participating in open enrollment.

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

**House File 192**, by Reichert and Kaufmann, a bill for an act directing the office of energy independence to conduct a feasibility study regarding the establishment of low-head hydropower energy production facilities, and providing an effective date.

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

**House File 193**, by Baudler, a bill for an act relating to the issuance of permits to carry weapons and providing an effective date.

Read first time and referred to committee on **public safety**.

**House File 194**, by Tymeson, a bill for an act requiring a school district to return a portion of state funding for each dropout in the district.

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



**House File 195**, by Ford, a bill for an act relating to the age at which a registered voter is eligible to vote in a primary election.

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

### 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

- 2009\1165 Lorraine Bohn, Mason City – For celebrating her 75<sup>th</sup> birthday.
- 2009\1166 Doris Hauser, Mason City – For celebrating her 75<sup>th</sup> birthday.
- 2009\1167 Paulette Garcia, Mason City – For celebrating her 85<sup>th</sup> birthday.
- 2009\1168 J. Earl Mason, Mason City – For celebrating his 80<sup>th</sup> birthday.
- 2009\1169 John Schnurr, Mason City – For celebrating his 85<sup>th</sup> birthday.
- 2009\1170 Sarabelle Steiner, Mason City – For celebrating her 80<sup>th</sup> birthday.
- 2009\1171 Harvey Vonwald, Mason City – For celebrating his 80<sup>th</sup> birthday.
- 2009\1172 Thomas Waggoner, Mason City – For celebrating his 80<sup>th</sup> birthday.
- 2009\1173 Agnes Lundberg, Mason City – For celebrating her 95<sup>th</sup> birthday.
- 2009\1174 James Odonnell, Mason City – For celebrating his 80<sup>th</sup> birthday.
- 2009\1175 Charles Hines, Mason City – For celebrating his 75<sup>th</sup> birthday.
- 2009\1176 Jean Lewarne, Mason City – For celebrating her 85<sup>th</sup> birthday.
- 2009\1177 Glen Bandel, Mason City – For celebrating his 80<sup>th</sup> birthday.
- 2009\1178 Vera Walk, Mason City – For celebrating her 85<sup>th</sup> birthday.
- 2009\1179 Bethel Fahrenheit, Mason City – For celebrating her 75<sup>th</sup> birthday.
- 2009\1180 Evelyn Halvorson, Mason City – For celebrating her 90<sup>th</sup> birthday.
- 2009\1181 Margaret McMongale, Mason City – For celebrating her 90<sup>th</sup> birthday.
- 2009\1182 Cleo Anderson, Mason City – For celebrating her 90<sup>th</sup> birthday.

- 2009\1183 Roger Ennis, Mason City – For celebrating his 75<sup>th</sup> birthday.
- 2009\1184 Donald Puck, Mason City – For celebrating his 75<sup>th</sup> birthday.
- 2009\1185 Garnet Walker, Cedar Rapids – For celebrating her 95<sup>th</sup> birthday.
- 2009\1186 John Buscher, Cedar Rapids – For celebrating his 75<sup>th</sup> birthday.
- 2009\1187 Lloyd Goettell, Cedar Rapids – For celebrating his 95<sup>th</sup> birthday.
- 2009\1188 Jack Lechty, Cedar Rapids – For celebrating his 75<sup>th</sup> birthday.
- 2009\1189 Mary Dozier, Cedar Rapids – For celebrating her 80<sup>th</sup> birthday.
- 2009\1190 Anthony Fontana, Cedar Rapids – For celebrating his 85<sup>th</sup> birthday.
- 2009\1191 Richard Tebbe, Cedar Rapids – For celebrating his 75<sup>th</sup> birthday.
- 2009\1192 O. Lorene Mineck, Cedar Rapids – For celebrating her 90<sup>th</sup> birthday.
- 2009\1193 Charles Scheer, Cedar Rapids – For celebrating his 80<sup>th</sup> birthday.
- 2009\1194 Lila Brown, Cedar Rapids – For celebrating her 75<sup>th</sup> birthday.
- 2009\1195 Anne Hannon, Cedar Rapids – For celebrating her 80<sup>th</sup> birthday.
- 2009\1196 Catherine Parker, Cedar Rapids – For celebrating her 90<sup>th</sup> birthday.
- 2009\1197 Alberta Burley, Cedar Rapids – For celebrating her 85<sup>th</sup> birthday.
- 2009\1198 Freda Macklem, Sioux City – For celebrating her 80<sup>th</sup> birthday.
- 2009\1199 Lois Bjork, Sioux City – For celebrating her 85<sup>th</sup> birthday.
- 2009\1200 Wendell Shearer, Sioux City – For celebrating his 75<sup>th</sup> birthday.
- 2009\1201 Helen Albeck, Sioux City – For celebrating her 95<sup>th</sup> birthday.
- 2009\1202 Thelma Rice, Sioux City – For celebrating her 90<sup>th</sup> birthday.
- 2009\1203 Erwin Gould, Sioux City – For celebrating his 85<sup>th</sup> birthday.
- 2009\1204 Arline Gould, Sioux City – For celebrating her 90<sup>th</sup> birthday.
- 2009\1205 Ken Olmstead, Sioux City – For celebrating his 90<sup>th</sup> birthday.
- 2009\1206 Ora Tieck, Sioux City – For celebrating her 80<sup>th</sup> birthday.
- 2009\1207 Helen Kahoun, Sioux City – For celebrating her 85<sup>th</sup> birthday.

- 2009\1208 Arne Feste, Sioux City – For celebrating his 80<sup>th</sup> birthday.
- 2009\1209 Theodore Hurd, Sioux City – For celebrating his 80<sup>th</sup> birthday.
- 2009\1210 Armand Menard Jr., Sioux City – For celebrating his 80<sup>th</sup> birthday.
- 2009\1211 William Ziebell, Sioux City – For celebrating his 80<sup>th</sup> birthday.
- 2009\1212 Margaret Bunkers, Dubuque – For celebrating her 85<sup>th</sup> birthday.
- 2009\1213 James Green, Dubuque – For celebrating his 80<sup>th</sup> birthday.
- 2009\1214 Barbara Langenbach, Dubuque – For celebrating her 85<sup>th</sup> birthday.
- 2009\1215 Ida Mulert, Dubuque – For celebrating her 90<sup>th</sup> birthday.
- 2009\1216 Sister Clement Bird, Dubuque – For celebrating her 95<sup>th</sup> birthday.
- 2009\1217 Roy Lumley, Dubuque – For celebrating his 80<sup>th</sup> birthday.
- 2009\1218 Margaret Robinson, Dubuque – For celebrating her 85<sup>th</sup> birthday.
- 2009\1219 Richard Dolphin, Dubuque – For celebrating his 75<sup>th</sup> birthday.
- 2009\1220 Rita Luksetich, Dubuque – For celebrating her 75<sup>th</sup> birthday.
- 2009\1221 Joe Smith, Dubuque – For celebrating his 80<sup>th</sup> birthday.
- 2009\1222 Robert Kaesbauer, Dubuque – For celebrating his 85<sup>th</sup> birthday.
- 2009\1223 Orland Jeffries, Iowa City – For celebrating his 75<sup>th</sup> birthday.
- 2009\1224 James York, North Liberty – For celebrating his 75<sup>th</sup> birthday.
- 2009\1225 Alice Pidgeon, Coralville – For celebrating her 80<sup>th</sup> birthday.
- 2009\1226 Margaret Lenihan, Coralville – For celebrating her 90<sup>th</sup> birthday.
- 2009\1227 Erma Svoboda, Coralville – For celebrating her 75<sup>th</sup> birthday.
- 2009\1228 Delores Mikelson, Tiffin – For celebrating her 75<sup>th</sup> birthday.
- 2009\1229 Bonnie Cook, Winthrop – For celebrating her 75<sup>th</sup> birthday.
- 2009\1230 Donald Schoentag, Hazleton – For celebrating his 80<sup>th</sup> birthday.
- 2009\1231 Emmett Kane, Independence – For celebrating his 80<sup>th</sup> birthday.
- 2009\1232 Beatrice Ball, Independence – For celebrating her 95<sup>th</sup> birthday.
- 2009\1233 Ronald Weber, Jesup – For celebrating his 80<sup>th</sup> birthday.

- 2009\1234 Kay Flaucher, Independence – For celebrating his 75<sup>th</sup> birthday.
- 2009\1235 Robert Cooper, La Porte City – For celebrating his 75<sup>th</sup> birthday.
- 2009\1236 Rodger Derr, Independence – For celebrating his 80<sup>th</sup> birthday.
- 2009\1237 Clyde Smith, Independence – For celebrating his 75<sup>th</sup> birthday.
- 2009\1238 Wesley Hamblin, Jesup – For celebrating his 80<sup>th</sup> birthday.
- 2009\1239 Norma Hoelscher, La Porte City – For celebrating her 80<sup>th</sup> birthday.
- 2009\1240 Darlene Close, Jesup – For celebrating her 80<sup>th</sup> birthday.
- 2009\1241 Herbert Bagenstos, La Porte City – For celebrating his 80<sup>th</sup> birthday.
- 2009\1242 Max Nelson, Independence – For celebrating his 85<sup>th</sup> birthday.
- 2009\1243 John Rubino, Dunkerton – For celebrating his 75<sup>th</sup> birthday.
- 2009\1244 Vernon Spece, Independence – For celebrating his 85<sup>th</sup> birthday.
- 2009\1245 Kenneth Weidemann, La Porte City – For celebrating his 75<sup>th</sup> birthday.
- 2009\1246 Dorothy Pigg, Colfax – For celebrating her 80<sup>th</sup> birthday.
- 2009\1247 Eileen Taylor, Prairie City – For celebrating her 85<sup>th</sup> birthday.
- 2009\1248 Elizabeth Thomas, Pleasant Hill – For celebrating her 85<sup>th</sup> birthday.
- 2009\1249 Anna Vandekieft, Prairie City – For celebrating her 80<sup>th</sup> birthday.
- 2009\1250 Louie Edwards Jr., Altoona – For celebrating his 75<sup>th</sup> birthday.
- 2009\1251 Happy Mitchell, Altoona – For celebrating his 85<sup>th</sup> birthday.
- 2009\1252 Donna Patterson, Colfax – For celebrating her 75<sup>th</sup> birthday.
- 2009\1253 Marjorie Edwards, Altoona – For celebrating her 75<sup>th</sup> birthday.
- 2009\1254 Norman Pearson, Mitchellville – For celebrating his 80<sup>th</sup> birthday.
- 2009\1255 Marilyn Jennings, Prairie City – For celebrating her 85<sup>th</sup> birthday.
- 2009\1256 Marilyn Paine, Altoona -- For celebrating her 75<sup>th</sup> birthday.
- 2009\1257 Glenn Gulling, Runnels – For celebrating his 75<sup>th</sup> birthday.
- 2009\1258 Clarion Lofte, Altoona – For celebrating his 85<sup>th</sup> birthday.

- 2009\1259 M Semprini, Mitchellville – For celebrating her 75<sup>th</sup> birthday.
- 2009\1260 William Kottenstette, Fort Madison – For celebrating his 75<sup>th</sup> birthday.
- 2009\1261 Geraldine Satterly, Keokuk – For celebrating her 85<sup>th</sup> birthday.
- 2009\1262 Delbert Barnes, Keokuk – For celebrating his 85<sup>th</sup> birthday.
- 2009\1263 Cloma Herman, Fort Madison – For celebrating her 90<sup>th</sup> birthday.
- 2009\1264 Philip Carson, Fort Madison – For celebrating his 75<sup>th</sup> birthday.
- 2009\1265 Lillian Niggemeyer, Fort Madison – For celebrating her 80<sup>th</sup> birthday.
- 2009\1266 Geraldine Wiegand, Fort Madison – For celebrating her 80<sup>th</sup> birthday.
- 2009\1267 Carl Kraus, Fort Madison – For celebrating his 80<sup>th</sup> birthday.
- 2009\1268 Doris Rickert, Keokuk – For celebrating her 80<sup>th</sup> birthday.
- 2009\1269 Floretta Salladay, Fort Madison – For celebrating her 75<sup>th</sup> birthday.
- 2009\1270 William Shaffer, Keokuk – For celebrating his 80<sup>th</sup> birthday.
- 2009\1271 Elizabeth Derr, Farmington – For celebrating her 75<sup>th</sup> birthday.
- 2009\1272 Mary Gunn, Fort Madison – For celebrating her 75<sup>th</sup> birthday.
- 2009\1273 Carolyn Howell, Keokuk – For celebrating her 75<sup>th</sup> birthday.
- 2009\1274 Katherine Mortimer, Keokuk – For celebrating her 80<sup>th</sup> birthday.
- 2009\1275 Pearle Sykes, Keokuk – For celebrating her 85<sup>th</sup> birthday.
- 2009\1276 Donald Osterhaus, Davenport – For celebrating his 80<sup>th</sup> birthday.
- 2009\1277 Rhea Reitan, Davenport – For celebrating her 75<sup>th</sup> birthday.
- 2009\1278 William Denney, Davenport – For celebrating his 90<sup>th</sup> birthday.
- 2009\1279 Margaret Seibel, Davenport – For celebrating her 80<sup>th</sup> birthday.
- 2009\1280 Betty Walker, Davenport – For celebrating her 80<sup>th</sup> birthday.
- 2009\1281 Dorothy Goff, Davenport – For celebrating her 75<sup>th</sup> birthday.
- 2009\1282 Andrew Liska, Davenport – For celebrating his 80<sup>th</sup> birthday.
- 2009\1283 Charles Chambers, Davenport – For celebrating his 75<sup>th</sup> birthday.

- 2009\1284 Lavon Ullrich, Davenport – For celebrating her 80<sup>th</sup> birthday.
- 2009\1285 James Fortney, Davenport – For celebrating his 75<sup>th</sup> birthday.
- 2009\1286 Lerverne Fisher, Davenport – For celebrating his 75<sup>th</sup> birthday.
- 2009\1287 Richard Haiston, Davenport – For celebrating his 75<sup>th</sup> birthday.
- 2009\1288 Charles Wallerich, Davenport – For celebrating his 75<sup>th</sup> birthday.
- 2009\1289 John Adams, Davenport – For celebrating his 85<sup>th</sup> birthday.
- 2009\1290 Donald Doering, Davenport – For celebrating his 80<sup>th</sup> birthday.
- 2009\1291 Bertha Conger, Davenport – For celebrating her 90<sup>th</sup> birthday.
- 2009\1292 Margery Moore, Davenport – For celebrating her 85<sup>th</sup> birthday.
- 2009\1293 Arthur Boyken, Waterloo – For celebrating his 75<sup>th</sup> birthday.
- 2009\1294 Howard Butler, Waterloo – For celebrating his 80<sup>th</sup> birthday.
- 2009\1295 George Hayden, Waterloo – For celebrating his 90<sup>th</sup> birthday.
- 2009\1296 Marvin Schmidt, Waterloo – For celebrating his 75<sup>th</sup> birthday.
- 2009\1297 Grace Vogt, Waterloo – For celebrating her 75<sup>th</sup> birthday.
- 2009\1298 Alberta Lampman, Waterloo – For celebrating her 85<sup>th</sup> birthday.
- 2009\1299 Lauretta Cufu, Waterloo – For celebrating her 75<sup>th</sup> birthday.
- 2009\1300 Phyllis Brown, Waterloo – For celebrating her 80<sup>th</sup> birthday.
- 2009\1301 Paul Mealhow, Waterloo – For celebrating his 85<sup>th</sup> birthday.
- 2009\1302 Earl Cavanaugh, Waterloo – For celebrating his 95<sup>th</sup> birthday.
- 2009\1303 Joseph Warmuth, Waterloo – For celebrating his 85<sup>th</sup> birthday.
- 2009\1304 Berniece Blaser, Waterloo – For celebrating her 75<sup>th</sup> birthday.
- 2009\1305 Deloras Taylor, Waterloo – For celebrating her 80<sup>th</sup> birthday.
- 2009\1306 Gerald Tappan, Waterloo – For celebrating his 75<sup>th</sup> birthday.
- 2009\1307 Eileen Johnson, Waterloo – For celebrating her 80<sup>th</sup> birthday.
- 2009\1308 Donna Ferguson, Waterloo – For celebrating her 80<sup>th</sup> birthday.
- 2009\1309 Diane Jondle, Waterloo – For celebrating her 75<sup>th</sup> birthday.

- 2009\1310 James Anderson Sr., Waterloo – For celebrating his 85<sup>th</sup> birthday.
- 2009\1311 Mike Chrasta, Waterloo – For celebrating his 85<sup>th</sup> birthday.
- 2009\1312 Clara Harrison, Ames – For celebrating her 80<sup>th</sup> birthday.
- 2009\1313 Ursula Von Godany, Ames – For celebrating her 85<sup>th</sup> birthday.
- 2009\1314 Della Wright, Ames – For celebrating her 75<sup>th</sup> birthday.
- 2009\1315 Mary Johnson, Ames – For celebrating her 75<sup>th</sup> birthday.
- 2009\1316 Dorothy Stagner, Ames – For celebrating her 80<sup>th</sup> birthday.
- 2009\1317 Patricia Terrones, Ames – For celebrating her 75<sup>th</sup> birthday.
- 2009\1318 George Christensen, Ames – For celebrating his 85<sup>th</sup> birthday.
- 2009\1319 Elizabeth Greenwood, Ames – For celebrating her 80<sup>th</sup> birthday.
- 2009\1320 Marion Buck, Ames – For celebrating his 85<sup>th</sup> birthday.
- 2009\1321 Phyllis Fisher, Ames – For celebrating her 80<sup>th</sup> birthday.
- 2009\1322 Hsung Cheng Hsieh, Ames – For celebrating his 80<sup>th</sup> birthday.
- 2009\1323 M. Ali Tabatabai, Ames – For celebrating his 75<sup>th</sup> birthday.
- 2009\1324 Leroy Johnson, Ames – For celebrating his 80<sup>th</sup> birthday.
- 2009\1325 Maxine Julius, Ames – For celebrating her 80<sup>th</sup> birthday.
- 2009\1326 James Seals, Madrid – For celebrating his 80<sup>th</sup> birthday.
- 2009\1327 Earl Konechne, Ames – For celebrating his 75<sup>th</sup> birthday.
- 2009\1328 Lucille Watson, Ames – For celebrating her 80<sup>th</sup> birthday.
- 2009\1329 George Lamasters, Marshalltown – For celebrating his 85<sup>th</sup> birthday.
- 2009\1330 Ann Mayer, Marshalltown – For celebrating her 80<sup>th</sup> birthday.
- 2009\1331 Calvin Ohrt, Marshalltown – For celebrating his 80<sup>th</sup> birthday.
- 2009\1332 Donald Gaffney, Marshalltown – For celebrating his 95<sup>th</sup> birthday.
- 2009\1333 Duane Bulanek, Marshalltown – For celebrating his 75<sup>th</sup> birthday.
- 2009\1334 Henrietta Halupnik, Marshalltown – For celebrating her 90<sup>th</sup> birthday.

- 2009\1335 Max Wiese, Marshalltown – For celebrating his 75<sup>th</sup> birthday.
- 2009\1336 Mary Young, Marshalltown – For celebrating her 95<sup>th</sup> birthday.
- 2009\1337 James Monahan, Marshalltown – For celebrating his 80<sup>th</sup> birthday.
- 2009\1338 Edna Schultz, Marshalltown – For celebrating her 85<sup>th</sup> birthday.
- 2009\1339 Lovilah Mathiason, Marshalltown – For celebrating her 90<sup>th</sup> birthday.
- 2009\1340 Lola Breed, Marshalltown – For celebrating her 75<sup>th</sup> birthday.
- 2009\1341 David Winter, Marshalltown – For celebrating his 75<sup>th</sup> birthday.
- 2009\1342 Thomas Davis, Marshalltown – For celebrating his 90<sup>th</sup> birthday.
- 2009\1343 Elaine Freeman, Marshalltown – For celebrating her 85<sup>th</sup> birthday.
- 2009\1344 Betty Jacobs, Marshalltown – For celebrating her 75<sup>th</sup> birthday.
- 2009\1345 Emanuel Mattingly, Marshalltown – For celebrating his 75<sup>th</sup> birthday.
- 2009\1346 Jean Ottilie, Marshalltown – For celebrating her 80<sup>th</sup> birthday.
- 2009\1347 William Bestmann, Marshalltown – For celebrating his 85<sup>th</sup> birthday.
- 2009\1348 Marilyn McKibben, Marshalltown – For celebrating her 80<sup>th</sup> birthday.
- 2009\1349 Earl Fouts, Marshalltown – For celebrating his 85<sup>th</sup> birthday.
- 2009\1350 Martha Hall, Marshalltown – For celebrating her 75<sup>th</sup> birthday.
- 2009\1351 Charlotte Parmer, Marshalltown – For celebrating her 85<sup>th</sup> birthday.
- 2009\1352 Elizabeth Siemers, Marshalltown – For celebrating her 75<sup>th</sup> birthday.
- 2009\1353 Ruth Wulke, Marshalltown – For celebrating her 90<sup>th</sup> birthday.
- 2009\1354 Hada Eckelstafer, Ottumwa – For celebrating her 80<sup>th</sup> birthday.
- 2009\1355 Lois Kauffman, Ottumwa – For celebrating her 85<sup>th</sup> birthday.
- 2009\1356 Gerald Reinier, Ottumwa – For celebrating his 80<sup>th</sup> birthday.
- 2009\1357 Billy Amos, Ottumwa – For celebrating his 85<sup>th</sup> birthday.



- 2009\1358 Kenneth McIntosh, Ottumwa – For celebrating his 95<sup>th</sup> birthday.
- 2009\1359 Albert Pringle, Ottumwa – For celebrating his 90<sup>th</sup> birthday.
- 2009\1360 Florene Debuhr, Ottumwa – For celebrating her 80<sup>th</sup> birthday.
- 2009\1361 Daniel Hronec, Ottumwa – For celebrating his 80<sup>th</sup> birthday.
- 2009\1362 Norma Joseph, Ottumwa – For celebrating her 85<sup>th</sup> birthday.
- 2009\1363 Cecil Simonton, Ottumwa – For celebrating his 85<sup>th</sup> birthday.
- 2009\1364 Marjorie Barnes, Ottumwa – For celebrating her 90<sup>th</sup> birthday.
- 2009\1365 Ann Nation, Ottumwa – For celebrating her 75<sup>th</sup> birthday.
- 2009\1366 Gerda Bonner, Ottumwa – For celebrating her 80<sup>th</sup> birthday.
- 2009\1367 Clark Critchlow, Ottumwa – For celebrating his 75<sup>th</sup> birthday.
- 2009\1368 George Locke, Ottumwa – For celebrating his 90<sup>th</sup> birthday.
- 2009\1369 Audrey Gemoules, Ottumwa – For celebrating her 80<sup>th</sup> birthday.
- 2009\1370 John Muchow Jr., Ottumwa – For celebrating his 75<sup>th</sup> birthday.
- 2009\1371 Eva Starbuck, Ottumwa – For celebrating her 75<sup>th</sup> birthday.
- 2009\1372 Kenneth Veach, Ottumwa – For celebrating his 75<sup>th</sup> birthday.
- 2009\1373 Mary Stevens, Ottumwa – For celebrating her 75<sup>th</sup> birthday.
- 2009\1374 Virginia Anderson, Ottumwa – For celebrating her 80<sup>th</sup> birthday.
- 2009\1375 Edna Caudron, Ottumwa – For celebrating her 75<sup>th</sup> birthday.
- 2009\1376 Frances Waddle, Ottumwa – For celebrating her 75<sup>th</sup> birthday.
- 2009\1377 Vivian Wolfe, Mount Vernon – For celebrating her 75<sup>th</sup> birthday.
- 2009\1378 Mary Zinkula, Mount Vernon – For celebrating her 80<sup>th</sup> birthday.
- 2009\1379 Vernon Burge, Mount Vernon – For celebrating his 90<sup>th</sup> birthday.
- 2009\1380 Leona Humble, Springville – For celebrating her 90<sup>th</sup> birthday.
- 2009\1381 Harlan Shields, Cedar Rapids – For celebrating his 80<sup>th</sup> birthday.
- 2009\1382 Richard Moore, Mount Vernon – For celebrating his 75<sup>th</sup> birthday.
- 2009\1383 Joan Ford, Lisbon – For celebrating her 75<sup>th</sup> birthday.

- 2009\1384 Irene Petrik, Swisher – For celebrating her 85<sup>th</sup> birthday.
- 2009\1385 Frank Cilek, Solon – For celebrating his 80<sup>th</sup> birthday.
- 2009\1386 Jane Helgeson, Ely – For celebrating her 90<sup>th</sup> birthday.
- 2009\1387 Patrick Johnson, Oxford – For celebrating his 75<sup>th</sup> birthday.
- 2009\1388 Ester Knapp, Central City – For celebrating her 85<sup>th</sup> birthday.
- 2009\1389 Sally Birkhofer, Sioux City – For celebrating her 75<sup>th</sup> birthday.
- 2009\1390 Betty Kragthorpe, Sioux City – For celebrating her 80<sup>th</sup> birthday.
- 2009\1391 Shirley Rasmussen, Sioux City – For celebrating her 80<sup>th</sup> birthday.
- 2009\1392 Robert Hanson, Sioux City – For celebrating his 80<sup>th</sup> birthday.
- 2009\1393 Alice VaDeer, Sioux City – For celebrating her 85<sup>th</sup> birthday.
- 2009\1394 William Burke, Sioux City – For celebrating his 80<sup>th</sup> birthday.
- 2009\1395 Nella Larocque, Sioux City – For celebrating her 75<sup>th</sup> birthday.
- 2009\1396 Vae Ream, Sioux City – For celebrating her 75<sup>th</sup> birthday.
- 2009\1397 George Trometer, Sioux City – For celebrating his 80<sup>th</sup> birthday.
- 2009\1398 Maxine Gant, Sioux City – For celebrating her 75<sup>th</sup> birthday.
- 2009\1399 Jennifer Archuletta, Sioux City – For celebrating her 75<sup>th</sup> birthday.
- 2009\1400 Sophie Williams, Sioux City – For celebrating her 80<sup>th</sup> birthday.
- 2009\1401 Melvin Bonnewell, Sioux City – For celebrating his 75<sup>th</sup> birthday.
- 2009\1402 Irene Molden, Sioux City – For celebrating her 85<sup>th</sup> birthday.
- 2009\1403 Earlene Bretzke, Sioux City – For celebrating her 85<sup>th</sup> birthday.
- 2009\1404 Lorene Niehaus, Guttenberg – For celebrating her 90<sup>th</sup> birthday.
- 2009\1405 Vivian Meyer, Garnavillo – For celebrating her 80<sup>th</sup> birthday.
- 2009\1406 Carl Whitaker, Manchester – For celebrating his 85<sup>th</sup> birthday.
- 2009\1407 Joan Liffing-Zug Bourret, Iowa City – For celebrating her 80<sup>th</sup> birthday.

## SUBCOMMITTEE ASSIGNMENTS

**House File 72**

Commerce: Kelley, Chair; Bailey and Wagner.

**House File 73**

Commerce: Petersen, Chair; Oldson and Wagner.

**House File 78**

Commerce: Reichert, Chair; Soderberg and D. Taylor.

**House File 111**

Local Government: Gaskill, Chair; Ford and Sorenson.

**House File 116**

Natural Resources: Whitaker, Chair; Baudler and Marek.

**House File 117**

Natural Resources: Mertz, Chair; Huseman and Whitead.

**House File 131**

Local Government: Kressig, Chair; D. Taylor and Tjepkes.

**House File 132**

Local Government: Winckler, Chair; Grassley and Isenhart.

**House File 133**

State Government: Frevert, Chair; Isenhart and Pettengill.

**House File 137**

Natural Resources: Zirkelbach, Chair; Steckman and Upmeyer.

**House File 139**

Human Resources: Wessel-Kroeschell, Chair; Hunter and Schulte.

**House File 149**

Local Government: D. Olson, Chair; Cohoon and Roberts.

**House File 158**

Education: Thede, Chair; Mascher and Schulte.

**House File 159**

Local Government: Deyoe, Chair; Huser and Whitead.

**House File 161**

Education: Willems, Chair; Kelley and Sweeney.

**House File 163**

Education: Ficken, Chair; Palmer and Tymeson.

**House File 164**

Natural Resources: Mertz, Chair; Beard and Schultz.

**House File 168**

State Government: Lensing, Chair; Isenhardt and Pettengill.

**House File 172**

State Government: Lensing, Chair; Isenhardt and Pettengill.

**Senate File 3**

Public Safety: R. Olson, Chair; Baudler and Heddens.

**Senate File 43**

Local Government: Ford, Chair; Burt and Windschitl.

HOUSE STUDY BILL SUBCOMMITTEE ASSIGNMENTS

**House Study Bill 110**

Local Government: Huser, Chair; Burt and Tjepkes.

**House Study Bill 126**

Education: Wendt, Chair; Bukta and Dolecheck.

**House Study Bill 127**

Education: Wendt, Chair; Ficken and Schulte.

**House Study Bill 128**

Public Safety: Heddens, Chair; Burt and Tjepkes.

**HOUSE STUDY BILL COMMITTEE ASSIGNMENTS****H.S.B. 129 Veterans Affairs**

Requiring record checks for persons who are prospective or current employees or volunteers for the Iowa veterans home.

**H.S.B. 130 Veterans Affairs**

Concerning limiting the authority of the general assembly to expend money from the veterans trust fund.

**H.S.B. 131 State Government**

Making technical changes to the laws relating to elections and voter registration, making a penalty applicable, and including effective date and applicability date provisions.

**H.S.B. 132 Human Resources**

Relating to the administration of programs under the jurisdiction of the department of public health and increasing a penalty.

**H.S.B. 133 State Government**

Relating to absentee voting by providing for ongoing absentee voter status and by requiring the counting of absentee ballots to begin the day before the general election.

**H.S.B. 134 Economic Growth**

Increasing the aggregate amount of tax credits that may be approved for property rehabilitation.

**H.S.B. 135 Economic Growth**

Relating to the Iowa finance authority by providing immunity for board members, providing administrative authority for the executive

director, eliminating duties of the council on homelessness, defining projects under the bond bank program, and defining assets in, and providing for the use of moneys in, the housing trust fund.

### **H.S.B. 136 Natural Resources**

Relating to regulation of certain conservation and recreation activities under the jurisdiction of the department of natural resources, modifying fees, and making penalties applicable.

### **H.S.B. 137 Commerce**

Requiring licensure of and regulating escrow agents, making an appropriation, and providing a penalty and an effective date.

### **H.S.B. 138 State Government**

Relating to the time of opening the polls for certain city elections.

### **H.S.B. 139 Judiciary**

Relating to bidders at a property tax sale and owners of tax sale certificates and including effective and applicability date provisions.

### **H.S.B. 140 State Government**

Relating to the responsibilities and duties of the auditor of state.

### **H.S.B. 141 Commerce**

Requiring health care benefit coverage for certain medically necessary prosthetic devices and providing an applicability date.

### **H.S.B. 142 Commerce**

Providing for restrictions relating to cancellation provisions applicable to cellular telephone service contracts.

**H.S.B. 143 Agriculture**

Relating to the fees deposited in and the balance maintained in the grain depositors and sellers indemnity fund, and by providing for fees.

**H.S.B. 144 Administration and Rules**

Relating to joint rules of the Senate and House of Representatives for the Eighty-third General Assembly.

**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 ETHICS**

**Committee Bill** (Formerly House Study Bill 2), relating to the House code of ethics.

Fiscal Note is not required.

Recommended **Do Pass** February 2, 2009.

**COMMITTEE ON HUMAN RESOURCES**

**Committee Bill** (Formerly House Study Bill 49), relating to child support enforcement including withholding of an employee's compensation by an employer for support of a child under a support order, the required establishment of a personal account for self-employed child support obligors, and protection of child support information, providing a penalty, and providing an effective date.

Fiscal Note is not required.

Recommended **Amend and Do Pass** February 2, 2009.

**COMMITTEE ON LOCAL GOVERNMENT**

**Senate File 45**, a bill for an act relating to issuance of certain county general obligation bonds by requiring published notice and modifying the ballot proposition, and including effective date, validation, and retroactive applicability provisions.

Fiscal Note is not required.

Recommended **Do Pass** February 2, 2009.

COMMITTEE ON VETERANS AFFAIRS

**Committee Bill** (Formerly House File 29), establishing the interstate compact on educational opportunity for military children and providing an effective date.

Fiscal Note is not required.

Recommended **Do Pass** February 3, 2009.

On motion by McCarthy of Polk the House adjourned at 4:24 p.m., until 9:00 a.m., Wednesday, February 4, 2009.



# JOURNAL OF THE HOUSE

Twenty-fourth Calendar Day - Sixteenth Session Day

Hall of the House of Representatives  
Des Moines, Iowa, Wednesday, February 4, 2009

The House met pursuant to adjournment at 9:15 a.m., Speaker Murphy in the chair.

Prayer was offered by Reverend Mario Lara, pastor of the Life Bridge Christian Church, Carlisle. He was the guest of Representative Kent Sorenson from Warren County.

## PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Nicole Pratt, House Page from Cedar Rapids.

The Journal of Tuesday, February 3, 2009 was approved.

## INTRODUCTION OF BILLS

**House File 196**, by Baudler, a bill for an act relating to a peace officer carrying a weapon in court.

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

**House File 197**, by committee on human resources, a bill for an act relating to child support enforcement including withholding of an employee's compensation by an employer for support of a child under a support order, the required establishment of a personal account for self-employed child support obligors, and protection of child support information, providing a penalty, and providing an effective date.

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

**House File 198**, by Roberts, a bill for an act imposing a moratorium on the issuance or relocation of licenses for gambling games and providing an effective date.

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

**House File 199**, by Reichert and H. Miller, a bill for an act requiring public schools and specified nonpublic schools to utilize environmentally sensitive cleaning and maintenance products in school facilities.

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

### SPECIAL PRESENTATION

Zirkelbach of Jones introduced to the House the honorable Paul Scherrman, former state representative from Dubuque County.

The House rose and expressed its welcome.

### HOUSE FILE 95 WITHDRAWN

Schueller of Jackson asked and received unanimous consent to withdraw House File 95 from further consideration by the House.

On motion by McCarthy of Polk, the House was recessed at 9:26 a.m., until 4:00 p.m.

### AFTERNOON SESSION

The House reconvened at 4:12 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 February 4, 2009, passed the following bill in which the concurrence of the House is asked:

Senate File 9, a bill for an act relating to the disposition of school property and providing an effective date.

Also: That the Senate has on February 4, 2009, passed the following bill in which the concurrence of the House is asked:

Senate File 50, a bill for an act relating to the payment of a salary or other compensation to a candidate's family member, and making a penalty applicable.

Also: That the Senate has on February 4, 2009, passed the following bill in which the concurrence of the House is asked:

Senate File 51, a bill for an act relating to electronic filing of campaign finance disclosure statements and reports by certain political committees and providing an effective date.

Also: That the Senate has on February 4, 2009, passed the following bill in which the concurrence of the House is asked:

Senate File 52, a bill for an act relating to ethics regulations for the executive branch, legislative branch, and local officials and employees.

Also: That the Senate has on February 4, 2009, adopted the following resolution in which the concurrence of the House is asked:

Senate Concurrent Resolution 2, a concurrent resolution relating to the compensation of chaplains, officers, and employees of the eighty-third general assembly.

MICHAEL E. MARSHALL, Secretary

## INTRODUCTION OF BILLS

**House File 200**, by Kuhn, a bill for an act relating to filling vacancies in the office of United States senator.

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

**House File 201**, by Reichert, a bill for an act providing for a property tax credit for certain apartment buildings and rental units meeting certification requirements for designation as a green building, making an appropriation, and including an effective and applicability date provision.

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

**House File 202**, by T. Olson, a bill for an act relating to the assignment of health care coverage and dental care coverage benefits.

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

**House File 203**, by Pettengill, a bill for an act providing for the allocation of moneys appropriated to the Iowa resources enhancement and protection fund.

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

**House File 204**, by Pettengill, Schulte, Kaufmann, May, Drake, Windschitl, Sorenson, Lukan, Huseman, Koester, Upmeyer, Deyoe, Schultz, Soderberg, Struyk and De Boef, a bill for an act relating to a property assessment adjustment for certain elderly persons, providing a penalty, and including retroactive applicability date provisions.

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

**House File 205**, by Paulsen, Wagner and Schulte, a bill for an act providing for the recall of elected officials of political subdivisions and providing a penalty.

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

**House File 206**, by Rants, a bill for an act limiting the liability of an alcoholic beverage licensee or permittee for certain alcohol-related accidents resulting in death or injury to a third person.

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

**House File 207**, by Lukan, a bill for an act providing for the issuance of any sex deer hunting licenses to certain older Iowans that may be used during both shotgun seasons.

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

**House File 208**, by Rants, a bill for an act eliminating civil liability provisions for alcoholic beverage licensees or permittees.

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

**House File 209**, by committee on judiciary, a bill for an act granting the civil rights commission additional subpoena power to investigate unfair or discriminatory practices and providing an effective date.

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

## 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

- 2009\1408 Doris Ludovissy, Edgewood – For celebrating her 85<sup>th</sup> birthday.
- 2009\1409 Frederick Kann, Guttenberg – For celebrating his 85<sup>th</sup> birthday.
- 2009\1410 Delos Sadewasser, Guttenberg – For celebrating his 80<sup>th</sup> birthday.
- 2009\1411 Dwayne Bahls, Elkader – For celebrating his 80<sup>th</sup> birthday.
- 2009\1412 Willard Bareis, Monona – For celebrating his 85<sup>th</sup> birthday.
- 2009\1413 Leon Burkle, Earlville – For celebrating his 85<sup>th</sup> birthday.
- 2009\1414 Lyle Fischer, Strawberry Point – For celebrating his 80<sup>th</sup> birthday.
- 2009\1415 Ethel Flack, Elgin – For celebrating her 80<sup>th</sup> birthday.
- 2009\1416 Alfred Goldsmith, McGregor – For celebrating his 80<sup>th</sup> birthday.
- 2009\1417 Robert Paul, Edgewood – For celebrating his 90<sup>th</sup> birthday.
- 2009\1418 Arvin Elsbury, Strawberry Point – For celebrating his 85<sup>th</sup> birthday.
- 2009\1419 Carlyle Kirkeberg, Monona – For celebrating his 80<sup>th</sup> birthday.
- 2009\1420 Howard Weger, Strawberry Point – For celebrating his 85<sup>th</sup> birthday.
- 2009\1421 Frances Ostlund, Mason City – For celebrating her 85<sup>th</sup> birthday.
- 2009\1422 Jovita Perez, Mason City – For celebrating her 80<sup>th</sup> birthday.
- 2009\1423 Cletus Heffern, Mason City – For celebrating his 85<sup>th</sup> birthday.
- 2009\1424 Donna Martin, Mason City – For celebrating her 80<sup>th</sup> birthday.
- 2009\1425 Gladys Shipman, Mason City – For celebrating her 90<sup>th</sup> birthday.
- 2009\1426 Ralph Lockwood, Mason City – For celebrating his 80<sup>th</sup> birthday.
- 2009\1427 Herman Nannenga, Mason City – For celebrating his 85<sup>th</sup> birthday.

- 2009\1428 Claudia Rye, Mason City – For celebrating her 85<sup>th</sup> birthday.
- 2009\1429 Beverly McClung, Mason City – For celebrating her 75<sup>th</sup> birthday.
- 2009\1430 Ruth Kelck, Mason City – For celebrating her 75<sup>th</sup> birthday.
- 2009\1431 Lavonne Olson, Mason City – For celebrating her 75<sup>th</sup> birthday.
- 2009\1432 Esther Wheeler, Mason City – For celebrating her 85<sup>th</sup> birthday.
- 2009\1433 Alice Lomen, Mason City – For celebrating her 80<sup>th</sup> birthday.
- 2009\1434 Buelah Williamson, Mason City – For celebrating her 85<sup>th</sup> birthday.
- 2009\1435 Phyllis Henaman, Mason City – For celebrating her 80<sup>th</sup> birthday.
- 2009\1436 Ruth Trudo, Mason City – For celebrating her 85<sup>th</sup> birthday.
- 2009\1437 Joann Harrer, Mason City – For celebrating her 80<sup>th</sup> birthday.
- 2009\1438 Kathryn Morse, Mason City – For celebrating her 80<sup>th</sup> birthday.
- 2009\1439 Myrtle Tapps, Mason City – For celebrating her 85<sup>th</sup> birthday.
- 2009\1440 Theresa Weaver, Mason City – For celebrating her 85<sup>th</sup> birthday.
- 2009\1441 Ardith Carolus, Mason City – For celebrating her 75<sup>th</sup> birthday.
- 2009\1442 Jo Papantonis, Mason City – For celebrating her 75<sup>th</sup> birthday.
- 2009\1443 Paul Hoye, Mason City – For celebrating his 85<sup>th</sup> birthday.
- 2009\1444 Evelyn Wicker, Mason City – For celebrating her 75<sup>th</sup> birthday.
- 2009\1445 Walter Behrens, Mount Vernon – For celebrating his 85<sup>th</sup> birthday.
- 2009\1446 Ronald Calvert, Cedar Rapids – For celebrating his 75<sup>th</sup> birthday.
- 2009\1447 Ruth Dorrington, Cedar Rapids – For celebrating her 90<sup>th</sup> birthday.
- 2009\1448 Dorothy Summy, Cedar Rapids – For celebrating her 80<sup>th</sup> birthday.
- 2009\1449 Donald Caspers, Cedar Rapids – For celebrating his 85<sup>th</sup> birthday.
- 2009\1450 Roland Schneider, Cedar Rapids – For celebrating his 80<sup>th</sup> birthday.
- 2009\1451 George Riser, Cedar Rapids – For celebrating his 85<sup>th</sup> birthday.
- 2009\1452 Richard Spurlock, Cedar Rapids – For celebrating his 80<sup>th</sup> birthday.
- 2009\1453 Ralph Berstler, Cedar Rapids – For celebrating his 80<sup>th</sup> birthday.

- 2009\1454 Milo Rehak, Cedar Rapids – For celebrating his 85<sup>th</sup> birthday.
- 2009\1455 Helen Kupka, Cedar Rapids – For celebrating her 80<sup>th</sup> birthday.
- 2009\1456 Jean Reynolds, Sioux City – For celebrating her 75<sup>th</sup> birthday.
- 2009\1457 Robert Perrin, Sioux City – For celebrating his 75<sup>th</sup> birthday.
- 2009\1458 Gerrit Uitdeflesch, Sioux City – For celebrating his 75<sup>th</sup> birthday.
- 2009\1459 Martha Glaser, Sioux City – For celebrating her 90<sup>th</sup> birthday.
- 2009\1460 Ruth Ketelsen, Sioux City – For celebrating her 90<sup>th</sup> birthday.
- 2009\1461 Lavonne Harwood, Sioux City – For celebrating her 75<sup>th</sup> birthday.
- 2009\1462 Josephine Nyden, Sioux City – For celebrating her 80<sup>th</sup> birthday.
- 2009\1463 Abe Polaykoff, Sioux City – For celebrating his 85<sup>th</sup> birthday.
- 2009\1464 David Sterling, Sioux City – For celebrating his 80<sup>th</sup> birthday.
- 2009\1465 Joan Krenz, Sioux City – For celebrating her 80<sup>th</sup> birthday.
- 2009\1466 Leonard Sandman, Sioux City – For celebrating his 85<sup>th</sup> birthday.
- 2009\1467 Norbert Kruckenberg, Lowden – For celebrating his 80<sup>th</sup> birthday.
- 2009\1468 Casey and Luella Smit, Boyden – For celebrating their 60<sup>th</sup> wedding anniversary.
- 2009\1469 Bernice Wulf, Davenport – For celebrating her 90<sup>th</sup> birthday.
- 2009\1470 Margaret Siefken, Burlington – For celebrating her 91<sup>st</sup> birthday.
- 2009\1471 Dan and Doris Kelley, Danville – For celebrating their 60<sup>th</sup> wedding anniversary.
- 2009\1472 Howard “Pat” Weber, Morning Sun – For recognition for receiving the Warren Coleman Honorary Award issued by the Iowa Lions Foundation.
- 2009\1473 Eva Sewell, Columbus Junction – For celebrating her 85<sup>th</sup> birthday.
- 2009\1474 Lyle and Letha Armstrong, Griswold – For celebrating their 75<sup>th</sup> wedding anniversary.
- 2009\1475 Vic Wunder, Avoca – For celebrating his 90<sup>th</sup> birthday.
- 2009\1476 Archie and Adeline Caddell, Harlan – For celebrating their 72<sup>nd</sup> wedding anniversary.

- 2009\1477 Helen Houlton, Ireton – For celebrating her 90<sup>th</sup> birthday.
- 2009\1478 Henry and Hattie Kleinhesselink, Orange City – For celebrating their 70<sup>th</sup> wedding anniversary.
- 2009\1479 Duane Nachtigal, Little Rock – For celebrating his 75<sup>th</sup> birthday.
- 2009\1480 David Jacobsma, Doon – For celebrating his 75<sup>th</sup> birthday.
- 2009\1481 Tunis Cleveringa, Sioux City – For celebrating his 80<sup>th</sup> birthday.
- 2009\1482 Dorman Koel, Rock Rapids – For celebrating his 80<sup>th</sup> birthday.
- 2009\1483 Miyo Skidmore, Rock Rapids – For celebrating her 80<sup>th</sup> birthday.
- 2009\1484 Antonia Van De Stroet, Rock Valley – For celebrating her 80<sup>th</sup> birthday.
- 2009\1485 Merle Van Roekel, Rock Rapids – For celebrating his 85<sup>th</sup> birthday.
- 2009\1486 William Lupkes, Rock Rapids – For celebrating his 85<sup>th</sup> birthday.
- 2009\1487 John Winter, George – For celebrating his 85<sup>th</sup> birthday.
- 2009\1488 Bernadine Kammrad-Hulsing, Sheffield – For celebrating her 80<sup>th</sup> birthday.
- 2009\1489 Dale and Wilma Mensen, Dyersville – For celebrating their 50<sup>th</sup> wedding anniversary.
- 2009\1490 Jim and Shirley Miller, Fontanelle – For celebrating their 50<sup>th</sup> wedding anniversary.
- 2009\1491 William and Lolla Faye Lambert, Grand Mound – For celebrating their 65<sup>th</sup> wedding anniversary.
- 2009\1492 Bill and Ruth Hanesworth, DeWitt – For celebrating their 50<sup>th</sup> wedding anniversary.
- 2009\1493 Arlene E. Holst, DeWitt – For celebrating her 80<sup>th</sup> birthday.
- 2009\1494 Jay and Joan Kolker, Dubuque – For celebrating their 50<sup>th</sup> wedding anniversary.
- 2009\1495 Robin Kennicker, Dubuque – For recognition for being selected for the 2009 All Iowa Academic Team.
- 2009\1496 Lurleen Ambrosy, Dubuque – For recognition for her lifesaving measures in saving the life of Roger Nemmers.
- 2009\1497 Amy Hawkins, Dubuque – For recognition for her lifesaving measures in saving the life of Roger Nemmers.



- 2009\1498 Roger Nemmers, Dubuque – For celebrating his 80<sup>th</sup> birthday.
- 2009\1499 Edward and Dorothy Ironside, Marion – For celebrating their 60<sup>th</sup> wedding anniversary.
- 2009\1500 David and Barbara Gearhart, Dundee – For celebrating their 50<sup>th</sup> wedding anniversary.
- 2009\1501 Rebecca Margaret Dolan, Strawberry Point – For recognition for attaining the Girl Scout Gold Award, the highest award in Girl Scouting.
- 2009\1502 David and Delores Kerkhoff, Dedham – For celebrating their 50<sup>th</sup> wedding anniversary.
- 2009\1503 Frances Cortner, Audubon – For celebrating her 90<sup>th</sup> birthday.
- 2009\1504 Wayne Christgau, Clear Lake – For recognition for being inducted into the Iowa RockNRoll Music Association Hall of Fame.
- 2009\1505 Ila Hebel, Audubon – For celebrating her 80<sup>th</sup> birthday.
- 2009\1506 John G. Van Wyk, Leighton – For celebrating his 80<sup>th</sup> birthday.
- 2009\1507 Zachary Gaul, Le Mars – For recognition for attaining the rank of Eagle Scout, the highest rank in the Boy Scouts of America.
- 2009\1508 Verlee Williams, Grandview – For celebrating her 85<sup>th</sup> birthday.

#### SUBCOMMITTEE ASSIGNMENT

##### **House File 165**

Human Resources: Smith, Chair; Baudler and Hunter.

#### HOUSE STUDY BILL SUBCOMMITTEE ASSIGNMENTS

##### **House Study Bill 107**

Local Government: Kressig, Chair; D. Olson and Sorenson.

##### **House Study Bill 117**

Agriculture: Wenthe, Chair; H. Miller and Struyk.

##### **House Study Bill 120**

State Government: T. Taylor, Chair; Drake and Quick.

**House Study Bill 129**

Veterans Affairs: Thomas, Chair; Kearns and Sweeney.

**House Study Bill 130**

Veterans Affairs: Windschitl, Chair; Bailey and Bukta.

**House Study Bill 131**

State Government: Gaskill, Chair; Struyk and Willems.

**House Study Bill 132**

Human Resources: T. Olson, Chair; Heaton and Thede.

**House Study Bill 133**

State Government: Gaskill, Chair; Mascher and Roberts.

**House Study Bill 134**

Economic Growth: Steckman, Chair; Kelley and Sorenson.

**House Study Bill 135**

Economic Growth: Ford, Chair; Forristall and Jacoby.

**House Study Bill 136**

Natural Resources: Bell, Chair; Arnold, Beard, Deyoe and Whitaker.

**House Study Bill 137**

Commerce: Bailey, Chair; Helland and Shomshor.

**House Study Bill 138**

State Government: Willems, Chair; Gaskill and Roberts.

**House Study Bill 139**

Judiciary: Swaim, Chair; Kaufmann and Palmer.

**House Study Bill 140**

State Government: Gaskill, Chair; Koester and Willems.

**House Study Bill 141**

Commerce: Kressig, Chair; D. Olson and Struyk.

**House Study Bill 142**

Commerce: D. Olson, Chair; Jacoby and Sorenson.

**House Study Bill 143**

Agriculture: Marek, Chair; Bailey, Bell, Dolecheck and Drake.

**HOUSE STUDY BILL COMMITTEE ASSIGNMENTS****H.S.B. 145 Administration and Rules**

Relating to permanent rules of the House for the Eighty-third General Assembly.

**H.S.B. 146 Human Resources**

Relating to the department of elder affairs and services provided to older Iowans.

**H.S.B. 147 Human Resources**

Relating to a quality assurance assessment program, nursing facility reimbursements, and providing monetary penalties, contingencies, and retroactive and other effective dates.

**H.S.B. 148 Agriculture**

Relating to the agricultural development authority, by providing for the reporting of its operations.

**COMMITTEE RECOMMENDATION**

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

MARK W. BRANDSGARD  
Chief Clerk of the House

## COMMITTEE ON JUDICIARY

**Committee Bill** (Formerly House Study Bill 28), granting the civil rights commission additional subpoena power to investigate unfair or discriminatory practices and providing an effective date.

Fiscal Note is not required.

Recommended **Do Pass** February 3, 2009.

## RESOLUTIONS FILED

**HR 7**, by committee on ethics, a resolution relating to the House code of ethics.

Placed on **calendar**.

**SCR 2**, by committee on administration and rules, a concurrent resolution relating to the compensation of chaplains, officers, and employees of the eighty-third general assembly.

Referred to committee on **administration and rules**.

On motion by Whitaker of Van Buren the House adjourned at 4:18 p.m., until 9:00 a.m., Thursday, February 5, 2009.

# JOURNAL OF THE HOUSE

Twenty-fifth Calendar Day - Seventeenth Session Day

Hall of the House of Representatives  
Des Moines, Iowa, Thursday, February 5, 2009

The House met pursuant to adjournment at 9:08 a.m., Speaker Murphy in the chair.

Prayer was offered by Reverend Jonathon Kosec, pastor of Wayne Zion Lutheran Church, Monticello. He was the guest of Representative Ray Zirkelbach of Jones County.

## PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Nicole Westergaard, House Page from Newell.

The Journal of Wednesday, February 4, 2009 was approved.

## LEAVE OF ABSENCE

Leave of absence was granted as follows:

H. Miller of Webster, Mertz of Kossuth and Bailey of Hamilton on request of Speaker Murphy.

## INTRODUCTION OF BILLS

**House File 210**, by Sands and Windschitl, a bill for an act relating to smoking in certain indoor areas based on the age of those invited and allowed entrance.

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

**House File 211**, by Bailey, Arnold, Beard, Bell, Berry, Bukta, De Boef, Deyoe, Dolecheck, Drake, Forristall, Frevert, Hagenow, Heaton, Helland, Horbach, Huseman, Huser, Kaufmann, Kearns, Kelley, Kressig, Lykam, Marek, Mertz, H. Miller, R. Olson, S. Olson, Pettengill, Quirk, Rants, Rayhons, Sands, Schueller, Schultz, Soderberg, Steckman, Struyk, Swaim, Sweeney, D. Taylor, Thomas, Tjepkes, Tymeson, Van Engelenhoven, Watts, Wendt, Wenthe,

Whitaker, Windschitl and Zirkelbach, a bill for an act relating to the regulation of smoking in outdoor areas of bars and restaurants and in theaters.

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

**House File 212**, by Sands, a bill for an act relating to property taxes by linking the assessment limitations of certain classes of property, and including effective date and retroactive applicability date provisions.

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

**House File 213**, by committee on state government, a bill for an act relating to electrician licensure by modifying existing provisions and specifying new classifications.

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

**House File 214**, by committee on veterans affairs, a bill for an act establishing the interstate compact on educational opportunity for military children and providing an effective date.

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

#### SENATE MESSAGES CONSIDERED

**Senate File 50**, by committee on state government, a bill for an act relating to the payment of a salary or other compensation to a candidate's family member, and making a penalty applicable.

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

**Senate File 51**, by committee on state government, a bill for an act relating to electronic filing of campaign finance disclosure statements and reports by certain political committees and providing an effective date.

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

**Senate File 52**, by committee on state government, a bill for an act relating to ethics regulations for the executive branch, legislative branch, and local officials and employees.

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

CONSIDERATION OF BILLS  
Regular Calendar

**House File 180**, a bill for an act providing for the development of a complaint response process by the superintendent of credit unions and relating to the confidentiality of information obtained during the course of that process, was taken up for consideration.

Kressig 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?" (H.F. 180)

The ayes were, 95:

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

The nays were, none.

Absent or not voting, 5:

Bailey  
Struyk

Chambers

Mertz

Miller, H.

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

### IMMEDIATE MESSAGE

McCarthy of Polk asked and received unanimous consent that **House File 180** be immediately messaged to the Senate.

On motion by McCarthy of Polk, the House was recessed at 9:23 a.m., until 4:00 p.m.

### AFTERNOON SESSION

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

### INTRODUCTION OF BILLS

**House File 215**, by Frevert, a bill for an act relating to reimbursement of nonparticipating providers for expansion population benefits provided to IowaCare program members, and creating a nonparticipating provider compensation fund.

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

**House File 216**, by Arnold, Kaufmann, Swaim and Huser, a bill for an act relating to what constitutes a pioneer cemetery.

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

**House File 217**, by Wagner, Schulte, D. Taylor, Paulsen, T. Taylor and T. Olson, a bill for an act relating to compensation paid to county supervisors.

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



**House File 218**, by Windschitl, Alons, Huseman, Struyk, Soderberg, Baudler, Dolecheck, Worthan, Pettengill, De Boef, Sands, May, Kaufmann, Raecker, Helland, Swaim, Arnold and Drake, a bill for an act providing for the establishment of an Iowa veterans college loan repayment program.

Read first time and referred to committee on **veterans affairs**.

**House File 219**, by Struyk, a bill for an act relating to the exclusion of stipends or remuneration paid to volunteer fire fighters from the state individual income tax and including a retroactive applicability date provision.

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

**House File 220**, by Windschitl, Dolecheck, May, Pettengill, Hagenow, De Boef, Baudler, Helland, Soderberg, Sands, Kaufmann, L. Miller, Swaim, Alons and Drake, a bill for an act relating to children subject to a child in need of assistance removal order relating to the use or presence of methamphetamine.

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

**House File 221**, by Schueller, a bill for an act exempting the instructional support property tax levy of a school district from being collected as part of the incremental taxes paid to a municipality for an urban renewal area and providing for the Act's applicability.

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

**House File 222**, by T. Taylor, a bill for an act relating to safe walkways for railroad workers and making penalties applicable.

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

**House File 223**, by Sands, a bill for an act providing restrictions on nuisance actions or proceedings involving farm operations.

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

COMMUNICATIONS RECEIVED

The following communications were received and filed in the office of the Chief Clerk:

CRIMINAL AND JUVENILE JUSTICE PLANNING

Report of the Sex Offender Research Council, pursuant to Chapter 709, Code of Iowa.

DEPARTMENT OF ADMINISTRATIVE SERVICES

Annual Recycled Products report, pursuant to Chapter 8A.315, Code of Iowa.

Annual report, pursuant to Chapter 8, Code of Iowa.

2008 annual comprehensive financial report, pursuant to Chapter 8, Code of Iowa.

DEPARTMENT OF ECONOMIC DEVELOPMENT

2008 annual report, pursuant to Chapter 15.104(9), Code of Iowa.

DEPARTMENT OF HUMAN RIGHTS

Annual report, pursuant to Chapter 216, Code of Iowa.

DEPARTMENT OF HUMAN SERVICES

Voluntary Employee-Sponsored Health Care Coverage Demonstration Project-Non-licensed Direct Care Workers, pursuant to Chapter 217, Code of Iowa.

DEPARTMENT OF NATURAL RESOURCES

Sustainable funding report, pursuant to Chapter 455A, Code of Iowa.

DEPARTMENT OF REVENUE

Tax Credits Tracking and Analysis Program

Biofuel Retailers Tax Credits Evaluation Study, pursuant to Chapter 422, Code of Iowa.

STATEWIDE INTEROPERABLE COMMUNICATIONS SYSTEM BOARD

Second annual report, pursuant to 2007 Iowa Acts.

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

- 2009\1509 John and Kay Van Ryswyk, Monroe – For celebrating their 50<sup>th</sup> wedding anniversary.
- 2009\1510 Allyson Hovda, Cedar Rapids – For recognition for being crowned Miss Iowa Teen USA 2009 and will represent the state at the 2009 Miss Teen USA Pageant.
- 2009\1511 Emma deNeui, Ackley – For celebrating her 101<sup>st</sup> birthday.
- 2009\1512 Thelma Rae Long, Conrad – For celebrating her 90<sup>th</sup> birthday.
- 2009\1513 Raymond and Betty Cooper, Indianola – For celebrating their 60<sup>th</sup> wedding anniversary.
- 2009\1514 Leo and Gay Nelle Holzmer, Rogers, Arkansas – For celebrating their 50<sup>th</sup> wedding anniversary.
- 2009\1515 Don and Janice Lyons, Dysart – For celebrating their 50<sup>th</sup> wedding anniversary.
- 2009\1516 Dan Otto, Everly – For attaining the rank of Eagle Scout, the highest rank in the Boy Scouts of America.
- 2009\1517 Ben Blair, Everly – For attaining the rank of Eagle Scout, the highest rank in the Boy Scouts of America.
- 2009\1518 Ella Wheeler, Spencer – For celebrating her 100<sup>th</sup> birthday.
- 2009\1519 Leslie and Luella Neubauer, Battle Creek – For celebrating their 65<sup>th</sup> wedding anniversary.
- 2009\1520 Erwin and Margie Moeller, Denison – For celebrating their 50<sup>th</sup> wedding anniversary.
- 2009\1521 Milfred Nemitz, Denison – For celebrating his 80<sup>th</sup> birthday.
- 2009\1522 Delmar (Jack) and Betty Robertson, Hiawatha – For celebrating their 50<sup>th</sup> wedding anniversary.

SUBCOMMITTEE ASSIGNMENTS

**House Joint Resolution 4**

Education: Winckler, Chair; Dolecheck and Wendt.

**House File 143**

Public Safety: Reichert, Chair; Lykam and Rayhons.

**House File 149 Reassigned**

Local Government: D. Olson, Chair; Cohoon and Deyoe.

**House File 166**

Education: Mascher, Chair; Koester and Palmer.

**House File 174**

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

**House File 177**

Commerce: Petersen, Chair; Oldson and Soderberg.

**House File 182**

Education: Steckman, Chair; Koester and Winckler.

**House File 183**

Education: Winckler, Chair; Tymeson and Willems.

**House File 186**

Education: Winckler, Chair; L. Miller and Willems.

**House File 187**

Human Resources: Mascher, Chair; Forristall and Petersen.

**House File 188**

Education: Thede, Chair; Schulte and Wendt.

**House File 189**

Natural Resources: Mertz, Chair; Arnold and Lykam.

**House File 190**

Natural Resources: Whitaker, Chair; Arnold and Palmer.

**House File 191**

Education: Raecker, Chair; Ficken and Wendt.

**House File 192**

Commerce: Reichert, Chair; D. Olson, Soderberg, D. Taylor and Wagner.

**House File 194**

Education: Winckler, Chair; Mascher and Tymeson.

**House File 195**

State Government: Isenhardt, Chair; Gaskill and Pettengill.

**House File 198**

State Government: Quirk, Chair; Roberts and Willems.

**House File 199**

Education: Willems, Chair; Cownie and Thede.

**House File 201**

Commerce: Reichert, Chair; D. Olson, Petersen, Soderberg and Wagner.

**House File 203**

Natural Resources: Palmer, Chair; Deyoe and Zirkelbach.

**House File 207**

Natural Resources: Whitaker, Chair; Schultz and Steckman.

**House File 210**

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

**House File 211**

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

**HOUSE STUDY BILL SUBCOMMITTEE ASSIGNMENTS****House Study Bill 146**

Human Resources: Petersen, Chair; Heaton and Steckman.

**House Study Bill 147**

Human Resources: Hunter, Chair; Abdul-Samad and Soderberg.

**House Study Bill 148**

Agriculture: Mertz, Chair; Bailey and Drake.

**HOUSE STUDY BILL COMMITTEE ASSIGNMENTS****H.S.B. 149 Labor**

Requiring the payment of local prevailing wage rates to persons working on public improvements for public bodies, and providing penalties and effective and applicability dates.

**H.S.B. 150 Commerce**

Establishing an energy efficiency savings standard applicable to gas and electric public utilities.

**H.S.B. 151 Commerce**

Relating to various matters under the purview of the insurance division of the department of commerce including the uniform securities act; insurance division; examination of insurance companies; articles of incorporation filing requirements; viatical settlements contracts; life insurance companies and associations; long-term care insurance; long-term care asset disregard incentives; insurance other than life; insurance guaranty association; county mutual insurance associations; state mutual insurance associations; consolidation, merger, and reinsurance; and cemetery and funeral merchandise and funeral services; and providing for retroactive applicability.

**H.S.B. 152 Commerce**

Relating to the regulation of the business of debt management and making penalties applicable.

**H.S.B. 153 Commerce**

Relating to health insurance coverage for diabetes self-management training and education programs and providing effective and applicability dates.

## H.S.B. 154 Commerce

Prohibiting declaration of value forms for the conveyance of real estate to include social security numbers.

### 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 ADMINISTRATION AND RULES

**Committee Bill** (Formerly House Study Bill 144), relating to joint rules of the Senate and House of Representatives for the Eighty-third General Assembly.

Fiscal Note is not required.

Recommended **Do Pass** February 4, 2009.

**Committee Bill** (Formerly House Study Bill 145), relating to permanent rules of the House for the Eighty-third General Assembly.

Fiscal Note is not required.

Recommended **Amend and Do Pass** February 4, 2009.

### COMMITTEE ON ECONOMIC GROWTH

**Committee Bill** (Formerly House Study Bill 109), relating to economic development by providing for an innovation and commercialization development fund, making the department of revenue responsible for approving certain tax credits for third-party developers, making appropriations, and providing an effective date.

Fiscal Note is not required.

Recommended **Do Pass** February 5, 2009.

### COMMITTEE ON EDUCATION

**Committee Bill** (Formerly House Study Bill 4), relating to the disposition of school property and providing an effective date.

Fiscal Note is not required.

Recommended **Amend and Do Pass** February 4, 2009.

COMMITTEE ON HUMAN RESOURCES

**Committee Bill** (Formerly House File 139), requiring health insurance coverage for costs relating to mental health conditions, including alcohol or substance abuse treatment services.

Fiscal Note is not required.

Recommended **Amend and Do Pass** February 5, 2009.

COMMITTEE ON JUDICIARY

**Committee Bill** (Formerly House Study Bill 31), relating to the judicial branch including contested and uncontested parking violations, filing civil citations of municipal infractions with the clerk, records kept by the clerk, and service of original notice in a small claims action.

Fiscal note is required.

Recommended **Do Pass** February 5, 2009.

**Committee Bill** (Formerly House Study Bill 139), relating to bidders at a property tax sale and owners of tax sale certificates and including effective and applicability date provisions.

Fiscal Note is not required.

Recommended **Do Pass** February 5, 2009.

COMMITTEE ON PUBLIC SAFETY

**Committee Bill** (Formerly House File 59), relating to the membership of the public safety communications interoperability board and providing an effective and applicability date provision.

Fiscal Note is not required.

Recommended **Amend and Do Pass** February 5, 2009.

COMMITTEE ON VETERANS AFFAIRS

**Committee Bill** (Formerly House Study Bill 10), exempting certain persons who transport members of the Iowa veterans home from the requirement to be licensed as a chauffeur.

Fiscal Note is not required.

Recommended **Do Pass** February 5, 2009.



## RESOLUTIONS FILED

**HCR 3**, by committee on administration and rules, a concurrent resolution relating to joint rules of the Senate and House of Representatives for the Eighty-third General Assembly.

Placed on the **calendar**.

**HR 8**, by committee on administration and rules, a resolution relating to permanent rules of the House for the eighty-third general assembly.

Placed on the **calendar**.

On motion by McCarthy of Polk the House adjourned at 4:14 p.m., until 1:00 p.m., Monday, February 9, 2009.

# JOURNAL OF THE HOUSE

Twenty-ninth Calendar Day - Eighteenth Session Day

Hall of the House of Representatives  
Des Moines, Iowa, Monday, February 9, 2009

The House met pursuant to adjournment at 1:12 p.m., Speaker Murphy in the chair.

Prayer was offered by Reverend Linda Livingston, pastor of Ascension Lutheran Church, Marion. She was the guest of Representative Nick Wagner of Linn County.

## PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Zach Dalluge, House Page from Grafton.

The Journal of Thursday, February 5, 2009 was approved.

## INTRODUCTION OF BILLS

**House File 224**, by Lukan, a bill for an act requiring public school districts and nonpublic schools to offer a free college entrance exam to students in grades ten and eleven each school year, and providing effective and applicability dates.

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

**House File 225**, by Windschitl, Alons, Huseman, Struyk, Soderberg, Baudler, Dolecheck, Worthan, De Boef, Pettengill, Watts, Sands, May, Kaufmann, Raecker, Helland, Hagenow, Arnold and Drake, a bill for an act defining resident for purposes of tuition and fees for certain veterans at Iowa's public universities and community colleges.

Read first time and referred to committee on **veterans affairs**.

**House File 226**, by Grassley and Kaufmann, a bill for an act relating to salary and tuition increases for individuals at community

colleges and institutions of higher education governed by the state board of regents.

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

**House File 227**, by D. Olson, a bill for an act relating to the lowering of the blood alcohol limit for motorboat or sailboat operating while intoxicated offenses.

Read first time and referred to committee on **public safety**.

**House File 228**, by Anderson, a bill for an act making the use of credit information for underwriting or rating risks for personal insurance an unfair insurance practice and providing penalties and an applicability date.

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

**House File 229**, by Anderson, a bill for an act prohibiting the distribution of campaign material without the consent of the candidate benefiting from that material, restricting the content of certain types of campaign material, and providing remedies and a penalty.

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

**House File 230**, by Pettengill and Berry, a bill for an act providing a sales tax exemption from the sale of textbooks for use in attending a postsecondary educational institution.

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

**House File 231**, by Windschitl, Alons, Struyk, Soderberg, Baudler, Dolecheck, Pettengill, Hagenow, De Boef, Schultz, Watts, Sands, May, Raecker, Huseman, Helland and L. Miller, a bill for an act relating to termination of pregnancy reporting information, and making penalties applicable.

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

On motion by McCarthy of Polk, the House was recessed at 1:19 p.m., until 5:00 p.m.

#### AFTERNOON SESSION

The House reconvened at 5:07 p.m., Speaker Murphy in the chair.

#### INTRODUCTION OF BILLS

**House File 232**, by committee on public safety, a bill for an act relating to the membership of the public safety communications interoperability board and providing an effective and applicability date provision.

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

**House File 233**, by committee on education, a bill for an act relating to the disposition of school property and providing an effective date.

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

**House File 234**, by committee on human resources, a bill for an act requiring health insurance coverage for costs relating to mental health conditions, including alcohol or substance abuse treatment services.

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

#### 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

2009\1523 George and Betty Pierson, Mason City – For celebrating their 50<sup>th</sup> wedding anniversary.

2009\1524 Lloyd “Whitey” and Alice Olson, Mason City – For celebrating their 50<sup>th</sup> wedding anniversary.

- 2009\1525 Merle and Helen Gaber, Dubuque – For celebrating their 50<sup>th</sup> wedding anniversary.
- 2009\1526 Wilbur Draayer, Sioux Center – For celebrating his 75<sup>th</sup> birthday.
- 2009\1527 Donald Winterfeld, Sioux Center – For celebrating his 75<sup>th</sup> birthday.
- 2009\1528 Robert Schouten, Sioux Center– For celebrating his 75<sup>th</sup> birthday.
- 2009\1529 Gilbert Burgers, Rock Valley – For celebrating his 75<sup>th</sup> birthday.
- 2009\1530 Catharina Nieuwkoop, Sioux Center – For celebrating her 80<sup>th</sup> birthday.
- 2009\1531 Shirley De Ruyter, Rock Valley – For celebrating her 80<sup>th</sup> birthday.
- 2009\1532 Carolyn Vantland, Inwood – For celebrating her 80<sup>th</sup> birthday.
- 2009\1533 Henry Brinks, Hull – For celebrating his 80<sup>th</sup> birthday.
- 2009\1534 Betty Gronewold, George – For celebrating her 80<sup>th</sup> birthday.
- 2009\1535 Loren Kock, Alvord – For celebrating his 80<sup>th</sup> birthday.
- 2009\1536 Tracy Dieters, Larchwood – For celebrating her 80<sup>th</sup> birthday.
- 2009\1537 Eldora Whitehorn, George – For celebrating her 90<sup>th</sup> birthday.
- 2009\1538 Floyd and Mary Ellen Schreurs, Rock Rapids – For celebrating their 68<sup>th</sup> wedding anniversary.
- 2009\1539 Larry and Janet Beinke, Moscow – For celebrating their 50<sup>th</sup> wedding anniversary.
- 2009\1540 Virgil and Peggy Meyers, West Liberty – For celebrating their 50<sup>th</sup> wedding anniversary.
- 2009\1541 Gene and Mary Doran, Wilton – For celebrating their 50<sup>th</sup> wedding anniversary.
- 2009\1542 Eugene and Karla Preston, Guttenberg – For celebrating their 50<sup>th</sup> wedding anniversary.
- 2009\1543 Raymond and Betty Cooper, Milo – For celebrating their 60<sup>th</sup> wedding anniversary.
- 2009\1544 Elizabeth Rau, Westphalia – For celebrating her 102<sup>nd</sup> birthday.

SUBCOMMITTEE ASSIGNMENTS

**House File 200**

State Government: Gaskill, Chair; Beard and Kaufmann.

**House File 202**

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

**House File 205**

State Government: Lensing, Chair; Isenhardt and Schulte.

**Senate File 50**

State Government: Cohoon, Chair; Beard and Raecker.

**Senate File 51**

State Government: Cohoon, Chair; Raecker and Willems.

HOUSE STUDY BILL SUBCOMMITTEE ASSIGNMENTS

**House Study Bill 150**

Commerce: Reichert, Chair; D. Olson, Petersen, Soderberg and Wagner.

**House Study Bill 151**

Commerce: Oldson, Chair; Pettengill and Reasoner.

**House Study Bill 152**

Commerce: Reasoner, Chair; Helland and Shomshor.

**House Study Bill 153**

Commerce: D. Olson, Chair; Petersen and Pettengill.

**House Study Bill 154**

Commerce: Quirk, Chair; Bailey and Struyk.

HOUSE STUDY BILL COMMITTEE ASSIGNMENTS

**H.S.B. 155 Local Government**

Relating to publication of property assessment equalization orders.

**H.S.B. 156 Local Government**

Requiring lessees of certain real estate to file a memorandum of the lease with the county recorder and providing a civil penalty.

**H.S.B. 157 Local Government**

Relating to county recorders, fees collected by the county recorders, and the county land record information system.

**H.S.B. 158 Judiciary**

Relating to magistrate jurisdiction, specifying certain traffic-related offenses as simple misdemeanors, making other related changes to simple misdemeanor offenses, and providing a penalty.

**H.S.B. 159 Education**

Relating to licensing fees retained by the board of educational examiners and providing an effective date.

**H.S.B. 160 Veterans Affairs**

Relating to employee positions authorized for the Iowa veterans home and providing an effective date.

**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 EDUCATION**

**Committee Bill** (Formerly House File 40), relating to the compulsory school attendance age and providing effective dates.

Fiscal Note is not required.

Recommended **Amend and Do Pass** February 9, 2009.

## COMMITTEE ON LOCAL GOVERNMENT

**Committee Bill** (Formerly House Study Bill 110), relating to the operation of county, city, and memorial hospitals and the duties and powers of hospital trustees and commissioners.

Fiscal Note is not required.

Recommended **Amend and Do Pass** February 9, 2009.

## COMMITTEE ON STATE GOVERNMENT

**Senate File 52**, a bill for an act relating to ethics regulations for the executive branch, legislative branch, and local officials and employees.

Fiscal Note is not required.

Recommended **Do Pass** February 5, 2009.

**Committee Bill** (Formerly House Study Bill 12), providing for gender balance on local boards, commissions, committees, and councils, and including an applicability provision.

Fiscal Note is not required.

Recommended **Amend and Do Pass** February 5, 2009.

**Committee Bill** (Formerly House Study Bill 32), establishing a lean enterprise office within the department of management.

Fiscal Note is not required.

Recommended **Amend and Do Pass** February 5, 2009.

## RESOLUTION FILED

**HR 9**, by Murphy and Paulsen, a resolution to honor the memory of former state representative Barbara Finch.

Laid over under **Rule 25**.

On motion by McCarthy of Polk the House adjourned at 5:08 p.m., until 9:00 a.m., Tuesday, February 10, 2009.



# JOURNAL OF THE HOUSE

Thirtieth Calendar Day - Nineteenth Session Day

Hall of the House of Representatives  
Des Moines, Iowa, Tuesday, February 10, 2009

The House met pursuant to adjournment at 9:00 a.m., Speaker Murphy in the chair.

Prayer was offered by Reverend Jay Jaeger, pastor of St. Paul's Lutheran Church in Alden and Buckeye. He was the guest of Representative Annette Sweeney of Hardin County.

## PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Joe Sweeney, Journal Room Page from Alden and the son of Representative Annette Sweeney.

The Journal of Monday, February 9, 2009 was approved.

## INTRODUCTION OF BILLS

**House File 235**, by Bailey, a bill for an act relating to involuntary discharge of a resident from the veterans home.

Read first time and referred to committee on **veterans affairs**.

**House File 236**, by T. Olson, Abdul-Samad, Kressig, Berry, Petersen, L. Miller, Heaton, Thede, Reichert, Wessel-Kroeschell and Mascher, a bill for an act concerning the substitution of antiepileptic drugs and establishing an effective date.

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

**House File 237**, by Bailey, Zirkelbach and Marek, a bill for an act providing for family military leave from employment for certain relatives of individuals called to active military service and providing a remedy.

Read first time and referred to committee on **veterans affairs**.

**House File 238**, by committee on state government, a bill for an act establishing a lean enterprise office within the department of management.

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

**House File 239**, by Smith, a bill for an act relating to delivery of absentee ballots to certain health care facilities and hospitals.

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

**House File 240**, by Berry, a bill for an act relating to the setting aside of a portion of child support payments in a separate fund to be invested and reserved for the child.

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

**House File 241**, by Berry, a bill for an act concerning the power of local authorities to limit the issuance of liquor control permits and licenses within certain areas.

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

**House File 242**, by Berry, a bill for an act creating the criminal offense of sexual solicitation of a minor, providing for registration on the sex offender registry, and providing penalties.

Read first time and referred to committee on **public safety**.

**House File 243**, by committee on state government, a bill for an act providing for gender balance on local boards, commissions, committees, and councils, and including an applicability provision.

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

#### SENATE MESSAGE CONSIDERED

**Senate File 9**, by Ragan, a bill for an act relating to the disposition of school property and providing an effective date.

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

Abdul-Samad of Polk asked and received unanimous consent for the immediate consideration of House Resolution 9.

#### ADOPTION OF HOUSE RESOLUTION 9

Deyoe of Story called up for consideration **House Resolution 9**, a resolution to honor the memory of former state representative Barbara Finch, and moved its adoption.

The motion prevailed and the resolution was adopted.

#### SPECIAL PRESENTATION

Deyoe of Story introduced to the House, Bob Finch, husband of the honorable Barbara Finch former state representative from Story County.

The House rose and expressed its welcome.

On motion by Abdul-Samad of Polk, the House was recessed at 9:10 a.m., until 5:00 p.m.

#### AFTERNOON SESSION

The House reconvened at 5:02 p.m., Speaker Murphy in the chair.

#### INTRODUCTION OF BILLS

**House File 244**, by Reichert, a bill for an act excluding from the individual income tax the pay of members of the armed forces, armed forces military reserve, and national guard for service on active duty and including a retroactive applicability date provision.

Read first time and referred to committee on **veterans affairs**.

**House File 245**, by Windschitl, Schultz, Alons, Huseman, Baudler, Watts, Deyoe, Worthan, Soderberg, Sands, May, Kaufmann, Raecker, Dolecheck, De Boef, Helland, Schulte, Hagenow, Sorenson, Arnold and Drake, a bill for an act exempting from the computation of the individual income tax all pay received for service in the national guard and including a retroactive applicability provision.

Read first time and referred to committee on **veterans affairs**.

**House File 246**, by Reichert, a bill for an act relating to the vote of qualified electors for elections in drainage or levee districts managed by a board of trustees and including transition provisions.

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

**House File 247**, by Jacoby, a bill for an act establishing a state health insurance mandate commission.

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

**House File 248**, by Worthan, a bill for an act requiring certain school districts with more than four percent of students participating in open enrollment to pay a portion of its student achievement and teacher quality program funds to the receiving school district.

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

**House File 249**, by Bell, a bill for an act modifying the duties and powers of the county treasurer relating to the renewal of certain vehicle registrations and to assessments for water districts and assessments related to fence disputes.

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

**House File 250**, by Tymeson, a bill for an act creating a distinguished flying cross special motor vehicle registration plate and providing fees.

Read first time and referred to committee on **veterans affairs**.

**House File 251**, by Marek, a bill for an act relating to mortgage foreclosure and real estate obligation protections for members of the reserve military forces.

Read first time and referred to committee on **veterans affairs**.

**House File 252**, by Thomas, a bill for an act providing a credit against the individual income tax for volunteer fire fighters, certified reserve peace officers, and volunteer emergency medical services personnel and including effective and applicability date provisions.

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

**House File 253**, by Quirk, a bill for an act relating to indemnity provisions in construction contracts.

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

**House File 254**, by Quirk, a bill for an act relating to catch and possession limits on crappie and blue gill.

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

**House File 255**, by Gayman, a bill for an act providing for mandatory universal newborn and infant eye examinations.

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

#### LEAVE OF ABSENCE

Leave of absence was granted as follows:

Baudler of Adair on request of Roberts of Carroll; Mertz of Kossuth on request of Speaker Murphy; Sorenson of Warren on request of Tymeson of Madison; Tjepkes of Webster on request of Paulsen of Linn.

#### QUORUM CALL

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

#### CONSIDERATION OF BILLS

##### Regular Calendar

**Senate File 45**, a bill for an act relating to issuance of certain county general obligation bonds by requiring published notice and modifying the ballot proposition, and including effective date, validation, and retroactive applicability provisions, with report of committee recommending passage, was taken up for consideration.

Kressig 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. 45)

The ayes were, 54:

Abdul-Samad	Bailey	Beard	Bell
Berry	Bukta	Burt	Cohoon
Ficken	Ford	Frevert	Gaskill
Gayman	Heddens	Hunter	Huser
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	Schueller	Shomshor	Smith
Steckman	Taylor, D.	Taylor, T.	Thede
Thomas	Wendt	Wenthe	Wessel-Kroeschell
Whitaker	Whitead	Willems	Winckler
Zirkelbach	Mr. Speaker Murphy		

The nays were, 40:

Alons	Anderson	Arnold	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	Struyk
Sweeney	Tymeson	Upmeyer	Van Engelenhoven
Wagner	Watts	Windschitl	Worthan

Absent or not voting, 6:

Baudler	Chambers	Mertz	Sorenson
Swaim	Tjepkes		

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

## IMMEDIATE MESSAGE

McCarthy of Polk asked and received unanimous consent that **Senate File 45** be immediately messaged to the Senate.

## ADOPTION OF HOUSE RESOLUTION 7

H. Miller of Webster called up for consideration **House Resolution 7**, as follows and moved its adoption:

1           House Resolution 7  
 2           by Committee on Ethics  
 3           (Successor to HSB 2)  
 4    A resolution relating to the House code of ethics.  
 5    *Be it resolved by the House of Representatives,*  
 6    That the House Code of Ethics shall be as follows:  
 7    *House Code of Ethics*  
 8    *Preamble.* Every legislator and legislative  
 9    employee has a duty to uphold the integrity and honor  
 10   of the general assembly, to encourage respect for the  
 11   law and for the general assembly, and to observe the  
 12   house code of ethics. The members and employees of  
 13   the house have a responsibility to conduct themselves  
 14   so as to reflect credit on the general assembly, and  
 15   to inspire the confidence, respect, and trust of the  
 16   public. The following rules are adopted pursuant to  
 17   chapter 68B of the Code, to assist the members and  
 18   employees in the conduct of their activities:  
 19   1. *Definitions.* The definitions of terms provided  
 20   in chapter 68B of the Code apply to the use of those  
 21   terms in these rules.  
 22   2. *Economic interest of member or employee of*  
 23   *House.*  
 24   a. Economic or investment opportunity. A member  
 25   or employee of the house shall not solicit or accept  
 26   economic or investment opportunity under circumstances  
 27   where the member or employee knows, or should know,  
 28   that the opportunity is being afforded with the intent  
 29   to influence the member's or employee's conduct in the  
 30   performance of official duties. If a member or

Page 2

1   employee of the house learns that an economic or  
 2   investment opportunity previously accepted was offered  
 3   with the intent of influencing the member's or  
 4   employee's conduct in the performance of the official  
 5   duties, the member or employee shall take steps to  
 6   divest that member or employee of that investment or  
 7   economic opportunity, and shall report the matter in  
 8   writing to the chairperson of the house ethics  
 9   committee.  
 10   b. Excessive charges for services, goods, or  
 11   property interests. A member or employee of the house  
 12   shall not charge to or accept from a person known to  
 13   have a legislative interest, a price, fee,

14 compensation, or other consideration for the sale or  
15 lease of any property or the furnishing of services  
16 which is in excess of that which the member or  
17 employee would ordinarily charge another person.  
18 c. Use of confidential information. A member or  
19 employee of the house, in order to further the  
20 member's or employee's own economic interests, or  
21 those of any other person, shall not disclose or use  
22 confidential information acquired in the course of the  
23 member's or employee's official duties. For the  
24 purpose of this rule, information disclosed in open  
25 session at a public meeting ~~under chapter 21 of the~~  
26 ~~Code~~ and information that is a public record ~~under~~  
27 ~~chapter 22 of the Code~~ is not confidential  
28 information.  
29 d. Employment. A member or employee of the house  
30 shall not accept employment, either directly or

Page 3

1 indirectly, from a political action committee. A  
2 member of the house shall not act as a paid lobbyist  
3 for any organization. However, this paragraph shall  
4 not prohibit a member or employee of the house from  
5 working for a candidate's committee, a political  
6 party's action committee, or a political action  
7 committee which does not expressly advocate the  
8 nomination, election, or defeat of a candidate for  
9 public office in this state or expressly advocate the  
10 passage or defeat of a ballot issue in this state and  
11 which is not interested in issues before the general  
12 assembly.  
13 For the purpose of this rule, a political action  
14 committee means a committee, but not a candidate's  
15 committee, which accepts contributions, makes  
16 expenditures, or incurs indebtedness in the aggregate  
17 of more than seven hundred fifty dollars in any one  
18 calendar year to expressly advocate the nomination,  
19 election, or defeat of a candidate for public office  
20 or to expressly advocate the passage or defeat of a  
21 ballot issue or for the purpose of influencing  
22 legislative action.  
23 e. A member or employee of the house shall not  
24 solicit employment on behalf of the member or  
25 employee, or on behalf of another legislator or  
26 employee, as a lobbyist while the general assembly is  
27 in session.  
28 f. Certain goods or services. A member or  
29 employee of the house shall not solicit or obtain  
30 goods or services from another person under



Page 4

1 circumstances where the member or employee knows or  
2 should know that the goods or services are being  
3 offered or sold with the intent to influence the  
4 member's or employee's conduct in the performance of  
5 official duties. If a member or employee of the house  
6 is afforded goods or services by another person at a  
7 price that is not available to other members or  
8 classes of members of the general public or is  
9 afforded goods or services that are not available to  
10 other members or classes of members of the general  
11 public by another person where the member or employee  
12 knows or should know that the other person intends to  
13 influence the member's or employee's official conduct,  
14 the member or employee shall not take or purchase the  
15 goods or services.

16 3. APPEARANCE BEFORE STATE AGENCY. A member or  
17 employee of the house may appear before a state agency  
18 in any representation case but shall not act as a  
19 lobbyist with respect to the passage, defeat,  
20 approval, veto, or modification of any legislation,  
21 rule, or executive order. Whenever a member or  
22 employee of the house appears before a state agency,  
23 the member or employee shall carefully avoid all  
24 conduct which might in any way lead members of the  
25 general public to conclude that the member or employee  
26 is using the member's or employee's official position  
27 to further the member's or employee's professional  
28 success or personal financial interest.

29 4. CONFLICTS OF INTEREST. In order for the  
30 general assembly to function effectively, members of

Page 5

1 the house may be required to vote on bills and  
2 participate in committee work which will affect their  
3 employment and other areas in which they may have a  
4 monetary interest. Action on bills and committee work  
5 which furthers a member's specific employment,  
6 specific investment, or other specific interest, as  
7 opposed to the interests of the public in general or  
8 the interests of a profession, trade, business, or  
9 other class of persons, shall be avoided. In making a  
10 decision relative to a member's activity on particular  
11 bills or in committee work, the following factors  
12 should be considered:

- 13 a. Whether a substantial threat to the member's  
14 independence of judgment has been created by the  
15 conflict situation.
- 16 b. The effect of the member's participation on  
17 public confidence in the integrity of the general

18 assembly.  
19 c. Whether the member's participation is likely to  
20 have any significant effect on the disposition of the  
21 matter.  
22 d. The need for the member's particular  
23 contribution, such as special knowledge of the subject  
24 matter, to the effective functioning of the general  
25 assembly.  
26 If a member decides not to participate in committee  
27 work or to abstain from voting because of a possible  
28 conflict of interest, the member should disclose this  
29 fact to the legislative body. The member shall not  
30 vote on any question in which the member has an

Page 6

1 economic interest that is distinguishable from the  
2 interests of the general public or a substantial class  
3 of persons.  
4 5. *Statutory requirements.* Members and employees  
5 of the house shall comply with the requirements  
6 contained in chapters 68B (Conflicts of Interest of  
7 Public Officers and Employees), 721 (Official  
8 Misconduct), and 722 (Bribery and Corruption), and  
9 sections 2.18 (Contempt) and 711.4 (Extortion) of the  
10 Code.  
11 6. *Charge accounts.* Members and employees of the  
12 house shall not charge any amount or item to a charge  
13 account to be paid for by a lobbyist or any client of  
14 a lobbyist.  
15 7. *Travel expenses.* A member or employee of the  
16 house shall not charge to the state of Iowa amounts  
17 for travel and expenses unless the member or employee  
18 actually has incurred those mileage and expense costs.  
19 Members or employees shall not file the vouchers for  
20 weekly mileage reimbursement required by section 2.10,  
21 subsection 1 of the Code, unless the travel expense  
22 was actually incurred.  
23 A member or employee of the house shall not file a  
24 claim for per diem compensation for a meeting of an  
25 interim study committee or a visitation committee  
26 unless the member or employee attended the meeting.  
27 However, the speaker may waive this provision and  
28 allow a claim to be filed if the member or employee  
29 attempted to attend the meeting but was unable to do  
30 so because of circumstances beyond the member's or

Page 7

1 employee's control.  
2 8. *Gifts accepted or received.* Members and  
3 employees of the house shall comply with the

4 restrictions relating to the receipt or acceptance of  
5 gifts contained in section 68B.22 of the Code.  
6 9. *Honoraria restrictions.* Members and employees  
7 of the house shall comply with the restrictions  
8 relating to the receipt of honoraria contained in  
9 section 68B.23 of the Code.  
10 10. *Disclosure required.* Each member of the house  
11 and the chief clerk of the house shall file the  
12 personal financial disclosure statements required  
13 under section 68B.35 of the Code by February 15 of  
14 each year for the prior calendar year.  
15 11. *Sexual harassment.* Members and employees of  
16 the house shall not engage in conduct which  
17 constitutes sexual harassment as defined in section  
18 19B.12 of the Code or pursuant to the sexual  
19 harassment policy adopted by the house committee on  
20 administration and rules.  
21 12. *Complaints.*  
22 a. *Filing of complaint.* Complaints may be filed  
23 by any person believing that a member or employee of  
24 the house, a lobbyist, or a client of a lobbyist is  
25 guilty of a violation of the house code of ethics, the  
26 house rules governing lobbyists, or chapter 68B of the  
27 Code.  
28 b. *Complaints by committee.* The ethics committee  
29 may initiate a complaint on its own motion. Committee  
30 complaints may be initiated by the committee as a

Page 8

1 result of a committee investigation or as a result of  
2 receipt of any complaint or other information that  
3 does not meet the requirements of these rules  
4 regarding the form of a complaint but that contains  
5 allegations that would form the basis for a valid  
6 complaint.  
7 c. *Form and contents of complaint.* A complaint  
8 shall be in writing.  
9 Complaint forms shall be available from the chief  
10 clerk of the house, but a complaint shall not be  
11 rejected for failure to use the approved form if it  
12 complies with the requirements of these rules. The  
13 complaint shall contain a certification made by the  
14 complainant, under penalty of perjury, that the facts  
15 stated in the complaint are true to the best of the  
16 complainant's knowledge.  
17 To be valid, a complaint shall allege all of the  
18 following:  
19 (1) Facts, that if true, establish a violation of  
20 a provision of chapter 68B of the Code, the house code  
21 of ethics, or house rules governing lobbyists for  
22 which penalties or other remedies are provided.

23 (2) That the conduct providing the basis for the  
24 complaint occurred within three years of the filing of  
25 the complaint.  
26 (3) That the party charged with a violation is a  
27 party subject to the jurisdiction of the ethics  
28 committee.  
29 d. Confidentiality of complaint. The filing of  
30 the complaint and the contents of the complaint shall

Page 9

1 be confidential until the time that the committee  
2 meets to determine whether the complaint is valid,  
3 unless either the complainant or the party charged in  
4 the complaint makes the existence of, or the  
5 information contained in, the complaint public.  
6 However, if either the complainant or party alleged to  
7 have committed the violation requests that the meeting  
8 to determine whether the complaint is valid be a  
9 closed meeting and the filing of the complaint or the  
10 contents of the complaint have not been disclosed, the  
11 meeting shall be closed.  
12 e. Notice of complaint. Upon receipt of the  
13 complaint, the chief clerk of the house shall promptly  
14 notify the chairperson and ranking member of the  
15 ethics committee that a complaint has been filed and  
16 provide both the chairperson and the ranking member  
17 with copies of the complaint and any supporting  
18 information. Within two working days, the chief clerk  
19 shall send notice, either by personal delivery or by  
20 certified mail, return receipt requested, to the  
21 person or persons alleged to have committed the  
22 violation, along with a copy of the complaint and any  
23 supporting information. The notice to the accused  
24 person shall contain a request that the person submit  
25 a written response to the complaint within ten working  
26 days of the date that the notice was sent by the chief  
27 clerk. At the request of the accused person, the  
28 committee may extend the time for the response, not to  
29 exceed ten additional calendar days.  
30 f. Hearing regarding validity of complaint. The

Page 10

1 committee chairperson and the ranking member shall  
2 review the complaint and supporting information to  
3 determine whether the complaint meets the requirements  
4 as to form. If the complaint is deficient as to form,  
5 the complaint shall be returned to the complainant  
6 with instructions indicating the deficiency unless the  
7 committee decides to proceed on its own motion. If  
8 the complaint is in writing and contains the

9 appropriate certification, as soon as practicable, the  
10 chairperson shall call a meeting of the committee to  
11 review the complaint to determine whether the  
12 complaint meets the requirements for validity and  
13 whether the committee should request that the chief  
14 justice of the supreme court appoint an independent  
15 special counsel to conduct an investigation to  
16 determine whether probable cause exists to believe  
17 that a violation of the house code of ethics, house  
18 rules governing lobbyists, or chapter 68B of the Code,  
19 has occurred.  
20 If the committee finds that a complaint does not  
21 meet the content requirements for a valid complaint,  
22 the committee shall dismiss the complaint and notify  
23 both the complainant and the party alleged to have  
24 committed the violation of the dismissal and the  
25 reasons for dismissal. A dismissal for failure to  
26 meet the formal requirements for the filing of a  
27 complaint shall be without prejudice and the  
28 complainant may re-file the complaint at any time  
29 within three years of the date that the alleged  
30 violation took place. If the dismissal is based upon

Page 11

1 a failure to allege facts and circumstances necessary  
2 for a valid complaint, the dismissal shall be with  
3 prejudice and the party shall not be permitted to file  
4 a complaint based upon the same facts and  
5 circumstances.  
6 g. Request for appointment of independent special  
7 counsel. If, after review of the complaint and any  
8 response made by the party alleged to have committed  
9 the violation, the committee determines that the  
10 complaint meets the requirements for form and content,  
11 the committee shall request that the chief justice of  
12 the supreme court appoint independent special counsel  
13 to investigate the matter and determine whether  
14 probable cause exists to believe that a violation of  
15 chapter 68B of the Code, the house code of ethics, or  
16 the house rules governing lobbyists has occurred.  
17 h. Receipt of report of independent special  
18 counsel. The report from the independent special  
19 counsel regarding probable cause to proceed on a  
20 complaint shall be filed with the chief clerk of the  
21 house. Upon receipt of the report of the independent  
22 special counsel, the chief clerk shall notify the  
23 chairperson of the filing of the report and shall send  
24 copies of the report to the members of the ethics  
25 committee. As soon as practicable after the filing of  
26 the report, the chairperson shall schedule a public  
27 meeting for review of the report. The purpose of the

28 public meeting shall be to determine whether the  
29 complaint should be dismissed, whether a formal  
30 hearing should be held on the complaint, or whether

Page 12

1 other committee action is appropriate. The  
2 complainant and the person alleged to have committed  
3 the violation shall be given notice of the public  
4 meeting, shall have the right to be present at the  
5 public meeting, and may, at the discretion of the  
6 committee, present testimony in support of or against  
7 the recommendations contained in the report.  
8 If the committee determines that the matter should  
9 be dismissed, the committee shall cause an order to be  
10 entered dismissing the matter and notice of the  
11 dismissal shall be given to the complainant and the  
12 party alleged to have committed the violation. If the  
13 committee determines that the complaint should be  
14 scheduled for formal hearing, the committee shall  
15 issue a charging statement which contains the charges  
16 and supporting facts that are to be set for formal  
17 hearing and notice shall be sent to the complainant  
18 and the accused person.  
19 The notice shall include a statement of the nature  
20 of the charge or charges, a statement of the time and  
21 place of hearing, a short and plain statement of the  
22 facts asserted, and a statement of the rights of the  
23 accused person at the hearing.  
24 i. Formal hearing. Formal hearings shall be  
25 public and conducted in the manner provided in section  
26 68B.31, subsection 8 of the Code. At a formal hearing  
27 the accused shall have the right to be present and to  
28 be heard in person and by counsel, to cross-examine  
29 witnesses, and to present evidence. Members of the  
30 committee shall also have the right to question

Page 13

1 witnesses.  
2 Evidence at the formal hearing shall be received in  
3 accordance with rules and procedures applicable to  
4 contested cases under chapter 17A of the Code.  
5 The committee chairperson, or the vice chairperson  
6 or ranking member in the absence of the chairperson,  
7 shall preside at the formal hearing and shall rule on  
8 the admissibility of any evidence received. The  
9 ruling of the chairperson may be overturned by a  
10 majority vote of the committee. Independent special  
11 counsel shall present the evidence in support of the  
12 charge or charges. The burden shall be on the  
13 independent special counsel to prove the charge or

14 charges by a preponderance of clear and convincing  
 15 evidence. Upon completion of the formal hearing, the  
 16 committee shall adopt written findings of fact and  
 17 conclusions concerning the merits of the charges and  
 18 make its report and recommendation to the house.

19 j. Recommendations by the committee. The  
 20 committee shall recommend to the house that the  
 21 complaint be dismissed, or that one or more of the  
 22 following be imposed:

23 (1) That the member or employee of the house or  
 24 lobbyist or client of a lobbyist be censured or  
 25 reprimanded, and the recommended appropriate form of  
 26 censure or reprimand be used.

27 (2) That the member of the house be suspended or  
 28 expelled from membership in the house and required to  
 29 forfeit the member's salary for that period, the  
 30 employee of the house be suspended or dismissed from

Page 14

1 employment, or that the lobbyist's or lobbyist's  
 2 client's lobbying privileges be suspended.

3 13. *Communications with Ethics Committee.* After a  
 4 complaint has been filed or an investigation has been  
 5 initiated, a party to the complaint or investigation  
 6 shall not communicate, or cause another to  
 7 communicate, as to the merits of the complaint or  
 8 investigation with a member of the committee, except  
 9 under the following circumstances:

10 a. During the course of any meetings or other  
 11 official proceedings of the committee regarding the  
 12 complaint or investigation.

13 b. In writing, if a copy of the writing is  
 14 delivered to the adverse party or the designated  
 15 representative for the adverse party.

16 c. Orally, if adequate prior notice of the  
 17 communication is given to the adverse party or the  
 18 designated representative for the adverse party.

19 d. As otherwise authorized by statute, the house  
 20 code of ethics, house rules governing lobbyists, or  
 21 vote of the committee.

22 14. *Permanent Record.* The chief clerk of the  
 23 house shall maintain a permanent record of all  
 24 complaints filed and any corresponding committee  
 25 action. The permanent record shall be prepared by the  
 26 ethics committee and shall contain the date the  
 27 complaint was filed, name and address of the  
 28 complainant, name and address of the accused person, a  
 29 brief statement of the charges made, any evidence  
 30 received by the committee, any transcripts or

Page 15

1 recordings of committee action, and ultimate  
2 disposition of the complaint. The chief clerk shall  
3 keep each complaint confidential until public  
4 disclosure is made by the ethics committee.  
5 15. *Meeting authorization.* The house ethics  
6 committee is authorized to meet at the discretion of  
7 the committee chairperson in order to conduct hearings  
8 and other business that properly may come before it.  
9 If the committee submits a report seeking house action  
10 against a member or employee of the house or lobbyist  
11 after the second regular session of a general assembly  
12 has adjourned sine die, the report shall be submitted  
13 to and considered by the subsequent general assembly.  
14 16. *Advisory opinions.*  
15 a. Requests for formal opinions. A request for a  
16 formal advisory opinion may be filed by any person who  
17 is subject to the authority of the ethics committee.  
18 The ethics committee may also issue a formal advisory  
19 opinion on its own motion, without having previously  
20 received a formal request for an opinion, on any issue  
21 that is within the jurisdiction of the committee.  
22 Requests shall be filed with either the chief clerk of  
23 the house or the chairperson of the ethics committee.  
24 b. Form and contents of requests. A request for a  
25 formal advisory opinion shall be in writing and may  
26 pertain to any subject matter that is related to  
27 application of the house code of ethics, the house  
28 rules governing lobbyists, or chapter 68B of the Code  
29 to any person who is subject to the authority of the  
30 ethics committee. Requests shall contain one or more

Page 16

1 specific questions and shall relate either to future  
2 conduct or be stated in the hypothetical. A request  
3 for an advisory opinion shall not specifically name  
4 any individual or contain any other specific  
5 identifying information, unless the request relates to  
6 the requester's own conduct. However, any request may  
7 contain information which identifies the kind of  
8 individual who may be affected by the subject matter  
9 of the request. Examples of this latter kind of  
10 identifying information may include references to  
11 conduct of a category of individuals, such as but not  
12 limited to conduct of legislators, legislative staff,  
13 or lobbyists.  
14 c. Confidentiality of formal requests and  
15 opinions. Requests for formal opinions are not  
16 confidential and any deliberations of the committee  
17 regarding a request for a formal opinion shall be



18 public. Opinions issued in response to requests for  
 19 formal opinions are not confidential, shall be in  
 20 writing, and shall be placed on file in the office of  
 21 the chief clerk of the house. Persons requesting  
 22 formal opinions shall personally receive a copy of the  
 23 written formal opinion that is issued in response to  
 24 the request.

25 17. *Personal Financial Disclosure Form.* The  
 26 following form shall be used for disclosure of  
 27 economic interests under these rules and section  
 28 68B.35 of the Code:

29 *Statement of Economic Interests*

30 Name:\_\_\_\_\_

Page 17

1 (Last) (First) (Middle Initial)  
 2 Address:\_\_\_\_\_  
 3 (Street Address, Apt.#/P.O. Box)  
 4 \_\_\_\_\_  
 5 (City) (State) (Zip)  
 6 Phone:(Home)\_\_\_\_/\_\_\_\_-(Business)\_\_\_\_/\_\_\_\_-\_\_\_\_\_  
 7 \*\*\*\*\*

8 This form is due each year on or before February

9 15. The reporting period is the most recently  
 10 completed calendar year.

11 In completing Division III of this form, if your  
 12 percentage of ownership of an asset is less than 100  
 13 percent, multiply your percentage of ownership by the  
 14 total revenue produced to determine if you have  
 15 reached the \$1,000 threshold.

16 Do not report income received by your spouse or  
 17 other family members.

18 In completing this form, if insufficient space is  
 19 provided for your answer, you may attach additional  
 20 information/answers on full-size sheets of paper.

21 Division I. Business, Occupation, Profession.

22 List each business, occupation, or profession in  
 23 which you are engaged, the nature of the business if  
 24 not evident, and your position or job title. No  
 25 income threshold or time requirement applies.

26 Examples:

27 If you are employed by an individual, state the  
 28 name of the individual employer, the nature of the  
 29 business, and your position.

30 If you are self-employed and are not incorporated

Page 18

1 or are not doing business under a particular business  
 2 name, state that you are self-employed, the nature of  
 3 the business, and your position.

4 If you own your own corporation, are employed by a  
5 corporation, or are doing business under a particular  
6 business name, state the name and nature of the  
7 business or corporation and your position.

- 8 1 \_\_\_\_\_
- 9 2 \_\_\_\_\_
- 10 3 \_\_\_\_\_
- 11 4 \_\_\_\_\_
- 12 5 \_\_\_\_\_
- 13 6 \_\_\_\_\_

14 Division II. Commissions from Sales of Goods or  
15 Services to Political Subdivisions.

16 This part is to be completed only by Legislators.  
17 If you received income in the form of a commission  
18 from the sale of goods or services to a political  
19 subdivision, state the name of the purchasing  
20 political subdivision. The amount of commission  
21 earned is not required to be listed.

- 22 1 \_\_\_\_\_
- 23 2 \_\_\_\_\_
- 24 3 \_\_\_\_\_
- 25 4 \_\_\_\_\_
- 26 5 \_\_\_\_\_
- 27 6 \_\_\_\_\_

28 Division III. Sources of Gross Income.

29 In each one of the following categories list each  
30 source which produces more than \$1,000 in annual gross

Page 19

1 income, if the revenue produced by the source was  
2 subject to federal or state income taxes last year.  
3 List the nature or type of each company, business,  
4 financial institution, corporation, partnership, or  
5 other entity which produces more than \$1,000 of annual  
6 gross income. Neither the amount of income produced  
7 nor value of the holding is required to be listed in  
8 any of the items.

9 A. Securities: State the nature of the business of  
10 any company in which you hold stock, bonds, or other  
11 pecuniary interests that generate more than \$1,000 in  
12 annual gross income. Income generated by multiple  
13 holdings in a single company are deemed received from  
14 a single source.

- 15 \_\_\_\_\_
- 16 \_\_\_\_\_
- 17 \_\_\_\_\_
- 18 \_\_\_\_\_
- 19 \_\_\_\_\_
- 20 \_\_\_\_\_

21 B. Instruments of Financial Institutions: State the  
22 types of institutions in which you hold financial

23 instruments, such as certificates of deposit, savings  
 24 accounts, etc., that produce annual gross income in  
 25 excess of \$1,000, e.g., banks, savings and loans, or  
 26 credit unions.

27 \_\_\_\_\_  
 28 \_\_\_\_\_  
 29 \_\_\_\_\_  
 30 \_\_\_\_\_

Page 20

1 \_\_\_\_\_  
 2 \_\_\_\_\_  
 3 C. Trusts: State the nature or type of any trust  
 4 from which you receive more than \$1,000 of gross  
 5 income annually.  
 6 \_\_\_\_\_  
 7 \_\_\_\_\_  
 8 \_\_\_\_\_  
 9 \_\_\_\_\_  
 10 \_\_\_\_\_  
 11 \_\_\_\_\_

12 D. Real Estate: State the general nature of real  
 13 estate interests that generate more than \$1,000 of  
 14 gross income annually, e.g., residential leasehold  
 15 interest or farm leasehold interest. The size or  
 16 location of the property interest is not required to  
 17 be listed.  
 18 \_\_\_\_\_  
 19 \_\_\_\_\_  
 20 \_\_\_\_\_  
 21 \_\_\_\_\_  
 22 \_\_\_\_\_  
 23 \_\_\_\_\_

24 E. Retirement Systems: State the name of each  
 25 pension plan or other corporation or company that pays  
 26 you more than \$1,000 annually in retirement benefits.  
 27 \_\_\_\_\_  
 28 \_\_\_\_\_  
 29 \_\_\_\_\_  
 30 \_\_\_\_\_

Page 21

1 \_\_\_\_\_  
 2 \_\_\_\_\_  
 3 F. Other Income Categories Specified in State and  
 4 Federal Income Tax Regulations.  
 5 \_\_\_\_\_  
 6 \_\_\_\_\_  
 7 \_\_\_\_\_  
 8 \_\_\_\_\_

9 \_\_\_\_\_  
 10 \_\_\_\_\_  
 11 \_\_\_\_\_  
 12 (Signature of Filer) (Date)

The motion prevailed and the resolution was adopted.

ADOPTION OF HOUSE RESOLUTION 8

Wessel-Kroeschell of Story called up for consideration **House Resolution 8**, as follows and moved its adoption:

1 House Resolution 8  
 2 by Committee on Administration and Rules  
 3 (Successor to HSB 145)  
 4 A resolution relating to permanent rules of the House  
 5 for the eighty-third general assembly.  
 6 *Be It Resolved By The House Of Representatives,*  
 7 That the permanent rules of the House for the  
 8 ~~eighty second~~ eighty-third general assembly be as  
 9 follows:  
 10 DIVISION I – GENERAL RULES  
 11 Rule 1  
 12 Call to Order and Order of Business  
 13 The speaker shall take the chair at the hour to  
 14 which the house has adjourned, and shall immediately  
 15 call the ~~members~~ house to order, correct the journal  
 16 of the previous day's proceedings, and proceed to  
 17 other business, including, but not limited to,  
 18 introduction of bills, reports, messages,  
 19 communications, business pending at adjournment,  
 20 announcements, resolutions and bills on their passage,  
 21 and points of personal privilege.  
 22 Rule 2  
 23 Quorum Call and Time of Convening  
 24 The house shall convene each Monday at 1:00 p.m.  
 25 and at 9:00 a.m. on all other legislative days, unless  
 26 otherwise ordered. The time of convening shall be  
 27 recorded in the journal. The house shall not convene  
 28 on Sunday during a regular or special session.  
 29 The speaker or a member may request a roll call to  
 30 determine if a quorum is present.

Page 2

1 Rule 3  
 2 Absences from the House  
 3 No member shall be absent without leave while the  
 4 house is in session unless ~~the member is sick or~~  
 5 ~~unable to attend~~ excused for good cause.

6

## Rule 4

7

## Preservation of Order

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The speaker shall preserve order and decorum and speak to points of order ~~in preference to other members~~. Subject to an appeal to the house by any member, the speaker shall decide questions of order which shall not be debated.

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The speaker may have the chamber of the house cleared in case of any disturbance or disorderly conduct.

Only past legislators, state officials, persons whose presence is deemed by the speaker to be of special significance to the house, and school classes accompanied by teachers and seated in the galleries shall be introduced in the house.

No person other than a member of the house shall be allowed to speak from the floor of the house without prior permission of the speaker.

The public may take photographs from the galleries at any time. However, the use of flash bulbs or any other artificial lighting is prohibited. ~~The~~

~~Members of the press may photograph from the press section box, but may shall not use artificial lighting except for live television crews who receive without prior permission in advance from the chief clerk of~~

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~~the house or the sergeant at arms. Photographic instruments shall not be used~~ Photographs shall not be taken on the house floor ~~at any time~~ when the members are voting on a question put before the house.

~~Photographic instruments may be used~~ Photographs of the voting boards shall not be taken while a nonrecord roll call vote is displayed. Photographs may be taken on the house floor at other times with the consent of the subject or subjects of the photography.

## Rule 4A

Use of Telephonic or Electronic Devices  
in Chamber Restricted

1. ~~In order to prevent the disruption of house deliberations, a~~ A person present in the house chamber while the house is in order shall not do any of the following in the chamber while the house is in session:

a. ~~Allow any audible signal to be continued to be transmitted to or from a telephonic or electronic device under the person's control.~~

b. ~~Disrupt house deliberations by using a telephonic or electronic device to audibly transmit or receive communications~~ mute any cell phone, computer, or other electronic device under the person's control.

25 The speaker may remove from the chamber any person  
26 acting in violation of this rule.  
27 2. A member shall not use a ~~telephonic cell phone~~  
28 or other electronic device to audibly transmit or  
29 receive communications while recognized by the  
30 presiding officer to speak in debate.

Page 4

1 ~~3. The speaker or other presiding officer may have~~  
2 ~~the chamber cleared of any person acting in violation~~  
3 ~~of this rule.~~

#### 4 Rule 5

##### 5 Rules of Parliamentary Practice

6 The rules of parliamentary practice in Mason's  
7 Manual of Legislative Procedure shall govern the house  
8 in all cases where they are not inconsistent with the  
9 standing rules of the house, ~~or the joint rules of the~~  
10 ~~house and senate and house, or customary practice of~~  
11 the house.

#### 12 Rule 5A

##### 13 House Budget

14 The speaker of the house shall annually prepare a  
15 proposed budget for the house of representatives for  
16 the payment of expenses, salaries, per diems, and  
17 other items. The proposed budget shall be submitted  
18 on the fourteenth day of each legislative session to  
19 the house ~~administration and rules committee in charge~~  
20 ~~of administration~~, which shall approve a proposed  
21 budget in house resolution form ~~within thirty days of~~  
22 ~~receiving the proposed budget from the speaker.~~ The  
23 house shall adopt a budget ~~within thirty days of the~~  
24 ~~introduction of the house resolution prior to~~  
25 adjournment.

#### 26 Rule 6

##### 27 The Speaker Pro Tempore

28 The house shall, at its pleasure, elect a speaker  
29 pro tempore. When the speaker shall for any cause be  
30 absent, the speaker pro tempore shall preside, except

Page 5

1 when the chair is filled by appointment by either the  
2 speaker or the speaker pro tempore. If a vacancy  
3 occurs in the office of speaker, the speaker pro  
4 tempore shall assume the duties and responsibilities  
5 of the speaker until such time as the house shall  
6 elect a new speaker. The speaker or the speaker pro  
7 tempore shall have the right to name any member to  
8 perform the duties of speaker, but such substitution  
9 shall not extend beyond the adjournment. The acts of  
10 the speaker pro tempore shall have the same validity

11 as those of the speaker. In the absence of both the  
 12 speaker and the speaker pro tempore, the house shall  
 13 name a speaker who shall preside over it and perform  
 14 all the duties of the speaker with the exception of  
 15 signing bills, until such time as the speaker or  
 16 speaker pro tempore shall be present, and the person's  
 17 acts shall have the same force and validity as those  
 18 of the regularly elected speaker.

19 Rule 7

20 Amendment ~~and Suspension~~ of Rules

21 A motion to change or rescind a standing rule or  
 22 order of the house requires one day's notice. ~~A~~  
 23 ~~motion to suspend a rule, or to table or take from the~~  
 24 ~~table a matter, requires an affirmative vote of a~~  
 25 ~~constitutional majority. Postponing or changing the~~  
 26 ~~order of business requires an affirmative vote of a~~  
 27 ~~constitutional majority.~~

28 Rule 8

29 Violation of House Rules

30 The speaker shall, or any member may, call to order

Page 6

1 a member who ~~transgresses~~ violates the rules of the  
 2 house. With leave of the house, the member called to  
 3 order may be permitted to explain. If the case  
 4 requires it, the member shall be subject to censure of  
 5 the house.

6 Rule 9

7 Referral of Rule Violations

8 The speaker shall, upon complaint of a member, or  
 9 upon the speaker's own motion, refer any alleged  
 10 violation of house or joint rules by house members,  
 11 employees or staff to the house ethics committee upon  
 12 an initial finding that an investigation is warranted.

13 The ethics committee shall investigate such  
 14 allegations and report them back to the house with a  
 15 recommendation.

16 Rule 10

17 Recognition and Decorum in Debate

18 A member who wishes to speak in debate ~~or deliver~~  
 19 ~~any matter to the house~~ shall be appropriately  
 20 attired, with male members wearing coat or tie, ~~and,~~  
 21 ~~after, After recognition by the chair, a member shall~~  
 22 respectfully address the presiding officer by saying  
 23 "Mr. or Madam Speaker", ~~A member shall confine all~~  
 24 remarks to the question under debate, shall be  
 25 respectful of other members, and shall avoid  
 26 personalities referencing or questioning the motives  
 27 of another member.

28 Rule 11

29 Limit on Debate

30 No member shall speak more than once on the same

Page 7

1 question, without leave of the speaker, nor more than  
2 twice until every member choosing to speak has spoken,  
3 except as provided in Rule 81. A member shall be  
4 limited to ten minutes debate on a bill being  
5 considered prior to its last reading bills,  
6 resolutions, and amendments, but may be granted an  
7 extension of time by consent of the house. However,  
8 the floor manager of a bill or resolution and the lead  
9 sponsor of an amendment may exceed the ten-minute  
10 limit on opening and closing remarks.

11 Rule 12

12 Decorum During Debate

13 No member shall leave the house while the speaker  
14 is putting a question. No one shall pass between the  
15 speaker and a member who is speaking or two members  
16 who have been recognized by the speaker.

17 Rule 13

18 Stating the Question

19 When a motion is made, it shall be stated by the  
20 speaker. A motion made in writing shall be passed to  
21 the ~~desk~~ speaker's station before it is debated.

22 Rule 14

23 Putting the Question

24 Questions shall be distinctly put in this form:  
25 "All those in favor of (the question) shall say  
26 'aye,'" and after the affirmative voice is expressed,  
27 "All those opposed to (the question) shall say 'no'."  
28 If the speaker is in doubt or a member of the house  
29 requests, a nonrecord roll call vote shall be taken.

30 DIVISION II – EMPLOYEES OF THE HOUSE

Page 8

1 Rule 15

2 Chief Clerk of the House

3 The chief clerk of the house shall serve as  
4 parliamentarian and chief administrative officer of  
5 the house under the direction of the speaker of the  
6 house. The chief clerk shall supervise the chief  
7 clerk's office; be responsible for the custody and  
8 safekeeping of all bills, resolutions, and amendments  
9 filed, except when they are in the custody of a  
10 committee; have charge of the daily journal; have  
11 control of all rooms assigned for the use of the  
12 house; attest to the accuracy and correctness of text  
13 and action on bills and resolutions; process the  
14 handling of amendments when filed and during the floor  
15 consideration of bills; insert adopted amendments into



16 bills before transmittal to the senate and prior to  
 17 final enrollment; supervise legislative printing and  
 18 the distribution of printed material; and perform all  
 19 other duties pertaining to the office of the chief  
 20 clerk.

21 Rule 16

22 ~~Reserved~~

23 Legislative and Session Days

24 For purposes of these rules, a legislative day is a  
 25 day when the house is called to order. A legislative  
 26 day that runs past midnight is not considered a new  
 27 legislative day. A session day is any calendar day  
 28 beginning with the convening of the annual regular  
 29 session and ending with adjournment sine die.

30 Rule 17

Page 9

1 Sergeant-At-Arms

2 The sergeant-at-arms shall execute all orders of  
 3 the house and the presiding officer; perform all  
 4 assigned duties related to the policing and good order  
 5 of the house; supervise the entrance and exit of all  
 6 persons to and from the chamber; promptly execute all  
 7 messages, etc.; provide that the chamber is properly  
 8 ventilated and open for the use of the members; and  
 9 perform all other services pertaining to the office of  
 10 sergeant-at-arms.

11 Rule 18

12 Secretaries

13 ~~All secretaries of the house~~ Each member may hire a  
 14 secretary for the legislative session who shall be  
 15 under the general direction of the speaker member and  
 16 the chief clerk. Secretaries shall be on duty at the  
 17 house from ~~8:30~~ 8:00 a.m. to 4:30 p.m. Monday through  
 18 Thursday and on other legislative days when required  
 19 by the chief clerk, except when excused by the member  
 20 to for whom the secretary is assigned works.  
 21 Secretaries shall perform such ~~additional~~ duties as  
 22 may be assigned to them by the member or the chief  
 23 clerk.

24 Rule 19

25 Extra Compensation of Employees

26 No employee shall receive any extra compensation,  
 27 except as provided by the house, or tips for services  
 28 performed while on duty. Any violation of this rule  
 29 shall be grounds for removal.

30 DIVISION III – VISITORS AND LOBBYISTS

Page 10

1

Rule 20

2 Admission to the House; Lobbying  
3 The chamber of the house shall include the  
4 vestibule, restrooms, ~~cloak room~~, bill room, lounge,  
5 visitors' galleries, and floor of the house.  
6 The floor of the house shall consist of ~~that the~~  
7 area between the north and south walls, including the  
8 representatives' desks, the press box, and the  
9 speaker's station, and the south wall behind the last  
10 row of desks occupied by representatives, but  
11 excluding the visitors' galleries.  
12 During a legislative day while the house is in  
13 session order, and one-half hour before the house  
14 convenes and one-half hour after the house recesses or  
15 adjourns, no person shall be admitted to the floor of  
16 the house except:  
17 1. Members of the general assembly and authorized  
18 house legislative employees in the performance of  
19 their duties.  
20 2. Former members of the general assembly who are  
21 not registered lobbyists.  
22 3. A general assembly member's family.  
23 4. Representatives of the press, radio, and  
24 television who shall go directly to and from the press  
25 box.  
26 5. Legislative interns approved by registered with  
27 the chief clerk who shall go directly to and from the  
28 seat of their assigned representative or to be seated  
29 in the perimeter seating area.  
30 6. ~~Chair, co chair, and the executive secretary~~

Page 11

1 Designated representatives of a political party having  
2 members serving in the general assembly house.  
3 ~~7. Personnel of the legislative services agency~~  
4 ~~and citizens' aide/ombudsman's office.~~  
5 ~~8. 7. The governor's executive assistants and~~  
6 ~~administrative assistants, members Members of the~~  
7 ~~state executive council, the lieutenant governor, the~~  
8 ~~attorney general, the governor's executive assistants~~  
9 ~~and administrative assistants, and the administrative~~  
10 ~~rules coordinator, all of whom shall be confined to~~  
11 ~~the perimeter area.~~  
12 The current status of former members of the general  
13 assembly shall govern their access to the floor under  
14 these rules.  
15 No other persons shall be allowed on the house  
16 floor while the house is in order without permission  
17 of the presiding officer of the house. When the house  
18 is not in order, guests of a member of the general  
19 assembly escorted by that member shall be allowed on  
20 the house floor.

21 No person admitted to the floor of the house while  
 22 the house is in order, except members of the general  
 23 assembly, shall, ~~while the house is in session~~, lobby  
 24 or attempt to exercise any influence with any member  
 25 for or against any matter then pending or that may  
 26 thereafter be considered by the house.  
 27 ~~Notwithstanding the provisions of this rule~~  
 28 ~~regarding admission to the floor of the house, a~~ A  
 29 registered lobbyist shall not be admitted to the floor  
 30 of the house on any legislative day ~~when the house is~~

Page 12

1 ~~in session or committees are scheduled to meet from~~  
 2 ~~one half hour before the house convenes or 9:00 a.m.,~~  
 3 ~~whichever is earlier, until one half hour after the~~  
 4 ~~house adjourns or until 4:30 p.m., whichever is later,~~  
 5 except for ceremonial purposes. A registered lobbyist  
 6 or other person may be admitted to the house when the  
 7 house is not in session to gain access to a committee  
 8 room.  
 9 ~~Each lobbyist shall be given a copy of this rule~~  
 10 ~~when the lobbyist registers.~~  
 11 Each member, employee of the house, and registered  
 12 lobbyist shall report violations of this rule  
 13 immediately to the sergeant-at-arms.  
 14 Any person for cause may be summarily dismissed  
 15 from the chamber of the house, by action of the house,  
 16 and shall may forfeit that person's right to admission  
 17 thereafter.

#### Rule 20A

##### Legislative Interns

20 A member may appoint one or more interns who shall  
 21 register with the chief clerk. Only one legislative  
 22 intern per member of the house is allowed on the floor  
 23 of the house at any one time.

#### Rule 21

##### Distribution of Literature

27 No person except a member or employee of the house  
 28 of representatives shall generally distribute or cause  
 29 to be distributed any pamphlets, material, or other  
 30 printed literature, or any other items to the members'

Page 13

1 desks in the house. An employee of the house shall  
 2 generally distribute or cause to be distributed such  
 3 literature or items only on behalf of the employee's  
 4 office or staff. Items which are permissible gifts  
 5 under chapter 68B of the Code may be distributed to  
 6 the members' desks with the authorization of the chief

7 clerk.

8 All copies of pamphlets, material, or printed  
9 literature distributed by a member or employee of the  
10 house of representatives shall bear the name of the  
11 member or employee's office or staff.

12 Other distributions of pamphlets, material, or  
13 other printed literature shall bear their source of  
14 origin and be distributed through the legislative post  
15 office by completing a form containing a member's or  
16 the chief clerk's authorization, with the  
17 authorization form attached to one copy of the  
18 distribution. The copy with the attached  
19 authorization form shall be retained for a reasonable  
20 time period by the legislative post office.

21 Rule 22

22 Distribution of Materials

23 Printed by the State

24 A member of the house shall not distribute maps,  
25 books, and pamphlets ~~such as, but not limited to, How~~  
26 ~~a Bill Becomes Law~~, which have been printed by the  
27 state of Iowa and upon which the name of the member of  
28 the house has been affixed unless the member has  
29 purchased the materials or unless the member has  
30 affixed the words "Paid for by the citizens of Iowa

Page 14

1 and distributed by representative (member's name)."

2 DIVISION IV – FORMS AND PROCEDURES

3 FOR BILLS AND OTHER DOCUMENTS

4 Rule 23

5 Documents Signed by the Speaker

6 All acts and joint resolutions shall be signed by  
7 the speaker, and all writs, warrants, and subpoenas  
8 issued by order of the house, shall be signed by the  
9 speaker and attested by the chief clerk. The speaker  
10 shall cause certificates of recognition or condolence  
11 to be issued by the house which shall be signed by the  
12 speaker and the chief clerk.

13 Rule 24

14 Presentation of Petitions

15 All petitions, memorials, and other papers  
16 addressed to the house shall be signed by the member  
17 and filed with the chief clerk ~~or the chief clerk's~~  
18 ~~staff. The receipt of petitions shall be noted in the~~  
19 journal and such petitions shall be available in the  
20 office of the chief clerk.

21 Rule 25

22 Consideration of Simple and Concurrent Resolutions

23 Action on a simple or concurrent resolution, except  
24 a memorial resolution, ~~or a proposition requesting~~  
25 ~~information from a state official~~ shall not be taken

26 until one day after the resolution has been placed on  
 27 the members' desks. After the resolution is adopted,  
 28 the chief clerk shall have the resolution printed in  
 29 the compiled journal and shall transmit certified  
 30 copies and have the resolution printed in the bound

Page 15

1 ~~journal of the resolution as directed. A resolution~~  
 2 ~~may be printed in the daily journal upon the approval~~  
 3 ~~of the speaker after consultation with the minority~~  
 4 ~~leader.~~

#### Rule 26

##### Unanimous Consent Calendar

7 The speaker may, upon the request of three members,  
 8 place on a unanimous consent calendar any house  
 9 resolution or concurrent resolution which does not  
 10 contain an appropriation and which has been laid over  
 11 under Rule 25.

12 If such resolution is placed on the unanimous  
 13 consent calendar, it may be removed only upon a  
 14 written request submitted to the speaker by a member  
 15 of the house.

16 If not removed after five legislative days, the  
 17 chief clerk shall call up the resolution and without  
 18 debate the speaker shall pronounce that it has passed  
 19 by unanimous consent.

20 If the resolution is removed from the unanimous  
 21 consent calendar, the speaker may again lay the  
 22 resolution over under Rule 25, place it on a different  
 23 calendar, or refer the resolution to any of the  
 24 standing committees of the house.

#### Rule 26A

##### Senate Bills and Resolutions

27 A senate bill or resolution may be referred to a  
 28 standing committee or passed on file.

#### Rule 27

30 Forms of Bills and Joint Resolutions

Page 16

1 Every house bill shall be introduced by one or more  
 2 members or by any standing or specially authorized  
 3 committee of the house, or the administrative rules  
 4 review committee or interim study committee. All  
 5 bills and joint resolutions introduced shall be  
 6 prepared by the legislative services agency with  
 7 title, enacting clause, text and explanation as  
 8 directed by the chief clerk of the house. One copy of  
 9 each bill shall be presented in a bill cover with the  
 10 number of copies of the bill and the title as directed  
 11 by the chief clerk.

## 12 Rule 28

## 13 Joint and Nullification Resolutions

14 Joint resolutions shall be framed and treated as  
15 bills.

16 A "nullification resolution" is a joint resolution  
17 which nullifies all of an administrative rule, or a  
18 severable item of an administrative rule adopted  
19 pursuant to chapter 17A of the Code. A nullification  
20 resolution shall not amend an administrative rule by  
21 adding language or by inserting new language in lieu  
22 of existing language.

23 A nullification resolution may be introduced by an  
24 individual, a standing committee or the administrative  
25 rules review committee, and may be referred to a  
26 standing committee. A nullification resolution is  
27 debatable, but cannot be amended on the floor of the  
28 house.

## 29 Rule 29

## 30 Time of Introduction of Bills

Page 17

1 No bill or joint resolution under individual  
2 sponsorship, other than a nullification resolution,  
3 shall be read for the first time after 4:30 p.m. on  
4 Friday of the 6th week of the first regular session of  
5 the general assembly unless a formal request for  
6 drafting the bill has been filed with the legislative  
7 services agency before that time.

8 After adjournment of the first regular session,  
9 bills may be prefiled at any time before the convening  
10 of the second regular session. No bill or joint  
11 resolution under individual sponsorship, other than a  
12 nullification resolution, shall be read for the first  
13 time after 4:30 p.m. on Friday of the second week of  
14 the second regular session of the general assembly  
15 unless a formal request for drafting the bill has been  
16 filed with the legislative services agency before that  
17 time.

18 However, bills or joint resolutions sponsored by  
19 standing committees or the administrative rules review  
20 committee, co-sponsored by the majority and minority  
21 floor leaders, or companion bills sponsored by the  
22 house majority leader and the senate majority leader  
23 may be drafted and introduced at any time permissible  
24 under Joint Rule 20. House, concurrent, and  
25 nullification resolutions may be introduced at any  
26 time.

## 27 Rule 30

## 28 Introduction and Reading of Bills

29 All bills and resolutions to be introduced in the  
30 house shall be prepared in proper form and filed with

Page 18

1 the chief clerk no later than 4:30 p.m. on the  
 2 legislative day preceding its introduction.  
 3 Every bill shall receive two readings but no bill  
 4 shall receive its first and last readings on the same  
 5 day.  
 6 A "reading of a bill" as required by these rules  
 7 shall consist of a reading of the title and enacting  
 8 clause ~~unless otherwise demanded by a house member.~~  
 9 Rule 31  
 10 First Reading, Commitment, and Amendment  
 11 ~~31.1.~~ 1. A bill is introduced into the house by  
 12 an initial or "first reading of the bill".  
 13 ~~31.2.~~ 2. When the house is in session the first  
 14 reading shall consist of a "reading" as provided in  
 15 Rule 30.  
 16 ~~31.3.~~ 3. Upon a first reading of the bill, the  
 17 speaker shall state that it is ready for commitment or  
 18 amendment; and the speaker shall commit it to the  
 19 standing or select committee, or to a committee of the  
 20 whole house. If to a committee of the whole house,  
 21 the house shall determine on what day.  
 22 ~~31.4.~~ 4. On a nonlegislative day ~~when the house~~  
 23 ~~is not in session,~~ the speaker ~~shall~~ may cause a  
 24 statement, which shall consist of the title, enacting  
 25 clause, bill number and committee to which the bill is  
 26 referred, to be published in the house journal. This  
 27 publication shall constitute a first reading and  
 28 commitment and shall contain the notation "read and  
 29 committed under Rule ~~31.4~~" 31".  
 30 ~~31.5.~~ 5. All amendments offered to bills ~~on file~~

Page 19

1 ~~or on the regular calendar and resolutions~~ shall be  
 2 accompanied by such copies as the chief clerk shall  
 3 direct.  
 4 ~~31.6.~~ 6. Such amendments shall give the number of  
 5 the bill sought to amend and the chief clerk shall  
 6 designate each such amendment thus: Amendment to  
 7 House File \_\_\_\_\_, or Senate File \_\_\_\_\_, by  
 8 \_\_\_\_\_.  
 9 ~~31.7.~~ 7. A bill reported out by committee shall  
 10 go to the speaker who shall direct that the bill be  
 11 placed on the regular calendar unless it covers  
 12 subject matter more properly within the jurisdiction  
 13 of some other standing committee, in which case the  
 14 speaker shall refer the bill to the proper standing  
 15 committee. In order to expedite important business  
 16 and set a definite time for the bill's consideration,  
 17 the speaker may direct the bill to be placed on the

18 special order calendar.

19 ~~31.8.~~ 8. No amendment to the rules of the house,  
 20 to any resolution or bill, except technical amendments  
 21 and amendments to bills substituted for by senate  
 22 files containing substantially identical title,  
 23 language, subject matter, purpose and intrasectional  
 24 arrangement, shall be considered by the membership of  
 25 the house without a copy of the amendment having been  
 26 filed with the chief clerk by 4:00 p.m. or within one-  
 27 half hour of adjournment, whichever is later, on the  
 28 day preceding floor debate on the amendment. If the  
 29 house adjourns prior to 2:00 p.m. on Friday, the final  
 30 deadline is two hours after adjournment. However,

Page 20

1 committee amendments filed pursuant to the submission  
 2 of the committee report may be accepted after this  
 3 deadline. This provision shall not apply to any  
 4 proposal debated on the floor of the house after the  
 5 fourteenth week of the first session and the twelfth  
 6 week of the second session. No amendment or amendment  
 7 to an amendment to a bill, rule of the house, or  
 8 resolution shall be considered by the membership of  
 9 the house without a copy of the amendment being on the  
 10 desks of the entire membership of the house prior to  
 11 consideration. However, after the fourteenth week of  
 12 the first session and the twelfth week of the second  
 13 session, the membership of the house may consider an  
 14 amendment or an amendment to an amendment to a bill,  
 15 rule of the house, or resolution without a copy of the  
 16 amendment being on the desks of the entire membership  
 17 of the house prior to consideration if a copy of the  
 18 amendment is made available to the entire membership  
 19 of the house electronically.

#### 20 Rule 32

21 Commitment of Appropriation and Revenue Bills

22 All bills to appropriate money shall be referred to  
 23 the appropriations committee, and all bills pertaining  
 24 to the levy, assessment, or collection of taxes shall  
 25 be referred to the committee on ways and means.

#### 26 Rule 33

27 Regular Calendar

28 Bills, nullification resolutions, and joint  
 29 resolutions reported out for passage, ~~or~~ amendment and  
 30 passage, or without recommendation, by a committee, or

Page 21

1 passed on file shall be arranged on a regular calendar  
 2 by the chief clerk each day ~~in the order of the file~~  
 3 ~~number of the bills and following the preceding~~



4 ~~legislative day's regular calendar and electronically~~  
 5 ~~distributed to the members at the opening of each~~  
 6 ~~legislative day. Priority shall be given to house~~  
 7 ~~over senate file numbers and to joint resolutions over~~  
 8 ~~bills in the arrangement of the regular calendar. The~~  
 9 ~~regular calendar shall include a list of bills,~~  
 10 ~~nullification resolutions, and joint resolutions which~~  
 11 ~~have been special ordered, including the date upon~~  
 12 ~~which debate is scheduled to begin on each of them,~~  
 13 ~~which shall be no sooner than five session days from~~  
 14 ~~the first date of publication on the regular calendar.~~

15 Rule 34

16 ~~Daily Debate and Special Order Calendars Calendar~~

17 The majority floor leadership shall cause to be  
 18 prepared and distributed to the members at the opening  
 19 of each ~~session~~ legislative day when floor action is  
 20 scheduled, a daily debate calendar consisting of  
 21 bills, nullification resolutions, and joint  
 22 resolutions from the regular calendar setting forth  
 23 the number and title of bills, nullification  
 24 resolutions, and joint resolutions for the next  
 25 ~~session~~ legislative day that floor action is  
 26 scheduled.

27 The majority floor leadership shall cause to be  
 28 prepared and distributed to the members at the opening  
 29 of each session day when floor action is scheduled, a  
 30 special order calendar setting forth the number and

Page 22

1 ~~title of bills, nullification resolutions, and joint~~  
 2 ~~resolutions and the date upon which debate is~~  
 3 ~~scheduled to begin on each of them, which can be no~~  
 4 ~~sooner than five session days from the first date of~~  
 5 ~~publication on the regular calendar.~~

6 This rule does not apply to bills which have passed  
 7 both houses in different forms, reconsiderations, or  
 8 veto reconsiderations.

9 Rule 35

10 ~~Noncontroversial Calendar~~

11 ~~Substitution of Bills~~

12 The majority floor leadership may cause to be  
 13 prepared a noncontroversial calendar consisting of  
 14 bills and joint resolutions from the regular calendar.  
 15 The noncontroversial calendar shall appear under  
 16 separate heading on the regular calendar.

17 Notwithstanding Rule 34, a bill or joint resolution  
 18 on the noncontroversial calendar may be called up for  
 19 debate at any time by the majority leader beginning  
 20 the third legislative day after it appears on the  
 21 noncontroversial calendar. A bill or joint resolution  
 22 shall be stricken from the noncontroversial calendar

23 ~~if a written objection to the bill or joint resolution~~  
 24 ~~is filed with the chief clerk prior to the time the~~  
 25 ~~bill or joint resolution is called up by the majority~~  
 26 ~~leader.~~

27 ~~Debate on a bill or joint resolution from the~~  
 28 ~~noncontroversial calendar shall be limited to ten~~  
 29 ~~minutes. If debate exceeds ten minutes, the bill or~~  
 30 ~~joint resolution shall be stricken from the~~

Page 23

1 ~~noncontroversial calendar.~~  
 2 A senate bill or resolution may be substituted for  
 3 an identical house bill or resolution which has been  
 4 called up for debate. An amendment to a senate bill  
 5 or resolution which has been substituted for an  
 6 identical house bill or resolution is out of order if  
 7 an identical amendment to the house bill or resolution  
 8 was considered.

9 Rule 36

10 Consideration of Committee Amendments

11 After a bill has been referred and reported back,  
 12 it shall be considered on its first reading after the  
 13 amendments of the committee have been read.

14 Rule 37

15 Amendments to Special Order Bills

16 All amendments to bills ~~on the which have been~~  
 17 ~~special order calendar ordered~~ shall be filed at least  
 18 three session days prior to the date set for debate.  
 19 Amendments to an amendment shall be filed at least two  
 20 session days prior to the date set for debate.  
 21 However, corrective amendments and amendments  
 22 sponsored by either the majority floor leader or the  
 23 minority floor leader may be filed at any time. Rule  
 24 ~~31.8~~ 31, subsection 8, shall not apply to these  
 25 amendments.

26 A corrective amendment is an amendment which does  
 27 not substantively change the amendment or the bill.

28 Rule 38

29 ~~Irrelevant Amendments~~

30 Germaneness

Page 24

1 ~~No motion or proposition on a subject different~~  
 2 ~~from that under consideration shall be admitted under~~  
 3 ~~color of an amendment. An amendment must be germane~~  
 4 ~~to the subject matter of the bill it seeks to amend.~~  
 5 An amendment to an amendment must be germane to both  
 6 the amendment and the bill it seeks to amend. When a  
 7 member questions the germaneness of an amendment, the  
 8 speaker may invite members, who shall include the

9 majority and minority leaders, to the speaker's  
 10 station to discuss the objection.

11 Rule 39

12 Consideration of Bills

13 Bills, including committee bills, joint  
 14 resolutions, and nullification resolutions, reported  
 15 out for passage, ~~for indefinite postponement~~, for  
 16 amendment and passage, or without recommendation by  
 17 the committee, are first eligible to be acted upon  
 18 beginning the third legislative day they appear on the  
 19 regular calendar.

20 ~~The reports of the committees shall not be read~~  
 21 ~~while the house is in session except as herein~~  
 22 ~~provided. The Committee reports shall be printed in~~  
 23 ~~the journal immediately after they are filed with the~~  
 24 ~~chief clerk. Reports recommending bills, joint~~  
 25 ~~resolutions, and nullification resolutions for~~  
 26 ~~passage, for amendment and passage, or without~~  
 27 ~~recommendation shall stand approved unless written~~  
 28 ~~objections are filed during the first legislative day~~  
 29 ~~following their printing in the journal. If~~  
 30 ~~objections are filed, they shall be disposed of as~~

Page 25

1 soon as possible. ~~Reports recommending indefinite~~  
 2 ~~postponement shall be governed by Rule 44.~~

3 ~~Upon an affirmative vote of at least a~~  
 4 ~~constitutional majority of the members, a report may~~  
 5 ~~be read before it is printed in the journal and while~~  
 6 ~~the house is in session, and acted upon at once.~~

7 Rule 40

8 Consideration of Bills Upon Last Reading

9 No amendment, unless by way of correcting an error  
 10 or omission, shall be received to any bill on its last  
 11 reading, and no debate shall be allowed on it.

12 Rule 41

13 Printing of Bills and Joint Resolutions

14 Bills and joint resolutions shall be printed in  
 15 form as provided by law and by rule. Each house may  
 16 direct the printing of an additional number of its own  
 17 bills.

18 Legalizing bills of a local or private nature shall  
 19 be printed in bill form and placed in the files of the  
 20 members, the same as other bills, in the order of  
 21 their introduction. The cost of printing shall be  
 22 deposited with the treasurer of state in advance at a  
 23 rate to be fixed, and the newspaper publication of the  
 24 bill shall be without cost to the state. No  
 25 legalizing act may be introduced until all provisions  
 26 of law have been complied with.

27 Rule 42

28 Certification and Engrossment of Bills  
29 The chief clerk shall certify the passage of each  
30 bill and note the date of its passage.

Page 26

1 In engrossing a bill, the chief clerk shall correct  
2 all obvious typographical, spelling, or other clerical  
3 errors and change section subunit numbers and letters  
4 and internal references as required to conform the  
5 original bill to any amendments which have been  
6 adopted. The chief clerk shall report all such  
7 corrections or changes in the journal. The engrossed  
8 bill shall be placed in the bill file with the  
9 original bill and amendments.

10 Rule 43

11 Rereferral

12 A bill may be rereferred by the speaker or, upon  
13 motion, by the house at any time before its passage  
14 and after the report of its referral to committee.

15 Rule 44

16 Effect of Indefinite Postponement

17 When a question is indefinitely postponed, it shall  
18 not be acted upon again during that session. ~~Any bill~~  
19 ~~which receives a committee recommendation of~~  
20 ~~indefinite postponement shall be disposed of within~~  
21 ~~three legislative days after the printed journal~~  
22 ~~containing the report has been placed upon the desks~~  
23 ~~of the members of the house, or the committee~~  
24 ~~recommendation will be considered adopted.~~

25 Rule 45

26 Status of Bills Following

27 First Regular Session

28 Except for those bills which have been adopted by  
29 both houses in different forms, all bills which have  
30 not been withdrawn, defeated or indefinitely

Page 27

1 postponed, shall be rereferred to committee upon  
2 adjournment of the first regular session. Within  
3 seven days after the first committee meeting following  
4 convening of the second regular session, the committee  
5 chair shall submit the bill to the full committee for  
6 action or the chair shall reassign the bill to a  
7 subcommittee.

8 DIVISION V – COMMITTEE PROCEDURES

9 Rule 46

10 Appointment of Committees

11 All committees shall be appointed by the speaker,  
12 unless otherwise especially directed by the house.  
13 Minority party members of a committee shall be

14 appointed by the speaker upon recommendation of the  
 15 minority leader.

16 Rule 47

17 Order on Question of Commitment

18 Reserved

19 ~~When A resolution is offered or a motion made to~~  
 20 ~~refer any subject, and different committees are~~  
 21 ~~proposed, the question shall be taken in the following~~  
 22 ~~order: The committee of the whole house; a standing~~  
 23 ~~committee; a select committee.~~

24 Rule 48

25 Study Bills

26 A study bill is any matter which a member of the  
 27 house wishes to have considered by a standing  
 28 committee, other than appropriations, ~~and which has~~  
 29 ~~not been included in a previously introduced bill~~  
 30 without being introduced in the house by a first

Page 28

1 reading. A study bill shall be prepared in proper  
 2 form by the legislative services agency prior to  
 3 submission.

4 PARAGRAPH DIVIDED. Upon taking possession of a  
 5 study bill, the committee chair shall notify the  
 6 speaker and then submit ~~fifteen~~ four copies of the  
 7 bill to the legal counsel's office for numbering.

8 A study bill shall bear the name of the member who  
 9 wishes to have the bill considered. A study bill  
 10 submitted by a state agency or board for consideration  
 11 shall bear the name of the state agency or board. A  
 12 committee chair may submit a study bill in the name of  
 13 that committee.

14 Final committee action on a study bill shall not be  
 15 taken until one day following the notation of the  
 16 study bill assignment in the house journal.

17 ~~A study bill not prepared by the legislative~~  
 18 ~~services agency may be submitted to a standing~~  
 19 ~~committee, but shall not be considered by the full~~  
 20 ~~committee unless reviewed and prepared in proper form~~  
 21 ~~by the legislative services agency.~~

22 Rule 49

23 Committee Meetings

24 No committee, except a conference committee or the  
 25 administrative rules review committee, shall meet  
 26 while the house is in session without special leave.  
 27 ~~Two committees~~ Committees with overlapping memberships  
 28 shall not meet at the same time without special leave.

29 Rule 50

30 Smoking Prohibited

Page 29

1 Smoking shall not be permitted in the house or in  
2 any area of the capitol building ~~controlled by the~~  
3 ~~house or controlled jointly by the house and senate.~~

4 Rule 50A

5 Nondegradable Polystyrene Cups

6 The use of nondegradable polystyrene cups shall not  
7 be permitted on the floor of the house, ~~at the~~  
8 ~~speaker's station, or in the press boxes.~~

9 Rule 51

10 Assignments to Subcommittee

11 The chair of the committee shall report to the  
12 house the bill number of each bill assigned to  
13 subcommittee and the names of the subcommittee  
14 members. The report shall be printed in the journal.

15 All bills, prior to consideration by the committee,  
16 shall be referred by the chair to a subcommittee,  
17 unless acted upon by a committee of the whole.

18 The chair may assign bills to subcommittees without  
19 a meeting of the committee, but the membership of the  
20 subcommittee so appointed shall be reported at the  
21 next meeting of the committee.

22 Rule 52

23 Open Meetings

24 Standing committee meetings shall be open, and  
25 voting by secret ballot is prohibited. The committee  
26 on administration and rules may close its meetings to  
27 evaluate the professional competency of an individual  
28 whose appointment, hiring, performance, or discharge  
29 is being considered when necessary to prevent needless  
30 and irreparable injury to that individual's reputation

Page 30

1 on the request of the affected individual.

2 Rule 53

3 Quorum and Vote Requirements

4 The committee roll shall be taken at the convening  
5 of each meeting to determine the presence of a quorum.  
6 A majority of the committee membership shall  
7 constitute a quorum.

8 An affirmative vote of a majority of the committee  
9 membership is required to report a bill out of  
10 committee or to suspend a committee rule.

11 A motion to reconsider may be made only by a  
12 committee member who voted on the prevailing side of  
13 the question sought to be reconsidered. A motion to  
14 reconsider may only be made ~~provided prior to the~~  
15 ~~adjournment of the committee meeting at which the bill~~  
16 ~~is still in possession of the committee was reported~~  
17 out.

18 If a member, who is in the committee room when a  
 19 question to report a bill out of committee is put, has  
 20 not asked to be excused prior to commencing to take  
 21 the vote on the question, the member shall vote aye or  
 22 nay unless the committee has excused the member for  
 23 special reasons. However, a member may pass on the  
 24 first taking of the roll call on the question but  
 25 shall vote aye or nay when the member's name is called  
 26 for a second time.

27 Rule 54

28 Committee Attendance Record and Report  
 29 of Committee Form

30 1. A committee attendance record shall be filed

Page 31

1 with the chief clerk no later than 10:00 a.m. or two  
 2 hours after the house convenes, whichever is later, of  
 3 the legislative day immediately following the day of  
 4 the committee meeting. The committee attendance  
 5 record is a public record and may be published in the  
 6 journal. The committee attendance record shall  
 7 include the following information:

- 8 a. The time the meeting convened.
- 9 b. The members present at the meeting.
- 10 c. The time the meeting adjourned.
- 11 d. A list of bills receiving final committee  
 12 disposition.

13 2. A report of committee form shall be filed with  
 14 the chief clerk no later than 10:00 a.m. or two hours  
 15 after the house convenes, whichever is later, of the  
 16 legislative day immediately following the day of the  
 17 committee meeting for each study bill, numbered bill  
 18 or resolution receiving final committee disposition.  
 19 The report of committee form is a public record and a  
 20 report of committee action shall be printed in the  
 21 journal. The report of committee form shall include  
 22 the following information:

- 23 a. The committee action taken.
  - 24 b. The committee amendment number, if any.
  - 25 c. The roll call vote of the committee on final  
 26 disposition.
  - 27 d. The minority recommendation, if any.
- 28 3. Upon final adjournment of the first session and  
 29 final adjournment of the second session of the general  
 30 assembly, the chair of each committee shall have

Page 32

1 placed the committee's book of record containing  
 2 minutes, record roll calls on final disposition,  
 3 record roll call votes on any amendments considered,

4 rules, etc., with the chief clerk for access of any  
5 interested person.

6 Rule 55

7 Minority Recommendation

8 The minority of the members of a committee may  
9 present its recommendations on the final disposition  
10 of a bill to the house by attaching its recommendation  
11 to the committee report ~~and the same shall be printed.~~  
12 The minority recommendation shall be noted in the  
13 journal along with the committee report.

14 Rule 56

15 Committee Amendment

16 Whenever a committee amendment is proposed which  
17 would amend another committee amendment, the amendment  
18 shall be drafted in the form of a substitute amendment  
19 and shall be considered as such.

20 Rule 57

21 Committee Notice and Agenda

22 Each committee shall prepare and publish a notice  
23 and agenda of each committee meeting at least one  
24 legislative day prior to the meeting. The notice and  
25 agenda may be placed on the desks of or transmitted  
26 electronically to committee members.

27 The notice shall contain the committee name, the  
28 date, time, and location of the meeting.

29 The agenda shall contain the matters to be  
30 discussed, including a list of bills, joint

Page 33

1 resolutions, nullification resolutions, and study  
2 bills by number. The agenda should contain the names  
3 of individuals who are scheduled to appear before the  
4 committee and the organization which they represent.

5 A bill, joint resolution, nullification resolution,  
6 or study bill shall not be reported out of committee  
7 if the bill was not included in the published notice  
8 and agenda unless this rule is suspended by a majority  
9 of the total membership of the committee.

10 A committee chair may call a meeting without  
11 providing the required notice and agenda upon leave of  
12 the house if a notice is either electronically  
13 transmitted to committee members ~~and placed on the~~  
14 ~~bulletin board~~ or placed on the desks of committee  
15 members.

16 Rule 58

17 Clearing of Committee Room

18 The chair of a committee may clear the committee  
19 room in case of any disturbance or disorderly conduct.

20 Rule 58A

21 Use of Telephonic or Electronic Devices  
22 in Committee Rooms Restricted



23 1. In order to prevent the disruption of committee  
 24 deliberations, a person shall not do any of the  
 25 following in any committee room while a standing  
 26 committee is in session:  
 27 a. ~~Allow any audible signal to be continued to be~~  
 28 ~~transmitted to or from a telephonic or~~ A person shall  
 29 mute any cell phone, computer, or other electronic  
 30 device under the person's control.

Page 34

1 b. ~~Use a telephonic or~~ A person shall not use a  
 2 cell phone or other electronic device to audibly  
 3 transmit or receive communications.  
 4 2. The chair or acting chair of a standing  
 5 committee may clear the committee room of any person  
 6 acting in violation of this rule.

#### 7 Rule 59

#### 8 Committee Amendments

9 All amendments to a bill or resolution adopted in  
 10 committee shall be incorporated in a single committee  
 11 amendment or incorporated in a new committee bill.

#### 12 Rule 60

#### 13 Withdrawal of Bills, Joint Resolutions,

#### 14 or Nullification Resolutions

#### 15 From Committee

16 A bill, joint resolution, or nullification  
 17 resolution which has been in committee for eighteen  
 18 legislative days following notation of such referral  
 19 in the journal may be withdrawn from the committee and  
 20 placed on the calendar by an affirmative vote of not  
 21 less than fifty-one members of the house.

#### 22 Rule 61

#### 23 Committee Public Hearings

24 The chair of a committee may call a public hearing  
 25 for the purpose of receiving public comment on any  
 26 matter within the purview of the committee.  
 27 The chair shall call a public hearing upon the  
 28 written request of committee members according to  
 29 committee rules, but no more than one-third of the  
 30 committee members shall be required.

Page 35

1 A public hearing shall not be called or requested  
 2 after final action on the bill, joint resolution, or  
 3 nullification resolution has been taken by the  
 4 committee. However, a public hearing called or  
 5 requested before final action has been taken by the  
 6 committee may be held after final action on the bill,  
 7 joint resolution, or nullification resolution has been  
 8 taken by the committee.

9 The chair shall designate a time and place for a  
10 public hearing and provide public notice at least five  
11 days prior to a public hearing.

12 A bill, joint resolution, or nullification  
13 resolution for which a public hearing has been called  
14 can be voted to the calendar but cannot be debated  
15 until after the public hearing has been held.

16 However, public hearings which have been requested  
17 during or after the 9th week of the first session and  
18 during or after the 7th week of the second session  
19 must be held within four legislative days of the date  
20 of the request.

#### 21 Rule 62

##### 22 Limitation on Filing of Claims

23 All claims shall be referred to the appropriations  
24 committee. A claim ~~or claim bill, the subject matter~~  
25 ~~of which has been considered or filed for~~  
26 ~~consideration in the house or any of its committees,~~  
27 ~~in two or more prior sessions of the general assembly,~~  
28 referred to the appropriations committee in a prior  
29 session of the general assembly shall not be  
30 considered by ~~any~~ the appropriations committee or by

Page 36

1 the house unless it has been specifically referred to  
2 this session by a ~~prior general assembly~~ vote of the  
3 appropriations committee. The appropriations  
4 ~~committee on appropriations~~ is authorized to set a  
5 definite date each session after which it will not  
6 receive claims or claim bills for consideration.

#### 7 DIVISION VI – COMMITTEE OF THE WHOLE

##### 8 Rule 63

##### 9 Organization of Committee of the Whole

10 In forming the committee of the whole house, the  
11 speaker shall appoint a member to preside in committee  
12 and then leave the chair.

##### 13 Rule 64

##### 14 Rules in Committee of the Whole

15 The rules of the house shall be observed in  
16 committee of the whole house, so far as they are  
17 applicable.

##### 18 Rule 65

##### 19 Bills in Committee of the Whole

20 Bills committed to the committee of the whole house  
21 shall first be ~~read in their entirety by the chief~~  
22 ~~clerk or chair and then read again or debated by~~  
23 ~~section, leaving the preamble to be considered last.~~  
24 After the report of the committee of the whole, the  
25 bill shall again be subject to debate and amendment  
26 before a vote is had on its last reading and passage.

##### 27 Rule 66

28 Amendments by Committee of the Whole  
 29 All amendments made to a report committed to a  
 30 committee of the whole house shall be noted and

Page 37

1 reported as in the case of bills.

2 DIVISION VII – MOTIONS

3 Rule 67

4 Order and Precedence of Motions

5 The following order ~~and precedence~~ of motions,  
 6 listed in order of precedence, shall govern when a  
 7 question is under debate:

8 ~~11.~~ 1. Adjourn.

9 ~~10.~~ 2. Recess.

10 ~~9.~~ 3. Questions of privilege.

11 ~~8.~~ 4. Lay on the table.

12 ~~7.~~ 5. Previous question.

13 6. Limit debate.

14 ~~6.~~ 7. Postpone definitely or to a certain time.

15 ~~5.~~ 8. Refer or ~~commit~~ refer.

16 ~~4.~~ 9. Defer.

17 ~~3.~~ 10. Amend an amendment.

18 ~~2.~~ 11. Amend.

19 ~~1.~~ 12. Postpone indefinitely.

20 ~~These motions are listed in descending order of~~  
 21 ~~precedence.~~

22 A motion to postpone definitely or to a certain time, to  
 23 refer or commit, or to postpone indefinitely a particular  
 24 question shall not be considered more than once on the same day.

25 Adoption of a motion to strike the enacting words is equivalent  
 26 to rejection of the question.

27 Rule 68

28 Order of Consideration of Amendments

29 Amendments shall be considered by earliest position  
 30 in the bill. Amendments to the same place in the bill

Page 38

1 shall be considered by the lowest amendment number.  
 2 An amendment which inserts language after a line and  
 3 an amendment which inserts language before the  
 4 succeeding line shall be considered amendments to the  
 5 same place in the bill.

6 However, an amendment to strike the enacting clause  
 7 shall always be considered first. An amendment filed  
 8 by a committee shall have the next highest order of  
 9 priority, followed by an amendment to strike  
 10 everything after the enacting clause and insert new  
 11 language. An amendment to strike language or to  
 12 strike and insert new language, except an amendment to  
 13 strike everything after the enacting clause and insert

14 new language, shall not be considered before  
15 amendments to perfect all or part of the same portion  
16 of the bill.

17 Rule 69

18 Motions Not Debatable

19 ~~The motions to lay on the table, to adjourn, to~~  
20 ~~adjourn to a time certain, for the previous question,~~  
21 ~~to defer, to rerefer, and appeals of a ruling of the~~  
22 ~~presiding officer shall be decided without debate.~~

23 The following motions are not debatable:

- 24 1. Adjourn.
- 25 2. Adjourn to a certain time.
- 26 3. Suspend house rules.
- 27 4. Previous question.
- 28 5. Close debate at a certain time.
- 29 6. Recess.
- 30 7. Defer.

Page 39

- 1 8. Refer or rerefer.
- 2 9. Lay on the table.
- 3 10. Take from the table.
- 4 11. Call of the house.
- 5 12. Withdraw a bill or resolution from committee.
- 6 13. Appeal a decision of the chair.
- 7 14. Immediately message a bill or resolution.

8 Rule 69A

9 Constitutional Majority

- 10 1. The following motions require a constitutional
- 11 majority for approval:
- 12 a. Final passage of a bill, joint resolution, or
- 13 nullification resolution.
- 14 b. Lay on the table.
- 15 c. Take from the table.
- 16 d. Suspend house rules.
- 17 e. Previous question.
- 18 f. Withdraw a bill or resolution from committee.
- 19 g. Reconsider a bill, joint resolution, or
- 20 nullification resolution.
- 21 h. Immediately message a bill or resolution.
- 22 2. A division must be taken on any motion which
- 23 requires a constitutional majority.

24 Rule 70

25 Motion to Adjourn

26 A motion to adjourn shall always be in order,  
27 except when a member is speaking or the house is  
28 voting.

29 Rule 71

30 Withdrawal of Motions

Page 40

1 After a motion is stated by the speaker, or read by  
2 the chief clerk, it shall be deemed to be in  
3 possession of the house, but may be withdrawn by leave  
4 of the house.

5 Rule 72

6 ~~Referral and Rereferral~~

7 Unanimous Consent

8 ~~Motions and reports may be referred and rereferred~~  
9 ~~at the pleasure of the house.~~

10 Unanimous consent of the members may be asked for  
11 suspension of any rule of the house. If there is no  
12 objection to the request, the rule shall be considered  
13 suspended.

14 Rule 73

15 Reconsideration

16 1. A motion to reconsider may be made only by a  
17 member who voted on the prevailing side of the  
18 question sought to be reconsidered.

19 2. A motion to reconsider may be made not later  
20 than adjournment on the legislative day following the  
21 legislative day of the action sought to be  
22 reconsidered. Where the floor manager voted on the  
23 prevailing side, the floor manager has the prior right  
24 to make the motion, until adjournment on the  
25 legislative day of the action sought to be  
26 reconsidered. A motion to reconsider a nullification  
27 resolution shall be acted upon not later than  
28 adjournment on the legislative day following the  
29 legislative day of the action sought to be  
30 reconsidered.

Page 41

1 3. A motion to reconsider made ~~following the~~  
2 ~~ninety seventh calendar day~~ beginning the fifteenth  
3 week of the first regular session, or the  
4 ~~eighty seventh calendar day~~ thirteenth week of the  
5 second regular session, may be taken up when made. A  
6 motion made at any other time may be taken up prior to  
7 the third legislative day succeeding the legislative  
8 day of the action sought to be reconsidered only if  
9 called up by the mover, and after the second  
10 legislative day succeeding the legislative day of the  
11 action sought to be reconsidered if called up by any  
12 member.

13 4. The making of a motion to reconsider takes  
14 precedence over all other questions.

15 5. ~~No motion to reconsider passage, adoption or~~  
16 ~~failure of any bill, nullification resolution or joint~~  
17 ~~resolution shall prevail unless it obtains a~~

18 ~~constitutional majority~~. When passage, adoption, or  
 19 failure of any bill, joint resolution, or  
 20 nullification resolution is reconsidered, questions on  
 21 amendments may also be reconsidered and shall be  
 22 disposed of immediately.

23 ~~6. A motion that the motion to reconsider be laid~~  
 24 ~~on the table is in order. The effect of laying the~~  
 25 ~~motion to reconsider on the table is to cause the bill~~  
 26 ~~or joint resolution to proceed on its regular course~~  
 27 ~~immediately.~~

28 ~~7. 6.~~ In the event that a motion to reconsider is  
 29 pending at the end of the first session or any  
 30 extraordinary session of any general assembly, or the

Page 42

1 general assembly adjourns sine die, and the motion to  
 2 reconsider has not been voted upon by the house, the  
 3 motion shall be determined to have failed.

#### 4 DIVISION VIII – VOTING

##### 5 Rule 74

##### 6 Manner of Voting

7 Members present may cast their votes, either by  
 8 operating the voting mechanism located at their  
 9 assigned desk or by signaling the speaker from the  
 10 floor of the house or from the south visitors' gallery  
 11 if they are unable to vote at their assigned desk.  
 12 The speaker shall ~~enter~~ announce the votes of members  
 13 signaling their votes. Upon direction of the speaker  
 14 ~~or upon request of two members during the taking of~~  
 15 ~~the vote of the house on any question~~, only those  
 16 members at their desks and voting shall be counted.  
 17 Members who are not present shall not cast their votes  
 18 except:

19 1. Members who have not voted may record their  
 20 votes on any record roll call vote except quorum calls  
 21 within ten minutes after the outcome of the vote has  
 22 been announced, ~~providing the vote does not change the~~  
 23 ~~outcome of the vote on that question.~~ Members shall  
 24 initial their recorded votes on a copy of the record  
 25 roll call at the speaker's station. However, if the  
 26 aggregate of votes cast under this rule would change  
 27 the outcome of the vote on a question, then none of  
 28 the votes cast on the question under this rule shall  
 29 be recorded. A member may request announcement of the  
 30 names of members so recorded after the ten-minute

Page 43

1 period.

2 2. Members meeting in a conference committee or in  
 3 administrative rules review committee at the time a

4 vote is taken on a question may have their vote  
 5 recorded within thirty minutes or adjournment,  
 6 whichever is first, of that same legislative day,  
 7 ~~providing the vote~~ provided the aggregate of votes  
 8 ~~cast~~ does not change the outcome of the vote on ~~that~~ a  
 9 question.

#### 10 Rule 75

##### 11 Duty of Voting

12 Except as limited in Rule ~~74~~ 76, every member who  
 13 is in the house when a question is put shall vote  
 14 unless the house has excused that member from voting  
 15 for special reasons; however, such member must have  
 16 asked to be excused from voting prior to ~~commencing to~~  
 17 ~~take the vote on the main~~ the time the speaker puts  
 18 the question.

#### 19 Rule 76

##### 20 Limitation on Right to Vote

21 No member shall vote on any question in which ~~that~~  
 22 ~~person is financially interested~~ the member or the  
 23 member's immediate family member, as defined in  
 24 chapter 68B of the Code, has a direct financial  
 25 interest different from other similarly situated  
 26 persons or classes of persons of the general public.

#### 27 Rule 77

##### 28 Call of the House

29 Upon written request of five members, the presiding  
 30 officer shall compel attendance of absent and

Page 44

1 unexcused members for the consideration of specified  
 2 bills, ~~or~~ resolutions, or amendments.

3 A call of the house shall specify the propositions  
 4 to which it is to apply; and must be put into effect  
 5 before roll call is taken on the proposition. The  
 6 request may be filed with the chief clerk at any time  
 7 before final action upon the propositions ~~with the~~  
 8 ~~chief clerk~~, who shall notify the house immediately.

#### 9 Rule 78

##### 10 Method of Calling the House

11 Upon a call of the house, the names of the members  
 12 shall be called by the chief clerk and the absentees  
 13 noted, after which the names of the absentees shall  
 14 again be called. The sergeant-at-arms shall be  
 15 directed by the speaker to compel the attendance of  
 16 absent members, unless they are previously excused.  
 17 Any member occupying the member's seat during a call  
 18 of the house shall be counted by the speaker and that  
 19 person's name entered in the journal as being present  
 20 for the purpose of making a quorum.

#### 21 Rule 79

##### 22 Method of Calling the Roll

23 The electrical voting machine shall be used for a  
24 call of the house, a quorum call or a roll call vote  
25 on any question. If the electrical voting machine is  
26 not in operating order when it is necessary to take a  
27 record roll call vote, the presiding officer shall  
28 order the vote to be taken by calling the roll in  
29 alphabetical order, except the name of the presiding  
30 officer shall be called last.

Page 45

1 During the casting of the vote with the voting  
2 machine, the individual votes and the vote totals  
3 shall be shown on the display boards. Before the  
4 voting machine is closed, the presiding officer shall  
5 inquire of the house, "Have you all voted?"

6 Rule 80

7 Quorum and Record Roll Call Votes

8 A majority of the members shall constitute a  
9 quorum.

10 A record roll call vote shall be ordered upon  
11 request of any two members. The names of the members  
12 requesting the record roll call shall be entered in  
13 the journal.

14 Rule 81

15 Previous Question

16 When a member moves for ~~a~~ the previous question,  
17 ~~that the~~ member shall state whether the motion will  
18 apply to the main question, to all the amendments, or  
19 to particular amendments. The motion requires an  
20 affirmative vote of at least a constitutional majority  
21 of the members. If the motion for a previous question  
22 is not adopted, the house shall proceed in the same  
23 manner as before the motion was made.

24 If the motion is adopted, all debate must end and  
25 the house will vote upon the question except:

- 26 1. If the motion applies to the main question, the  
27 member in charge of the measure will have ten minutes  
28 to speak for the purpose of closing discussion before  
29 the vote on the measure is taken.
- 30 2. If the motion applies to an amendment, the

Page 46

1 member proposing the amendment will have five minutes  
2 to speak for the purpose of closing discussion before  
3 the vote on the amendment is taken.

- 4 3. If a member has filed a written request with  
5 the chief clerk of the house indicating the member's  
6 desire to speak on a particular question. The request  
7 must be filed before the motion is made by the movant.  
8 The request allows a member to speak on a particular



9 question before the closing discussion by the member  
 10 who is in charge of the measure or who is proposing  
 11 the amendment.

12 Rule 82

13 Division of the Question

14 Any member may call for a division of the question,  
 15 which shall be divided if it comprehends questions so  
 16 distinct that one being taken away, the remainder may  
 17 stand separately for discussion by the house. ~~A~~  
 18 ~~motion~~ Upon request to divide an amendment, the chief  
 19 clerk shall restate the division and note the divided  
 20 amendment in the house journal. An amendment to  
 21 strike out being lost shall not preclude either an  
 22 amendment or a motion to strike out and insert. A  
 23 ~~motion~~ An amendment to strike out and insert shall be  
 24 deemed indivisible.

The motion prevailed and the resolution was adopted.

## 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

- |           |   |
|-----------|---|
| 2009\1545 | Roger and Judy Krutsinger, Chariton – For celebrating their 50 <sup>th</sup> wedding anniversary.   |
| 2009\1546 | Merrian and Beverly Westman, Russell – For celebrating their 50 <sup>th</sup> wedding anniversary.  |
| 2009\1547 | Fred and Mary Lou Illingworth, Russell – For celebrating their 50 <sup>th</sup> wedding anniversary.  |
| 2009\1548 | Jay Fisher, Chariton – For celebrating his 70 <sup>th</sup> birthday.   |
| 2009\1549 | Keith Fetters, Chariton – For celebrating his 90 <sup>th</sup> birthday.  |
| 2009\1550 | Loris Thomas, Chariton – For celebrating his 80 <sup>th</sup> birthday.   |
| 2009\1551 | Kelsey Keizer, Okoboji – For recognition for being named as an ESPN The Magazine academic all-District VII women’s basketball first-team selection. |
| 2009\1552 | Tom Olson, Calamus – For being inducted into the Iowa Auctioneers Association Hall of Fame.   |

- 2009\1553 Mary Rueter, DeWitt – For receiving the Iowa Newspaper Association’s Distinguished Service Award.
- 2009\1554 Susie Kelly, Davenport – For celebrating her 103<sup>rd</sup> birthday.
- 2009\1555 Rudy and Maxine Peterson, Hartley – For celebrating their 60<sup>th</sup> wedding anniversary.
- 2009\1556 Junior Massey, Burlington – For celebrating his 80<sup>th</sup> birthday.
- 2009\1557 LaVerne and Gerilyn Fangman, Dyersville – For celebrating their 50<sup>th</sup> wedding anniversary.
- 2009\1558 Lee and Darlene Meck, Burlington – For celebrating their 50<sup>th</sup> wedding anniversary.
- 2009\1559 Maxine Taylor Green, Formerly of Burlington – For celebrating her 80<sup>th</sup> birthday.
- 2009\1560 Deloris Sauer, Hedrick – For celebrating her 80<sup>th</sup> birthday.
- 2009\1561 Arthur and Loretta Streigle, Sigourney – For celebrating their 50<sup>th</sup> wedding anniversary.
- 2009\1562 Charles and Marilyn Armburg, Redfield – For celebrating their 50<sup>th</sup> wedding anniversary.
- 2009\1563 Marie Nuehring, Garner – For celebrating her 90<sup>th</sup> birthday.

#### SUBCOMMITTEE ASSIGNMENTS

##### **House File 184**

Judiciary: Smith, Chair; Heaton and Willems.

##### **House File 185**

Public Safety: Reichert, Chair; Tjepkes and Whitead.

##### **House File 193**

Public Safety: R. Olson, Chair; Baudler and Reichert.

##### **House File 196**

Judiciary: Smith, Chair; Baudler and Willems.

##### **House File 206**

Judiciary: R. Olson, Chair; Struyk and Wessel-Kroeschell.

**House File 208**

Judiciary: R. Olson, Chair; Struyk and Wessel-Kroeschell.

**House File 215**

Human Resources: Petersen, Chair; Forristall and Wendt.

**House File 220**

Human Resources: Hunter, Chair; Mascher and L. Miller.

**House File 223**

Agriculture: Reasoner, Chair; Marek and S. Olson.

**House File 229**

State Government: Frevert, Chair; Rants and Willems.

**House File 231**

Human Resources: Mascher, Chair; Heaton and Hunter.

**Senate Concurrent Resolution 2**

Administration and Rules: Wessel-Kroeschell, Chair; Reasoner and Tymeson.

**HOUSE STUDY BILL SUBCOMMITTEE ASSIGNMENTS****House Study Bill 149**

Labor: R. Olson, Chair; Horbach and Willems.

**House Study Bill 155**

Local Government: Huser, Chair; Wagner and Whitead.

**House Study Bill 156**

Local Government: Gaskill, Chair; Isenhart and Wagner.

**House Study Bill 157**

Local Government: Gaskill, Chair; Burt and Sorenson.

**House Study Bill 158**

Judiciary: Palmer, Chair; Helland and Mertz.

## HOUSE STUDY BILL COMMITTEE ASSIGNMENTS

### **H.S.B. 161 Rebuild Iowa and Disaster Recovery**

Relating to home improvement contractor surety bonds.

### **H.S.B. 162 Rebuild Iowa and Disaster Recovery**

Relating to disaster emergency assistance immunity.

### **H.S.B. 163 Transportation**

Relating to matters under the purview of the department of transportation, including provisions for the administration of the department, driver licensing, vehicle regulation, and the issuance of citations, providing a penalty, and providing effective and retroactive applicability dates.

### **H.S.B. 164 Transportation**

Increasing the excise tax on motor fuel and special fuel for diesel engines of motor vehicles, allocating revenues to the TIME-21 fund, and providing an effective date.

### **H.S.B. 165 Environmental Protection**

Extending the time period during which a wind energy conversion facility shall be considered approved for purposes of the renewable energy tax credit under specified circumstances.

### **H.S.B. 166 Economic Growth**

Relating to the eligibility for tax credits and income reductions for qualified expenditures under the film, television, and video project promotion program and providing effective and retroactive applicability date provisions.

## COMMITTEE RECOMMENDATIONS

MR. SPEAKER: The Chief Clerk of the House respectfully reports that the following committee recommendations have been received and are on file in the office of the Chief Clerk.

MARK W. BRANDSGARD  
Chief Clerk of the House

## COMMITTEE ON ECONOMIC GROWTH

**Committee Bill** (Formerly House Study Bill 21), adding four nonvoting members to the Iowa workforce development board.

Fiscal Note is not required.

Recommended **Do Pass** February 10, 2009.

**Committee Bill** (Formerly House Study Bill 123), relating to the administration of the Iowa water pollution control works and drinking water facilities financing program.

Fiscal Note is not required.

Recommended **Do Pass** February 10, 2009.

## COMMITTEE ON ETHICS

**Committee Bill** (Formerly House Study Bill 1), a resolution relating to the rules governing lobbyists in the House of Representatives.

Fiscal Note is not required.

Recommended **Do Pass** February 9, 2009.

## COMMITTEE ON VETERANS AFFAIRS

**Committee Bill** (Formerly House Study Bill 66), relating to the county commissions of veteran affairs fund and required hours of service for executive directors and administrators.

Fiscal Note is not required.

Recommended **Do Pass** February 10, 2009.

## RESOLUTIONS FILED

**HR 10**, by Raecker and Smith, a resolution recognizing the Uncommon Public Service Award.

Laid over under **Rule 25**.

**HR 11**, by committee on ethics, a resolution relating to the rules governing lobbyists in the House of Representatives.

Placed on the **calendar**.

AMENDMENTS FILED

H—1016	H.F.	179	Berry of Black Hawk
H—1017	H.F.	179	Schultz of Crawford

On motion by McCarthy of Polk the House adjourned at 5:44 p.m., until 9:00 a.m., Wednesday, February 11, 2009.

# JOURNAL OF THE HOUSE

Thirty-first Calendar Day - Twentieth Session Day

Hall of the House of Representatives  
Des Moines, Iowa, Wednesday, February 11, 2009

The House met pursuant to adjournment at 9:13 a.m., Speaker Murphy in the chair.

Prayer was offered by Reverend Jon Hanson, Chaplin of Risen Son Christian Retirement Village, Council Bluffs. He was the guest of representatives Doug Struyk and Greg Forristall from Pottawattamie County.

## PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Allison Adams, House Page from Red Oak.

The Journal of Tuesday, February 10, 2009 was approved.

## MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on February 10, 2009, passed the following bill in which the concurrence of the House is asked:

Senate File 82, a bill for an act adding four nonvoting members to the Iowa workforce development board.

Also: That the Senate has on February 10, 2009, passed the following bill in which the concurrence of the House is asked:

Senate File 96, a bill for an act granting the civil rights commission additional subpoena power to investigate unfair or discriminatory practices and providing an effective date.

Also: That the Senate has on February 10, 2009, passed the following bill in which the concurrence of the House is asked:

Senate File 98, a bill for an act establishing a lean enterprise office within the department of management.

Also: That the Senate has on February 10, 2009, passed the following bill in which the concurrence of the House is asked:

Senate File 101, a bill for an act establishing a shaken baby syndrome prevention program in the department of public health.

Also: That the Senate has on February 10, 2009, passed the following bill in which the concurrence of the House is asked:

Senate File 108, a bill for an act relating to the membership of the public safety communications interoperability board and providing an effective and applicability date provision.

MICHAEL E. MARSHALL, Secretary

## INTRODUCTION OF BILLS

**House File 256**, by committee on judiciary, a bill for an act relating to bidders at a property tax sale and owners of tax sale certificates and including effective and applicability date provisions.

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

**House File 257**, by committee on judiciary, a bill for an act relating to the judicial branch including contested and uncontested parking violations, filing civil citations of municipal infractions with the clerk, records kept by the clerk, and service of original notice in a small claims action.

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

**House File 258**, by Roberts, a bill for an act relating to the eligibility of certain watercraft for class "D" liquor control licenses.

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

## SPECIAL PRESENTATION

Speaker Murphy introduced to the House the honorable Mike Peters, former state representative from Woodbury County.

The House rose and expressed its welcome.



## ADOPTION OF HOUSE CONCURRENT RESOLUTION 3

Wessel-Kroeschell of Story called up for consideration **House Concurrent Resolution 3** as follows and moved its adoption:

1                   House Concurrent Resolution 3  
 2           By Committee on Administration and Rules  
 3                   (Successor To HSB 144)  
 4   A concurrent resolution relating to joint rules of  
 5   the Senate and House of Representatives for the  
 6   Eighty-third General Assembly.  
 7   *Be It Resolved By The House Of Representatives, The*  
 8   *Senate Concurring*, That the joint rules of the Senate  
 9   and House of Representatives for the ~~Eighty-second~~  
 10 ~~Eighty-third~~ General Assembly shall be:  
 11                   JOINT RULES OF THE  
 12                   SENATE AND HOUSE  
 13                   Rule 1  
 14                   Suspension of Joint Rules  
 15   The joint rules of the general assembly may be  
 16   suspended by concurrent resolution, duly adopted by a  
 17   constitutional majority of the senate and the house.  
 18                   Rule 2  
 19                   Designation of Sessions  
 20   Each regular session of a general assembly shall be  
 21   designated by the year in which such regular session  
 22   commences.  
 23                   Rule 3  
 24                   Sessions of a General Assembly  
 25   The election of officers, organization, hiring and  
 26   compensation of employees, and standing committees in  
 27   each house of the general assembly and action taken by  
 28   each house shall carry over from the first to the  
 29   second regular session and to any extraordinary  
 30   session of the same general assembly. The status of

Page 2

1   each bill and resolution shall be the same at the  
 2   beginning of each second session as it was immediately  
 3   before adjournment of the previous regular or  
 4   extraordinary session; however the rules of either  
 5   house may provide for re-referral of some or all bills  
 6   and resolutions to standing committees upon  
 7   adjournment of each session or at the beginning of a  
 8   subsequent regular or extraordinary session, except  
 9   those which have been adopted by both houses in  
 10   different forms.  
 11   Upon final adoption of a concurrent resolution at  
 12   any extraordinary session affecting that session, or  
 13   at a regular session affecting any extraordinary

14 session which may be held before the next regular  
15 session, the creation of any calendar by either house  
16 shall be suspended and the business of the session  
17 shall consist solely of those bills or subject matters  
18 stated in the resolution adopted. Bills named in the  
19 resolution, or bills containing the subject matter  
20 provided for in the resolution, may, at any time, be  
21 called up for debate in either house by the majority  
22 leader of that house.

23 Rule 3A

24 International Relations Protocol

25 The senate and the house of representatives shall  
26 comply with the international relations protocol  
27 policy adopted by the international relations  
28 committee of the legislative council.

29 Rule 4

30 Presentation of Messages

Page 3

1 All messages between the two houses shall be sent  
2 by the secretary of the senate or the chief clerk of  
3 the house of representatives, and shall be  
4 communicated to the presiding officer.

5 Rule 5

6 Printing and Form of Bills  
7 and Other Documents

8 Bills and joint resolutions shall be introduced,  
9 numbered, prepared, and printed as provided by law, or  
10 in the absence of such law, in a manner determined by  
11 the secretary of the senate and the chief clerk of the  
12 house of representatives. Proposed bills and  
13 resolutions which are not introduced but are referred  
14 to committee shall be tracked in the legislative  
15 computer system as are introduced bills and  
16 resolutions. The referral of proposed bills and  
17 resolutions to committee shall be entered in the  
18 journal.

19 All bills and joint resolutions introduced shall be  
20 in a form and number approved by the secretary of the  
21 senate and chief clerk of the house.

22 The legal counsel's office of each house shall  
23 approve all bills before introduction.

24 Rule 6

25 Companion Bills

26 Identical bills introduced in one or both houses  
27 shall be called companion bills. Each house shall  
28 designate the sponsor in the usual way followed in  
29 parentheses by the sponsor of any companion bill or  
30 bills in the other house. The house where a companion

Page 4

1 bill is first introduced shall print the complete  
2 text.

3 Rule 7

4 Reprinting of Bills

5 Whenever any bill has been substantially amended by  
6 either house, the secretary of the senate or the chief  
7 clerk of the house shall order the bill reprinted on  
8 paper of a different color. All adopted amendments  
9 shall be distinguishable.

10 The secretary of the senate or the chief clerk of  
11 the house may order the printing of a reasonable  
12 number of additional copies of any bill, resolution,  
13 amendment, or journal.

14 Rule 8

15 Daily Clip Sheet

16 The secretary of the senate and the chief clerk of  
17 the house shall prepare a daily clip sheet covering  
18 all amendments filed.

19 Rule 9

20 Reintroduction of Bills and Other Measures

21 A bill or resolution which has passed one house and  
22 is rejected in the other shall not be introduced again  
23 during that general assembly.

24 Rule 10

25 Certification of Bills and Other Enrollments

26 When any bill or resolution which has passed one  
27 house is rejected or adopted in the other, notice of  
28 such action and the date thereof shall be given to the  
29 house of origin in writing signed by the secretary of  
30 the senate or the chief clerk of the house.

Page 5

1 Rule 11

2 Code Editor's Correction Bills

3 A bill recommended by the Code editor which is  
4 passed out of committee to the floor for debate by a  
5 committee of the house or senate and which contains  
6 Code corrections of a nonsubstantive nature shall not  
7 be amended on the floor of either house except  
8 pursuant to corrective or nonsubstantive amendments  
9 filed by the judiciary committee of the senate or the  
10 house. Such committee amendments, whether filed at  
11 the time of initial committee passage of the bill to  
12 the floor for debate or after rereferral to the  
13 committee, shall not be incorporated into the bill in  
14 the originating house but shall be filed separately.  
15 Amendments filed from the floor to strike sections of  
16 the bill or the committee amendments shall be in  
17 order. Following amendment and passage by the second

18 house, only amendments filed from the floor which  
 19 strike sections of the amendment of the second house  
 20 shall be in order.

21 A bill recommended by the Code editor which is  
 22 passed out of committee to the floor for debate by a  
 23 committee of the house or senate and which contains  
 24 Code corrections beyond those of a nonsubstantive  
 25 nature shall not be amended on the floor of either  
 26 house except pursuant to amendments filed by the  
 27 judiciary committee of the senate or the house. Such  
 28 committee amendments, whether filed at the time of  
 29 initial committee passage of the bill to the floor for  
 30 debate or after rereferral to the committee, shall not

Page 6

1 be incorporated into the bill in the originating house  
 2 but shall be filed separately. Such a bill shall be  
 3 limited to corrections which: Adjust language to  
 4 reflect current practices, insert earlier omissions,  
 5 delete redundancies and inaccuracies, delete temporary  
 6 language, resolve inconsistencies and conflicts,  
 7 update ongoing provisions, and remove ambiguities.  
 8 Amendments filed from the floor to strike sections of  
 9 the bill or the committee amendments shall be in  
 10 order. Following amendment and passage by the second  
 11 house, only amendments filed from the floor which  
 12 strike sections of the amendment of the second house  
 13 shall be in order.

14 It is the intent of the house and the senate that  
 15 such bills be passed out of committee to the floor for  
 16 debate within the first four weeks of convening of a  
 17 legislative session.

#### 18 Rule 12

#### 19 Amendments by Other House

20 1. When a bill which originated in one house is  
 21 amended in the other house, the house originating the  
 22 bill may amend the amendment, concur in full in the  
 23 amendment, or refuse to concur in full in the  
 24 amendment. Precedence of motions shall be in that  
 25 order. The amendment of the other house shall not be  
 26 ruled out of order based on a question of germaneness.

27 a. If the house originating the bill concurs in  
 28 the amendment, the bill shall then be immediately  
 29 placed upon its final passage.

30 b. If the house originating the bill refuses to

Page 7

1 concur in the amendment, the bill shall be returned to  
 2 the amending house which shall either:

3 (1) Recede, after which the bill shall be read for

4 the last time and immediately placed upon its final  
5 passage; or

6 (2) Insist, which will send the bill to a  
7 conference committee.

8 c. If the house originating the bill amends the  
9 amendment, that house shall concur in the amendment as  
10 amended and the bill shall be immediately placed on  
11 final passage, and shall be returned to the other  
12 house. The other house cannot further amend the bill.

13 (1) If the amending house which gave second  
14 consideration to the bill concurs in the amendment to  
15 the amendment, the bill shall then be immediately  
16 placed upon its final passage.

17 (2) If the amending house refuses to concur in the  
18 amendment to the amendment, the bill shall be returned  
19 to the house originating the bill which shall either:

20 (a) Recede, after which the bill shall be read for  
21 the last time as amended and immediately placed upon  
22 its final passage; or

23 (b) Insist, which will send the bill to a  
24 conference committee.

25 2. A motion to recede has precedence over a motion  
26 to insist. Failure to recede means to insist; and  
27 failure to insist means to recede.

28 3. A motion to lay on the table or to indefinitely  
29 postpone shall be out of order with respect to motions  
30 to recede from or insist upon and to amendments to

Page 8

1 bills which have passed both houses.

2 4. A motion to concur, refuse to concur, recede,  
3 insist, or adopt a conference committee report is in  
4 order even though the subject matter has previously  
5 been acted upon.

#### 6 Rule 13

#### 7 Conference Committee

8 1. Within one legislative day after either house  
9 insists upon an amendment to a bill, the presiding  
10 officer of the house, after consultation with the  
11 majority leader, shall appoint three majority party  
12 members and, after consultation with the minority  
13 leader, shall appoint two minority party members to a  
14 conference committee. The majority leader of the  
15 senate, after consultation with the president, shall  
16 appoint three majority party members and, after  
17 consultation with and approval by the minority leader,  
18 shall appoint two minority party members to a  
19 conference committee. The papers shall remain with  
20 the house that originated the bill.

21 2. The conference committee shall meet before the  
22 end of the next legislative day after their

23 appointment, shall select a chair and shall discuss  
24 the controversy.  
25 3. The authority of the first conference committee  
26 shall cover only issues related to provisions of the  
27 bill and amendments to the bill which were adopted by  
28 either the senate or the house of representatives and  
29 on which the senate and house of representatives  
30 differed. If a conference committee report is not

Page 9

1 acted upon because such action would violate this  
2 subsection of this rule, the inaction on the report  
3 shall constitute refusal to adopt the conference  
4 committee report and shall have the same effect as if  
5 the conference committee had disagreed.

6 4. An agreement on recommendations must be  
7 approved by a majority of the committee members from  
8 each house. The committee shall submit two originals  
9 of the report signed by a majority of the committee  
10 members of each house with one signed original and  
11 three copies to be submitted to each house. The  
12 report shall first be acted upon in the house  
13 originating the bill. Such action, including all  
14 papers, shall be immediately referred by the secretary  
15 of the senate or the chief clerk of the house of  
16 representatives to the other house.

17 5. The report of agreement is debatable, but  
18 cannot be amended. If the report contains recommended  
19 amendments to the bill, adoption of the report shall  
20 automatically adopt all amendments contained therein.  
21 After the report is adopted, there shall be no more  
22 debate, and the bill shall immediately be placed upon  
23 its final passage.

24 6. Refusal of either house to adopt the conference  
25 committee report has the same effect as if the  
26 committee had disagreed.

27 7. If the conference committee fails to reach  
28 agreement, a report of such failure signed by a  
29 majority of the committee members of each house shall  
30 be given promptly to each house. The bill shall be

Page 10

1 returned to the house that originated the bill, the  
2 members of the committee shall be immediately  
3 discharged, and a new conference committee appointed  
4 in the same manner as the first conference committee.

5 8. The authority of a second or subsequent  
6 conference committee shall cover free conference  
7 during which the committee has authority to propose  
8 amendments to any portion of a bill provided the

9 amendment is within the subject matter content of the  
 10 bill as passed by the house of origin or as amended by  
 11 the second house.

#### 12 Rule 14

##### 13 Enrollment and Authentication of Bills

14 A bill or resolution which has passed both houses  
 15 shall be enrolled in the house of origin under the  
 16 direction of either the secretary of the senate or the  
 17 chief clerk of the house and its house of origin shall  
 18 be certified by the endorsement of the secretary of  
 19 the senate or the chief clerk of the house.

20 After enrollment, each bill shall be signed by the  
 21 president of the senate and by the speaker of the  
 22 house.

#### 23 Rule 15

##### 24 Concerning Other Enrollments

25 All resolutions and other matters which are to be  
 26 presented to the governor for approval shall be  
 27 enrolled, signed, and presented in the same manner as  
 28 bills.

29 All resolutions and other matters which are not to  
 30 be presented to the governor or the secretary of state

Page 11

1 shall be enrolled, signed, and retained permanently by  
 2 the secretary of the senate or chief clerk of the  
 3 house.

#### 4 Rule 16

##### 5 Transmission of Bills to the Governor

6 After a bill has been signed in each house, it  
 7 shall be presented by the house of origin to the  
 8 governor by either the secretary of the senate or the  
 9 chief clerk of the house. The secretary or the chief  
 10 clerk shall report the date of the presentation, which  
 11 shall be entered upon the journal of the house of  
 12 origin.

#### 13 Rule 17

##### 14 Fiscal Notes

15 A fiscal note shall be attached to any bill or  
 16 joint resolution which reasonably could have an annual  
 17 effect of at least one hundred thousand dollars or a  
 18 combined total effect within five years after  
 19 enactment of five hundred thousand dollars or more on  
 20 the aggregate revenues, expenditures, or fiscal  
 21 liability of the state or its subdivisions. This rule  
 22 does not apply to appropriation and ways and means  
 23 measures where the total effect is stated in dollar  
 24 amounts.

25 Each fiscal note shall state in dollars the  
 26 estimated effect of the bill on the revenues,  
 27 expenditures, and fiscal liability of the state or its

28 subdivisions during the first five years after  
29 enactment. The information shall specifically note  
30 the fiscal impact for the first two years following

Page 12

1 enactment and the anticipated impact for the  
2 succeeding three years. The fiscal note shall specify  
3 the source of the information. Sources of funds for  
4 expenditures under the bill shall be stated, including  
5 federal funds. If an accurate estimate cannot be  
6 made, the fiscal note shall state the best available  
7 estimate or shall state that no dollar estimate can be  
8 made and state concisely the reason.

9 The preliminary determination of whether the bill  
10 appears to require a fiscal note shall be made by the  
11 legal services staff of the legislative services  
12 agency. Unless the requestor specifies the request is  
13 to be confidential, upon completion of the bill draft,  
14 the legal services staff shall immediately send a copy  
15 to the fiscal services director for review.

16 When a committee reports a bill to the floor, the  
17 committee shall state in the report whether a fiscal  
18 note is or is not required.

19 The fiscal services director or the director's  
20 designee shall review all bills placed on the senate  
21 or house calendars to determine whether the bills are  
22 subject to this rule.

23 Additionally, a legislator may request the  
24 preparation of a fiscal note by the fiscal services  
25 staff for any bill or joint resolution introduced  
26 which reasonably could be subject to this rule.

27 The fiscal services director or the director's  
28 designee shall cause to be prepared and shall approve  
29 a fiscal note within a reasonable time after receiving  
30 a request or determining that a bill is subject to

Page 13

1 this rule. All fiscal notes approved by the fiscal  
2 services director shall be transmitted immediately to  
3 the secretary of the senate or the chief clerk of the  
4 house, after notifying the sponsor of the bill that a  
5 fiscal note has been prepared, for publication in the  
6 daily clip sheet. The secretary of the senate or  
7 chief clerk of the house shall attach the fiscal note  
8 to the bill as soon as it is available.

9 The fiscal services director may request the  
10 cooperation of any state department or agency in  
11 preparing a fiscal note.

12 A revised fiscal note may be requested by a  
13 legislator if the fiscal effect of the bill has been



14 changed by adoption of an amendment. However, a  
15 request for a revised fiscal note shall not delay  
16 action on a bill unless so ordered by the presiding  
17 officer of the house in which the bill is under  
18 consideration.

19 If a date for adjournment has been set, then a  
20 constitutional majority of the house in which the bill  
21 is under consideration may waive the fiscal note  
22 requirement during the three days prior to the date  
23 set for adjournment.

#### 24 Rule 18

##### 25 Legislative Interns

26 Legislators may arrange student internships during  
27 the legislative session with Iowa college, university,  
28 or law school students, for which the students may  
29 receive college credit at the discretion of their  
30 schools. Each legislator is allowed only one intern

Page 14

1 at a time per legislative session, and all interns  
2 must be registered with the offices of the secretary  
3 of the senate and the chief clerk of the house.

4 The purpose of the legislative intern program shall  
5 be: to provide useful staff services to legislators  
6 not otherwise provided by the general assembly; to  
7 give interested college, graduate, and law school  
8 students practical experience in the legislative  
9 process as well as providing a meaningful educational  
10 experience; and to enrich the curriculum of  
11 participating colleges and universities.

12 The secretary of the senate and the chief clerk of  
13 the house or their designees shall have the following  
14 responsibilities as regards the legislative intern  
15 program:

16 1. Identify a supervising faculty member at each  
17 participating institution who shall be responsible for  
18 authorizing students to participate in the intern  
19 program.

20 2. Provide legislators with a list of  
21 participating institutions and the names of  
22 supervising professors to contact if interested in  
23 arranging for an intern.

24 3. Provide interns with name badges which will  
25 allow them access to the floor of either house when  
26 required to be present by the legislators for whom  
27 they work.

28 4. Provide orientation materials to interns prior  
29 to the convening of each session.

#### 30 Rule 19

Page 15

1 Administrative Rules Review Committee Bills  
2 and Rule Referrals

3 A bill which relates to departmental rules and  
4 which is approved by the administrative rules review  
5 committee by a majority of the committee's members of  
6 each house is eligible for introduction in either  
7 house at any time and must be referred to a standing  
8 committee, which must take action on the bill within  
9 three weeks of referral, except bills referred to  
10 appropriations and ways and means committees.

11 If, on or after July 1, 1999, the administrative  
12 rules review committee delays the effective date of a  
13 rule until the adjournment of the next regular session  
14 of the general assembly and the speaker of the house  
15 or the president of the senate refers the rule to a  
16 standing committee, the standing committee shall  
17 review the rule within twenty-one days of the referral  
18 and shall take formal committee action by sponsoring a  
19 joint resolution to disapprove the rule, by proposing  
20 legislation relating to the rule, or by refusing to  
21 propose a joint resolution or legislation concerning  
22 the rule. The standing committee shall inform the  
23 administrative rules review committee of the committee  
24 action taken concerning the rule.

25 Rule 20

26 Time of Committee Passage and Consideration of Bills

27 1. This rule does not apply to concurrent or  
28 simple resolutions, joint resolutions nullifying  
29 administrative rules, senate confirmations, or bills  
30 passed by both houses in different forms. Subsection

Page 16

1 2 of this rule does not apply to appropriations bills,  
2 ways and means bills, government oversight bills,  
3 legalizing acts, administrative rules review committee  
4 bills, bills sponsored by standing committees in  
5 response to a referral from the president of the  
6 senate or the speaker of the house of representatives  
7 relating to an administrative rule whose effective  
8 date has been delayed until the adjournment of the  
9 next regular session of the general assembly by the  
10 administrative rules review committee, bills  
11 cosponsored by majority and minority floor leaders of  
12 one house, bills in conference committee, and  
13 companion bills sponsored by the majority floor  
14 leaders of both houses after consultation with the  
15 respective minority floor leaders. For the purposes  
16 of this rule, a joint resolution is considered as a  
17 bill. To be considered an appropriations, ways and

18 means, or government oversight bill for the purposes  
 19 of this rule, the appropriations committee, the ways  
 20 and means committee, or the government oversight  
 21 committee must either be the sponsor of the bill or  
 22 the committee of first referral in the originating  
 23 house.

24 2. To be placed on the calendar in the house of  
 25 origin, a bill must be first reported out of a  
 26 standing committee by Friday of the 9th week of the  
 27 first session and the 8th week of the second session.  
 28 To be placed on the calendar in the other house, a  
 29 bill must be first reported out of a standing  
 30 committee by Friday of the 13th week of the first

Page 17

1 session and the 11th week of the second session.

2 3. During the 11th week of the first session and  
 3 the 9th week of the second session, each house shall  
 4 consider only bills originating in that house and  
 5 unfinished business. During the 14th week of the  
 6 first session and the 12th week of the second session,  
 7 each house shall consider only bills originating in  
 8 the other house and unfinished business. Beginning  
 9 with the 15th week of the first session and the 13th  
 10 week of the second session, each house shall consider  
 11 only bills passed by both houses, bills exempt from  
 12 subsection 2, and unfinished business.

13 4. A motion to reconsider filed and not disposed  
 14 of on an action taken on a bill or resolution which is  
 15 subject to a deadline under this rule may be called up  
 16 at any time before or after the day of the deadline by  
 17 the person filing the motion or after the deadline by  
 18 the majority floor leader, notwithstanding any other  
 19 rule to the contrary.

#### Rule 21

#### Resolutions

22 1. A "concurrent resolution" is A resolution to be  
 23 adopted by both houses of the general assembly which  
 24 expresses the sentiment of the general assembly or  
 25 deals with temporary legislative matters. It may  
 26 authorize the expenditure, for any legislative  
 27 purpose, of funds appropriated to the general  
 28 assembly. A concurrent resolution is not limited to,  
 29 but may provide for a joint convention of the general  
 30 assembly, adjournment or recess of the general

Page 18

1 assembly, or requests to a state agency or to the  
 2 general assembly or a committee. A concurrent  
 3 resolution requires the affirmative vote of a majority

4 of the senators or representatives present and voting  
 5 unless otherwise specified by statute. A concurrent  
 6 resolution does not require the governor's approval  
 7 unless otherwise specified by statute. A concurrent  
 8 resolution shall be filed with the secretary of the  
 9 senate or the chief clerk of the house. A concurrent  
 10 resolution shall be printed in the bound journal after  
 11 its adoption.

12 2. A "joint resolution" is A resolution which  
 13 requires for approval the affirmative vote of a  
 14 constitutional majority of each house of the general  
 15 assembly. A joint resolution which appropriates funds  
 16 or enacts temporary laws must contain the clause "Be  
 17 It Enacted by the General Assembly of the State of  
 18 Iowa:", is equivalent to a bill, and must be  
 19 transmitted to the governor for ~~his~~ approval. A joint  
 20 resolution which proposes amendments to the  
 21 Constitution of the State of Iowa, ratifies amendments  
 22 to the Constitution of the United States, proposes a  
 23 request to Congress or an agency of the government of  
 24 the United States of America, proposes to Congress an  
 25 amendment to the Constitution of the United States of  
 26 America, nullifies an administrative rule, or creates  
 27 a special commission or committee must contain the  
 28 clause "Be It Resolved by the General Assembly of the  
 29 State of Iowa:" and shall not be transmitted to the  
 30 governor. A joint resolution shall not amend a

Page 19

1 statute in the Code of Iowa.

2 Rule 22

3 Nullification Resolutions

4 A "nullification resolution" is a joint resolution  
 5 which nullifies all of an administrative rule, or a  
 6 severable item of an administrative rule adopted  
 7 pursuant to chapter 17A of the Code. A nullification  
 8 resolution shall not amend an administrative rule by  
 9 adding language or by inserting new language in lieu  
 10 of existing language.

11 A nullification resolution is debatable, but cannot  
 12 be amended on the floor of the house or senate. The  
 13 effective date of a nullification resolution shall be  
 14 stated in the resolution. Any motions filed to  
 15 reconsider adoption of a nullification resolution must  
 16 be disposed of within one legislative day of the  
 17 filing.

18 Rule 23

19 Consideration of Vetoes

20 1. The senate and house calendar shall include a  
 21 list known as the "Veto Calendar." The veto calendar  
 22 shall consist of:

- 23 a. Bills returned to that house by the governor in  
24 accordance with Article III, section 16 of the  
25 Constitution of the State of Iowa.
- 26 b. Appropriations items returned to that house by  
27 the governor in accordance with Article III, section  
28 16 of the Constitution of the State of Iowa.
- 29 c. Bills and appropriations items received from  
30 the other house after that house has voted to override

Page 20

- 1 a veto of them by the governor.
- 2 2. Vetoed bills and appropriations items shall  
3 automatically be placed on the veto calendar upon  
4 receipt. Vetoed bills and appropriations items shall  
5 not be referred to committee.
- 6 3. Upon first publication in the veto calendar,  
7 the senate majority leader or the house majority  
8 leader may call up a vetoed bill or appropriations  
9 item at any time.
- 10 4. The affirmative vote of two-thirds of the  
11 members of the body by record roll call is required on  
12 a motion to override an executive veto or item veto.
- 13 5. A motion to override an executive veto or item  
14 veto is debatable. A vetoed bill or appropriation  
15 item cannot be amended in this case.
- 16 6. The vote by which a motion to override an  
17 executive veto or item veto passes or fails to pass  
18 either house is not subject to reconsideration under  
19 senate rule 24 or house rule 73.
- 20 7. The secretary of the senate or the chief clerk  
21 of the house shall immediately notify the other house  
22 of the adoption or rejection of a motion to override  
23 an executive veto or item veto.
- 24 8. All bills and appropriations items on the veto  
25 calendar shall be disposed of before adjournment sine  
26 die, unless the house having a bill or appropriation  
27 item before it declines to do so by unanimous consent.
- 28 9. Bills and appropriations items on the veto  
29 calendar are exempt from deadlines imposed by joint  
30 rule 20.

The motion prevailed and the resolution was adopted.

### IMMEDIATE MESSAGE

Gayman of Scott asked and received unanimous consent that **House Concurrent Resolution 3** be immediately messaged to the Senate.

On motion by Gayman of Scott, the House was recessed at 9:25 a.m., until 4:00 p.m.

### AFTERNOON SESSION

The House reconvened at 4:14 p.m., Speaker Murphy in the chair.

### INTRODUCTION OF BILLS

**House File 259**, by committee on education, a bill for an act relating to the compulsory school attendance age and providing effective dates.

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

**House File 260**, by committee on local government, a bill for an act relating to the operation of county, city, and memorial hospitals and the duties and powers of hospital trustees and commissioners.

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

**House File 261**, by Paulsen, a bill for an act directing the department of economic development to allocate moneys for small business disaster recovery and including a retroactive applicability date.

Read first time and referred to committee on **economic growth**.

**House File 262**, by Paulsen, a bill for an act exempting from the individual and corporate income taxes interest and dividends from certain Iowa municipal securities and including a retroactive applicability date provision.

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

**House File 263**, by Paulsen, a bill for an act relating to disaster recovery by providing individual income tax credits for costs incurred in housing construction and including effective and retroactive applicability date provisions.

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

**House File 264**, by Kaufmann, Willems and Jacoby, a bill for an act requiring the department of natural resources to conduct a study regarding the prohibition of the use of lead wheel weights.

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

**House File 265**, by Ford, a bill for an act providing for the establishment of a task force to study a renewed effort to reorganize school districts.

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

**House File 266**, by Kaufmann and Swaim, a bill for an act relating to recording proceedings before a magistrate.

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

#### SENATE MESSAGES CONSIDERED

**Senate File 82**, by committee on economic growth, a bill for an act adding four nonvoting members to the Iowa workforce development board.

Read first time and referred to committee on **economic growth**.

**Senate File 96**, by committee on judiciary, a bill for an act granting the civil rights commission additional subpoena power to investigate unfair or discriminatory practices and providing an effective date.

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

**Senate File 98**, by committee on state government, a bill for an act establishing a lean enterprise office within the department of management.

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

**Senate File 101**, by committee on human resources, a bill for an act establishing a shaken baby syndrome prevention program in the department of public health.

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

**Senate File 108**, by committee on judiciary, a bill for an act relating to the membership of the public safety communications interoperability board and providing an effective and applicability date provision.

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

### 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

- |           |  |
|-----------|--|
| 2009\1564 | John and Gail Buskohl, Lincoln – For celebrating their 60 <sup>th</sup> wedding anniversary.     |
| 2009\1565 | Eldon Carter, Eldora – For celebrating his 100 <sup>th</sup> birthday.                           |
| 2009\1566 | Ernie and Beverly Glienke, Aurelia – For celebrating their 50 <sup>th</sup> wedding anniversary. |
| 2009\1567 | Bernadine Kammrad-Hulsing, Sheffield – For celebrating her 80 <sup>th</sup> birthday.            |
| 2009\1568 | Norlanda Mary Ann Lehmann Dilges, Cincinnati – For celebrating her 80 <sup>th</sup> birthday.    |
| 2009\1569 | Gro Bergo, Lake Mills – For celebrating her 90 <sup>th</sup> birthday.                           |
| 2009\1570 | Kenneth and Lois Engdahl, Aurelia – For celebrating their 60 <sup>th</sup> wedding anniversary.  |
| 2009\1571 | Florence Doty, Bettendorf – For celebrating her 94 <sup>th</sup> birthday.                       |
| 2009\1572 | Harold and Margaret Pry, Hawarden – For celebrating their 50 <sup>th</sup> wedding anniversary.  |
| 2009\1573 | Stan and Bev Lown, South English – For celebrating their 60 <sup>th</sup> wedding anniversary.   |
| 2009\1574 | Dorothy Giessregen, Muscatine – For celebrating her 95 <sup>th</sup> birthday.                   |
| 2009\1575 | Fred and Sandy Agan, Harvey – For celebrating their 50 <sup>th</sup> wedding anniversary.        |
| 2009\1576 | Emma deNeui, Ackley – For celebrating her 101 <sup>st</sup> birthday.                            |



- 2009\1577 Darrell and Joanne Hennessey, Marion – For celebrating their 50<sup>th</sup> wedding anniversary.
- 2009\1578 Marilyn Arney, Bettendorf – For celebrating her 75<sup>th</sup> birthday.
- 2009\1579 Marilyn Wallace, Bettendorf – For celebrating her 75<sup>th</sup> birthday
- 2009\1580 Mary Boast, Bettendorf – For celebrating her 76<sup>th</sup> birthday.
- 2009\1581 Dorice Miller, Bettendorf – For celebrating her 76<sup>th</sup> birthday.
- 2009\1582 Lois Weers, Bettendorf – For celebrating her 77<sup>th</sup> birthday.
- 2009\1583 Charles Hand, Bettendorf – For celebrating his 78<sup>th</sup> birthday.
- 2009\1584 Joyce Henkel, Bettendorf – For celebrating her 78<sup>th</sup> birthday.
- 2009\1585 Lawrence Keuter, Bettendorf – For celebrating his 78<sup>th</sup> birthday.
- 2009\1586 Ann Schroeder, Bettendorf – For celebrating her 78<sup>th</sup> birthday.
- 2009\1587 Elmer Duethman, Bettendorf – For celebrating his 79<sup>th</sup> birthday.
- 2009\1588 Ann Johansen, Bettendorf – For celebrating her 79<sup>th</sup> birthday.
- 2009\1589 Ralph Kroy, Bettendorf – For celebrating his 79<sup>th</sup> birthday.
- 2009\1590 Donald Monical, Bettendorf – For celebrating his 80<sup>th</sup> birthday.
- 2009\1591 Herbert Allee, Bettendorf – For celebrating his 81<sup>st</sup> birthday.
- 2009\1592 James Hult, Bettendorf – For celebrating his 81<sup>st</sup> birthday.
- 2009\1593 Edward Wehr, Bettendorf – For celebrating his 81<sup>st</sup> birthday.
- 2009\1594 Helen Weindruch, Bettendorf – For celebrating her 81<sup>st</sup> birthday.
- 2009\1595 Virginia Clingman, Bettendorf – For celebrating her 82<sup>nd</sup> birthday.
- 2009\1596 Shirley Decker, Bettendorf – For celebrating her 82<sup>nd</sup> birthday.
- 2009\1597 Lois Osterman, Bettendorf – For celebrating her 82<sup>nd</sup> birthday.
- 2009\1598 John Phoenix, Bettendorf – For celebrating his 82<sup>nd</sup> birthday.
- 2009\1599 Violet Touvelle, Bettendorf – For celebrating her 82<sup>nd</sup> birthday.
- 2009\1600 Wilbur Mason, Bettendorf – For celebrating his 83<sup>rd</sup> birthday.
- 2009\1601 Willard Branch, Bettendorf – For celebrating his 84<sup>th</sup> birthday.

- 2009\1602 Marilyn Overman, Bettendorf – For celebrating her 86<sup>th</sup> birthday.
- 2009\1603 Raymond Pohlmann, Bettendorf – For celebrating his 89<sup>th</sup> birthday.
- 2009\1604 Joseph Haber, Bettendorf – For celebrating his 92<sup>nd</sup> birthday.
- 2009\1605 Richard and Ella Bunn, Muscatine – For celebrating their 60<sup>th</sup> wedding anniversary.
- 2009\1606 Donald R.W. Gebers III, Holstein – For attaining the rank of Eagle Scout, the highest rank in the Boy Scouts of America.
- 2009\1607 AJ Lilienthal, Manchester – For attaining the rank of Eagle Scout, the highest rank in the Boy Scouts of America.

#### SUBCOMMITTEE ASSIGNMENTS

##### **House File 53**

Appropriations: Jacoby, Chair; Oldson and Watts.

##### **House File 125**

Appropriations: Heddens, Chair; Gayman and Heaton.

##### **House File 156**

Appropriations: Heddens, Chair; Gayman and Heaton.

##### **House File 170**

Veterans Affairs: Bailey, Chair; Whitead and Windschitl.

##### **House File 218**

Veterans Affairs: Gayman, Chair; Kearns and Windschitl.

##### **House File 224**

Education: Winckler, Chair; Cownie and Mascher.

##### **House File 225**

Veterans Affairs: Mascher, Chair; Alons and Whitead.

##### **House File 226**

Education: Winckler, Chair; Forristall and Willems.

##### **House File 227**

Public Safety: R. Olson, Chair; Baudler and Heddens.

**House File 235**

Veterans Affairs: Bukta, Chair; Sweeney and D. Taylor.

**House File 237**

Veterans Affairs: Bailey, Chair; Gayman and Windschitl.

**House File 239**

State Government: Willems, Chair; Gaskill and Roberts.

**House File 241**

State Government: Lensing, Chair; Isenhart and Kaufmann.

**House File 242**

Public Safety: Berry, Chair; Heddens and Worthan.

**House File 248**

Education: Steckman, Chair; Ficken and May.

**HOUSE STUDY BILL SUBCOMMITTEE ASSIGNMENTS****House Study Bill 163**

Transportation: Lykam, Chair; Quirk and Worthan.

**House Study Bill 164**

Transportation: Quirk, Chair; Kelley and Tjepkes.

**House Study Bill 165**

Environmental Protection: Lensing, Chair; Kressig and Soderberg.

**House Study Bill 166**

Economic Growth: H. Miller, Chair; Cownie and Marek.

**HOUSE STUDY BILL COMMITTEE ASSIGNMENTS****H.S.B. 167 Public Safety**

Making changes to the sex offender registry and to duties and requirements related to persons who commit sex offenses, making fees applicable, and providing penalties.

## H.S.B. 168 Environmental Protection

Providing for public comment regarding an application to construct a confinement feeding operation structure.

### 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 EDUCATION

**Committee Bill** (Formerly House Study Bill 3), relating to the funding of school district programs for returning dropouts and dropout prevention.

Fiscal Note is not required.

Recommended **Do Pass** February 11, 2009.

#### COMMITTEE ON JUDICIARY

**Committee Bill** (Formerly House Study Bill 30), relating to the compensation of a guardian ad litem in certain criminal cases involving a child witness.

Fiscal Note is not required.

Recommended **Amend and Do Pass** February 10, 2009.

#### COMMITTEE ON LOCAL GOVERNMENT

**Committee Bill** (Formerly House File 51), relating to civil service employment residency requirements.

Fiscal Note is not required.

Recommended **Amend and Do Pass** February 11, 2009.

### AMENDMENTS FILED

H—1018	H.F.	243	Rants of Woodbury Raecker of Polk
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H—1019      H.F.      179      Schultz of Crawford

On motion by McCarthy of Polk the House adjourned at 4:18 p.m., until 9:00 a.m., Thursday, February 12, 2009.

# JOURNAL OF THE HOUSE

Thirty-second Calendar Day - Twenty-first Session Day

Hall of the House of Representatives  
Des Moines, Iowa, Thursday, February 12, 2009

The House met pursuant to adjournment at 9:07 a.m., Speaker Murphy in the chair.

Prayer was offered by Reverend Allan Bridges, pastor of Henderson Christian Church and Nishna Church of Christ, Red Oak. He was the guest of Representative Rich Anderson of Page County.

## PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by the Speaker's Page, Laura Zeman from Cedar Falls.

The Journal of Wednesday, February 11, 2009 was approved.

## INTRODUCTION OF BILLS

**House File 267**, by committee on economic growth, a bill for an act adding four nonvoting members to the Iowa workforce development board.

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

**House File 268**, by Paulsen, a bill for an act relating to floodplain mapping for the state and providing coordinating amendments.

Read first time and referred to committee on **rebuild Iowa and disaster recovery**.

**House File 269**, by Paulsen, a bill for an act relating to the compromise or abatement of penalties, interest, fees, and costs relating to delinquent property taxes on real property located within a disaster area and including effective date and retroactive applicability date provisions.

Read first time and referred to committee on **rebuild Iowa and disaster recovery**.

**House File 270**, by Paulsen, a bill for an act allowing school districts affected by disaster in 2008 to use the previous year's budget enrollments in the budget year beginning July 1, 2009, and providing an effective date.

Read first time and referred to committee on **rebuild Iowa and disaster recovery**.

**House File 271**, by Paulsen, a bill for an act creating an evergreen account in the Iowa economic emergency fund for making loans to governmental subdivisions for payment of disaster-related obligations and expenditures, making an appropriation, and providing effective and applicability date provisions.

Read first time and referred to committee on **rebuild Iowa and disaster recovery**.

On motion by Whitaker of Van Buren, the House was recessed at 9:19 a.m., until 4:00 p.m.

#### AFTERNOON SESSION

The House reconvened at 4:10 p.m., Speaker Murphy in the chair.

#### INTRODUCTION OF BILLS

**House File 272**, by Deyoe, a bill for an act to repeal the excise tax on the handling of grain.

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

**House File 273**, by Wessel-Kroeschell, a bill for an act providing a sales tax exemption from the sale of new and used textbooks for postsecondary educational institution classes.

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

**House File 274**, by D. Olson, T. Olson, T. Taylor, Petersen, Oldson, Shomshor, Bukta, Whitaker, Murphy, H. Miller, Thede, Heddens, Kressig, Marek, Mascher, Swaim, Berry, Cohoon, Zirkelbach, Gaskill, Frevert, Lykam, Whitead, Winckler, Hunter,

Kuhn, Steckman, Wessel-Kroeschell, Lensing, Beard, Ford, Kearns and Ficken, a bill for an act relating to absentee ballots delivered to applicants who are patients or residents of hospitals or health care facilities.

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

**House File 275**, by Heaton, Tymeson and Bailey, a bill for an act providing for the issuance of special wild turkey and deer hunting licenses to certain nonresident disabled veterans.

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

**House File 276**, by Kaufmann and Kelley, a bill for an act requiring institutions of higher learning and community colleges to provide students with specific textbook information.

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

**House File 277**, by Paulsen, a bill for an act relating to disaster recovery by providing tax credits for costs incurred in cleanup or redevelopment of certain damaged property and including effective and retroactive applicability date provisions.

Read first time and referred to committee on **rebuild Iowa and disaster recovery**.

**House File 278**, by Ford, a bill for an act requiring notification of occupancy rates for certain premises licensed to permit on-premises consumption of alcohol.

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

**House File 279**, by Ford, a bill for an act relating to the certification and registration of real estate appraisers, providing a penalty, and making an appropriation.

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



**House File 280**, by committee on judiciary, a bill for an act relating to the compensation of a guardian ad litem in certain criminal cases involving a child witness.

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

**House File 281**, by committee on economic growth, a bill for an act relating to the administration of the Iowa water pollution control works and drinking water facilities financing program.

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

**House File 282**, by committee on education, a bill for an act relating to the funding of school district programs for returning dropouts and dropout prevention.

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

**House File 283**, by committee on veterans affairs, a bill for an act relating to the county commissions of veteran affairs fund and required hours of service for executive directors and administrators.

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

**House File 284**, by Wessel-Kroeschell and Abdul-Samad, a bill for an act establishing a task force to develop a plan for the implementation of an online school for certain populations.

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

**House File 285**, by Paulsen and Wagner, a bill for an act authorizing counties and cities to establish disaster revitalization areas, providing for a disaster revitalization property tax exemption, and including effective date and retroactive applicability date provisions.

Read first time and referred to committee on **rebuild Iowa and disaster recovery**.

**House File 286**, by Wessel-Kroeschell, a bill for an act creating a public transit vehicle fund.

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

**House File 287**, by Paulsen, a bill for an act providing a property tax exemption for certain agricultural property affected by a natural disaster and including effective date and retroactive applicability date provisions.

Read first time and referred to committee on **rebuild Iowa and disaster recovery**.

**House File 288**, by Smith, a bill for an act modifying provisions applicable to the regulation of delayed deposit services businesses and providing a penalty.

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

**House File 289**, by Paulsen, a bill for an act authorizing the use of moneys available in the Iowa power fund for the provision of grants to political subdivision for restoration of heating and power capability to buildings under specified circumstances and providing an effective date.

Read first time and referred to committee on **rebuild Iowa and disaster recovery**.

**House File 290**, by Paulsen, a bill for an act relating to linked investments by providing for loans to borrowers in disaster areas.

Read first time and referred to committee on **rebuild Iowa and disaster recovery**.

**House File 291**, by Paulsen, a bill for an act providing for an adjustment to assessments of flood-damaged real property in certain assessment years, providing an appropriation, and including effective date and retroactive applicability date provisions.

Read first time and referred to committee on **rebuild Iowa and disaster recovery**.

**House File 292**, by Lukan, a bill for an act providing volunteer fire fighters and emergency medical services personnel with an individual income tax credit and including a retroactive applicability date provision.

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

**House File 293**, by Kressig, a bill for an act relating to reporting requirements for traffic accidents involving the operation of motor vehicles by reserve peace officers.

Read first time and referred to committee on **public safety**.

**House File 294**, by Windschitl, a bill for an act relating to water use permit fees and the water use permit fund.

Read first time and referred to committee on **environmental protection**.

**House File 295**, by Mascher, a bill for an act modifying the time period after which certain school district proposals defeated at election may be resubmitted to the voters and providing an effective date.

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

**House File 296**, by Reichert, a bill for an act relating to the membership and administration of the Iowa propane education and research council, increasing an assessment, and providing an effective date.

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

**House File 297**, by Wendt and Whitead, a bill for an act relating to the ballots used for voting at the commissioner's office or at a satellite absentee voting station.

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

**House File 298**, by Wendt, a bill for an act providing for the establishment of election district boundaries for schools, counties, and cities and including an applicability provision.

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

**House File 299**, by Anderson, a bill for an act to require proof of financial liability coverage upon registration of a motor vehicle.

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

**House File 300**, by Mertz, a bill for an act relating to certain watercraft dealership agreements.

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

**House File 301**, by Paulsen, a bill for an act relating to possession or consumption of an alcoholic beverage by an under legal age person, and providing a penalty.

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

**House File 302**, by Helland, a bill for an act permitting the payment of wages by a stored-value card.

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

**House File 303**, by Whitaker, a bill for an act providing for the establishment of an energy affordability program for the benefit of residential consumers of propane.

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

#### LEAVE OF ABSENCE

Leave of absence was granted as follows:

Dolecheck of Ringgold on request of Paulsen of Linn.

#### CONSIDERATION OF BILLS

##### Regular Calendar

**House File 122**, a bill for an act relating to requiring reports for certain precursor substances and extending an information program for drug prescribing and dispensing and providing an effective date, was taken up for consideration.

Smith of Marshall 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. 122)

The ayes were, 97:

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

The nays were, none.

Absent or not voting, 3:

Chambers	Dolecheck	Taylor, D.
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The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

**House File 214**, a bill for an act establishing the interstate compact on educational opportunity for military children and providing an effective date, was taken up for consideration.

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?" (H.F. 214)

The ayes were, 97:

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

The nays were, none.

Absent or not voting, 3:

Chambers	Dolecheck	Taylor, D.
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The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

### IMMEDIATE MESSAGES

McCarthy of Polk asked and received unanimous consent that the following bills be immediately messaged to the Senate: **House Files 122 and 214.**

## SENATE FILE 82 REFERRED

The Speaker announced that Senate File 82, previously referred to committee on **economic growth** was **passed on file**.

## 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

- |           |   |
|-----------|---|
| 2009\1608 | Adam Crawford, Nevada – For earning the Raccoon River Conference championship title in the 285- pound weight class. |
| 2009\1609 | Patrick Stall, Huxley – For attaining the rank of Eagle Scout, the highest rank in the Boy Scouts of America.       |
| 2009\1610 | Fred Weeks, Indianola – For celebrating his 95 <sup>th</sup> birthday.  |
| 2009\1611 | Edwina Foley, Indianola – For celebrating her 90 <sup>th</sup> birthday.  |
| 2009\1612 | Frieda Schneider, Denison – For celebrating her 80 <sup>th</sup> birthday.  |

## SUBCOMMITTEE ASSIGNMENTS

### House File 236

Human Resources: T. Olson, Chair; L. Miller and Wessel-Kroeschell.

### House File 240

Judiciary: R. Olson, Chair; Heaton and Huser.

### House File 254

Natural Resources: Beard, Chair; May and Palmer.

### House File 255

Human Resources: Hunter, Chair; Mascher and L. Miller.

### House File 258

State Government: T. Taylor, Chair; Beard and Roberts.

## HOUSE STUDY BILL SUBCOMMITTEE ASSIGNMENTS

**House Study Bill 157 Reassigned**

Local Government: Gaskill, Chair; Burt and Wagner.

**House Study Bill 161**

Rebuild Iowa and Disaster Recovery: T. Olson, Chair; Berry and Sands.

**House Study Bill 162**

Rebuild Iowa and Disaster Recovery: Thomas, Chair; Burt and Pettengill.

## HOUSE STUDY BILL COMMITTEE ASSIGNMENTS

**H.S.B. 169 Judiciary**

Relating to the uniform athlete agents Act and providing remedies and penalties.

**H.S.B. 170 Judiciary**

Relating to civil actions including certain limitations on actions, judgments, and executions and including actions relating to the foreclosure of real estate mortgages, and providing applicability provisions.

**H.S.B. 171 Judiciary**

Relating to criminal law by making changes to existing criminal offenses, adding new criminal offenses, relating to deferred judgments and expunged records, and making penalties applicable.

**H.S.B. 172 Judiciary**

Relating to damages recoverable for the wrongful or negligent injury or death of a spouse or parent.

**H.S.B. 173 Judiciary**

Relating to mechanic's liens including the establishment of a state construction registry for residential property and providing an effective date.



## COMMITTEE RECOMMENDATIONS

MR. SPEAKER: The Chief Clerk of the House respectfully reports that the following committee recommendations have been received and are on file in the office of the Chief Clerk.

MARK W. BRANDSGARD  
Chief Clerk of the House

## COMMITTEE ON COMMERCE

**Committee Bill** (Formerly House Study Bill 141), requiring health care benefit coverage for certain medically necessary prosthetic devices and providing an applicability date.

Fiscal Note is not required.

Recommended **Do Pass** February 12, 2009.

## COMMITTEE ON HUMAN RESOURCES

**House File 45**, a bill for an act relating to the suspension or termination of medical assistance during the period that an individual is committed to certain facilities or institutions.

Fiscal Note is not required.

Recommended **Do Pass** February 11, 2009.

**Committee Bill** (Formerly House File 57), relating to inclusion of assisted living services under the medical assistance home and community-based services waiver for the elderly.

Fiscal Note is not required.

Recommended **Amend and Do Pass** February 11, 2009.

**Committee Bill** (Formerly House Study Bill 8), creating an Iowa collaboration for youth development council and state of Iowa youth advisory council in the department of human rights.

Fiscal Note is not required.

Recommended **Amend and Do Pass** February 11, 2009.

**Committee Bill** (Formerly House Study Bill 50), relating to health-related activities and regulation by the department of public health and making penalties applicable.

Fiscal Note is not required.

Recommended **Amend and Do Pass** February 11, 2009.

#### COMMITTEE ON STATE GOVERNMENT

**Committee Bill** (Formerly House File 195), relating to the age at which a registered voter is eligible to vote in a primary election.

Fiscal Note is not required.

Recommended **Amend and Do Pass** February 12, 2009.

#### RESOLUTION FILED

**HCR 4**, by Jacoby, a concurrent resolution amending the joint rules of the Senate and House of Representatives relating to the consideration of bills and joint resolutions in successive regular sessions of the same general assembly.

Referred to committee on **administration and rules**.

#### AMENDMENTS FILED

H—1020	H.F.	259	Gayman of Scott L. Miller of Scott
H—1021	H.F.	259	Winckler of Scott

On motion by McCarthy of Polk the House adjourned at 4:34 p.m., until 9:00 a.m., Friday, February 13, 2009.

# JOURNAL OF THE HOUSE

Thirty-third Calendar Day - Twenty-second Session Day

Hall of the House of Representatives  
Des Moines, Iowa, Friday, February 13, 2009

The House met pursuant to adjournment at 9:25 a.m., Majority Leader McCarthy of Polk in the chair.

Prayer was offered by the honorable Mike Reasoner, state representative from Union County.

## PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Majority Leader McCarthy.

The Journal of Thursday, February 12, 2009 was approved.

## INTRODUCTION OF BILLS

**House File 304**, by Reichert, a bill for an act providing for the establishment of rural wind cooperatives.

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

**House File 305**, by Schueller, a bill for an act relating to the transport of passengers under eighteen years of age in an open truck bed and providing a penalty.

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

**House File 306**, by May, a bill for an act allowing school districts to count limited numbers of foreign exchange pupils in certified enrollment counts for budget and funding purposes.

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

**House File 307**, by Mascher, a bill for an act concerning disclosures of information regarding patient safety by health care workers and providing penalties.

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

**House File 308**, by T. Taylor, a bill for an act concerning the Iowa public employees retirement system by establishing a presumption that cancer is work-related for purposes of disability benefits for protection occupation members who are employed as fire fighters and by increasing the contribution rate for fire fighters.

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

**House File 309**, by May, Worthan, Schueller, Kelley, Lukan, Kaufmann, Roberts, Schultz, Sands, Dolecheck, De Boef, Drake, Tymeson, Deyoe, Cownie and Marek, a bill for an act relating to early school starts and requests for innovative school year pilot programs, and providing an effective date.

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

**House File 310**, by committee on local government, a bill for an act relating to civil service employment residency requirements.

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

**House File 311**, by committee on commerce, a bill for an act requiring health care benefit coverage for certain medically necessary prosthetic devices and providing an applicability date.

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

#### SUBCOMMITTEE ASSIGNMENTS

##### **House File 124**

Local Government: Winckler, Chair; D. Olson and Windschitl.

##### **House File 216**

Local Government: Huser, Chair; Arnold and Burt.

##### **House File 245**

Veterans Affairs: Zirkelbach, Chair; Whitead and Windschitl.

##### **House File 249**

Local Government: Cohoon, Chair; D. Taylor and Tjepkes.

**House File 250**

Veterans Affairs: Tymeson, Chair; Kearns and Thomas.

**House File 251**

Veterans Affairs: Gayman, Chair; Ficken and Watts.

**House File 252**

Veterans Affairs: Thomas, Chair; Ficken and Windschitl.

**House File 264**

Natural Resources: Palmer, Chair; Rayhons and Thede.

**HOUSE STUDY BILL SUBCOMMITTEE ASSIGNMENTS****House Study Bill 167**

Public Safety: Lykam, Chair; Alons, Baudler, Burt, R. Olson and Tjepkes.

**House Study Bill 168**

Environmental Protection: Frevert, Chair; Deyoe and Whitaker.

**House Study Bill 169**

Judiciary: Lensing, Chair; Helland and Wessel-Kroeschell.

**House Study Bill 170**

Judiciary: Willems, Chair; Kaufmann and Swaim.

**House Study Bill 171**

Judiciary: Palmer, Chair; Baudler and Smith.

**House Study Bill 172**

Judiciary: R. Olson, Chair; Struyk, Swaim.

**House Study Bill 173**

Judiciary: Willems, Chair; T. Olson and Schultz.

## HOUSE STUDY BILL COMMITTEE ASSIGNMENTS

**H.S.B. 174 Appropriations**

Appropriating federal funds made available from federal block grants and other federal grants, allocating portions of federal block grants, and providing procedures if federal funds are more or less than anticipated or if federal block grants are more or less than anticipated.

**H.S.B. 175 Appropriations**

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.

## 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 JUDICIARY

**Senate File 27**, a bill for an act relating to the crime of human trafficking.

Fiscal Note is not required.

Recommended **Do Pass** February 12, 2009.

## COMMITTEE ON PUBLIC SAFETY

**Committee Bill** (Formerly House Study Bill 94), relating to the authorized uses of local exchange service information by specified individuals and entities.

Fiscal Note is not required.

Recommended **Amend and Do Pass** February 12, 2009.

**Committee Bill** (Formerly House Study Bill 97), relating to the sale of a pseudoephedrine product by a pharmacy or retailer, and providing penalties and contingent applicability.

Fiscal Note is not required.

Recommended **Amend and Do Pass** February 12, 2009.

**Committee Bill** (Formerly House Study Bill 128), relating to the practices and procedures of the department of public safety and other law enforcement agencies, including building inspections, controlled substance detection training, and criminal history data storage.

Fiscal Note is not required.

Recommended **Do Pass** February 12, 2009.

#### COMMITTEE ON STATE GOVERNMENT

**Senate File 50**, a bill for an act relating to the payment of a salary or other compensation to a candidate's family member, and making a penalty applicable.

Fiscal Note is not required.

Recommended **Do Pass** February 12, 2009.

**Senate File 51**, a bill for an act relating to electronic filing of campaign finance disclosure statements and reports by certain political committees and providing an effective date.

Fiscal Note is not required.

Recommended **Do Pass** February 12, 2009.

On motion by Reasoner of Union the House adjourned at 9:28 a.m., until 1:00 p.m., February 16, 2009.

# JOURNAL OF THE HOUSE

Thirty-sixth Calendar Day - Twenty-third Session Day

Hall of the House of Representatives  
Des Moines, Iowa, Monday, February 16, 2009

The House met pursuant to adjournment at 1:06 p.m., Speaker Murphy in the chair.

Prayer was offered by Reverend James McNear, pastor of the Mission Temple Church of God and Christ, Des Moines. He was the guest of Representative Kerry Burt of Black Hawk County.

## PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by the S.O.D.A. (Students Opposed to Drugs and Alcohol) group from Linn-Mar High School in Marion. They were guest of Representatives Nick Wagner and Renee Schulte of Linn County.

The Journal of Friday, February 13, 2009 was approved.

## INTRODUCTION OF BILLS

**House File 312**, by Schueller, a bill for an act requiring the school budget review committee to grant transportation assistance aid to school districts under certain circumstances and providing a statutory appropriation.

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

**House File 313**, by committee on economic growth, a bill for an act relating to economic development by providing for an innovation and commercialization development fund, making the department of revenue responsible for approving certain tax credits for third-party developers, making appropriations, and providing an effective date.

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



**House File 314**, by committee on human resources, a bill for an act relating to health-related activities and regulation by the department of public health and making penalties applicable.

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

**House File 315**, by committee on human resources, a bill for an act creating an Iowa collaboration for youth development council and state of Iowa youth advisory council in the department of human rights.

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

**House File 316**, by D. Olson, a bill for an act relating to the taxation of a homestead owned by a disabled veteran, providing an appropriation, including a penalty, and including effective date and applicability date provisions.

Read first time and referred to committee on **veterans affairs**.

**House File 317**, by committee on human resources, a bill for an act relating to inclusion of assisted living services under the medical assistance home and community-based services waiver for the elderly.

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

#### HOUSE FILE 29 WITHDRAWN

Zirkelbach of Jones asked and received unanimous consent to withdraw House File 29 from further consideration by the House.

On motion by McCarthy of Polk, the House was recessed at 1:23 p.m., until the conclusion of the meeting with the committee on labor.

#### EVENING SESSION

The House reconvened at 10:51 p.m., Speaker Murphy in the Chair.

#### 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 February 16, 2009, passed the following bill in which the concurrence of the House is asked:

Senate File 137, a bill for an act providing that wage discrimination is an unfair employment practice under the Iowa civil rights Act and providing an enhanced remedy.

MICHAEL E. MARSHALL, Secretary

## INTRODUCTION OF BILLS

**House File 318**, by Windschitl, Sands, Schultz, Alons, Soderberg, Tymeson, Huseman, Lukan, Hagenow, Roberts, De Boef, Raecker, Sorenson, L. Miller and Mertz, a bill for an act relating to the determination of when life begins and acknowledging the rights, privileges, and immunities of an unborn child.

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

**House File 319**, by Windschitl, Sands, Tymeson, Watts, Huseman, Schultz, Lukan, Hagenow, Kaufmann, De Boef, Raecker, Soderberg and May, a bill for an act providing an exemption from the computation of the individual state income tax all pay received for active duty military service and including a retroactive applicability date provision.

Read first time and referred to the committee on **veteran affairs**.

**House File 320**, by committee on state government, a bill for an act relating to the age at which a registered voter is eligible to vote in a primary election.

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

**House File 321**, by committee on veteran affairs, a bill for an act exempting certain persons who transport members of the Iowa veterans home from the requirement to be licensed as a chauffeur.

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

**House File 322**, by Windschitl, Raecker, Deyoe, Sands, Helland, Hagenow, Soderberg, De Boef, May,

and Schultz, a bill for an act requiring the budget submissions of state agencies to utilize a zero-base approach.

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

**House File 323**, by Windschitl, Alons, Schultz, Sands, Hagenow, Dolecheck, Roberts, De Boef, Raecker, Sorenson, Huseman, Soderberg, L. Miller, Mertz, Tymeson and May, a bill for an act relating to informed consent to an abortion and providing a criminal penalty, and providing effective dates.

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

**House File 324**, by Alons, Rayhons, Drake, Tymeson, Deyoe, Worthan, De Boef, Schultz, Windschitl, Sands, Struyk, Kaufmann, Heaton, Watts, Tjepkes, Helland, Grassley, S. Olson and Sorenson, a bill for an act providing to taxpayers taking the standard deduction a deduction for property taxes paid when computing taxable income and including effective and retroactive applicability date provisions.

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

**House File 325**, by Alons, Kaufmann, Koester, Dolecheck, De Boef, Rayhons, Drake, Sweeney, Huseman, Schultz, Windschitl and Sorenson, a bill for an act relating to operating a motor vehicle while intoxicated offenses that involve a death, and providing penalties.

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

**House File 326**, by Bailey, a bill for an act requiring the department of veteran affairs to prepare a report related to the activities of county commissions of veteran affairs.

Read first time and referred to the committee on **veteran affairs**.

**House File 327**, by Bailey, a bill for an act providing for the stockpiling of dry manure originating from confinement feeding

operations, making penalties applicable, and providing an effective date.

Read first time and referred to the committee on **agriculture**.

**House File 328**, by committee on education, a bill for an act relating to requirements for school districts providing transportation to students participating in open enrollment.

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

**House File 329**, by committee on education, a bill for an act relating to the allocation of funds to the all Iowa opportunity foster care grant program and providing an effective date.

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

**House File 330**, by committee on public safety, a bill for an act relating to the authorized uses of local exchange service information by specified individuals and entities.

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

**House File 331**, by committee on public safety, a bill for an act relating to the sale of a pseudoephedrine product by a pharmacy or retailer, and providing penalties and contingent applicability.

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

**House File 332**, by committee on public safety, a bill for an act relating to the practices and procedures of the department of public safety and other law enforcement agencies, including building inspections, controlled substance detection training, and criminal history data storage.

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

**House File 333**, by committee on labor, a bill for an act requiring the payment of local prevailing wage rates to persons working on public improvements for public bodies, and providing penalties and effective and applicability dates.

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

## SENATE MESSAGE CONSIDERED

**Senate File 137**, by committee on state government, a bill for an act providing that wage discrimination is an unfair employment practice under the Iowa civil rights Act and providing an enhanced remedy.

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

## BILL SIGNED BY THE GOVERNOR

A communication was received from the Governor announcing that on February 16, 2009, he approved and transmitted to the Secretary of State the following bill:

Senate File 45, an Act relating to issuance of certain county general obligation bonds by requiring published notice and modifying the ballot proposition, and including effective date, validation, and retroactive applicability provisions.

## 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

- |           |   |
|-----------|---|
| 2009\1613 | Alvera Rosgaard, Rock Valley – For celebrating her 90 <sup>th</sup> birthday.   |
| 2009\1614 | Rich and Mary Van Surksum, Rock Valley – For celebrating their 60 <sup>th</sup> wedding anniversary.                  |
| 2009\1615 | Jeff Demmel, Marengo – For earning National Certification for Firefighter II from the Fire Service Training Bureau.   |
| 2009\1616 | Troy Enochson, Marengo – For earning National Certification for Firefighter II from the Fire Service Training Bureau. |
| 2009\1617 | Dan Slaymaker, Marengo – For earning National Certification for Firefighter II from the Fire Service Training Bureau. |
| 2009\1618 | Luke Slockett, Marengo – For earning National Certification for Firefighter II from the Fire Service Training Bureau. |
| 2009\1619 | Doug Spence, Marengo – For earning National Certification for Firefighter II from the Fire Service Training Bureau.   |

- 2009\1620 Mark Swift, Marengo – For earning National Certification for Firefighter II from the Fire Service Training Bureau.
- 2009\1621 Gerald Petermeier, Vinton – For being inducted into the Iowa Hot Mix Hall of Fame.
- 2009\1622 Bob and Nadine Hanneman, Vinton – For celebrating their 60<sup>th</sup> wedding anniversary.
- 2009\1623 Karla Isbell, Vinton – For becoming a Master Florist.
- 2009\1624 Ruth Albers, Keystone – For celebrating her 90<sup>th</sup> birthday.
- 2009\1625 Ruby Schwarting, Vinton – For celebrating her 90<sup>th</sup> birthday.
- 2009\1626 Terry Waychoff, Watkins – For 40 years of dedicated service to the community of Watkins and to the Watkins Volunteer Fire Department.
- 2009\1627 Daniel Schulte, Watkins – For 30 years of dedicated service to the community of Watkins and to the Watkins Volunteer Fire Department.
- 2009\1628 Taylor Jepsen, Terril – For being named one of the top youth volunteers in Iowa for 2009 in the 14<sup>th</sup> annual Prudential Spirit of Community Awards.
- 2009\1629 Bob and Judy Guinn, Davenport – For celebrating their 50<sup>th</sup> wedding anniversary.
- 2009\1630 Richard J. Rector, Davenport – For attaining the rank of Eagle Scout, the highest rank in the Boy Scouts of America.
- 2009\1631 Verna Barber, Dewitt – For celebrating her 90<sup>th</sup> birthday.
- 2009\1632 Gladys Lillie, DeWitt – For celebrating her 90<sup>th</sup> birthday.
- 2009\1633 Lois Meier, DeWitt – For celebrating her 90<sup>th</sup> birthday.

#### SUBCOMMITTEE ASSIGNMENTS

##### **House File 160**

Local Government: Huser, Chair; Deyoe and Isenhart.

##### **House File 217**

Local Government: D. Taylor, Chair; Schueller and Wagner.

##### **House File 265**

Education: Ford, Chair; Dolecheck, Forristall, Palmer and Winckler.

**House File 273**

Education: Willems, Chair; May and Palmer.

**House File 274**

State Government: Gaskill, Chair; Beard and Roberts.

**House File 276**

Education: Kelley, Chair; L. Miller and Thede.

**House File 278**

State Government: T. Taylor, Chair; Isenhardt and Pettengill.

**House File 284**

Education: Abdul-Samad, Chair; Ficken and Sweeney.

**House File 293**

Public Safety: Kressig, Chair; Kuhn and Tjepkes.

**House File 295**

State Government: Beard, Chair; Mascher and Roberts.

**House File 297**

State Government: Gaskill, Chair; Pettengill and Willems.

**House File 298**

State Government: Wendt, Chair; Beard and Roberts.

**House File 306**

Education: Winckler, Chair; Bukta and May.

**House File 308**

State Government: Frevert, Chair; Beard and Raecker.

**House File 309**

Education: Winckler, Chair; Mascher and May.

## HOUSE STUDY BILL COMMITTEE ASSIGNMENTS

**H.S.B. 176 Public Safety**

Relating to public intoxication by using or consuming a controlled substance or by inhaling or consuming an inhalant and making a penalty applicable.

**H.S.B. 177 State Government**

Concerning the duties and responsibilities of the auditor of state.

## 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 EDUCATION

**Committee Bill** (Formerly House File 138), relating to requirements for school districts providing transportation to students participating in open enrollment.

Fiscal Note is not required.

Recommended **Do Pass** February 16, 2009.

**Committee Bill** (Formerly House File 182), relating to the allocation of funds to the all Iowa opportunity foster care grant program and providing an effective date.

Fiscal Note is not required.

Recommended **Do Pass** February 16, 2009.

**Committee Bill** (Formerly House File 186), transferring the authority to register postsecondary schools from the secretary of state to the college student aid commission and providing for related matters.

Fiscal Note is not required.

Recommended **Amend and Do Pass** February 16, 2009.



## COMMITTEE ON LABOR

**Committee Bill** (Formerly House Study Bill 149), requiring the payment of local prevailing wage rates to persons working on public improvements for public bodies, and providing penalties and effective and applicability dates.

Fiscal Note is not required.

Recommended **Amend and Do Pass** February 16, 2009.

## RESOLUTION FILED

**HCR 5**, by McCarthy and Paulsen, Major Ron Dardis will present his message of the Condition of the Iowa National Guard at a joint convention of the two houses of the 2009 session of the Eighty-third General Assembly held on Wednesday, February 18, 2009, at 10:00 a.m.

Laid over under **Rule 25**.

## AMENDMENT FILED

H—1022      H.F.      257      T. Olson of Linn

On motion by McCarthy of Polk the House adjourned at 10:56 p.m., until 9:00 a.m., Tuesday, February 17, 2009.

# JOURNAL OF THE HOUSE

Thirty-seventh Calendar Day - Twenty-fourth Session Day

Hall of the House of Representatives  
Des Moines, Iowa, Tuesday, February 17, 2009

The House met pursuant to adjournment at 9:14 a.m., Speaker Murphy in the chair.

Prayer was offered by Reverend Wayne Brinkman, pastor of St. Johns Lutheran Church, Clinton. He was the guest of Speaker pro tempore Polly Bukta and Representative Steve Olson of Clinton County.

## PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Chad Ratashak, House Page from Mitchellville.

The Journal of Monday, February 16, 2009 was approved.

## LEAVE OF ABSENCE

Leave of absence was granted as follows:

Rayhons of Hancock on request of Paulsen of Linn.

## INTRODUCTION OF BILLS

**House File 334**, by Schueller, Kaufmann, Ficken, Beard and Whitead, a bill for an act relating to claims of adverse possession concerning cemeteries or pioneer cemeteries.

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

**House File 335**, by Bailey, a bill for an act relating to the privacy of social security numbers and other personal information in public records, providing remedies, and making penalties applicable.

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

**House File 336**, by Swaim and Whitaker, a bill for an act relating to the proceeds of penalties collected for possession of unstamped cigarettes in the state.

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

**House File 337**, by D. Olson, a bill for an act relating to health care coverage of certain treatments, drugs, and devices.

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

**House File 338**, by Whitead, a bill for an act relating to storm water management plans for certain development projects.

Read first time and referred to committee on **environmental protection**.

**House File 339**, by D. Olson, Beard, Steckman, Gayman, Marek, Thede, Ficken, Burt, Willems and Kearns, a bill for an act providing for the establishment of small wind innovation zones, providing for the applicability of tax credits, and including effective and retroactive applicability date provisions.

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

## CONSIDERATION OF BILLS

### Regular Calendar

**House Joint Resolution 1**, 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.

*Be It Resolved By The General Assembly Of The State Of Iowa:*

Section 1. The following amendment to the Constitution of the State of Iowa is proposed:

Article VII of the Constitution of the State of Iowa is amended by adding the following new section:

Natural Resources. Sec. 10. A natural resources and outdoor recreation trust fund is created within the treasury for the purposes of protecting and enhancing water quality and natural areas in this State including parks, trails, and fish and wildlife habitat, and conserving agricultural soils in this State. Moneys in the fund shall be exclusively appropriated by law for these purposes.

The general assembly shall provide by law for the implementation of this section, including by providing for the administration of the fund and at least annual audits of the fund.

Except as otherwise provided in this section, the fund shall be annually credited with an amount equal to the amount generated by a sales tax rate of three-eighths of one percent as may be imposed upon the retail sales price of tangible personal property and the furnishing of enumerated services sold in this State.

No revenue shall be credited to the fund until the tax rate for the sales tax imposed upon the retail sales price of tangible personal property and the furnishing of enumerated services sold in this State in effect on the effective date of this section is increased. After such an increased tax rate becomes effective, an amount equal to the amount generated by the increase in the tax rate shall be annually credited to the fund, not to exceed an amount equal to the amount generated by a tax rate of three-eighths of one percent imposed upon the retail sales price of tangible personal property and the furnishing of enumerated services sold in this State.

## Sec. 2. Submission for Ratification.

The foregoing proposed amendment, having been adopted and agreed to by the Eighty-second General Assembly, 2008 Session, thereafter duly published, and now adopted and agreed to by the Eighty-third General Assembly in this joint resolution, shall be submitted to the people of the State of Iowa at the general election in November of the year two thousand ten in the manner required by the Constitution of the State of Iowa and the laws of the State of Iowa.

## EXPLANATION

This joint resolution proposes an amendment to the Constitution of the State of Iowa to dedicate a portion of state sales and service tax revenue for the benefit of water quality, natural areas, and agricultural soils in this state.

The joint resolution establishes a natural resources and outdoor recreation trust fund. The joint resolution credits the fund with an amount equal to the amount generated by a sales tax rate of three-eighths of 1 percent as may be imposed upon the retail sales price of tangible personal property and the furnishing of enumerated services sold in this state.

The joint resolution provides that no revenue is to be credited to the fund until the tax rate in effect on the effective date of the joint resolution is increased. After the increased tax rate becomes effective, an amount equal to the amount generated by the increase in the tax rate is credited to the fund, not to exceed the amount generated by the tax rate of three-eighths of 1 percent.

The proposed amendment to the Constitution of the State of Iowa in this joint resolution was previously passed as Senate Joint Resolution 2002 by the Eighty-second General Assembly, 2008 Session (2008 Iowa Acts, chapter 1194). If adopted and agreed to by the Eighty-third General Assembly, the proposed amendment will be submitted to the state electorate at the general election held in November 2010, for ratification, with report of committee recommending passage, was taken up for consideration.

Bell of Jasper 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?" (H.J.R. 1)

The yeas were, 82:

Abdul-Samad	Alons	Anderson	Arnold
Bailey	Baudler	Beard	Bell
Berry	Bukta	Cphoon	Cownie
De Boef	Deyoe	Dolecheck	Drake

Ficken	Ford	Frevert	Gaskill
Gayman	Grassley	Hagenow	Heaton
Helland	Horbach	Huseman	Huser
Isenhardt	Jacoby	Kaufmann	Kearns
Koester	Kressig	Kuhn	Lukan
Lykam	Marek	May	Mertz
Miller, H.	Miller, L.	Oldson	Olson, D.
Olson, S.	Olson, T.	Palmer	Paulsen
Pettengill	Quirk	Raecker	Reasoner
Reichert	Roberts	Sands	Schueller
Schulte	Schultz	Shomshor	Smith
Soderberg	Sorenson	Steckman	Struyk
Swaim	Sweeney	Taylor, D.	Thede
Thomas	Tjepkes	Tymeson	Upmeyer
Van Engelenhoven	Wagner	Wendt	Wenthe
Whitaker	Whitead	Windschitl	Worthan
Zirkelbach	Mr. Speaker Murphy		

The nays were, 14:

Forristall	Heddens	Hunter	Kelley
Lensing	Mascher	McCarthy	Petersen
Rants	Taylor, T.	Watts	Wessel-Kroeschell
Willems	Winckler		

Absent or not voting, 4:

Burt	Chambers	Olson, R.	Rayhons
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The joint resolution having received a constitutional majority was declared to have been adopted and agreed to by the House.

### IMMEDIATE MESSAGE

McCarthy of Polk asked and received unanimous consent that **House Joint Resolution 1** be immediately messaged to the Senate.

On motion by McCarthy of Polk, the House was recessed at 9:47 a.m., until 5:00 p.m.

### EVENING SESSION

The House reconvened at 5:26 p.m., Speaker Murphy in the chair.

## INTRODUCTION OF BILLS

**House File 340**, by Reichert, a bill for an act relating to energy efficiency by creating a renewable energy transmission authority, and conferring bonding authority upon the authority.

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

**House File 341**, by Paulsen, a bill for an act relating to sales and use taxes and including effective date provisions.

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

**House File 342**, by H. Miller, a bill for an act providing that the casual sales exemption under the state sales tax does not apply to the sales of all-terrain vehicles, snowmobiles, off-road motorcycles, and off-road utility vehicles.

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

**House File 343**, by Zirkelbach, a bill for an act relating to registration and numbering requirements for certain canoes and kayak type vessels and making a penalty applicable.

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

**House File 344**, by Struyk, Windschitl, Raecker, Forristall, De Boef, Huseman, Deyoe and Sweeney, a bill for an act relating to civil penalties for employers hiring persons not authorized to be employed in the United States.

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

**House File 345**, by Struyk, Forristall, De Boef, Huseman, Paulsen and Deyoe, a bill for an act relating to county and city budgets and budget publication requirements for certain fiscal years.

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

**House File 346**, by Thomas, a bill for an act to provide for the identification of a person as a veteran of the armed forces through information contained in machine-readable format on a driver's license or nonoperator's identification card.

Read first time and referred to committee on **veterans affairs**.

**House File 347**, by Horbach, a bill for an act allowing regional transit systems to acquire used motor vehicles from the department of administrative services.

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

**House File 348**, by Reichert, a bill for an act relating to canceling the voter registration of deceased persons.

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

**House File 349**, by Reichert, a bill for an act authorizing the establishment of an energy efficiency and alternate energy production rate-decoupling pilot program for gas and electric public utilities.

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

**House File 350**, by Reichert, a bill for an act requiring curbside recycling collection programs in certain cities.

Read first time and referred to committee on **environmental protection**.

McCarthy of Polk asked and received unanimous consent for the immediate consideration of House Concurrent Resolution 5.

#### ADOPTION OF HOUSE CONCURRENT RESOLUTION 5

McCarthy of Polk called up the following **House Concurrent Resolution 5**, and moved its adoption:

- 1 House Concurrent Resolution 5
- 2 By McCarthy and Paulsen
- 3 *Be It Resolved By The House Of Representatives, The*
- 4 *Senate Concurring*, That a joint convention of the two



5 houses of the 2009 session of the Eighty-third General  
 6 Assembly be held on Wednesday, February 18, 2009, at  
 7 10:00 a.m.; and  
 8 *Be It Further Resolved*, That Major Ron Dardis be  
 9 invited to present his message of the Condition of the  
 10 Iowa National Guard at this convention.

The motion prevailed and the resolution was adopted.

### IMMEDIATE MESSAGE

McCarthy of Polk asked and received unanimous consent that **House Concurrent Resolution 5** be immediately messaged to the Senate.

### CONSIDERATION OF BILLS Regular Calendar

**House File 45**, a bill for an act relating to the suspension or termination of medical assistance during the period that an individual is committed to certain facilities or institutions, with report of committee recommending passage, was taken up for consideration.

Heddens of Story 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. 45)

The ayes were, 98:

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

Paulsen	Petersen	Pettengill	Quirk
Raecker	Rants	Rayhons	Reasoner
Reichert	Roberts	Sands	Schueller
Schulte	Schultz	Shomshor	Smith
Soderberg	Sorenson	Steckman	Struyk
Swaim	Sweeney	Taylor, D.	Taylor, T.
Thede	Tjepkes	Tymeson	Upmeyer
Van Engelenhoven	Wagner	Watts	Wendt
Wenthe	Wessel-Kroeschell	Whitaker	Whitead
Willems	Winckler	Windschitl	Worthan
Zirkelbach	Mr. Speaker		
	Murphy		

The nays were, none.

Absent or not voting, 2:

Chambers                      Thomas

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

**House File 233**, a bill for an act relating to the disposition of school property and providing an effective date, was taken up for consideration.

Wenthe of Fayette in the chair at 5:35 p.m.

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

On the question “Shall the bill pass?” (H.F. 233)

The ayes were, 97:

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

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

The nays were, none.

Absent or not voting, 3:

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

**House File 232**, a bill for an act relating to the membership of the public safety communications interoperability board and providing an effective and applicability date provision, was taken up for consideration.

#### SENATE FILE 108 SUBSTITUTED FOR HOUSE FILE 232

Kressig of Black Hawk asked and received unanimous consent to substitute Senate File 108 for House File 232.

**Senate File 108**, a bill for an act relating to the membership of the public safety communications interoperability board and providing an effective and applicability date provision, was taken up for consideration.

Kressig 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. 108)

The ayes were, 97:

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

The nays were, 2:

Cownie                      Hagenow

Absent or not voting, 1:

Chambers

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

### HOUSE FILE 232 WITHDRAWN

Kressig of Black Hawk asked and received unanimous consent to withdraw House File 232 from further consideration by the House.

**House File 260**, a bill for an act relating to the operation of county, city, and memorial hospitals and the duties and powers of hospital trustees and commissioners, was taken up for consideration.

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

On the question "Shall the bill pass?" (H.F. 260)

The ayes were, 99:

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

The nays were, none.

Absent or not voting, 1:

Chambers

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

**House File 267**, a bill for an act adding four nonvoting members to the Iowa workforce development board, was taken up for consideration.

## SENATE FILE 82 SUBSTITUTED FOR HOUSE FILE 267

Ford of Polk asked and received unanimous consent to substitute Senate File 82 for House File 267.

**Senate File 82**, a bill for an act adding four nonvoting members to the Iowa workforce development board, was taken up for consideration.

Ford 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. 82)

The ayes were, 99:

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

The nays were, none.

Absent or not voting, 1:

Chambers

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

### HOUSE FILE 267 WITHDRAWN

Ford of Polk asked and received unanimous consent to withdraw House File 267 from further consideration by the House.

**House File 280**, a bill for an act relating to the compensation of a guardian ad litem in certain criminal cases involving a child witness, was taken up for consideration.

Smith of Marshall 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. 280)

The ayes were, 98:

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

Willems  
Zirkelbach

Winckler  
Wenthe,  
Presiding

Windschitl

Worthan

The nays were, none.

Absent or not voting, 2:

Bell

Chambers

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

### IMMEDIATE MESSAGES

McCarthy of Polk asked and received unanimous consent that the following bills be immediately messaged to the Senate: **House Files 45, 233, 260, 280** and **Senate Files 82** and **108**.

### HOUSE FILE 282 REFERRED

The Speaker announced that House File 282, previously placed on the **calendar** was referred to committee on **ways and means**.

### EXPLANATION OF VOTE

I was necessarily absent from the House chamber on Wednesday morning, February 17, 2009. Had I been present, I would have voted "aye" on House Joint Resolution 1.

RAYHONS of Hancock

### 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

2009\1634 Alice Mae Hofer, Clinton – For celebrating her 85<sup>th</sup> birthday.

2009\1635 Dr. Hope Gardina, Clinton – For becoming President of the Iowa Network for Women in Higher Education



- 2009\1636 Richard and Lois Butler, Charter Oak – For celebrating their 60<sup>th</sup> wedding anniversary.
- 2009\1637 Alice Glasgow, Danville – for celebrating her 100<sup>th</sup> birthday.
- 2009\1638 Dorothy Baker, West Burlington – For celebrating her 85<sup>th</sup> birthday.
- 2009\1639 Dorothy Savage, Danville – For celebrating her 90<sup>th</sup> birthday.
- 2009\1640 Allen and Cathy Waterman, Burlington – For celebrating their 50<sup>th</sup> wedding anniversary.
- 2009\1641 Richard J. Rector, Davenport – For attaining the rank of Eagle Scout, the highest rank in the Boy Scouts of America.
- 2009\1642 John P. Lally, Jr., Denison – For celebrating his 90<sup>th</sup> birthday.
- 2009\1643 Reynold and Shirley Kann, McGregor – For celebrating their 60<sup>th</sup> wedding anniversary.
- 2009\1644 Lester and Elaine Wulfekuhle, Edgewood – For celebrating their 50<sup>th</sup> wedding anniversary.
- 2009\1645 Harold and Marie Wulfekuhle, Edgewood – For celebrating their 63<sup>rd</sup> wedding anniversary.
- 2009\1646 Max Klindt, Avoca – For celebrating his 80<sup>th</sup> birthday.
- 2009\1647 Bob Finken, Earling – For celebrating his 80<sup>th</sup> birthday.
- 2009\1648 Margaret Grote, Dunlap – For celebrating her 80<sup>th</sup> birthday.
- 2009\1649 Herbert and Marjorie Nelson, Atlantic – For celebrating their 60<sup>th</sup> wedding anniversary.
- 2009\1650 Ollivene Larson, Audubon – For celebrating her 90<sup>th</sup> birthday.
- 2009\1651 Nina Mikkelsen, Orient – For celebrating her 95<sup>th</sup> birthday.
- 2009\1652 Courtney Blomme, Audubon – For being selected as a 2009 National Merit Scholarship Finalist.
- 2009\1653 Nichols Farms, Bridgewater – For receiving the 2009 World Summental Fleckvieh Federation (WSFF) Golden Book Award.
- 2009\1654 Thorvald Sorensen, Plymouth – for celebrating his 90<sup>th</sup> birthday.
- 2009\1655 Alice Kramer, Clear Lake – For celebrating her 94<sup>th</sup> birthday.
- 2009\1656 Lois Trimble, Clear Lake – For celebrating her 85<sup>th</sup> birthday.

- 2009\1657 Ada Schoenwetter, Garner – For celebrating her 80<sup>th</sup> birthday.
- 2009\1658 Matt J. Klein, Le Mars – For attaining the rank of Eagle Scout, the highest rank in the Boy Scouts of America.
- 2009\1659 Zachery M. Nemmers, Le Mars – For attaining the rank of Eagle Scout, the highest rank in the Boy Scouts of America.
- 2009\1660 Mitchel L. Christoffel, Le Mars – For attaining the rank of Eagle Scout, the highest rank in the Boy Scouts of America.
- 2009\1661 Matthew Pregler, Dubuque – For attaining the rank of Eagle Scout, the highest rank in the Boy Scouts of America.
- 2009\1662 Matthew Mueller, Dubuque – For attaining the rank of Eagle Scout, the highest rank in the Boy Scouts of America.
- 2009\1663 Andrew Morgan, Dubuque – For attaining the rank of Eagle Scout, the highest rank in the Boy Scouts of America.
- 2009\1664 Kathy Bromberg, Dubuque – For receiving the Volunteer Community Impact Award given by the American Red Cross of the Tri-States sixth annual Heroes of the Tri-States awards.
- 2009\1665 Taylor Petersen, Gladbrook – For receiving the Prudential Spirit of Community Award, designed to emphasize the importance of community service by young people.
- 2009\1666 Frederick and Beverly Wulf, Cedar Falls – For celebrating their 50<sup>th</sup> wedding anniversary.

#### SUBCOMMITTEE ASSIGNMENTS

##### **House File 228**

Commerce: Oldson, Chair; Helland and Jacoby.

##### **House File 244**

Veterans Affairs: Zirkelbach, Chair; Van Engelenhoven and Whitead.

##### **House File 247**

Commerce: T. Olson, Chair; Jacoby, Petersen, Pettengill and Sorenson.

##### **House File 253**

Commerce: Quirk, Chair; Helland, Jacoby, D. Taylor and Wagner.

##### **House File 266**

Judiciary: Palmer, Chair; Kaufmann and R. Olson.

**House File 275**

Natural Resources: Marek, Chair; Sweeney and Zirkelbach.

**House File 294**

Environmental Protection: Kearns, Chair; D. Olson and S. Olson.

**House File 300**

Natural Resources: Palmer, Chair; May and Thede.

**House File 301**

Judiciary: R. Olson, Chair; Heaton and T. Olson.

**House File 307**

Labor: Mascher, Chair; T. Taylor and Tymeson.

**House File 316**

Veterans Affairs: Zirkelbach, Chair; Whitead and Windschitl.

**House File 319**

Veterans Affairs: Zirkelbach, Chair; Whitead and Windschitl.

**House File 326**

Veterans Affairs: Bailey, Chair; Kearns and Van Engelenhoven.

**HOUSE STUDY BILL SUBCOMMITTEE ASSIGNMENTS****House Study Bill 159**

Education: Ficken, Chair; May and Wendt.

**House Study Bill 176**

Public Safety: Whitaker, Chair; Sands and Whitead.

**HOUSE STUDY BILL COMMITTEE ASSIGNMENTS****H.S.B. 178 State Government**

Concerning audits conducted by a licensee conducting pari-mutuel wagering and providing an effective date.

**H.S.B. 179 Veterans Affairs**

Correcting references in the Code relating to the United States department of veterans affairs.

**H.S.B. 180 Rebuild Iowa and Disaster Recovery**

Requiring a severe weather safe room in newly constructed public buildings and providing an implementation provision and applicability date.

**H.S.B. 181 Rebuild Iowa and Disaster Recovery**

Requiring counties and cities with flood hazard areas within their boundaries to participate in the national flood insurance program.

**H.S.B. 182 Rebuild Iowa and Disaster Recovery**

Relating to flood damage prevention and insurance.

**H.S.B. 183 Economic Growth**

Relating to unemployment insurance benefits and compliance with federal law regarding and in order to qualify for funding, and including effective and applicability dates.

**H.S.B. 184 Economic Growth**

Relating to the availability of and eligibility for investment tax credits, eliminating the venture capital investment tax credit, and including retroactive applicability and other applicability date provisions.

**H.S.B. 185 Commerce**

Relating to mortgage lending by establishing licensing requirements applicable to mortgage loan originators; making specified modifications to existing licensing provisions relating to mortgage bankers and brokers, regulated loans, and industrial loans; and providing penalties and effective dates.

**H.S.B. 186 Judiciary**

Relating to actions injurious to dependent adults and residents of health care facilities and providing penalties.

**H.S.B. 187 Judiciary**

Modifying provisions relating to the eligibility for a final hearing in a civil commitment proceeding for a sexually violent predator.

**H.S.B. 188 Transportation**

Providing for the issuance of restricted motor vehicle dealer licenses.

**H.S.B. 189 Transportation**

Providing an exemption from vehicle recycler licensing requirements for a person or business operating as a salvage pool.

**H.S.B. 190 Appropriations**

Relating to and making appropriations to the judicial branch.

**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 ADMINISTRATION AND RULES**

**Senate Concurrent Resolution 2**, a concurrent resolution relating to the compensation of chaplains, officers, and employees of the eighty-third general assembly.

Fiscal Note is not required.

Recommended **Do Pass** February 16, 2009.

## COMMITTEE ON AGRICULTURE

**Committee Bill** (Formerly House Study Bill 143), relating to the fees deposited in and the balance maintained in the grain depositors and sellers indemnity fund, and by providing for fees.

Fiscal Note is not required.

Recommended **Amend and Do Pass** February 16, 2009.

## COMMITTEE ON COMMERCE

**Committee Bill** (Formerly House Study Bill 72), specifying a duty of agency applicable to licensed mortgage brokers and making penalties applicable.

Fiscal Note is not required.

Recommended **Do Pass** February 17, 2009.

## COMMITTEE ON ECONOMIC GROWTH

**Committee Bill** (Formerly House Study Bill 42), relating to the number of historic preservation grants that may be awarded in a county and providing an effective date.

Fiscal Note not required.

Recommended **Do Pass** February 17, 2009.

## COMMITTEE ON HUMAN RESOURCES

**Committee Bill** (Formerly House Study Bill 51), relating to the practice of pharmacy by establishing a registration program for pharmacy support persons and regulating the internet sale of prescription products, including a program of registration of pharmacy internet sites, making penalties applicable, and establishing a general definition for the term "internet site".

Fiscal Note is not required.

Recommended **Amend and Do Pass** February 16, 2009.

**Committee Bill** (Formerly House Study Bill 111), relating to the public health system by providing for the voluntary accreditation of certain public health agencies, the adoption of Iowa public health standards, the establishment of an accreditation data collection system, creating a fund, and providing for a penalty and an effective date.

Fiscal Note is not required.

Recommended **Amend and Do Pass** February 16, 2009.

**Committee Bill** (Formerly House Study Bill 132), relating to the administration of programs under the jurisdiction of the department of public health and increasing a penalty.

Fiscal Note is not required.

Recommended **Amend and Do Pass** February 16, 2009.

#### COMMITTEE ON LABOR

**Committee Bill** (Formerly House File 80), concerning civil service commissions, disciplinary procedures, leaves of absence, providing a civil penalty, and making a penalty applicable.

Fiscal Note is not required.

Recommended **Amend and Do Pass** February 17, 2009.

#### COMMITTEE ON STATE GOVERNMENT

**Committee Bill** (Formerly House Study Bill 18), relating to the licensing of persons installing fire protection systems.

Fiscal Note is not required.

Recommended **Amend and Do Pass** February 17, 2009.

#### COMMITTEE ON VETERANS AFFAIRS

**Committee Bill** (Formerly House Study Bill 130), concerning limiting the authority of the general assembly to expend money from the veterans trust fund.

Fiscal Note is not required.

Recommended **Do Pass** February 17, 2009.

#### RESOLUTIONS FILED

**HR 12**, by Zirkelbach and Whitaker, a resolution honoring Major General Ron Dardis and Brigadier General Mark Zirkelbach for their service to this state and the nation.

Laid over under **Rule 25**.

**HR 13**, by Zirkelbach, Windschitl, Bailey, Whitaker, Tymeson, Schultz, Gaskill, Marek, Alons and S. Olson, a resolution to welcome home Iowa's National Guard units.

Laid over under **Rule 25**.

**HR 14**, by Zirkelbach, a resolution commending Jud Schneider for his work in creating a case for the proper storage of the flag of the United States of America.

Laid over under **Rule 25**.

AMENDMENTS FILED

H—1023	H.F.	333	Watts of Dallas
H—1024	H.F.	333	Watts of Dallas
H—1025	H.F.	333	Watts of Dallas
H—1026	H.F.	333	Watts of Dallas
H—1027	H.F.	333	Watts of Dallas
H—1028	H.F.	333	Watts of Dallas
H—1029	H.F.	333	Watts of Dallas
H—1030	H.F.	333	Watts of Dallas
H—1031	H.F.	333	Horbach of Tama
H—1032	H.F.	333	Horbach of Tama
H—1033	H.F.	333	Horbach of Tama
H—1034	H.F.	333	Horbach of Tama
H—1035	H.F.	333	Horbach of Tama
H—1036	H.F.	333	Horbach of Tama
H—1037	H.F.	333	Helland of Polk
H—1038	H.F.	333	Anderson of Page
H—1039	H.F.	333	Grassley of Butler Schulte of Linn Pettengill of Benton
H—1040	H.F.	333	Van Engelenhoven of Marion
H—1041	H.F.	333	Tymeson of Madison
H—1042	H.F.	333	Tymeson of Madison
H—1043	H.F.	333	Tymeson of Madison
H—1044	H.F.	333	Tymeson of Madison
H—1045	H.F.	333	Tymeson of Madison
H—1046	H.F.	243	Mascher of Johnson
H—1047	H.F.	333	Horbach of Tama
H—1048	H.F.	333	Lukan of Dubuque
H—1049	H.F.	333	Horbach of Tama
H—1050	H.F.	333	Cownie of Polk
H—1051	H.F.	311	Sands of Louisa
H—1052	H.F.	328	Tymeson of Madison
H—1053	H.F.	311	Soderberg of Plymouth
H—1054	H.F.	311	Lukan of Dubuque



H—1055	H.F.	311	Soderberg of Plymouth
H—1056	H.F.	311	Upmeyer of Hancock
H—1057	H.F.	311	Upmeyer of Hancock

On motion by McCarthy of Polk the House adjourned at 6:14 p.m., until 9:00 a.m., Wednesday, February 18, 2009.

# JOURNAL OF THE HOUSE

Thirty-eighth Calendar Day - Twenty-fifth Session Day

Hall of the House of Representatives  
Des Moines, Iowa, Wednesday, February 18, 2009

The House met pursuant to adjournment at 9:08 a.m., Speaker Murphy in the chair.

Prayer was offered by Reverend Flahery, pastor of St. Marys Catholic Church, Manchester. He was the guest of Representative Steve Lukan of Dubuque County.

## PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Laura Leners, House Page from Winterset.

The Journal of Wednesday, February 17, 2009 was approved.

## MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on February 18, 2009, adopted the following resolution in which the concurrence of the Senate was asked:

House Joint Resolution 1, 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 February 18, 2009, adopted the following resolution in which the concurrence of the Senate was asked:

House Concurrent Resolution 5, that a joint convention of the two houses of the 2009 session of the Eighty-third General Assembly be held on Wednesday, February 18, 2009, at 10:00 a.m. for Major Ron Dardis to deliver his Condition of the Iowa National Guard message.

MICHAEL E. MARSHALL, Secretary

## INTRODUCTION OF BILLS

**House File 351**, by Bukta, a bill for an act relating to early school start dates and providing effective and applicability dates.

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

**House File 352**, by Sands, a bill for an act relating to a property assessment adjustment for certain persons over the age of sixty-five, providing a penalty, and including retroactive applicability date provisions.

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

**House File 353**, by May, a bill for an act prohibiting the use of cellular telephones and other wireless communication devices by certain persons operating a motor vehicle under a provisional driver's license and providing a penalty.

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

**House File 354**, by Upmeyer, a bill for an act relating to reimbursement of nonparticipating providers for eligible services provided to IowaCare program members.

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

**House File 355**, by Upmeyer, a bill for an act establishing standardized requirements and a consumer guide for long-term care insurance policies and providing an applicability date.

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

**House File 356**, by Upmeyer, a bill for an act providing for the performance audits of state departments.

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

**House File 357**, by Kaufmann, a bill for an act relating to preschool support provided through school ready children grants under the community empowerment initiative.

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

**House File 358**, by Kaufmann and Wagner, a bill for an act relating to equal treatment of bars and gaming floors under the smokefree air Act.

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

**House File 359**, by Wenthe, a bill for an act relating to the rights and remedies of an employee injured in an aircraft accident against an employer.

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

**House File 360**, by Upmeyer, a bill for an act relating to repayment of support to an obligor following disestablishment of paternity.

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

**House File 361**, by May, Windschitl and Thomas, a bill for an act relating to the civil liability of a physician acting as a volunteer emergency medical services director for acts or omissions occurring in the performance of the director's volunteer duties.

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

**House File 362**, by Sands, Windschitl, Heaton, Pettengill, Sorenson, Helland, S. Olson, Forristall, Horbach, De Boef, Watts, Schultz and Huseman, a bill for an act relating to smoking prohibitions, providing penalties, and providing a repeal.

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

**House File 363**, by De Boef and Watts, a bill for an act concerning rules relating to copayments and other information regarding services provided to medical assistance recipients.

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

Reasoner of Union asked and received unanimous consent for the immediate consideration of House Resolution 12.

## ADOPTION OF HOUSE RESOLUTION 12

Tymeson of Madison, Whitaker of Van Buren and Zirkelbach of Jones, called up for consideration **House Resolution 12**, a resolution honoring Major General Ron Dardis and Brigadier General Mark Zirkelbach for their service to this state and the nation, and moved its adoption.

The motion prevailed and the resolution was adopted.

Reasoner of Union asked and received unanimous consent for the immediate consideration of House Resolution 13.

## ADOPTION OF HOUSE RESOLUTION 13

Gaskill of Wapello, Alons of Sioux, Bailey of Hamilton, Windschitl of Harrison, Schultz of Crawford, Marek of Washington and S. Olson of Clinton, called up for consideration **House Resolution 13**, a resolution to welcome home Iowa's National Guard units, and moved its adoption.

The motion prevailed and the resolution was adopted.

Reasoner of Union asked and received unanimous consent for the immediate consideration of House Resolution 14.

## ADOPTION OF HOUSE RESOLUTION 14

Zirkelbach of Jones called up for consideration **House Resolution 14**, a resolution commending Jud Schneider for his work in creating a case for the proper storage of the flag of the United States of America, and moved its adoption.

The motion prevailed and the resolution was adopted.

The House stood at ease at 9:28 a.m., until the fall of the gavel.

The House resumed session at 9:47 a.m., Speaker Murphy in the chair.

## COMMITTEE TO NOTIFY THE SENATE

Thomas of Clayton moved that a committee of three be appointed to notify the Senate that the House was ready to receive it in joint convention.

The motion prevailed and the Speaker appointed as such committee Thomas of Clayton, Mascher of Johnson and Schulte of Linn.

## REPORT OF THE COMMITTEE TO NOTIFY THE SENATE

Thomas of Clayton, Chair of the committee appointed to notify the Senate that the House was ready to receive it in joint convention reported that the committee had performed its duty.

The report was accepted, and the committee discharged.

The Sergeant-at-Arms announced the arrival of the President of the Senate, the Secretary of the Senate and the honorable body of the Senate.

The President was escorted to the Speaker's station, the Secretary to the Chief Clerk's desk and the members of the Senate were seated in the House chamber.

## JOINT CONVENTION

In accordance with law and House Concurrent Resolution 5, duly adopted, the joint convention was called to order at 9:49 a.m., President Kibbie presiding.

Senator Gronstal of Pottawattamie moved that the roll call be dispensed with and that the President of the joint convention be authorized to declare a quorum present.

The motion prevailed.

President Kibbie announced a quorum present and the joint convention duly organized.

Senator Gronstal of Pottawattamie moved that a committee of six, consisting of three members from the Senate and three members from the House of Representatives, be appointed to escort Governor Chester J. Culver to the House chamber for the Condition of the Iowa National Guard Message.

The motion prevailed and the President appointed as such committee Senators Olive of Story, Heckroth of Bremer and Reynolds of Clark, on the part of the Senate, and Representatives Zirkelbach of Jones, Bukta of Clinton and Hagenow of Polk, on the part of the House.

Senator Gronstal of Pottawattamie moved that a committee of six, consisting of three members from the Senate and three members from the House of Representatives, be appointed to escort Adjutant General Ron Dardis to the House chamber for the Condition of the Iowa National Guard Message.

The motion prevailed and the President appointed as such committee Senators Warnstadt of Woodbury, Schmitz of Jefferson and Kapucian of Benton, on the part of the Senate, and Representatives Bailey of Hamilton, Whitead of Woodbury and Windschitl of Harrison, on the part of the House.

State Auditor, David Vaudt; Treasurer of State, Michael Fitzgerald; and Attorney General, Tom Miller were escorted into the House chamber.

Lieutenant Governor Patti Judge was escorted into the House chamber.

The family of Major General Dardis was escorted into the House chamber.

The committee waited upon Governor Chester J. Culver and escorted him into the House chamber.

The committee waited upon Major General Dardis, Adjutant General of the Iowa National Guard and escorted him to the Speaker's station.

President Kibbie presented Major General Dardis, Adjutant General of the Iowa National Guard. General Dardis provides command and control for 105 Army and Air National Guard Units and over 9,500 Army and Air National Guard members in the state of Iowa.

Major General Dardis delivered the following Condition of the Iowa National Guard Message:

Good Morning Ladies and Gentlemen: thank you for that warm welcome.

Speaker Murphy, President Kibbie – thank you for the invitation to address this joint convention of the eighty-third General Assembly of the Iowa Legislature.

It is indeed a great honor and privilege for me to provide this annual report on the condition of your Iowa National Guard!

Governor Culver, Lieutenant Governor Judge, members of the General Assembly, distinguished guests and fellow Iowans:

I want to begin by saying thank you – thank you to Governor Culver and Lieutenant Governor Judge for your strong support and outstanding leadership during this most significant period of time in the history of the Iowa National Guard. You have been with us every step of the way.

I want to publically thank you for your efforts to attend our homecomings & sendoffs and many other Guard functions and activities. But especially for your support and admiration of all Iowans who serve their nation in uniform today.

Governor Culver, thank you for your leadership as our Commander-in-Chief.

I also want to sincerely thank you, our citizen-legislators, who have done so much to honor and support the Iowa National Guard. Through your legislative programs and participation in our events, you have done a great deal for our Soldiers and Airmen. The state of Iowa has by far one of the strongest records of support of any state for its National Guard. Our success is directly attributable to what you have all done for your Iowa National Guard – We thank you.

But above all, I want to thank the people of Iowa. Their support is simply put – incredible. What they did for our Soldiers and Airmen as they waged a gallant effort to mitigate damages caused by floodwaters and tornados, is a true testament to the wonderful community support we are so privileged to enjoy in this state.

Even though their communities had been ravaged by record floodwaters, citizens made sure our Soldiers and Airmen were being taken care of. You wouldn't believe the food and baked goods that showed up wherever we went. The support throughout



these communities was humbling. On behalf of the 9400 members of your Iowa National Guard – We thank you!

Finally, I want to thank the fathers and mothers who continue to show their support for the Iowa National Guard by continuing to entrust us with their most sacred treasure – their sons and daughters. Nothing is more important or a greater testament to the vitality of our organization than for a parent to trust us with what they cherish most.

We will continue doing everything we can to honor that trust and strive to never allow it to be violated.

Today, I deliver my sixth and final Condition of the Guard address. It has been an honor of a lifetime to lead and represent the soldiers and airmen of the Iowa National Guard. After more than 42 years of military service in the Iowa Guard – ten years as the Adjutant General – I can report that the Iowa National Guard is as resilient and ready as it has ever been.

Strengthened by experiences borne of war and disaster response, defined by courageous acts here at home and in far away lands, and grounded in character handed down from generation to generation, the men and women of your Iowa National Guard are perhaps the most seasoned and prepared military force our state has seen since our units returned from World War II.

More than 5,000 soldiers and airmen currently serving are combat veterans. In the last seven years, we deployed nearly 13,000 Soldiers and Airmen outside the state of Iowa for combat and combat support duties in Iraq and Afghanistan, peacekeeping duties in the Balkans and in the Sinai Peninsula and domestic support missions in various states across the country.

This impressive list does not include the 4,000 soldiers and airmen we activated during the floods of 2008, various tornado response missions, and multiple winter ice storms.

Currently 700 of your National Iowa Guard members are deployed overseas with another 200 alerted and preparing for deployment this spring and summer.

Your Iowa National Guard has truly become an operational force. It is trained and ready to perform its federal, state and community missions with minimal preparation time.

Though we often have months to train, prepare and execute our missions - that doesn't always happen as was the case with the inauguration mission, which we were asked to execute in less than one week.

Your Iowa National Guard is again a national leader in personnel strength management – recruiting and retention. Both the Iowa Air and Army National Guard began fiscal year 2009 with over 100 percent of authorized strength. And our retention rates exceed national goals and are among the highest in the nation. We have been at

100 percent strength for more than eight years in a row – a significant accomplishment considering all we have been asked to do since 9-11.

Last year I told you that I worried that our military services were becoming stretched and stressed, especially the Army and Army National Guard. And while I am still concerned about the toll the demands of an operational force have on our service members and their families – not to mention employers and communities – I take comfort in the aggressive steps we have taken not only in the Iowa National Guard but also at the state and federal level to do all we can to ease the burdens of service.

We have established a services directorate within the Iowa National Guard headquarters. This directorate consolidates a variety of services into one place making it easier for service members and families to receive the care and support they need.

This is especially important for service members needing trauma, crisis or violence programs as a result of mental health issues, domestic violence situations or other similar circumstances.

The Iowa National Guard is not immune to the suicide situation confronting the Army. We too have experienced an increase in the number of suicides and suicide attempts last year. Like all leaders, I am troubled by this issue. There is no clear trend or cause that is readily apparent. There is nothing that we can point to and say if only we fix this or change that we can prevent it.

The reality is that this is a complex and challenging issue. It is not only an Army or military issue but one that we all must deal with. Young men and women joining the military are not unlike those going off to school, learning a trade or beginning a career.

They are at a stage of life that is full of changes and oftentimes uncertainty. Relationships begin and end. Careers start and often take unexpected turns. Financial responsibility proves challenging. Like their civilian counter-parts, men and women in uniform must navigate these difficult life events.

To help them cope with these and added stressors caused by deployments, separations and combat related anxieties we have developed a broad suicide prevention program for the Iowa National Guard.

This program focuses on developing positive life coping skills; encouraging a behavior to seek help when needed; raising awareness and vigilance toward suicide prevention; Integrating suicide prevention programs throughout our units; and conducting suicide surveillance, analysis and reporting.

In addition, the vice chief of staff of the Army has ordered a suicide prevention “STAND DOWN” and subsequent intervention training to be conducted during the next four months.

Through these and other programs we will continue to do all we can to impact this problem.

By far, one of the biggest areas where the Iowa Legislature has impacted the Iowa National Guard is through its support of our military construction program, which is the best in the nation.

Your Iowa Guard Facilities Management Office, represented here today by COL Scott Ayres and Mr. Mike Brothes, was recognized with the 2008 States Installation Management Excellence Award as the “best installation management program in the country.” National Guard Bureau uses this award’s program to assess how well the 54 states and territories manage the more than 3,000 nationwide installations.

I’ve always known that we have the best office in the country but now it’s official. Let me give you a little back ground.

In 2000, we had approximately 3.279 million square feet of building space in the Iowa Army National Guard. Nearly 30 percent of our 52 armories at that time were more than 45 years old, inefficient and were below authorized strength. We undertook an aggressive five year realignment plan of closure, relocation, rehabilitation and new construction.

Today, we have 3.631 million square feet of space in 49 armories. Only 13 of those armories are more than 45 years old. During the next year we will be closing four armories at Camp Dodge, and replacing old armories in Iowa City, Muscatine, Middletown and Cedar Rapids. When these facilities are completed and all of our affected units relocated, only five of our armories will be more than 45 years old.

A remarkable accomplishment made possible by the great work of our facilities office as well as the partnership between Your Iowa National Guard, the Governor, General Assembly and our federal congressional delegation.

In the last couple of years we’ve been nearly as busy on the home front as overseas – ice storms, tornados and the unprecedented floods of 2008 here in Iowa, not to mention providing support to other states and territories in response to natural disasters and homeland security events.

This includes sending soldiers and airmen to the Gulf Coast during hurricanes Katrina, Rita, Ike and Gustav, and assisting with national special security events like the Republican National Convention in Minneapolis and the 56<sup>th</sup> presidential inauguration in Washington, D.C. – A first for the Iowa National Guard.

The floods and severe weather of 2008 were by every measure unprecedented. This is the largest disaster ever in Iowa history and ranks among the top ten disasters nationally (as of last week, public assistance numbers by FEMA will move Iowa to 5<sup>th</sup> worst in U.S. history). And the Iowa National Guard was smack-dab in the middle of the response.

We alerted the entire Iowa National Guard to preposition troops and equipment in areas of expected missions. We deployed more than 4,000 soldiers and airmen across the state, including the recall of nearly 1,000 Iowa Soldiers conducting annual training in South Dakota. This was the most extensive military operation on Iowa soil since the Civil War.

We focused on protecting critical infrastructure and saving lives – our forces maneuvered throughout the state, fighting to stay one step ahead of the rising flood waters and assist state and local responders with combating the devastation caused by these disasters.

There are many incredible stories to share and accomplishments to highlight but there is one special capability that your Iowa Guard provided that is unique.

And while the Iowa National Guard was perhaps the most visible partner helping fight these floods, we were one of many organizations – from the local, state and federal level that responded to Iowans in their time of need.

The response effort was incredible – teamwork at its best. Your Iowa National Guard built goodwill with civilian leadership, community leaders across the state and the citizens of Iowa. We fulfilled our mission to come to the aid of Iowans in their time of need, even though we had nearly 1,600 soldiers and airmen deployed for their federal mission.

Each year I take a little time to introduce you to some of our soldiers and airmen and share with you some of their experiences and accomplishments.

As you've heard, this has been another busy year.

At the 185<sup>th</sup> Air Refueling Wing - a young single mother by the name of SSgt Kimberly Heberer deployed as a trauma nurse to what was supposed to be Bagram AB, Afghanistan.

Once she arrived in country she immediately went to work. On the second day of her six month deployment, she received orders to move to Forward Operating Base Salerno, or FOB Salerno, a compound with over 300 Army soldiers on the mountainous border of Afghanistan and Pakistan. FOB Salerno was designed to administer emergency triage to wounded US and Afghani military personnel.

SSgt Heberer was one of a handful of airmen integrated at FOB Salerno. The base is located just north of the province of Khost, where hundreds of Taliban and al-Qaeda fighters are believed to be hiding.

Since 2003, the primitive base has been built up from a single concrete building and sand bag perimeter. Guard towers and fighting positions have been built and a field landing strip and helicopter pad exist.

Her story is incredible. Think about it. A single mother who volunteers for a six month deployment finds herself imbedded with the Army and is on the front line of combat.

Here is a little bit about how she spent her “summer vacation.”

Yes, pretty much each night a bad guy tried to send a message in the form of bullets or mortar attacks. One time I was ordered to go to the hospital during an attack in the middle of the night. I lived in the same dorm as the x-ray tech she was on call and had to go too. We put on our vests and Kevlar, engaged our weapons and ran to the hospital. I could hear the rockets flying overhead on to the FOB – I didn't look up because it was so dark. It was the only time I was scared.

In total, SSgt Heberer provided combat care to over 3,000 United States and coalition forces. She was part of a team that provided assistance to over 200 trauma patients and 120 post surgical patients. She was part of three mass casualties and expertly supplied emergency staff with laboratory tests and blood products for critical trauma patients.

SSgt Herber is a true American hero and a dedicated member of your Iowa Guard team. She epitomizes the outstanding quality of the wonderful men and women who serve in uniform today.

From April 25<sup>th</sup> – July 6<sup>th</sup> 2008, members of the 185<sup>th</sup> Air Refueling Wing deployed to Manas Air Base in Krygyzstan were they set numerous daily and monthly refueling records. On May 25<sup>th</sup>, the 185<sup>th</sup> offloaded a total of 804,800 pounds of fuel, breaking a one day refueling recorded of 800,000 pounds that had stood for more than a year. Nine days later the 185<sup>th</sup> off loaded 822,000 pounds of fuel, another record, and just six days later they offloaded another 877,300 pounds of fuel. In the span of 16 days, the 185<sup>th</sup> set five daily records. Another amazing accomplishment by your Iowa Guard!

The 133rd Test Squadron, Iowa Air National Guard, in Ft. Dodge, served the state with distinction, leading the fight against the Iowa Floods in Des Moines, Cedar Rapids, and Davenport in June and also provided outstanding assistance and support to the city of Parkersburg after the tornado struck there. Over 90 members of the 133rd Test Squadron answered their state's call to flood duty.

The 133rd also deployed four officers and six enlisted members to the theaters of Iraq and Afghanistan to help in the fight against terrorism. They also successfully conducted business as usual, providing key test and evaluation of Air Force Command and Control platforms. Their federal mission is critical to the success of our Air Force to maintain its global air superiority posture.

The 132<sup>nd</sup> Fighter Wing had another busy year with deployments, inspections and emergency support response missions.

Of notes was its Air Expeditionary Force (AEF) deployment to Balad Air Base in Iraq. The wing deployed four aircraft and 387 personnel to support coalition forces. They flew 515 combat missions totaling 1,962 flight hours. They expended 18 munitions during close air support missions, executed 54 tactical reconnaissance

sorties and maintained a 15-minute alert launch capability to support special operations units.

The wing also sent 31 security force service airmen to Eskan Village, Saudi Arabia to provide integrated base defense. Another 86 Airmen participated in Expeditionary Combat Support deployments to USAFCENT and USAEF bases in support of the Global War on Terrorism operations.

Representing the deployed airmen of the 132<sup>nd</sup> Fighter Wing are SSgt Cindy Jones and SSgt Steve Alcorn.

In June of 2007, 120 soldiers from Troop A, 1<sup>st</sup> Squadron, 113 Cavalry were called to active duty in support of Operation Iraqi Freedom. Their mission was to operate a joint visitors bureau where they provided distinguished visitor housing and security for more than 15,000 guests. This mission enabled these guests, which included Presidents, ambassadors, congressional members, senior military leaders from various coalition forces, and entertainers, to operate in a safe and secure environment.

Alpha Troop provided transportation and security for more than 400 distinguished visitor missions taking them into some of the most hostile areas of Iraq at that time – Mosul, Baqueba, Rusafa and throughout the Diyala province. They are proud to report that none of the distinguished visitors they were responsible for suffered any injuries or accidents despite being subject to improvised explosive devices, and indirect and small arms fire.

Representing Alpha troop are CPT Jeff Perrin and Sergeant Major Harrison McNaughton.

Also in June 2007, 120 soldiers from Delta Company, 1<sup>st</sup> Battalion, 168<sup>th</sup> Infantry were mobilized for Operation Iraqi Freedom. The 1-168<sup>th</sup> Infantry was previously deployed to Afghanistan in 2004 so many of the company's soldiers were volunteers, who came from all over Iowa, parts of Nebraska, Illinois, and South Dakota.

Once the company arrived in Iraq, they conducted a variety of missions including limited visibility and daytime patrols in the Al Faurat Village, and tower security in Camp Slayer. During these patrols, Delta Company discovered several weapons cache sites, which netted rocket propelled grenades, sniper rifles and AK-47s.

In addition to these finds, Delta Company conducted the first joint patrols with the Iraqi Army in the Al Furat area. These joint patrols were instrumental in building legitimacy for the Iraqi Army and helping Delta Company build trust with the local Sunni population.

Delta Company conducted more than 500 combat patrols, had ten engagements with the enemy, and suffered one wounded in action. Representing Delta Company are CPT Adam Giroux and 1SG Ricky Singer.

Approximately 330 soldiers were mobilized from the 1<sup>st</sup> Battalion, 194<sup>th</sup> Field Artillery and Company A, 1<sup>st</sup> Battalion, 133<sup>rd</sup> Infantry in June 2007 for peacekeeping

duties in Kosovo. Their mission was to ensure a safe and secure environment in Kosovo and assist the transition to civil authority.

A highlight of the battalion's deployment was Kosovo's long anticipated declaration of independence from Serbia. This occurred on February 17, 2008, completing the breakup of the former Yugoslavia. While Kosovo Albanians celebrated this moment with fireworks and outdoor gatherings in the frigid February night, Kosovo Serbians were understandably disappointed. The world held its breath and watched.

As the days counted onward, calmness fell over Kosovo. Where many predicted there would be widespread violence and rioting there was, in fact, an air of relief. This was in large measure to the presence of Kosovo Force (KFOR) Soldiers, including your Iowa National Guard soldiers keeping peace in that troubled part of the world.

Representing the 1-194<sup>th</sup> Field Artillery Battalion are LTC Matt Pitstick and Command Sergeant Major Dave Enright.

Last year I told you the story of the 833<sup>rd</sup> Engineer Company. This company, if you recall, deployed to Iraq with the 224<sup>th</sup> Engineer Battalion from October 2004 to December 2005 in what was one of the most difficult and deadly deployments for any Iowa National Guard unit. With less than 14 months of rest, the 833<sup>rd</sup> was again called up and deployed to Iraq.

During this deployment, the 833<sup>rd</sup> conducted 495 combat patrols, found 100 improvised explosive devices and 13 pieces of unexploded ordnance. They successfully destroyed 55 of these explosive devices in place, clearing more than 65,000 kilometers of roads, making them safe for coalition forces.

Representing the 833<sup>rd</sup> Engineer Company are CPT Benjamin Lampe and 1SG Steven Dreher.

In November of 2007, approximately 130 Soldiers from the 186<sup>th</sup> Military Police Company mobilized for Operation Iraqi Freedom. The 186<sup>th</sup> MP Company, which provides security and law enforcement support, arrived in Iraq in January 2008.

During their deployment the MPs conducted detainee operations at Camp Cropper in Baghdad, guarding both general population detainees and high value detainees, and transported more than 4,000 detainees.

They also assisted in the security and construction of a new detention facility in Taji, Iraq, which is the first purpose built reconciliation facility in the country. It was designed to focus on education and vocational opportunities for detainees to help them reintegrate into society as productive citizens.

The 186<sup>th</sup> MP Company is one of most frequently deploying units in the Iowa Guard. The company previously deployed to Iraq in 2003-04, Bosnia in 1995-96 and to the Persian Gulf in 1990-91 for Operation Desert Storm.

Representing the 186<sup>th</sup> MP Company are CPT James Grimaldi and 1SG Dean Kennebeck.

In February 2008, approximately 90 Soldiers from the 109<sup>th</sup> Medical Battalion departed Iowa for the Sinai Peninsula, Egypt as part of the Multinational Force Observer Mission where they provided command and control to various units for logistics, medical, aviation, and explosive ordnance removal support to 11 MFO contingents. The mission of the MFO is to supervise the implementation of the security provisions of the Egyptian-Israeli Treaty of Peace and to employ best efforts to prevent any violation of its terms.

Representing the 109<sup>th</sup> Medical Battalion are LTC Joel Harris and Command Sergeant Major Randy Osweiler.

In February of 2007, 3 Embedded Tactical Training Teams consisting of 50 personnel mobilized from the 2<sup>nd</sup> Brigade Combat Team for duties in Afghanistan where they deployed to provide advanced combat training to the Afghan National Army and National Police.

Team members mentored Afghan National Army leaders on improving overall unit readiness and conducting counter-insurgency operations, with a focus on operations that separated enemy elements from the civilian populations, achieved results with local Afghan National Security Forces in the lead, and set conditions for reconstruction and economic development.

Representing the 2<sup>nd</sup> Brigade Embedded Training Team are COL Tom Staton and Staff Sergeant Matt Smith.

As I have said our soldiers and airmen have served all over the world. And no matter where they go one thing is for certain they leave the place a little better than they found it. With less than a week to plan, train, and deploy we sent 1,000 Iowa National Guard Soldiers and Airmen to Washington D.C., to help provide security during the 56<sup>th</sup> Presidential Inauguration.

And what happens when you put 1,000 Iowans in the middle of 1.5 million people? They find a way to make a difference. Each one of these soldiers and airmen did a remarkable job and served as tremendous ambassadors for our state.

Yet one group of young men stands out. They didn't do the minimum. They did what Iowans always do – they went that extra mile and for their efforts they earned the respect and admiration of a grateful family.

Major General Dardis read the following letter:

Dear Major General Dardis:

I am writing to commend SPC Scott Smith, SPC Kenneth Wailes, SPC Michael Freise, Lt. William Speicher and SPC Philip Weirather, from Troop A in Des Moines



for their compassionate assistance in returning our lost son to us on January 20, 2009, Inauguration Day, in Washington, D.C.

That day, my 13-year old daughter Kristen, 11-year old son Eric and I were on the grounds near the Washington Monument to observe the swearing-in ceremony of President Barack Obama. Eric became separated from my daughter and I at the end of the speech and started looking for us on the Mall. After about two and one half hours of being separated from Eric, I received a phone call from an inspector with the Federal Protective Service Police, who had our son Eric with him – safe and warm. The Inspector told me members of the Iowa National Guard, working at Connecticut Avenue and N Street, stopped his marked vehicle to inquire whether he could contact me and return my son to me.

Upon being reunited, Eric told my husband and me that when he saw the soldiers – your National Guardsmen – he decided he could trust them because they were “soldiers and I knew I would be safe.” Eric’s instincts were right. Eric tells us the soldiers talked with him, took him into a coffee shop to keep him warm, and stayed with him until they could find someone who knew Washington and could reunite Eric with his family.

I will be forever thankful to the Iowa National Guard and to the Federal Protect Service Police Inspector, who demonstrated such compassion for my son – who was very scared and nervous. Chances are I will never meet SPC Scott Smith, SPC Kenneth Wailes, SPC Michael Freise, Lt. William Speicher and SPC Philip Weirather, and am therefore writing you to ask you share my heartfelt appreciation for their willingness to help and protect our son.

Having been reunited as a family, we now tell Eric that he will have to some day join the Iowa National Guard, to “pay forward” the kindness he was shown. If he ever does, we hope he will mirror the character of the members of Troop A in Des Moines. In our family, they will forever be remembered as role models of leadership and compassion.

Sincerely,  
Yvonne Folkerts  
Alexandria, Virginia

Whether standing watch on the streets of Washington, D.C., building sandbag levies along the Mississippi river or helping train the Afghan Army, the men and women of your Iowa National Guard embody the spirit of service we all seek.

Last year marks the first time since 2003 that the Iowa National Guard has not suffered any combat related deaths in Iraq or Afghanistan. Thankfully, I have no new Gold Star Families to present to you this morning. And as we continue to deploy soldiers and airmen into harm’s way, we pray that this trend continues.

We will be forever grateful to the families of our 20 Iowa National Guard Gold Star families who have made the ultimate sacrifice for their state and nation. Our hearts go out to the families of our fallen heroes and our prayers will be with them always. God bless our fallen heroes and may they never be forgotten.

However, there is one very special group of soldiers that I would like you to meet whose sober duty is to help us honor and pay tribute to our fallen comrades in arms – both those lost in service to their state and nation as well as our veterans who are leaving us at an ever increasing rate.

These soldiers are charged with the solemn duty of providing military funeral honors. These honors are one small way of showing our country's eternal gratitude we have for those who have faithfully defended our state and nation.

These soldiers perform their duties with professionalism and unbridled respect. They spend countless hours preparing and rehearsing to make sure their movements and actions are carried out in perfect harmony. Death respects no calendar and is not deterred by inclement weather or busy schedules. And neither are these soldiers.

When we are preparing for a long holiday weekend or a vacation with our families, these soldiers are polishing their shoes, pressing their uniforms and practicing their movements. The Iowa National Guard is extremely proud of the work these soldiers do throughout our state.

Representing more than 150 dedicated military funeral honors soldiers across the Iowa Army National Guard are:

- SFC Paul D. Ramirez, 209th Med Co
- PFC Jeffrey R. Gifford, 1/113th RSTA
- SSG Paul E. Brisbois, 334th BSB
- SPC Nathan F. Conlon, 1/194th FA
- SSG Scott A. VanWyk, 734th RSG
- SGT Peter G. Moeller, 209th Med Co
- SGT J. V. Winkowski, Co C 1-133rd Inf Bn

There is another group of individuals I'd like you to meet. These men and women are unique and special in so many ways, yet perhaps what sets them apart – aside from their kilts of course – is their deep love and respect for our men and women in uniform.

The McKenzie Highlanders have performed at sendoffs and homecomings for our units and at the funerals of our fallen heroes.

- Steve Layton
- Steve and Paula Moeckley
- Jim Jorgensen
- Bobby Mohr
- Ron Husted
- Duff McFadden

They volunteer their time and talents to add something special to these occasions – their unique gift of music. I've been told that the sound of their pipes is often the one lasting memory that many have of these events. They seek no pay or special accommodations simply the honor of performing their craft in tribute to our men and women in uniform.

They have become an important part of the Iowa Guard team.

2009 has been declared the year of the Non Commissioned Officer. Our NCOs have evolved over time. Some may recall a notorious gruff sergeant, with the ability to instill fear in to the hearts of even the hardest of men, charging forward fearlessly and continuously bellowing orders.

Today, our NCOs are the warriors, the leaders, the trainers and the caretakers – they take care of the soldiers they lead, from ensuring the best training, the best support – to giving comfort when tragedy strikes – consoling a soldier and his family.

The NCO is strong and courageous, a fearless fighter, and yet a father, a mother, a son, a daughter, who cares deeply about family and community.

They are the backbone of your Iowa National Guard. We could not succeed without them. The strength, courage and character of our NCOs are legendary. We are indeed fortunate to have such true professionals in our ranks. And while we take time this year to recognize the significant accomplishments they make to our organization, we realize that in order for us to accomplish our mission, every year is the year of the NCO.

Representing the NCO Corps of the Iowa Army and Air National Guard are Command Sergeant Major Doyle Norris and Command Chief Master Sergeant Gary Garland.

As I conclude my comments, I want to begin by thanking the men and women of the Iowa National Guard who have contributed to our success these past ten years. We succeeded because we approached our many challenges not as individuals or separate organizations but as one team - the Iowa Guard Team.

Teamwork is the foundation of my command philosophy, and is I strongly believe, the foundation of our success. So I thank each of them for being a team player and for being a valued member of the Iowa Guard Team.

Together, we have made history in the Iowa National Guard. Just as our ancestors did during the Civil War and World War II, we answered our nations call to duty with honor and distinction.

We trained and mobilized thousands of soldiers and airmen. We've transformed nearly all of our Army National Guard units and undergone major conversions throughout the Iowa Air Guard.

We've closed and consolidated armories where needed, and expanded and built new facilities to maintain strength and readiness. We've responded to natural disasters here at home and across the country. We've trained for challenging exercises and prepared for difficult inspections. We've made hard decisions now in order to position the organization for future success.

The Iowa Guard Team has earned a well-deserved reputation for accepting challenging missions and achieving remarkable results. This is the legacy of our organization. This is the legacy of your Iowa Guard. As I prepare to relinquish command to COL Tim Orr, I leave knowing that your Iowa Guard will continue to build on this legacy and that it will remain Mission Focused and Warrior Ready.

I'm confident soldiers and airmen will serve COL Orr with the same degree of professionalism and dedication that they provided to me. The Iowa National Guard is not about one person or one position. It is about the people who serve in her ranks. And after more than 42 years of serving among them, I know there are no more finer citizens than the thousands of Iowa National Guard soldiers and airmen who proudly wear the uniform.

Thank you for your hard work, your commitment, your dedication, and for continuing to set the pace for the Iowa Team.

Again, I thank you for the invitation to come before you today.

God Bless you and your families and God Bless our soldiers and airmen serving in harm's way.

Major General Dardis was escorted from the chamber by the committee previously appointed.

Governor Culver was escorted from the House chamber by the committee previously appointed.

McCarthy of Polk moved that the joint convention be dissolved at 10:47 a.m.

The House resumed session at 10:52 a.m., Whitaker of Van Buren in the chair.

On motion by McCarthy of Polk, the House was recessed at 10:52 a.m., until 4:00 p.m.

#### AFTERNOON SESSION

The House reconvened at 4:06 p.m., Speaker Murphy in the chair.

#### LEAVE OF ABSENCE

Leave of absence was granted as follows:

Raecker of Polk on request of Paulsen of Linn.

## INTRODUCTION OF BILLS

**House File 364**, by committee on education, a bill for an act transferring the authority to register postsecondary schools from the secretary of state to the college student aid commission and providing for related matters, and making penalties applicable.

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

**House File 365**, by Kaufmann and Quirk, a bill for an act relating to the definition of veteran for purposes of the military service property tax exemption.

Read first time and referred to committee on **veterans affairs**.

**House File 366**, by Gayman, a bill for an act allowing time off to attend presidential precinct caucuses and making penalties applicable.

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

**House File 367**, by Pettengill, a bill for an act increasing the number of members serving on the utilities board within the utilities division of the department of commerce and changing the membership from an appointed to an elected board.

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

**House File 368**, by Pettengill, a bill for an act adding personal finance skills and financial literacy requirements to the educational standards for school districts and accredited nonpublic schools.

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

**House File 369**, by Upmeyer, a bill for an act creating a silver alert program within the department of public safety for missing cognitively impaired persons.

Read first time and referred to committee on **public safety**.

**House File 370**, by Kelley, a bill for an act prohibiting a person from transporting a child under six years of age on a motorcycle and making a penalty applicable.

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

**House File 371**, by Berry, a bill for an act requiring schools to establish a policy to restrict students' use of cellular telephones during school hours.

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

**House File 372**, by Berry, a bill for an act restricting the application of pesticides on school property.

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

**House File 373**, by committee on economic growth, a bill for an act relating to the number of historic preservation grants that may be awarded in a county and providing an effective date.

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

**House File 374**, by committee on agriculture, a bill for an act relating to the grain depositors and sellers indemnity fund.

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

**House File 375**, by committee on commerce, a bill for an act specifying a duty of agency applicable to licensed mortgage brokers and making penalties applicable.

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

The House stood at ease at 4:09 p.m., until the fall of the gavel.

The House resumed session at 4:52 p.m., Speaker Murphy in the chair.

#### LEAVE OF ABSENCE

Leave of absence was granted as follows:

Baudler of Adair on request of Kaufmann of Cedar.

## QUORUM CALL

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

### ADOPTION OF HOUSE RESOLUTION 11

Palmer of Mahaska called up for consideration the following **House Resolution 11**, and moved its adoption.

1                   House Resolution 11  
 2                   By Committee On Ethics  
 3                   (Successor to HSB 1)  
 4 A resolution relating to the rules governing lobbyists  
 5 in the House of Representatives.  
 6       *Be it resolved by the House of Representatives,*  
 7 That the House Rules Governing Lobbyists shall be as  
 8 follows:  
 9       *House Rules Governing Lobbyists*  
 10 1. DEFINITIONS OF TERMS. As used in these rules,  
 11 "client", "gift", "immediate family member",  
 12 "lobbyist", and "person" have the meanings provided in  
 13 section 68B.2 of the Code, except that the terms  
 14 "lobbyist" and "client" shall only refer to persons  
 15 who are lobbyists or clients of lobbyists of the house  
 16 of representatives. Except as otherwise provided,  
 17 "employee of the house" means a full-time permanent  
 18 paid employee of the house of representatives.  
 19 2. *Registration required.*  
 20 a. All lobbyists shall, on or before the day their  
 21 lobbying activity begins, register in the manner  
 22 provided under section 68B.36 of the Code. Lobbyist  
 23 registration forms shall be available in the office of  
 24 the chief clerk of the house.  
 25 b. In addition each registered lobbyist shall file  
 26 with the chief clerk of the house a statement of the  
 27 general subjects of legislation in which the lobbyist  
 28 is or may be interested, the file number of the bills  
 29 and resolutions and the bill number of study bills, if  
 30 known, which will be lobbied, whether the lobbyist

Page 2

1 intends to lobby for or against each bill, resolution,  
 2 or study bill, if known, and on whose behalf the  
 3 lobbyist is lobbying the bill, resolution, or study  
 4 bill.  
 5 Any change in or addition to the information

6 required by this rule shall be registered with the  
7 chief clerk of the house within ten days from the time  
8 the change or addition is known to the lobbyist.  
9 *3. Cancellation of registration.* If a lobbyist's  
10 service on behalf of a particular employer, client, or  
11 cause is concluded after the lobbyist registers but  
12 before the first day of the next legislative session,  
13 the lobbyist shall cancel the registration in the  
14 manner required under section 68B.36 of the Code.  
15 Upon cancellation of registration, a person is  
16 prohibited from engaging in any lobbying activity on  
17 behalf of that particular employer, client, or cause  
18 until reregistering and complying with the  
19 requirements of section 68B.36 of the Code.  
20 ~~3A.~~ *4. Amendment of registration.* If a  
21 registered lobbyist represents more than one employer,  
22 client, or cause and the lobbyist's services are  
23 concluded on behalf of a particular employer, client,  
24 or cause after the lobbyist registers but before the  
25 first day of the next legislative session, the  
26 lobbyist shall file an amendment to the lobbyist's  
27 registration indicating which employer, client, or  
28 cause is no longer represented by the lobbyist and the  
29 date upon which the representation concluded.  
30 If a lobbyist is retained by one or more additional

Page 3

1 employers, clients, or causes after the lobbyist  
2 registers but before the first day of the next  
3 legislative session, the lobbyist shall file an  
4 amendment to the lobbyist's registration indicating  
5 the employer, client, or cause to be added and the  
6 date upon which the representation begins.  
7 Amendments to a lobbyist's registration regarding  
8 changes which occur during the time that the general  
9 assembly is in session shall be filed within one  
10 working day after the date upon which the change in  
11 the lobbyist's representation becomes effective.  
12 Amendments regarding changes which occur when the  
13 general assembly is not in session shall be filed  
14 within ten days after the date upon which the change  
15 in the lobbyist's representation becomes effective.  
16 ~~4.~~ *5. Public access.* All information filed by a  
17 lobbyist or a client of a lobbyist under chapter 68B  
18 of the Code is a public record and open to public  
19 inspection at any reasonable time.  
20 ~~5.~~ *6. Charge accounts.* Lobbyists and the clients  
21 they represent shall not allow members of the house to  
22 charge any amounts or items to a charge account to be  
23 paid for by those lobbyists or by the clients they  
24 represent.



25 ~~6.~~ 7. *Access to house floor.* Lobbyists shall  
 26 only be permitted on the floor of the house pursuant  
 27 to rule 20 of the rules of the house.  
 28 ~~7.~~ 8. *Fee or bonus prohibited.* A fee or bonus  
 29 shall not be paid to any lobbyist with reference to  
 30 any legislative action that is conditioned wholly or

Page 4

1 in part upon the results attained by the lobbyist.  
 2 ~~8.~~ 9. *Offers of economic or investment*  
 3 *opportunity.* A lobbyist, employer, or client of a  
 4 lobbyist shall not offer economic or investment  
 5 opportunity or promise of employment to any member of  
 6 the house with intent to influence conduct in the  
 7 performance of official duties.  
 8 ~~9.~~ 10. *Personal or financial obligation.* A  
 9 lobbyist shall not do anything with the purpose of  
 10 placing a member of the house under personal or  
 11 financial obligation to a lobbyist or a lobbyist's  
 12 principal or agent.  
 13 ~~10.~~ 11. *Attempts to create additional employment.*  
 14 A lobbyist shall not cause or influence the  
 15 introduction of any bill or amendment for the purpose  
 16 of being employed to secure its passage or defeat.  
 17 ~~11.~~ 12. *Campaign support.* A lobbyist shall not  
 18 influence or attempt to influence a member's actions  
 19 by the promise of financial support for the member's  
 20 candidacy or threat of financial support for an  
 21 opposition candidate. A lobbyist shall not make a  
 22 campaign contribution to a member or to a member's  
 23 candidate's committee during the time that the general  
 24 assembly is in session.  
 25 ~~12.~~ 13. *Communication with member's employer*  
 26 *prohibited.* A lobbyist shall not communicate with a  
 27 member's employer for the purpose of influencing a  
 28 vote of the member.  
 29 ~~13.~~ 14. *Excess payments.* A lobbyist shall not  
 30 pay or agree to pay to a member a price, fee,

Page 5

1 compensation, or other consideration for the sale or  
 2 lease of any property or the furnishing of services  
 3 which is substantially in excess of that which other  
 4 persons in the same business or profession would  
 5 charge in the ordinary course of business.  
 6 ~~14.~~ 15. **PROHIBITION AGAINST GIFTS.** A lobbyist or  
 7 client of a lobbyist shall not, directly or  
 8 indirectly, offer or make a gift or series of gifts to  
 9 any member or full-time permanent employee of the  
 10 house or the immediate family members of a member or

11 full-time permanent employee of the house except as  
12 otherwise provided in section 68B.22 of the Code. A  
13 lobbyist or client of a lobbyist who intends or plans  
14 to give a nonmonetary item, other than food or drink  
15 consumed in the presence of the donor, which does not  
16 have a readily ascertainable value, to a member or  
17 full-time permanent employee of the house, prior to  
18 giving or sending the item to the member or employee,  
19 shall seek approval of the item from the chief clerk  
20 of the house. A lobbyist or client of a lobbyist who  
21 seeks approval of an item from the chief clerk shall  
22 submit the item and evidence of the value of the item  
23 at the time that approval is requested.  
24 A lobbyist shall inform each of the lobbyist's  
25 clients of the requirements of section 68B.22 of the  
26 Code and of the responsibility to seek approval prior  
27 to giving or sending a nonmonetary item which does not  
28 have a readily ascertainable value to a member or a  
29 full-time permanent employee of the house.  
30 ~~15.~~ 16. *Financial transactions.* A lobbyist shall

Page 6

1 not, directly or indirectly, make a loan to a member  
2 of the house or to an employee of the house.  
3 A loan prohibited under this section does not  
4 include a loan made in the ordinary course of business  
5 of a lobbyist if the primary business of the lobbyist  
6 is something other than lobbying, if consideration of  
7 equal or greater value is received by the lobbyist,  
8 and if fair market value is given or received for the  
9 benefit conferred.  
10 ~~16.~~ 17. *Honoraria – Restrictions.* A lobbyist or  
11 client of a lobbyist shall not pay an honorarium to a  
12 member or employee of the house for a speaking  
13 engagement or other formal public appearance in the  
14 official capacity of the member or employee except as  
15 otherwise provided in section 68B.23 of the Code.  
16 ~~17.~~ 18. *Complaints.* The procedures for  
17 complaints and enforcement of these rules shall be the  
18 same as those provided in the house code of ethics.  
19 ~~18.~~ 19. *Procedures and forms.* The chief clerk of  
20 the house, subject to the approval of the house ethics  
21 committee, shall prescribe procedures for compliance  
22 with these rules, and shall prepare forms for the  
23 filing of complaints and make them available to any  
24 person.

The motion prevailed and the resolution was adopted.

Anderson of Page in the chair at 5:00 p.m.

CONSIDERATION OF BILLS  
Regular Calendar

**House File 256**, a bill for an act relating to bidders at a property tax sale and owners of tax sale certificates and including effective and applicability date provisions, was taken up for consideration.

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

On the question "Shall the bill pass?" (H.F. 256)

The ayes were, 97:

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

The nays were, none.

Absent or not voting, 3:

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

**House File 283**, a bill for an act relating to the county commissions of veteran affairs fund and required hours of service for executive directors and administrators, was taken up for consideration.

Bailey of Hamilton 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. 283)

The ayes were, 97:

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

The nays were, none.

Absent or not voting, 3:

Baudler                      Chambers                      Raecker

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

**House File 281**, a bill for an act relating to the administration of the Iowa water pollution control works and drinking water facilities financing program, was taken up for consideration.

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. 281)

The ayes were, 97:

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

The nays were, none.

Absent or not voting, 3:

Baudler

Chambers

Raecker

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

**House File 311**, a bill for an act requiring health care benefit coverage for certain medically necessary prosthetic devices and providing an applicability date, was taken up for consideration.

Speaker Murphy in the chair at 5:24 p.m.

Upmeyer of Hancock offered the following amendment H-1056 filed by her and moved its adoption:

H-1056

- 1 Amend House File 311 as follows:
- 2 1. Page 1, line 8, by inserting after the figure
- 3 "148." the following: "Coverage required under this
- 4 section shall be limited to the most appropriate
- 5 medically necessary model of a prosthetics device that
- 6 adequately meets the medical needs of the patient as
- 7 determined by the patient's treating physician."

Amendment H-1056 was adopted.

Upmeyer of Hancock asked and received unanimous consent to withdraw amendment H-1057 filed by her on February 17, 2009.

Soderberg of Plymouth asked and received unanimous consent to withdraw amendment H-1053 filed by him on February 17, 2009.

Soderberg of Plymouth offered amendment H-1055 filed by him as follows:

H-1055

- 1 Amend House File 311 as follows:
- 2 1. Page 1, line 23, by striking the words
- 3 "Individual or" and inserting the following: "A".
- 4 2. Page 1, line 25, by striking the words "An
- 5 individual or" and inserting the following: "A".
- 6 3. Page 1, line 27, by striking the words "An
- 7 individual or" and inserting the following: "A".

Smith of Marshall rose on a point of order that amendment H-1055 was not germane.

The Speaker ruled the point not well taken and amendment H-1055 germane.

Soderberg of Plymouth moved the adoption of amendment H-1055.

Roll call was requested by Soderberg of Plymouth and Paulsen of Linn.

On the question "Shall amendment H-1055 be adopted?" (H.F. 311)

The ayes were, 36:

Alons	Arnold	Berry	Cownie
De Boef	Deyoe	Dolecheck	Drake
Forristall	Grassley	Hagenow	Helland
Horbach	Huseman	Kaufmann	Kelley
Koester	Lukan	May	Miller, L.
Olson, S.	Paulsen	Pettengill	Rayhons
Roberts	Sands	Schulte	Schultz
Soderberg	Tjepkes	Tymeson	Upmeyer
Van Engelenhoven	Wagner	Watts	Worthan

The nays were, 60:

Abdul-Samad	Anderson	Bailey	Beard
Bell	Bukta	Burt	Cohoon
Ficken	Ford	Frevert	Gaskill
Gayman	Heaton	Heddens	Hunter
Huser	Isenhardt	Jacoby	Kearns
Kressig	Kuhn	Lensing	Lykam
Marek	Mascher	McCarthy	Mertz
Miller, H.	Oldson	Olson, D.	Olson, T.
Palmer	Petersen	Quirk	Rants
Reasoner	Reichert	Schueller	Shomshor
Smith	Sorenson	Steckman	Struyk
Swaim	Sweeney	Taylor, D.	Taylor, T.
Thede	Thomas	Wendt	Wenthe
Wessel-Kroeschell	Whitaker	Whitead	Willems
Winckler	Windschitl	Zirkelbach	Mr. Speaker Murphy

Absent or not voting, 4:

Baudler	Chambers	Olson, R.	Raecker
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Amendment H-1055 lost.

Lukan of Dubuque asked and received unanimous consent to withdraw amendment H-1054 filed by him on February 17, 2009.

Sands of Louisa offered amendment H-1051 filed by him as follows:

H-1051

- 1 Amend House File 311 as follows:
- 2 1. Page 2, by inserting after line 5 the
- 3 following:
- 4 "Sec.     . New section. 505.20 *Mandated health*
- 5 *Insurance coverage's – evaluation.*
- 6 1. The commissioner shall conduct an evaluation of
- 7 existing mandated health insurance coverage's under
- 8 chapter 514C and make recommendations to the general
- 9 assembly regarding decision-making criteria that may
- 10 be used to reduce the number of such mandated
- 11 coverage's or the extent of coverage required.
- 12 2. The evaluation shall include but is not limited
- 13 to all of the following:
- 14 a. An assessment of the full cost of each type of
- 15 existing mandated health insurance coverage as a
- 16 percentage of the state's average annual wage and as a
- 17 percentage of premiums under both of the following:
- 18 (1) A typical group and a typical individual
- 19 health benefit plan offered in the state.
- 20 (2) The health benefit plan offered to state
- 21 employees.
- 22 b. An assessment of the degree to which existing
- 23 mandated health insurance coverage's are included in
- 24 self-funded plans.
- 25 c. A comparison of mandated health insurance
- 26 coverage's in Iowa to those required in Minnesota,
- 27 Wisconsin, Illinois, Nebraska, South Dakota, and
- 28 Missouri. The comparison shall include but is not
- 29 limited to all of the following:
- 30 (1) The number of mandated health insurance
- 31 coverage's in each state.
- 32 (2) The type of mandated health insurance
- 33 coverage's in each state.
- 34 (3) The level and extent of coverage required for
- 35 each mandated health insurance coverage in each state.
- 36 (4) The financial impact of differences in levels
- 37 of coverage for each mandated health insurance
- 38 coverage.
- 39 3. On or before January 1, 2010, and on or before
- 40 January 1 every four years thereafter, the



41 commissioner shall submit a report of its findings to  
 42 the general assembly. The general assembly may  
 43 consider the information contained in this report in  
 44 determining whether to enact proposed mandated health  
 45 insurance coverage's or whether to repeal existing  
 46 mandated health insurance coverage's."  
 47 2. Title page, line 2, by inserting after the  
 48 word "devices" the following: ", requiring an  
 49 evaluation of existing mandated health insurance  
 50 coverage's,".

Page 2

1 3. By renumbering as necessary.

Kressig of Black Hawk rose on a point of order that amendment H-1051 was not germane.

### SPECIAL PRESENTATION

Speaker Murphy introduced to the House the honorable Brad Hansen, former state representative from Pottawattamie County.

The House rose and expressed its welcome.

The Speaker ruled the point well taken and amendment H-1051 not germane.

Sands of Louisa moved to suspend the rules to consider amendment H-1051.

Roll call was requested by Sands of Louisa and Paulsen of Linn.

On the question "Shall the rules be suspended to consider amendment H-1051?" (H.F. 311)

The ayes were, 42:

Alons	Anderson	Arnold	Cownie
De Boef	Deyoe	Dolecheck	Drake
Forristall	Grassley	Hagenow	Heaton
Helland	Horbach	Huseman	Kaufmann
Kelley	Koester	Lukan	May
Miller, L.	Olson, S.	Paulsen	Pettengill

Rants	Rayhons	Roberts	Sands
Schulte	Schultz	Soderberg	Sorenson
Struyk	Sweeney	Tjepkes	Tymeson
Upmeyer	Van Engelenhoven	Wagner	Watts
Windschitl	Worthan		

The nays were, 55:

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

Absent or not voting, 3:

Baudler	Chambers	Raecker
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The motion to suspend the rules lost.

Kressig 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?" (H.F. 311)

The ayes were, 64:

Abdul-Samad	Anderson	Bailey	Beard
Bell	Berry	Bukta	Burt
Cohoon	Ficken	Ford	Frevert
Gaskill	Gayman	Grassley	Heaton
Heddens	Hunter	Huser	Isenhart
Jacoby	Kaufmann	Kearns	Koester
Kressig	Kuhn	Lensing	Lykam
Marek	Mascher	McCarthy	Mertz
Miller, H.	Oldson	Olson, D.	Olson, R.
Olson, T.	Palmer	Petersen	Quirk
Rants	Reasoner	Reichert	Schueller
Shomshor	Smith	Sorenson	Steckman

Struyk	Swaim	Taylor, D.	Taylor, T.
Thede	Thomas	Wendt	Wenthe
Wessel-Kroeschell	Whitaker	Whitead	Willems
Winckler	Windschitl	Zirkelbach	Mr. Speaker Murphy

The nays were, 33:

Alons	Arnold	Cownie	De Boef
Deyoe	Dolecheck	Drake	Forristall
Hagenow	Helland	Horbach	Huseman
Kelley	Lukan	May	Miller, L.
Olson, S.	Paulsen	Pettengill	Rayhons
Roberts	Sands	Schulte	Schultz
Soderberg	Sweeney	Tjepkes	Tymeson
Upmeyer	Van Engelenhoven	Wagner	Watts
Worthan			

Absent or not voting, 3:

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

### IMMEDIATE MESSAGES

McCarthy of Polk asked and received unanimous consent that the following bills be immediately messaged to the Senate: **House Files 256, 281, 283 and 311.**

### 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

- |           |   |
|-----------|---|
| 2009\1667 | Bud and Elaine Sorden, South English – For celebrating their 50 <sup>th</sup> wedding anniversary.  |
| 2009\1668 | Kenneth Chaney, Sigourney – For receiving the “Master Editor-Publisher Award” from the Iowa Newspaper Association.  |
| 2009\1669 | Jeralyn Westercamp, Cedar Rapids – For receiving the Prudential Spirit of Community Award, designed to emphasize the importance of community service by young people. |

- 2009\1670 Bob and Barb Hamberg, Keosauqua – For celebrating their 50<sup>th</sup> wedding anniversary.
- 2009\1671 Garry and Sandra Phillips, Stockport – For celebrating their 50<sup>th</sup> wedding anniversary.
- 2009\1672 Howard Vinson, Rock Rapids – For celebrating his 90<sup>th</sup> birthday.
- 2009\1673 Clifton Penning, Rock Rapids – For celebrating his 80<sup>th</sup> birthday.
- 2009\1674 Lawrence Vant Hul, Rock Valley – For celebrating his 80<sup>th</sup> birthday.
- 2009\1675 Adriana Klarenbeek, Inwood – For celebrating her 80<sup>th</sup> birthday.
- 2009\1676 Nina Koedam, Rock Valley – For celebrating her 75<sup>th</sup> birthday.
- 2009\1677 Mariel Krier, Larchwood – For celebrating her 75<sup>th</sup> birthday.
- 2009\1678 Betty Smith, Larchwood – For celebrating her 75<sup>th</sup> birthday.
- 2009\1679 Norman Vander Lee, Rock Rapids – For celebrating his 75<sup>th</sup> birthday.
- 2009\1680 Inez Winters, Iowa Falls – For celebrating her 80<sup>th</sup> birthday.
- 2009\1681 Kenneth and Sharon Stahnke, La Porte City – For celebrating their 50<sup>th</sup> wedding anniversary.
- 2009\1682 Lyle and Rosella Hansen, Guthrie Center – For celebrating their 55<sup>th</sup> wedding anniversary.
- 2009\1683 Arie and Rosemary Posta, Sanborn – For celebrating their 60<sup>th</sup> wedding anniversary.
- 2009\1684 Don and Linette Patrick, Coon Rapids – For celebrating their 68<sup>th</sup> wedding anniversary.
- 2009\1685 Nicholas David deBuhr, Cedar Falls – For attaining the rank of Eagle Scout, the highest rank in the Boy Scouts of America.

#### SUBCOMMITTEE ASSIGNMENTS

##### **House File 97**

Transportation: Quirk, Chair; Koester and Lykam.

##### **House File 128**

Transportation: Quirk, Chair; Bell and Wagner.

**House File 151**

Transportation: Wenthe, Chair; Roberts and Whitaker.

**House File 155**

Transportation: Lykam, Chair; Arnold and Quirk.

**House File 157**

Transportation: D. Olson, Chair; Tjepkes and Whitaker.

**House File 171**

Transportation: Worthan, Chair; Quirk and Wenthe.

**House File 286**

Transportation: Wagner, Chair; Gaskill and Wenthe.

**House File 299**

Transportation: Roberts, Chair; Wenthe and Whitaker.

**House File 305**

Transportation: Bell, Chair; Huseman and Quirk.

**House File 318**

Human Resources: Hunter, Chair; Heaton and Mascher.

**House File 323**

Human Resources: Hunter, Chair; Koester and Mascher.

**House File 327**

Agriculture: Bailey, Chair; Mertz and Sweeney.

**House File 335**

State Government: Schulte, Chair; Frevert and Lensing.

**House File 338**

Environmental Protection: Whitead, Chair; H. Miller and Schultz.

**House File 343**

Natural Resources: Zirkelbach, Chair; Ficken and Huseman.

**House File 347**

State Government: Lensing, Chair; Isenhart and Pettengill.

**House File 348**

State Government: Gaskill, Chair; Rants and Willems.

HOUSE STUDY BILL SUBCOMMITTEE ASSIGNMENTS

**House Study Bill 174**

Appropriations: Wenthe, Chair; Heaton and Jacoby.

**House Study Bill 175**

Appropriations: Cohoon, Chair; Bailey and Huseman.

**House Study Bill 177**

State Government: Gaskill, Chair; Koester and Lensing.

**House Study Bill 178**

State Government: Quirk, Chair; Struyk and Willems.

**House Study Bill 183**

Economic Growth: Ford, Chair; Horbach, Jacoby, Schultz and Thomas.

**House Study Bill 184**

Economic Growth: Bailey, Chair; Marek and Sorenson.

**House Study Bill 185**

Commerce: Kressig, Chair; D. Olson and Sands.

**House Study Bill 186**

Judiciary: Willems, Chair; Lensing and Schulte.

**House Study Bill 187**

Judiciary: Smith, Chair; T. Olson and Schulte.

**House Study Bill 188**

Transportation: Whitaker, Chair; Koester and D. Olson.

**House Study Bill 189**

Transportation: Whitaker, Chair; Koester and D. Olson.

**House Study Bill 190**

Appropriations: T. Taylor, Chair; Swaim and Worthan.

**HOUSE STUDY BILL COMMITTEE ASSIGNMENTS****H.S.B. 191 State Government**

Eliminating certain exemptions from the certificate of need process.

**H.S.B. 192 Environmental Protection**

Authorizing a county board of supervisors to levy a tax on real property in the county for flood and erosion control projects.

**H.S.B. 193 Environmental Protection**

Relating to storm water management plans.

**H.S.B. 194 Environmental Protection**

Providing a task force on regional watershed, land use, and floodplain management policies.

**H.S.B. 195 Ways and Means**

Relating to the administration of the tax and related laws by the department of revenue, including the administration of the income tax, the franchise tax, the motor fuel tax, and of fees for new vehicle registration, providing civil and criminal penalties, and including effective date, retroactive applicability date, and other applicability date provisions.

**H.S.B. 196 Judiciary**

Relating to trusts and estates including the administration of small estates and including retroactive and other applicability provisions.

## H.S.B. 197 State Government

Concerning audit and review functions of the auditor of state relative to governmental subdivisions.

### COMMITTEE RECOMMENDATIONS

MR. SPEAKER: The Chief Clerk of the House respectfully reports that the following committee recommendations have been received and are on file in the office of the Chief Clerk.

MARK W. BRANDSGARD  
Chief Clerk of the House

#### COMMITTEE ON HUMAN RESOURCES

**Committee Bill** (Formerly House File 65), establishing a shaken baby syndrome prevention program in the department of public health.

Fiscal Note is not required.

Recommended **Amend and Do Pass** February 18, 2009.

**Committee Bill** (Formerly House Study Bill 146), relating to the department of elder affairs and services provided to older Iowans.

Fiscal Note is not required.

Recommended **Amend and Do Pass** February 18, 2009.

### RESOLUTION FILED

**HR 15**, by Abdul-Samad, Ford, H. Miller, Berry, Thede and Burt, a resolution designating February 2009 as Black History Month.

Laid over under **Rule 25**.

### AMENDMENTS FILED

H—1058	H.F.	333	Deyoe of Story
H—1059	H.F.	333	Struyk of Pottawattamie
H—1060	H.F.	333	Struyk of Pottawattamie
H—1061	H.F.	333	Horbach of Tama
H—1062	H.F.	333	Bailey of Hamilton



H—1063	H.F.	333	R. Olson of Polk
H—1064	H.F.	332	Heddens of Story

On motion by McCarthy of Polk the House adjourned at 6:19 p.m., until 9:00 a.m., Thursday, February 19, 2009.

# JOURNAL OF THE HOUSE

Thirty-ninth Calendar Day - Twenty-sixth Session Day

Hall of the House of Representatives  
Des Moines, Iowa, Thursday, February 19, 2009

The House met pursuant to adjournment at 9:16 a.m., Speaker Murphy in the chair.

Prayer was offered by Reverend Doug Peters, pastor of Walnut Hills United Methodist Church, Urbandale. He was the guest of Representative Janet Petersen of Polk.

## PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Erica Kite, House Page from Jesup.

The Journal of Wednesday, February 18, 2009 was approved.

## INTRODUCTION OF BILLS

**House File 376**, by Cownie and Hagenow, a bill for an act adding personal finance skills and financial literacy requirements to the education programs school districts and accredited nonpublic schools must offer.

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

**House File 377**, by Thomas, a bill for an act concerning the sale of beer and wine by native wineries and breweries.

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

**House File 378**, by Mertz, a bill for an act allowing one member of the racing and gaming commission to be an owner of a dog or horse involved in a race meeting conducted in this state.

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

**House File 379**, by Wessel-Kroeschell, Isenhardt, Mascher, Steckman, Kuhn, Beard, Frevert, Hunter, Winckler, Smith, Lensing, Gaskill, Whitaker, Ford, Berry, Abdul-Samad, Whitead, Gayman, Swaim, T. Taylor and D. Taylor, a bill for an act relating to campaign finance by requiring electronic filing of certain reports and by establishing a voter-owned Iowa clean elections Act, providing for funding of the Act, including an income tax checkoff, and providing an income tax exemption, penalties, and effective dates.

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

### SPECIAL PRESENTATION

Roberts of Carroll introduced to the House, the honorable George Eichhorn, former state representative from Hamilton County.

The House rose and expressed its welcome.

On motion by McCarthy of Polk, the House was recessed at 9:23 a.m., until 1:00 p.m.

### EVENING SESSION

The House reconvened at 6:56 p.m., Speaker Murphy in the chair.

### LEAVE OF ABSENCE

Leave of absence was granted as follows:

Raecker of Polk on request of Paulsen of Linn.

### MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on February 19, 2009, adopted the following resolution in which the concurrence of the Senate was asked:

House Concurrent Resolution 3, a concurrent resolution relating to joint rules of the Senate and House of Representatives for the Eighty-third General Assembly.

Also: That the Senate has on February 19, 2009, passed the following bill in which the concurrence of the Senate was asked:

House File 283, a bill for an act relating to the county commissions of veteran affairs fund and required hours of service for executive directors and administrators.

Also: That the Senate has on February 19, 2009, passed the following bill in which the concurrence of the House is asked:

Senate File 113, a bill for an act relating to orders for postsecondary education subsidies.

Also: That the Senate has on February 19, 2009, passed the following bill in which the concurrence of the House is asked:

Senate File 114, a bill for an act relating to the number of historic preservation grants that may be awarded in a county and providing an effective date.

MICHAEL E. MARSHALL, Secretary

The House stood at ease at 6:59 p.m., until the fall of the gavel.

The House resumed session at 10:32 p.m., Speaker Murphy in the chair.

On motion by McCarthy of Polk the House was recessed at 10:32 p.m., until 12:00 p.m., Monday, February 23, 2009.

#### AFTERNOON SESSION

The House reconvened at 12:05 p.m., Speaker Murphy in the chair.

#### QUORUM CALL

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

#### LEAVE OF ABSENCE

Leave of absence was granted as follows:

Forristall of Pottawattamie and Van Engelenhoven of Marion, until his arrival, on request of Tymeson of Madison; Huser of Polk on request of Struyk of Pottawattamie.

## INTRODUCTION OF BILLS

**House Joint Resolution 5**, By Paulsen, a joint resolution proposing an amendment to the Constitution of the State of Iowa to allow the recall, by Petition and election, of the Governor, Lieutenant Governor, Secretary of State, Auditor of State, Treasurer of State, Attorney General, and members of the General Assembly.

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

**House File 380**, by committee on human resources, a bill for an act relating to the administration of programs under the jurisdiction of the department of public health and increasing a penalty.

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

**House File 381**, by committee on human resources, a bill for an act relating to the practice of pharmacy by establishing a registration program for pharmacy support persons and regulating the internet sale of prescription products, including a program of registration of pharmacy internet sites, making penalties applicable, and establishing a general definition for the term "internet site".

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

**House File 382**, by committee on human resources, a bill for an act relating to the public health system by providing for the voluntary accreditation of certain public health agencies, the adoption of Iowa public health standards, the establishment of an accreditation data collection system, creating a fund, and providing for a penalty and an effective date.

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

**House File 383**, by Petersen, Berry, Mascher, Mertz, T. Taylor, Heddens, Kressig, Swaim, Cohoon, Zirkelbach, Gaskill, Lykam, Whitead, Bukta, Oldson, D. Olson, Smith, Jacoby, Hunter, Winckler, Steckman, Kuhn, Lensing, R. Olson, Kearns, Ford, Beard, Gayman and Reichert, a bill for an act relating to the state child care advisory council.

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

**House File 384**, by Willems, Kaufmann, Reichert and Jacoby, a bill for an act prohibiting the use of lead wheel weights in motor vehicles and providing an effective date.

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

**House File 385**, by committee on veterans affairs, a bill for an act concerning limiting the authority of the general assembly to expend money from the veterans trust fund.

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

**House File 386**, by Schueller, Isenhardt, Zirkelbach, Lukan and Murphy, a bill for an act relating to parking on the left side of a roadway.

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

**House File 387**, by Rants, a bill for an act relating to the establishment of a searchable database relating to warrants issued by the state and including an effective date.

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

**House File 388**, by Palmer, a bill for an act assessing a mediation fee in small claims cases.

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

**House File 389**, by H. Miller, Whitaker, Bukta, Thede, D. Olson, Berry, Drake and Gayman, a bill for an act relating to encouraging the availability of drinking fountains in schools, parks, and public buildings.

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

**House File 390**, by Windschitl, a bill for an act relating to hunting by certain nonresident landowners on land owned by them.

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

**House File 391**, by Windschitl, Schultz and De Boef, a bill for an act relating to lining exemptions for sanitary landfills.

Read first time and referred to committee on **environmental protection**.

**House File 392**, by Windschitl, Schultz, Struyk, Huseman and De Boef, a bill for an act relating to walking and horseback riding trails on public land under the jurisdiction of the natural resource commission, and providing for penalties.

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

**House File 393**, by Kaufmann and Worthan, a bill for an act relating to licenses and endorsements issued by the board of educational examiners.

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

**House File 394**, by Koester, a bill for an act establishing alternative project delivery procedures for certain public projects undertaken by political subdivisions.

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

**House File 395**, by Kaufmann, Willems and Jacoby, a bill for an act relating to lead wheel weights on state-owned motor vehicles.

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

**House File 396**, by Gaskill, a bill for an act requiring a postelection audit after each general election and including effective and applicability date provisions.

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

**House File 397**, by Schueller, a bill for an act relating to township property tax levies for emergency services and providing an applicability date.

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

**House File 398**, by D. Olson, a bill for an act changing the deadline by which a pilot project city may enter into a targeted jobs withholding tax credit agreement for purposes of funding an urban renewal area and including effective and retroactive applicability date provisions.

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

**House File 399**, by Windschitl, May, Kaufmann, Schultz, Struyk, Huseman, Dolecheck, Deyoe, Soderberg, De Boef and Sorenson, a bill for an act exempting retired veterans from the imposition of the individual income tax and including a retroactive applicability date provision.

Read first time and referred to committee on **veterans affairs**.

**House File 400**, by committee on state government, a bill for an act relating to the licensing of persons installing fire protection systems.

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

#### SENATE MESSAGES CONSIDERED

**Senate File 113**, by committee on judiciary, a bill for an act relating to orders for postsecondary education subsidies.

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

**Senate File 114**, by committee on economic growth, a bill for an act relating to the number of historic preservation grants that may be awarded in a county and providing an effective date.

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

McCarthy of Polk asked and received unanimous consent that the debate be closed and the question put on House File 333 and all pending amendments thereto at a time not later than 5:20 p.m.

The motion prevailed.



CONSIDERATION OF BILLS  
Regular Calendar

**House File 333**, a bill for an act requiring the payment of local prevailing wage rates to persons working on public improvements for public bodies, and providing penalties and effective and applicability dates, was taken up for consideration.

Horbach of Tama offered amendment H-1049 filed by him as follows:

H-1049

1 Amend House File 333 as follows:  
2 1. By striking everything after the enacting  
3 clause and inserting the following:  
4 "Section 1. PREVAILING WAGE DETERMINATION PRIOR TO  
5 ENACTMENT OF LEGISLATION. It is the intent of the  
6 general assembly that the labor commissioner shall  
7 determine the prevailing wage rates by county for each  
8 craft, classification, and type of worker as is  
9 commonly used on public improvements and shall post  
10 the wage rates on the department of workforce  
11 development's internet website at least ninety days  
12 prior to the general assembly enactment of any  
13 prevailing wage legislation.  
14 Sec. 2. EFFECTIVE AND APPLICABILITY DATES. This  
15 Act, being deemed of immediate importance, takes  
16 effect upon enactment and applies to the consideration  
17 of legislation on or after the date of enactment."

Horbach of Tama offered the following amendment H-1070, to amendment H-1049, filed by him from the floor and moved its adoption:

H-1070

1 Amend the amendment, H-1049, to House File 333, as  
2 follows:  
3 1. Page 1, by striking line 11 and inserting the  
4 following: "development's internet website, and shall  
5 hold a public hearing in each county at least ninety  
6 days".

Amendment H-1070 was adopted.

Horbach of Tama moved the adoption of amendment H-1049, as amended.

Roll call was requested by Horbach of Tama and May of Dickinson.

On the question "Shall amendment H-1049, as amended, be adopted?" (H.F. 333)

The ayes were, 40:

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

The nays were, 53:

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

Absent or not voting, 7:

Chambers	Forristall	Huser	Isenhardt	Quirk
Raecker	Van Engelenhoven			

Amendment H-1049, as amended, lost.

Tymeson of Madison asked and received unanimous consent to withdraw amendment H-1044 filed by her on February 17, 2009.

Tymeson of Madison offered the following amendment H-1041 filed by her and moved its adoption:

H-1041

- 1 Amend House File 333 as follows:
- 2 1. Page 1, by striking lines 14 and 15 and
- 3 inserting the following:
- 4 "This chapter shall be known and may be cited as
- 5 the "Price Fixing for Public Improvements Act"."

Amendment H-1041 lost.

Tymeson of Madison asked and received unanimous consent to withdraw amendment H-1042 filed by her on February 17, 2009.

Wagner of Linn offered amendment H-1030 filed by Watts of Dallas as follows:

H-1030

- 1 Amend House File 333 as follows:
- 2 1. Page 2, by inserting after line 6 the
- 3 following:
- 4 "\_\_\_\_. Protect local taxpayers from higher property
- 5 taxes that result from inflated public improvement
- 6 costs due to fringe benefits."
- 7 2. By renumbering as necessary.

Wagner of Linn offered the following amendment H-1071, to amendment H-1030, filed by Watts of Dallas from the floor and moved its adoption:

H-1071

- 1 Amend the amendment, H-1030, to House File 333, as
- 2 follows:
- 3 1. Page 1, by striking line 4 and inserting the
- 4 following:
- 5 ""\_\_\_\_. Protect taxpayers from higher property,
- 6 income, or sales".

Amendment H-1071 was adopted.

Wagner of Linn moved the adoption of amendment H-1030, as amended.

Roll call was requested by Wagner of Linn and Horbach of Tama.

On the question "Shall amendment H-1030, as amended, be adopted?" (H.F. 333)

The ayes were, 40:

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

The nays were, 53:

Abdul-Samad	Bailey	Beard	Bell
Bukta	Burt	Cphoon	Ficken
Ford	Frevert	Gaskill	Gayman
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	Schueller
Shomshor	Smith	Steckman	Swaim
Taylor, D.	Taylor, T.	Thede	Thomas
Wendt	Wenthe	Wessel-Kroeschell	Whitaker
Whitead	Willems	Winckler	Zirkelbach
Mr. Speaker Murphy			

Absent or not voting, 7:

Berry	Chambers	Forristall	Huser
Quirk	Raecker	Van Engelenhoven	

Amendment H-1030, as amended, lost.

Watts of Dallas offered the following amendment H-1028 filed by him and moved its adoption:

H-1028

- 1 Amend House File 333 as follows:
- 2 1. Page 2, by striking lines 18 and 19 and
- 3 inserting the following:
- 4 "4. a. "Fringe benefits" means the following for

- 5 the limited provision or purchase of actual benefits  
 6 enumerated in paragraph "b", but not including  
 7 nonessential administrative costs associated with  
 8 administration of third-party trustees, plans, or  
 9 funds."  
 10 2. Page 2, by striking line 33.  
 11 3. By renumbering as necessary.

Roll call was requested by Watts of Dallas and Upmeyer of Hancock.

On the question "Shall amendment H-1028 be adopted?" (H.F. 333)

The ayes were, 40:

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

The nays were, 52:

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

Absent or not voting, 8:

Chambers	Forristall	Huser	Kelley
Mertz	Quirk	Raecker	Van Engelenhoven

Amendment H-1028 lost.

Watts of Dallas offered the following amendment H-1023 filed by him and moved its adoption:

H-1023

- 1 Amend House File 333 as follows:
- 2 1. Page 3, by striking lines 1 through 3.
- 3 2. Page 7, by striking lines 24 through 26 and
- 4 inserting the following: "provide health insurance
- 5 and retirement".
- 6 3. Page 20, by striking lines 6 through 18.
- 7 4. By renumbering as necessary.

Roll call was requested by Watts of Dallas and Horbach of Tama.

On the question "Shall amendment H-1023 be adopted?" (H.F. 333)

The ayes were, 40:

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

The nays were, 52:

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

Absent or not voting, 8:

Chambers	Forristall	Huser	Kelley
Mertz	Quirk	Raecker	Van Engelenhoven

Amendment H-1023 lost.

Watts of Dallas asked and received unanimous consent to withdraw amendment H-1027 filed by him on February 17, 2009.

Horbach of Tama asked and received unanimous consent to withdraw amendment H-1047 filed by him on February 17, 2009.

R. Olson of Polk offered amendment H-1063 filed by him as follows:

H-1063

- 1 Amend House File 333 as follows:
- 2 1. Page 3, line 28, by inserting after the word
- 3 "benefits" the following: "rates".
- 4 2. Page 3, line 32, by inserting after the word
- 5 "regents," the following: "community college,
- 6 publicly funded hospital,".
- 7 3. Page 5, line 17, by inserting after the word
- 8 "more." the following: "The locality for prevailing
- 9 wage rate purposes is determined by the physical
- 10 location of the public improvement project. This
- 11 subparagraph is not applicable to any public
- 12 improvement project that a school board has approved
- 13 at a public hearing on or before April 20, 2009."
- 14 4. Page 5, line 34, by striking the word "one"
- 15 and inserting the following: "three".
- 16 5. Page 7, line 30, by inserting after the word
- 17 "benefits" the following: "rates".
- 18 6. Page 8, by striking lines 10 and 11 and
- 19 inserting the following: "for the life of the
- 20 agreement."
- 21 7. Page 10, by striking lines 8 through 10.
- 22 8. Page 10, by striking lines 23 and 24 and
- 23 inserting the following: "prevailing wage rate under
- 24 this chapter shall pay the wages without any deduction
- 25 for food, sleeping".
- 26 9. Page 12, line 26, by inserting after the word
- 27 "chapter" the following: "in accordance with chapter
- 28 17A".
- 29 10. Page 13, by striking lines 26 through 28.
- 30 11. Page 15, line 27, by striking the word

31 "division" and inserting the following: "interested  
32 party".  
33 12. Page 19, line 4, by inserting after the word  
34 "awarded" the following: "for three years".  
35 13. Page 19, line 16, by striking the word "has"  
36 and inserting the following: "may have".  
37 14. Page 19, line 19, by striking the word "ten"  
38 and inserting the following: "thirty".  
39 15. Page 19, line 21, by striking the word "ten"  
40 and inserting the following: "thirty".  
41 16. Page 19, by striking line 22 and inserting  
42 the following: "days shall result in an immediate and  
43 indefinite barring of the".  
44 17. Page 19, line 26, by striking the word "ten"  
45 and inserting the following: "thirty".  
46 18. Page 19, line 29, by striking the word  
47 "violation." and inserting the following: "violation  
48 to determine the length of the contractor or  
49 subcontractor's bar, if any, not to exceed three  
50 years."

Page 2

1 19. By striking page 19, line 34, through page  
2 20, line 3.  
3 20. Page 20, by inserting after line 5 the  
4 following:  
5 "12. Any penalties recovered pursuant to this  
6 chapter shall be deposited in the general fund of the  
7 state."  
8 21. By renumbering as necessary.

R. Olson of Polk offered the following amendment H-1068, to amendment H-1063, filed by him from the floor and moved its adoption:

H-1068

1 Amend the amendment, H-1063, to House File 333 as  
2 follows:  
3 1. Page 1, by inserting before line 2 the  
4 following:  
5 "\_\_\_\_. Page 3, by inserting after line 3 the  
6 following:  
7 "\_\_\_\_. "Horizontal and transportation  
8 infrastructure" includes but is not limited to water,  
9 storm water, and sanitary sewer projects, and roads  
10 and streets as defined in section 306.3."  
11 2. Page 1, by striking lines 7 through 20 and  
12 inserting the following:  
13 "\_\_\_\_. Page 4, lines 2 and 3, by striking the



14 words "paragraphs "b" and "c" and inserting the  
15 following: "paragraph "b"".

16 \_\_\_\_\_. By striking page 4, line 34, through page 5,  
17 line 35, and inserting the following:

18 "b. The public improvement meets one of the  
19 following criteria:

20 (1) The public improvement project's total  
21 estimated cost is one million five hundred thousand  
22 dollars or more and at least twenty percent of the  
23 funding is satisfied by state funds, as defined in  
24 section 8.2, directed for infrastructure purposes.

25 (2) The public improvement project is for a school  
26 district and its total estimated cost is three hundred  
27 thousand dollars or more.

28 (3) The public improvement project is under the  
29 control of the state board of regents or a community  
30 college."

31 \_\_\_\_\_. Page 6, by inserting before line 1 the  
32 following:

33 "\_\_\_\_\_. "Vertical infrastructure" includes but is  
34 not limited to the public improvement of buildings,  
35 appurtenant structures, and utilities; and site  
36 development."

37 \_\_\_\_\_. Page 7, by striking lines 20 through 35 and  
38 inserting the following:

39 "4. a. (1) Vertical infrastructure-related state  
40 licensing boards shall require licensees to submit  
41 wage rates and fringe benefits rates data once a year.  
42 A state licensing board shall transmit the data  
43 annually to the division.

44 (2) Vertical infrastructure-related contractors,  
45 who are registered with the division pursuant to  
46 chapter 91C, who participate in an apprenticeship  
47 program approved by and registered with the United  
48 States department of labor's office of apprenticeship,  
49 and who provide health insurance and retirement  
50 benefits for their workers shall submit wage rates and

Page 2

1 fringe benefits rates data once a year to the  
2 division. The commissioner shall create an internet  
3 website and paper forms for contractors to submit the  
4 required information.

5 (3) All parties shall keep the wage rates and  
6 fringe benefits rates information confidential.

7 (4) An individual who intentionally provides  
8 misinformation about wage rates, fringe benefits  
9 rates, or work locations commits a violation under  
10 this chapter and shall be penalized one hundred  
11 dollars per violation. A violation under this  
12 subsection is grounds for a loss of licensure or

13 registration with the division, as applicable, which  
14 shall be in addition to any penalty otherwise  
15 authorized by this subsection.  
16 b. The labor commissioner shall determine wage  
17 rates and fringe benefits rates using data only from  
18 licensees who receive health insurance and retirement  
19 benefits collected under paragraph "a", subparagraph  
20 (1), and all data collected under paragraph "a",  
21 subparagraph (2). The prevailing wage rates and  
22 fringe benefits rates determined in each locality  
23 shall be set at the wage rate and fringe benefits rate  
24 that thirty percent or more of those employed in a  
25 particular craft, classification, or type of work are  
26 paid in total. If a common wage rate and fringe  
27 benefits rate is not paid to at least thirty percent  
28 of those employed in a particular craft,  
29 classification, or type of work, the total of the wage  
30 rates and fringe benefits rates of all workers in a  
31 particular craft, classification, or type of work  
32 shall be calculated and the average wage rate and  
33 fringe benefits rate shall be the prevailing wage rate  
34 for that particular craft, classification, or type of  
35 worker in that locality."

36 \_\_\_\_\_. Page 8, line 1, by striking the word "b."  
37 and inserting the following: "c."

38 \_\_\_\_\_. Page 8, by striking lines 5 through 11.

39 \_\_\_\_\_. Page 8, line 12, by inserting after the  
40 figure "6." the following: "a."

41 \_\_\_\_\_. Page 8, by striking lines 17 through 23 and  
42 inserting the following: "horizontal and  
43 transportation infrastructure.

44 b. However, for federal Davis-Bacon Act prevailing  
45 wage rates to apply, the public improvement described  
46 in paragraph "a" must meet one of the following  
47 descriptions:

48 (1) The project is funded by the state or the  
49 state board of regents and the total estimated cost is  
50 one hundred thousand dollars or more.

Page 3

1 (2) The project is funded by a school district and  
2 the total estimated cost is three hundred thousand  
3 dollars or more.

4 (3) The project is funded by a county with a  
5 population of forty thousand or more and the total  
6 estimated cost is one hundred thousand dollars or  
7 more. Population, for the purposes of this  
8 subparagraph, shall be based on the most recent United  
9 States census bureau annual census figures. Beginning  
10 in 2011, the most recent United States census bureau  
11 decennial census figures shall be used to calculate

12 population for the purposes of this subparagraph.

13 (4) The project is funded by a city with a  
 14 population of twenty thousand or more and the total  
 15 estimated cost is one hundred thousand dollars or  
 16 more. Population, for the purposes of this  
 17 subparagraph, shall be based on the most recent United  
 18 State census bureau annual census figures. Beginning  
 19 in 2011, the most recent United States census bureau  
 20 decennial census figures shall be used to calculate  
 21 population for the purposes of this subparagraph.

22 (5) The total estimated cost of the project is one  
 23 million five hundred thousand dollars or more,  
 24 regardless of the public body's population.

25 c. An objections and appeals process to be  
 26 established by the department of transportation in  
 27 accordance with chapter 17A shall be made applicable  
 28 to the public improvement described in paragraph  
 29 "a"."

30 3. Page 1, by inserting after line 32 the  
 31 following:

32 "\_\_\_\_. Page 15, line 29, by inserting after the  
 33 word "file." the following: "An individual who  
 34 intentionally provides misinformation in a written  
 35 complaint commits a violation and shall be penalized  
 36 one hundred dollars and such a violation may result in  
 37 the loss of the individual's license or registration,  
 38 if applicable."

39 \_\_\_\_\_. Page 18, line 28, by inserting after the  
 40 word "assessments" the following: "from the  
 41 members"."

42 4. Page 2, by inserting after line 7 the  
 43 following:

44 "\_\_\_\_. Page 20, by inserting after line 18 the  
 45 following:

46 "Sec. \_\_\_\_\_. **NEW SECTION.** 91F.14 DISASTER AREAS.

47 For public improvements in an area that includes a  
 48 county with a population according to the United  
 49 States census bureau 2000 decennial census between  
 50 110,000 and 375,000 that the governor has proclaimed a

Page 4

1 disaster emergency or the United States president has  
 2 declared a major disaster during 2008, the  
 3 commissioner shall utilize the wage rates and fringe  
 4 benefits rates as set by the federal Davis-Bacon Act,  
 5 40 U.S.C., § 3141, et seq., as they apply to this  
 6 section and the public improvement criteria in section  
 7 91F.3, subsection 10, paragraph "b", shall not apply  
 8 until such time as the commissioner may determine the  
 9 appropriate wage rates and fringe benefits rates for  
 10 each locality as prescribed in this chapter."

11 \_\_\_\_\_. Page 20, by striking lines 29 through 35.  
12 \_\_\_\_\_. Page 21, by striking line 1 and inserting  
13 the following:  
14 "Sec.\_\_\_\_. EFFECTIVE DATE. The section of this  
15 act enacting section 91F.14, being deemed of".  
16 \_\_\_\_\_. Page 21, line 2, by inserting after the word  
17 "enactment." the following: "This Act shall not apply  
18 to public improvement bids that have been awarded to a  
19 contractor before July 1, 2009."  
20 5. By renumbering and correcting internal  
21 references as necessary.

Wendt of Woodbury in the chair at 2:52 p.m.

Amendment H-1068 was adopted, placing out of order the following amendments:

Amendment H-1031 filed by Horbach of Tama on February 17, 2009.

Amendment H-1034 filed by Horbach of Tama on February 17, 2009.

Amendment H-1062 filed by Bailey of Hamilton on February 18, 2009.

Amendment H-1066 filed by Kaufmann of Cedar and Dolecheck of Ringgold February from the floor.

Amendment H-1072 filed by Dolecheck of Ringgold from the floor.

Amendment H-1075 filed by Upmeyer of Hancock from the floor.

Upmeyer of Hancock offered the following amendment H-1065, to amendment H-1063, filed by her and Kaufmann of Cedar and moved its adoption:

H-1065

1 Amend the amendment, H-1063, to House File 333 as  
2 follows:  
3 1. Page 1, line 5, by striking the words  
4 "community college,".

Speaker Murphy in the chair at 3:25 p.m.

Roll call was requested by Upmeyer of Hancock and De Boef of Keokuk.

On the question "Shall amendment H-1065 be adopted?" (H.F. 333)

Rule 75 was invoked.

The ayes were, 42:

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

The nays were, 52:

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

Absent or not voting, 6:

Chambers	Forristall	Huser	Raecker
Swaim	Van Engelenhoven		

Amendment H-1065 lost.

Dolecheck of Ringgold offered the following amendment H-1074, to amendment H-1063, filed by him from the floor and moved its adoption:

H-1074

1 Amend the amendment, H-1063, to House File 333 as  
 2 follows:  
 3 1. Page 1, by inserting after line 6 the  
 4 following:  
 5 "\_\_\_\_. Page 6, by inserting before line 1 the  
 6 following:  
 7 "For the purposes of this subsection, any public  
 8 improvement project funded in any part by secure an  
 9 advanced vision for education fund moneys pursuant to  
 10 chapter 423F shall be exempt from the requirement to  
 11 pay not less than the current specified prevailing  
 12 wage rate."

Roll call was requested by Dolecheck of Ringgold and Struyk of Pottawattamie.

On the question "Shall amendment H-1074 be adopted?" (H.F. 333)

The ayes were, 40:

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

The nays were, 53:

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

Absent or not voting, 7:

Chambers	Forristall	Huser	Mertz
Quirk	Raecker	Van Engelenhoven	

Amendment H-1074 lost.

The House stood at ease at 3:53 p.m., until the fall of the gavel.

The House resumed session at 3:58 p.m., Speaker Murphy in the chair.

McCarthy of Polk asked and received unanimous consent that amendment H-1063 to House File 333 be deferred.

Anderson of Page offered the following amendment H-1038 filed by him and moved its adoption:

H-1038

- 1 Amend House File 333 as follows:
- 2 1. Page 6, by striking lines 31 and 32 and
- 3 inserting the following: "or for a longer period as
- 4 provided in".

Roll call was requested by Paulsen of Linn and Pettengill of Benton.

On the question "Shall amendment H-1038 be adopted?" (H.F. 333)

The ayes were, 41:

Alons	Anderson	Arnold	Baudler
Cownie	De Boef	Deyoe	Dolecheck
Drake	Grassley	Hagenow	Heaton
Helland	Horbach	Huseman	Kaufmann
Koester	Lukan	May	Miller, L.
Olson, S.	Paulsen	Pettengill	Rants
Rayhons	Roberts	Sands	Schulte
Schultz	Soderberg	Sorenson	Struyk
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	Heddens	Hunter	Isenhardt
Jacoby	Kearns	Kelley	Kressig
Kuhn	Lensing	Lykam	Marek
Mascher	McCarthy	Mertz	Oldson
Olson, D.	Olson, R.	Olson, T.	Palmer
Petersen	Reasoner	Reichert	Schueller
Shomshor	Smith	Steckman	Swaim
Taylor, T.	Thede	Thomas	Wendt
Wenthe	Wessel-Kroeschell	Whitaker	Whitead
Willems	Winckler	Zirkelbach	Mr. Speaker Murphy

Absent or not voting, 7:

Chambers	Forristall	Huser	Miller, H.
Quirk	Raecker	Taylor, D.	

Amendment H-1038 lost.

Tymeson of Madison asked and received unanimous consent to withdraw amendment H-1045 filed by her on February 17, 2009.

Watts of Dallas asked and received unanimous consent that amendment H-1024 be deferred.

Schultz of Crawford asked and received unanimous consent that amendment H-1036 be deferred.

Horbach of Tama asked and received unanimous consent to withdraw amendment H-1061 filed by him on February 18, 2009.

Cownie of Polk asked and received unanimous consent to withdraw amendment H-1050 filed by him on February 17, 2009.

Horbach of Tama asked and received unanimous consent to withdraw amendment H-1035 filed by him on February 17, 2009.

Watts of Dallas asked and received unanimous consent to withdraw amendment H-1025 filed by him on February 17, 2009.



Grassley of Butler offered the following amendment H-1039 filed by Grassley, et al., and moved its adoption:

H-1039

1 Amend House File 333 as follows:  
 2 1. Page 12, by inserting after line 7 the  
 3 following:  
 4 "Notwithstanding contrary provisions of this  
 5 section, this chapter shall not apply to  
 6 disaster-related expenditures on public improvements.  
 7 "Disaster-related expenditures" means expenditures  
 8 that include any state funding for a public  
 9 improvement in an area that the governor has  
 10 proclaimed a disaster emergency or the United States  
 11 president has declared a major disaster during 2008  
 12 and in an area that experiences a disaster, as defined  
 13 in section 29C.2, on or after January 1, 2009."

T. Olson of Linn in the chair at 4:33 p.m.

Speaker Murphy in the chair at 5:17 p.m.

Roll call was requested by Grassley of Butler and Struyk of Pottawattamie.

On the question "Shall amendment H-1039 be adopted?" (H.F. 333)

Rule 75 was invoked.

The ayes were, 42:

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

The nays were, 54:

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

Absent or not voting, 4:

Chambers	Forristall	Huser	Raecker
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Amendment H-1039 lost.

Horbach of Tama asked and received unanimous consent to withdraw amendment H-1033 filed by him on February 17, 2009.

On motion by R. Olson of Polk amendment H-1063, as amended, was adopted.

Watts of Dallas asked and received unanimous consent to withdraw amendment H-1024, previously deferred, filed by him on February 17, 2009.

Horbach of Tama offered the following amendment H-1036, previously deferred, filed by him and moved its adoption:

H-1036

- 1 Amend House File 333 as follows:
- 2 1. Page 10, by inserting after line 27 the
- 3 following:
- 4 "\_\_\_\_. The prevailing wage rate is not required to
- 5 be paid to workers of a certified employee
- 6 organization unless the certified employee
- 7 organization certifies that all officers and employees
- 8 of the employee organization are United States

- 9 citizens and have not been convicted of a felony."  
 10 2. By renumbering as necessary.

Roll call was requested by Horbach of Tama and Paulsen of Linn.

On the question "Shall amendment H-1036 be adopted?" (H.F. 333)

The ayes were, 42:

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

The nays were, 53:

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

Absent or not voting, 5:

Chambers	Forristall	Huser	Quirk
Raecker			

Amendment H-1036 lost.

Van Engelenhoven of Marion offered the following amendment H-1040, previously deferred, filed by him and moved its adoption:

H-1040

- 1 Amend House File 333 as follows:  
 2 1. Page 12, by striking lines 25 through 28 and  
 3 inserting the following:  
 4 "The commissioner, in collaboration with the  
 5 auditor of state's office and the attorney general's  
 6 office, shall adopt rules for the administration of  
 7 this chapter as provided in section 91.6, and the  
 8 commissioner and the division shall administer this  
 9 chapter."  
 10 2. Page 13, by striking lines 26 through 28.  
 11 3. By renumbering as necessary.

Roll call was requested by Paulsen of Linn and Van Engelenhoven of Marion.

On the question "Shall amendment H-1040 be adopted?" (H.F. 333)

The ayes were, 41:

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

The nays were, 54:

Abdul-Samad	Bailey	Beard	Bell
Berry	Bukta	Burt	Cohoon
Ficken	Ford	Frevert	Gaskill
Gayman	Heddens	Hunter	Isenhart
Jacoby	Kearns	Kelley	Kressig
Kuhn	Lensing	Lykam	Marek
Mascher	McCarthy	Mertz	Miller, H.
Oldson	Olson, D.	Olson, R.	Olson, T.
Palmer	Petersen	Reasoner	Reichert
Schueller	Shomshor	Smith	Steckman

Swaim	Taylor, D.	Taylor, T.	Thede
Thomas	Wendt	Wenthe	Wessel-Kroeschell
Whitaker	Whitead	Willems	Winckler
Zirkelbach	Mr. Speaker Murphy		

Absent or not voting, 5:

Chambers	Forristall	Huser	Quirk
Raecker			

Amendment H-1040 lost.

Watts of Dallas offered the following amendment H-1029 filed by him and moved its adoption:

H-1029

- 1 Amend House File 333 as follows:
- 2 1. Page 13, by striking lines 17 through 21.
- 3 2. By renumbering as necessary.

Roll call was requested by Horbach of Tama and Paulsen of Linn.

On the question "Shall amendment H-1029 be adopted?" (H.F. 333)

The ayes were, 42:

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

The nays were, 52:

Abdul-Samad	Beard	Bell	Berry
Bukta	Burt	Cphoon	Ficken
Frevert	Gaskill	Gayman	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	Schueller	Shomshor
Smith	Steckman	Swaim	Taylor, D.
Taylor, T.	Thede	Thomas	Wendt
Wenthe	Wessel-Kroeschell	Whitaker	Whitead
Willems	Winckler	Zirkelbach	Mr. Speaker Murphy

Absent or not voting, 6:

Chambers	Ford	Forristall	Huser
Quirk	Raecker		

Amendment H-1029 lost.

Helland of Polk offered the following amendment H-1037 filed by him and moved its adoption:

H-1037

- 1 Amend House File 333 as follows:
- 2 1. Page 17, by striking line 23 and inserting the
- 3 following: "prevailing wage rate,".

Roll call was requested by Paulsen of Linn and Deyoe of Story.

On the question "Shall amendment H-1037 be adopted?" (H.F. 333)

The ayes were, 42:

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

The nays were, 53:

Abdul-Samad	Beard	Bell	Berry
Bukta	Burt	Cohoon	Ficken
Ford	Frevert	Gaskill	Gayman
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	Schueller
Shomshor	Smith	Steckman	Swaim
Taylor, D.	Taylor, T.	Thede	Thomas
Wendt	Wenthe	Wessel-Kroeschell	Whitaker
Whitead	Willems	Winckler	Zirkelbach
Mr. Speaker Murphy			

Absent or not voting, 5:

Chambers	Forristall	Huser	Quirk
Raecker			

Amendment H-1037 lost.

Tymeson of Madison offered the following amendment H-1043, previously deferred, filed by her and moved its adoption:

H-1043

- 1 Amend House File 333 as follows:
- 2 1. Page 18, line 15, by striking the word
- 3 "contractor" and inserting the following:
- 4 "contractor,".
- 5 2. Page 18, by striking line 16 and inserting the
- 6 following: "subcontractor, or labor organization to
- 7 do any of the following:"
- 8 3. Page 18, line 26, by striking the word "not".

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

On the question "Shall amendment H-1043 be adopted?" (H.F. 333)

The ayes were, 41:

Alons	Anderson	Arnold	Bailey
Baudler	Cownie	De Boef	Deyoe
Dolecheck	Drake	Grassley	Hagenow
Heaton	Helland	Huseman	Kaufmann
Koester	Lukan	May	Miller, L.
Olson, S.	Paulsen	Pettengill	Rants
Rayhons	Roberts	Sands	Schulte
Schultz	Soderberg	Sorenson	Struyk

Sweeney	Tjepkes	Tymeson	Upmeyer
Van Engelenhoven	Wagner	Watts	Windschitl
Worthan			

The nays were, 52:

Abdul-Samad	Beard	Bell	Berry
Burt	Cohoon	Ficken	Ford
Frevert	Gaskill	Gayman	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	Schueller	Shomshor
Smith	Steckman	Swaim	Taylor, D.
Taylor, T.	Thede	Thomas	Wendt
Wenthe	Wessel-Kroeschell	Whitaker	Whitead
Willems	Winckler	Zirkelbach	Mr. Speaker Murphy

Absent or not voting, 7:

Bukta	Chambers	Forristall	Horbach
Huser	Quirk	Raecker	

Amendment H-1043 lost.

Watts of Dallas offered the following amendment H-1026 filed by him and moved its adoption:

H-1026

1 Amend House File 333 as follows:  
2 1. Page 18, by inserting after line 28 the  
3 following:  
4 "\_\_\_\_. All approved third-party fringe funds,  
5 trustees, or third-party plans shall provide employee  
6 fringe funds for the actual purchase of benefits only  
7 and not including nonessential administrative  
8 purposes. The auditor of state has jurisdiction to  
9 determine what constitutes nonessential administrative  
10 expenses. Violations of this subsection shall result  
11 in civil and criminal penalties consistent with other  
12 provisions of this section including but not limited  
13 to back payment of interest accrued benefits or  
14 payment of back payments. All such fringe funds and  
15 third-party trustee plans, including all records and  
16 meetings, are subject to chapters 21 and 22 and to



17 audit by the auditor of state's office."

18 2. By renumbering as necessary.

Roll call was requested by Watts of Dallas and Paulsen of Linn.

On the question "Shall amendment H-1026 be adopted?" (H.F. 333)

The ayes were, 41:

Alons	Anderson	Arnold	Baudler
Cownie	De Boef	Deyoe	Dolecheck
Drake	Grassley	Hagenow	Heaton
Helland	Horbach	Huseman	Kaufmann
Koester	Lukan	May	Miller, L.
Olson, S.	Paulsen	Pettengill	Rants
Rayhons	Roberts	Sands	Schulte
Schultz	Soderberg	Sorenson	Struyk
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	Heddens	Hunter	Isenhart
Jacoby	Kearns	Kelley	Kressig
Kuhn	Lensing	Lykam	Marek
Mascher	McCarthy	Mertz	Miller, H.
Oldson	Olson, D.	Olson, R.	Olson, T.
Palmer	Petersen	Reasoner	Reichert
Schueller	Shomshor	Smith	Steckman
Swaim	Taylor, D.	Taylor, T.	Thede
Thomas	Wendt	Wenthe	Wessel-Kroeschell
Whitaker	Whitead	Willems	Mr. Speaker
			Murphy

Absent or not voting, 7:

Chambers	Forristall	Huser	Quirk
Raecker	Winckler	Zirkelbach	

Amendment H-1026 lost.

Horbach of Tama offered amendment H-1032 filed by him as follows:

H-1032

- 1 Amend House File 333 as follows:
- 2 1. Page 19, by inserting after line 3 the
- 3 following:
- 4 " \_\_\_\_\_. It is a violation of this chapter for any
- 5 person, firm, association, or corporation working
- 6 under a prevailing wage system on a public improvement
- 7 to coerce, intimidate, threaten, or interfere with the
- 8 work of any person who is not working under a
- 9 prevailing wage system on a public improvement."
- 10 2. By renumbering as necessary.

Horbach of Tama offered the following amendment H-1069, to amendment H-1032, filed by him and moved its adoption:

H-1069

- 1 Amend the amendment, H-1032, to House File 333 as
- 2 follows:
- 3 1. Page 1, by striking line 5 and inserting the
- 4 following: "person, firm, association, corporation,
- 5 or labor organization working".

Amendment H-1069 was adopted.

Horbach of Tama moved the adoption of amendment H-1032, as amended.

Roll call was requested by Horbach of Tama and Paulsen of Linn.

On the question "Shall amendment H-1032, as amended, be adopted?" (H.F. 333)

The ayes were, 41:

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

The nays were, 54:

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

Absent or not voting, 5:

Chambers	Forristall	Huser	Quirk
Raecker			

Amendment H-1032 lost.

Lukan of Dubuque offered the following amendment H-1048 filed by him and moved its adoption:

H-1048

- 1 Amend House File 333 as follows:
- 2 1. Page 20, by inserting after line 18 the
- 3 following:
- 4 "Sec. NEW SECTION. 91F.14 ENGLISH ONLY
- 5 COMPLIANCE.
- 6 All public bodies shall comply with section 1.18
- 7 while implementing the provisions of this chapter."
- 8 2. By renumbering as necessary.

Roll call was requested by Lukan of Dubuque and Paulsen of Linn.

On the question "Shall amendment H-1048 be adopted?" (H.F. 333)

The ayes were, 41:

Alons	Anderson	Arnold	Baudler
Cownie	De Boef	Deyoe	Dolecheck
Drake	Grassley	Hagenow	Heaton

Helland	Horbach	Huseman	Kaufmann
Koester	Lukan	May	Miller, L.
Olson, S.	Paulsen	Pettengill	Rants
Rayhons	Roberts	Sands	Schulte
Schultz	Soderberg	Sorenson	Struyk
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	Heddens	Hunter	Isenhardt
Jacoby	Kearns	Kelley	Kressig
Kuhn	Lensing	Lykam	Marek
Mascher	McCarthy	Miller, H.	Oldson
Olson, D.	Olson, R.	Olson, T.	Palmer
Petersen	Reasoner	Reichert	Schueller
Shomshor	Smith	Steckman	Swaim
Taylor, D.	Taylor, T.	Thede	Thomas
Wendt	Wenthe	Wessel-Kroeschell	Whitaker
Whitead	Willems	Winckler	Zirkelbach
Mr. Speaker			
Murphy			

Absent or not voting, 6:

Chambers	Forristall	Huser	Mertz
Quirk	Raecker		

Amendment H-1048 lost.

Deyoe of Story offered the following amendment H-1058 filed by him and moved its adoption:

H-1058

- 1 Amend House File 333 as follows:
- 2 1. Page 20, by inserting after line 18 the
- 3 following:
- 4 "Sec.     . NEW SECTION. 91F.14 PREAPPROVED BOND
- 5 EXEMPTION.
- 6 This chapter shall not apply to a public
- 7 improvement that would otherwise qualify for
- 8 prevailing wage rates if the public improvement is
- 9 funded by a bond issuance that was approved prior to
- 10 the effective date of this Act."

Roll call was requested by Deyoe of Story and Paulsen of Linn.

On the question "Shall amendment H-1058 be adopted?" (H.F. 333)

The ayes were, 41:

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

The nays were, 54:

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

Absent or not voting, 5:

Chambers	Forristall	Huser	Quirk
Raecker			

Amendment H-1058 lost.

Struyk of Pottawattamie offered amendment H-1059 filed by him as follows:

H-1059

- 1 Amend House File 333 as follows:  
2 1. Page 20, by inserting after line 18 the  
3 following:  
4 "Sec. NEW SECTION. 421.71 STATE AIDE –  
5 EMPLOYER ELIGIBILITY.  
6 1. An employer who chooses not to use the federal  
7 employment eligibility program as authorized by the  
8 federal Illegal Immigration Reform and Immigrant  
9 Responsibility Act of 1996, Pub. L. No. 104-208, shall  
10 not be eligible for any developmental assistance.  
11 2. For the purposes of this section,  
12 "developmental assistance" means any form of public  
13 assistance, including tax expenditures, made for the  
14 purpose of stimulating the economic development of a  
15 corporation, industry, geographic jurisdiction, or any  
16 other sector of the state's economy, including but not  
17 limited to public assistance involving industrial  
18 development bonds, training grants, loans, loan  
19 guarantees, enterprise zones, empowerment zones, tax  
20 increment financing, fee waivers, land price  
21 subsidies, infrastructure constructed or improved for  
22 the benefit of a single business or defined group of  
23 businesses at the time it is built or improved,  
24 matching funds, tax abatements, tax credits and tax  
25 discounts of every kind, including corporate,  
26 franchise, personal income, sales and use, raw  
27 materials, real property, job creation, individual  
28 investment, excise, utility, inventory, accelerated  
29 depreciation, and research and development tax credits  
30 and discounts."  
31 2. Title page, line 2, by inserting after the  
32 word "bodies," the following: "and denying  
33 developmental assistance to employers who choose not  
34 to use the federal employment eligibility program,".  
35 3. By renumbering as necessary.

R. Olson of Polk rose on a point of order that amendment H-1059 was not germane.

The Speaker ruled the point well taken and amendment H-1059 not germane.

Struyk of Pottawattamie moved to suspend the rules to consider amendment H-1059.

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

On the question "Shall the rules be suspended to consider amendment H-1059?" (H.F. 333)

The ayes were, 41:

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

The nays were, 54:

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

Absent or not voting, 5:

Chambers	Forristall	Huser	Quirk
Raecker			

The motion to suspend the rules lost.

Struyk of Pottawattamie offered amendment H-1060 filed by him as follows:

H-1060

- 1 Amend House File 333 as follows:
- 2 1. Page 20, by inserting after line 18 the
- 3 following:

4 "Sec.\_\_\_\_. IMMIGRATION STATUS AND CITIZENSHIP  
5 DATABASE – DEPARTMENT OF PUBLIC SAFETY – STUDY.  
6 1. The department of public safety shall study the  
7 feasibility of developing an integrated state  
8 government database system designed to provide  
9 information related to the immigration status or  
10 citizenship of a person.  
11 2. The database to be developed shall be used as a  
12 resource for employers, hospitals, banks, schools, and  
13 other agencies and entities seeking information about  
14 the immigration status or citizenship of a person.  
15 3. The department of public safety shall develop  
16 recommendations regarding policies for sharing  
17 immigration and citizenship status with employers,  
18 banks, hospitals, schools, and other agencies and  
19 entities seeking such information.  
20 4. The department of public safety shall submit a  
21 report to the senate and house of representatives  
22 standing committees on judiciary by January 15, 2010,  
23 regarding the feasibility of establishing such a  
24 database and regarding recommendations for  
25 information-sharing policies."  
26 2. Title page, line 2, by inserting after the  
27 word "bodies," the following: "requiring an  
28 immigration database study,".  
29 3. By renumbering as necessary.

R. Olson of Polk rose on a point of order that amendment H-1060 was not germane.

The Speaker ruled the point well taken and amendment H-1060 not germane.

Struyk of Pottawattamie moved to suspend the rules to consider amendment H-1060.

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

On the question "Shall the rules be suspended to consider amendment H-1060?" (H.F. 333)

The ayes were, 40:

Alons	Anderson	Arnold	Baudler
Cownie	De Boef	Deyoe	Dolecheck
Drake	Grassley	Hagenow	Heaton
Helland	Huseman	Kaufmann	Koester



Lukan	May	Miller, L.	Olson, S.
Paulsen	Pettengill	Rants	Rayhons
Roberts	Sands	Schulte	Schultz
Soderberg	Sorenson	Struyk	Sweeney
Tjepkes	Tymeson	Upmeyer	Van Engelenhoven
Wagner	Watts	Windschitl	Worthan

The nays were, 54:

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

Absent or not voting, 6:

Chambers	Forristall	Horbach	Huser
Quirk	Raecker		

The motion to suspend the rules lost.

With the adoption of amendment H-1068, amendment H-1076 filed by Bailey of Hamilton from the floor, was placed out of order.

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?" (H.F. 333)

The ayes were, 49:

Abdul-Samad	Beard	Bell	Berry
Bukta	Burt	Cohoon	Ficken
Ford	Frevert	Gaskill	Gayman
Heddens	Hunter	Isenhart	Jacoby
Kearns	Kressig	Kuhn	Lensing

Lykam	Mascher	Miller, H.	Oldson
Olson, D.	Olson, R.	Olson, T.	Palmer
Petersen	Reasoner	Reichert	Schueller
Shomshor	Smith	Steckman	Swaim
Taylor, D.	Taylor, T.	Thede	Thomas
Wendt	Wenthe	Wessel-Kroeschell	Whitaker
Whitead	Willems	Winckler	Zirkelbach
Mr. Speaker			
Murphy			

The nays were, 49:

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

Absent or not voting, 2:

Chambers	Huser
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The bill not having received a constitutional majority was declared to have failed to pass the House.

#### REPORT OF THE CHIEF CLERK OF THE HOUSE

MR. SPEAKER: Pursuant to House Rule 42, I report that in engrossing the bills the following correction was made:

##### House File 311

1. Page 1, Line 10 – Changed prosthetics to prosthetic.

MARK BRANDSGARD  
Chief Clerk of the House

#### MOTION TO RECONSIDER (House File 333)

I move to reconsider the vote by which House File 333 failed to pass the House on February 19, 2009.

MCCARTHY of Polk

## SUBCOMMITTEE ASSIGNMENTS

**House File 3**

Agriculture: Reasoner, Chair; Bailey and S. Olson.

**House File 13**

Agriculture: Reasoner, Chair; Marek and S. Olson.

**House File 92**

Ways and Means: T. Olson, Chair; Sands and Shomshor.

**House File 98**

Ways and Means: T. Olson, Chair; Shomshor and Struyk.

**House File 108**

Ways and Means: Reasoner, Chair; Sands and Shomshor.

**House File 113**

Ways and Means: Reasoner, Chair; Pettengill and Shomshor.

**House File 118**

Ways and Means: Reasoner, Chair; Helland and Shomshor.

**House File 126**

Ways and Means: T. Olson, Chair; Shomshor and Struyk.

**House File 134**

Ways and Means: Reasoner, Chair; Pettengill and Shomshor.

**House File 142**

Ways and Means: Reasoner, Chair; Pettengill and Shomshor.

**House File 145**

Ways and Means: T. Olson, Chair; Thomas and Windschitl.

**House File 147**

Ways and Means: T. Olson, Chair; Forristall and Shomshor.

**House File 152**

Ways and Means: T. Olson, Chair; Shomshor and Struyk.

**House File 153**

Ways and Means: T. Olson, Chair; Shomshor and Struyk.

**House File 154**

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

**House File 162**

Ways and Means: Reasoner, Chair; Shomshor and Windschitl.

**House File 169**

Ways and Means: Reasoner, Chair; Sands and Shomshor.

**House File 176**

Ways and Means: T. Olson, Chair; Grassley and Thomas.

**House File 181**

Ways and Means: T. Olson, Chair; Shomshor and Struyk.

**House File 204**

Ways and Means: T. Olson, Chair; Pettengill and Shomshor.

**House File 212**

Ways and Means: T. Olson, Chair; Sands and Shomshor.

**House File 221**

Ways and Means: Reasoner, Chair; Shomshor and Struyk.

**House File 246**

Agriculture: Mertz, Chair; Drake and Reasoner.

**House File 262**

Ways and Means: Reasoner, Chair; Shomshor and Windschitl.

**House File 263**

Ways and Means: Reasoner, Chair; Grassley and Shomshor.

**House File 272**

Agriculture: Bailey, Chair; Beard and Struyk.

**House File 282**

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

**House File 292**

Ways and Means: Reasoner, Chair; Pettengill and Shomshor.

**House File 312**

Education: Winckler, Chair; Koester and Wendt.

**House File 324**

Ways and Means: Reasoner, Chair; Sands and Shomshor.

**House File 345**

Local Government: Huser, Chair; Wagner and Whitead.

**House File 350**

Environmental Protection: Kearns, Chair; D. Olson and Soderberg.

**House File 351**

Education: Bukta, Chair; May and Wendt.

**House File 356**

State Government: Frevert, Chair; Isenhart and Pettengill.

**House File 366**

State Government: Gaskill, Chair; Beard and Rants.

**House File 368**

Education: Winckler, Chair; May and Thede.

**House File 369**

Public and Safety: Heddens, Chair; Alons and Bukta.

**House File 371**

Education: Palmer, Chair; Cownie and Ford.

**House File 372**

Education: Mascher, Chair; Abdul-Samad and Dolecheck.

**House File 377**

State Government: Lensing, Chair; Frevert and Struyk.

**House File 378**

State Government: Quirk, Chair; Shomshor and Struyk.

**House File 379**

State Government: Cohoon, Chair; Quirk and Rants.

**HOUSE STUDY BILL SUBCOMMITTEE ASSIGNMENTS****House Study Bill 106**

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

**House Study Bill 180**

Rebuild Iowa and Disaster Recovery: Burt, Chair; Grassley and D. Taylor.

**House Study Bill 181**

Rebuild Iowa and Disaster Recovery: T. Taylor, Chair; Berry, Helland, Jacoby and Pettengill.

**House Study Bill 182**

Rebuild Iowa and Disaster Recovery: T. Taylor, Chair; Berry, Helland, Jacoby and Pettengill.

**House Study Bill 191**

State Government: Willems, Chair; Drake and T. Taylor.

**House Study Bill 192**

Environmental Protection: Whitaker, Chair; Frevert and Watts.

**House Study Bill 193**

Environmental Protection: Whitead, Chair; H. Miller and Schultz.

**House Study Bill 194**

Environmental Protection: Gayman, Chair; Anderson and D. Olson.

**House Study Bill 195**

Ways and Means: Willems, Chair; Isenhardt and Wagner.

**House Study Bill 197**

State Government: Gaskill, Chair; Pettengill and Willems.

**HOUSE STUDY BILL COMMITTEE ASSIGNMENTS****H.S.B. 198 Rebuild Iowa and Disaster Recovery**

Relating to disaster recovery by providing for historic preservation tax credits.

**H.S.B. 199 State Government**

Providing for a postelection audit after each general election and including effective and applicability date provisions.

**H.S.B. 200 State Government**

Relating to bidding requirements for public improvement projects completed by certain state entities.

**H.S.B. 201 State Government**

Concerning the authority of the department of administrative services relative to existing leases on real property acquired by the department.

**H.S.B. 202 State Government**

Relating to the disposition of proceeds from the sale of state personal property.

**H.S.B. 203 State Government**

Establishing alternative project delivery procedures for certain public projects undertaken by political subdivisions.

**H.S.B. 204 State Government**

Relating to binding international trade agreements by providing for the consent of the general assembly and providing an effective date.

**H.S.B. 205 State Government**

Establishing a special wine auction permit.

**H.S.B. 206 Local Government**

Relating to county recorders by making changes to fees charged by the county recorder, information required to be endorsed on certain recorded documents and instruments, and standards for indexes maintained by the county recorder.

**H.S.B. 207 Local Government**

Relating to public notice requirements for meetings of boards of township trustees.

**H.S.B. 208 Rebuild Iowa and Disaster Recovery**

Creating a disaster aid local government assistance grant program and fund.

**H.S.B. 209 Environmental Protection**

Relating to restrictions on the use of fertilizer containing phosphorus on turf and making a penalty applicable.

**H.S.B. 210 Rebuild Iowa and Disaster Recovery**

Relating to assisting schools to recover from disaster by changing the approval method for transfers of emergency fund moneys, by modifying certain funding provisions to relate to disaster recovery, by allowing area education agency boards greater authority to purchase and lease-purchase property, and by allowing certain school districts to use the previous year's budget enrollments in the 2009-2010 budget year, and providing an effective date.



### H.S.B. 211 Judiciary

Providing for unincorporated nonprofit associations, and providing for fees and penalties.

#### RESOLUTIONS FILED

**HR 16**, by Bell, a resolution requesting the Congress of the United States to give due consideration to the readiness of the Republic of China on Taiwan for membership in the United Nations.

Laid over under **Rule 25**.

**HR 17**, by Gaskill, Whitaker, Palmer, Swaim, Kearns, Zirkelbach, Hunter, Gayman, Abdul-Samad, Tymeson, Reasoner, Ficken, De Boef, Kressig, Mertz, Whitead, Windschitl, Steckman, Sorenson, Wendt, Thomas, Alons, Marek, Deyoe, Huseman, Sands, Smith, Drake, Arnold and Winckler, a resolution honoring the sacrifices and service of the Ottumwa National Guard.

Laid over under **Rule 25**.

**HR 18**, by Bell, a resolution supporting a proposal to invite the Republic of China (Taiwan) to participate in the upcoming meeting of the World Health Assembly as an observer.

Laid over under **Rule 25**.

**HR 19**, by Rants, a resolution urging the members of the Iowa congressional delegation to sponsor and support the Sales Tax Fairness and Simplification Act.

Laid over under **Rule 25**.

#### AMENDMENTS FILED

H—1067	H.F.	364	Winckler of Scott
H—1073	H.F.	259	Winckler of Scott

On motion by McCarthy of Polk the House adjourned at 1:11 p.m., Monday February 23, 2009, until 1:15 p.m., Monday, February 23, 2009.

# JOURNAL OF THE HOUSE

Forty-third Calendar Day - Twenty-seventh Session Day

Hall of the House of Representatives  
Des Moines, Iowa, Monday, February 23, 2009

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

Prayer was offered by Brian McCracken, pastor of the Church of Christ, Murray. He was the guest of Representative Mike Reasoner of Union County.

## PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Emerson School from Marion. They were the guests of Representative Nick Wagner of Linn County.

The Journal of Thursday, February 19, 2009 was approved.

## INTRODUCTION OF BILLS

**House File 401**, by Grassley, Kaufmann and Tymeson, a bill for an act relating to certain eminent domain authority exercised by the state and providing an effective date.

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

**House File 402**, by Kaufmann, Grassley and Tymeson, a bill for an act relating to eminent domain authority and condemnation procedures and including effective date and applicability date provisions.

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

**House File 403**, by committee on human resources, a bill for an act relating to the department of elder affairs and services provided to older Iowans.

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

**House File 404**, by Grassley, Kaufmann and Tymeson, a bill for an act relating to the deliberations of a compensation commission during condemnation proceedings and including an effective date provision.

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

**House File 405**, by Tymeson, Grassley and Kaufmann, a bill for an act relating to public use, public purpose, or public improvement for purposes of eminent domain and providing an effective date.

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

**House File 406**, by committee on human resources, a bill for an act establishing a shaken baby syndrome prevention program in the department of public health.

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

**House File 407**, by Tymeson, Grassley and Kaufmann, a bill for an act relating to eminent domain authority exercised for certain lake projects and including effective date and applicability date provisions.

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

**House File 408**, by Kaufmann, Grassley and Tymeson, a bill for an act placing restrictions and requirements relating to eminent domain authority and condemnation procedures and including effective date and applicability date provisions.

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

McCarthy of Polk asked and received unanimous consent for the immediate consideration of House Resolution 15.

#### ADOPTION OF HOUSE RESOLUTION 15

Abdul-Samad of Polk, Ford of Polk, H. Miller of Webster, Berry of Black Hawk, Thede of Scott and Burt of Black Hawk called up for consideration **House Resolution 15**, a resolution designating February 2009 as Black History Month, and moved its adoption.

The motion prevailed and the resolution was adopted.

On motion by McCarthy of Polk, the House was recessed at 1:29 p.m., until 5:30 p.m.

#### AFTERNOON SESSION

The House reconvened at 6:37 p.m., Speaker Murphy in the chair.

#### INTRODUCTION OF BILLS

**House File 409**, by Kressig, a bill for an act relating to the use of products produced using renewable resources by state entities.

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

**House File 410**, by Palmer, Thede, Anderson, Koester, Gaskill, Kearns, Winckler, Lensing, Mascher, Wessel-Kroeschell, Frevert, Reichert, Zirkelbach, Swaim, T. Olson, Wenthe, Ficken, Heddens, Smith and Whitaker, a bill for an act establishing a searchable budget database website for the public to access the details of the expenditure of state tax revenues and tax expenditures and a searchable tax rate database for the public to access the details of each tax rate for all taxing districts in the state.

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

**House File 411**, by Horbach, a bill for an act waiving liquor license and beer permit fees for veterans organizations.

Read first time and referred to committee on **veterans affairs**.

**House File 412**, by Reichert, a bill for an act providing for the establishment of a green energy zone program.

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

**House File 413**, by D. Olson, a bill for an act relating to certain lobbying activities by employees of the general assembly.

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

**House File 414**, by committee on appropriations, a bill for an act relating to public funding and regulatory matters and making, reducing, and transferring appropriations and revising fund amounts and including effective, retroactive, and other applicability date provisions.

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

**House File 415**, by committee on education, a bill for an act providing for the establishment of the state percent of growth for purposes of the state school foundation program, and providing an applicability date.

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

**House File 416**, by committee on education, a bill for an act providing for the establishment of the categorical state percent of growth for purposes of the state school foundation program, and providing an applicability date.

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

#### 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

- |           |   |
|-----------|---|
| 2009\1686 | Dorothy Dykstra, Sioux Center – For being selected to the Iowa Volunteer Hall of Fame for serving as a foster grandparent 19 years. |
| 2009\1687 | Harold Tiedje, Newton – For celebrating his 90 <sup>th</sup> birthday.  |
| 2009\1688 | Bonnie Ryther, Newton – For celebrating her 80 <sup>th</sup> birthday.  |
| 2009\1689 | Joshua Bland, Clive – For attaining the rank of Eagle Scout, the highest rank in the Boy Scouts of America.                         |
| 2009\1690 | Isadore Girard, Sioux City – For celebrating his 95 <sup>th</sup> birthday.   |

SUBCOMMITTEE ASSIGNMENTS

**House File 279**

Commerce: Kelly, Chair; Helland and Reasoner.

**House File 288**

Commerce: Kressig, Chair; Bailey, Helland and Petersen.

**House File 296**

Commerce: Reasoner, Chair; Reichert, Sorenson, Struyk and D. Taylor.

**House File 303**

Commerce: Reasoner, Chair; Reichert, Sorenson, Struyk and D. Taylor.

**House File 304**

Commerce: D. Olson, Chair; Kressig, Reichert, Soderberg and Wagner.

**House File 334**

Commerce: Bailey, Chair; Kelley and Sorenson.

**House File 337**

Commerce: T. Olson, Chair; D. Olson and Pettengill.

**House File 339**

Commerce: D. Olson, Chair; Kressig, Reichert, Soderberg and Wagner.

**House File 340**

Commerce: Reichert, Chair; Petersen, Quirk, Soderberg and Wagner.

**House File 349**

Commerce: Reichert, Chair; Jacoby, D. Olson, Soderberg and Struyk.

**House File 353**

Transportation: Quirk, Chair; Arnold and Lykam.

**House File 354**

Human Resources: Abdul-Samad, Chair; Soderberg and Wendt.

**House File 355**

Commerce: Reasoner, Chair; Kelley and Pettengill.

**House File 357**

Education: Steckman, Chair; Tymeson and Winckler.

**House File 358**

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

**House File 362**

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

**House File 363**

Human Resources: Berry, Chair; Schulte and Steckman.

**House File 370**

Transportation: Kelley, Chair; Quirk and Tjepkes.

**House File 376**

Education: Winckler, Chair; Cownie and Thede.

**House File 384**

Transportation: Whitaker, Chair; Wagner and Wenthe.

**House File 386**

Transportation: Whitaker, Chair; Wagner and Wenthe.

**House File 387**

State Government: Frevert, Chair; Isenhart and Rants.

**House File 391**

Environmental Protection: D. Olson, Chair; Kearns and S. Olson.

**House File 394**

State Government: Frevert, Chair; Drake and Isenhart.

**House File 395**

Transportation: D. Olson, Chair; Lykam and Wagner.

**House File 396**

State Government: Gaskill, Chair; Schulte and Willems.

**HOUSE STUDY BILL SUBCOMMITTEE ASSIGNMENTS**

**House Study Bill 199**

State Government: Gaskill, Chair; Roberts and Willems.

**House Study Bill 200**

State Government: Koester, Chair; Frevert and Isenhardt.

**House Study Bill 201**

State Government: T. Taylor, Chair; Isenhardt and Kaufmann.

**House Study Bill 202**

State Government: T. Taylor, Chair; Beard and Drake.

**House Study Bill 203**

State Government: T. Taylor, Chair; Isenhardt and Kaufmann.

**House Study Bill 204**

State Government: T. Taylor, Chair; Drake and Isenhardt.

**House Study Bill 205**

State Government: Lensing, Chair; Isenhardt and Struyk.

**House Study Bill 206**

Local Government: Kressig, Chair; D. Taylor and Tjepkes.

**House Study Bill 207**

Local Government: Huser, Chair; Deyoe and Isenhardt.

**HOUSE STUDY BILL COMMITTEE ASSIGNMENTS**

**H.S.B. 212 Appropriations**

Relating to public funding and regulatory matters and making, reducing, and transferring appropriations and revising fund amounts and including effective, retroactive, and other applicability date provisions.



**H.S.B. 213 Human Resources**

Relating to psychiatric medical institution for children services and providing an effective date.

**H.S.B. 214 Education**

Relating to school business management and providing an effective date.

**H.S.B. 215 Education**

Providing for the establishment of the state percent of growth for purposes of the state school foundation program, and providing an applicability date.

**H.S.B. 216 Education**

Providing for the establishment of the categorical state percent of growth for purposes of the state school foundation program, and providing an applicability date.

**H.S.B. 217 Economic Growth**

Relating to the requirements of certain financial assistance programs administered by the department of economic development including a reorganization of the grow Iowa values fund and creating a grow Iowa values financial assistance program.

**H.S.B. 218 Environmental Protection**

Directing the Iowa climate change advisory council to conduct an assessment and prepare a report regarding the state's vulnerability to climatic change.

**H.S.B. 219 Judiciary**

Eliminate an obsolete Code section reference in a utility replacement tax allocation of revenue requirement involving new major additions to taxpayer property.

**H.S.B. 220 Judiciary**

Creating the uniform child abduction prevention Act.

**H.S.B. 221 State Government**

Creating an international trade and globalization advisory council.

**H.S.B. 222 State Government**

Providing for ongoing absentee voter status.

**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 APPROPRIATIONS**

**Committee Bill** (Formerly House Study Bill 212), relating to public funding and regulatory matters and making, reducing, and transferring appropriations and revising fund amounts and including effective, retroactive, and other applicability date provisions.

Fiscal Note is not required.

Recommended **Amend and Do Pass** February 23, 2009.

**COMMITTEE ON EDUCATION**

**Committee Bill** (Formerly House Study Bill 215), providing for the establishment of the state percent of growth for purposes of the state school foundation program, and providing an applicability date.

Fiscal Note is not required.

Recommended **Amend and Do Pass** February 23, 2009.

**Committee Bill** (Formerly House Study Bill 216), providing for the establishment of the categorical state percent of growth for purposes of the state school foundation program, and providing an applicability date.

Fiscal Note is not required.

Recommended **Do Pass** February 23, 2009.

## AMENDMENTS FILED

H—1077	H.F.	243	Mascher of Johnson
H—1078	H.F.	374	Kuhn of Floyd

On motion by Reasoner of Union the House adjourned at 6:39 p.m., until 9:00 a.m., Tuesday, February 24, 2009.

# JOURNAL OF THE HOUSE

Forty-fourth Calendar Day - Twenty-eighth Session Day

Hall of the House of Representatives  
Des Moines, Iowa, Tuesday, February 24, 2009

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

Prayer was offered by Reverend Scott Lothe, pastor of Hope Methodist Church, Marshalltown. He was the guest of Representative Mark Smith of Marshall County.

## PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Blake Grotewald, House Page from Lake Mills.

The Journal of Monday, February 23, 2009 was approved.

## ADOPTION OF SENATE CONCURRENT RESOLUTION 2

Wessel-Kroeschell of Story called up for consideration the following **Senate Concurrent Resolution 2**, and moved its adoption:

1 Senate Concurrent Resolution  
2 By Committee on Rules and Administration  
3 A concurrent resolution relating to the compensation  
4 of chaplains, officers, and employees of the  
5 ~~eighty-second~~ eighty-third general assembly.  
6 *Whereas*, section 2.11 of the Code provides that  
7 "The compensation of the chaplains, officers, and  
8 employees of the general assembly shall be fixed by  
9 joint action of the house and senate by resolution at  
10 the opening of each session, or as soon thereafter as  
11 conveniently can be done.", *now therefore*,  
12 *Be it resolved by the Senate, the House of*  
13 *Representatives concurring*, That the compensation of  
14 the employees of the ~~eighty-second~~ eighty-third  
15 general assembly is set, effective from January 8,  
16 2007 January 12, 2009, until ~~January 12, 2009~~ January  
17 10, 2011, in accordance with the following salary  
18 schedule:  
19 ~~#0~~

20	\$16,806.40				
21	<del>8.08</del>				
22					
23	<del>#10</del>	<del>#11</del>	<del>#12</del>	<del>#13</del>	<del>#14</del>
24	<del>\$17,721.60</del>	<del>\$18,657.60</del>	<del>\$19,572.80</del>	<del>\$20,520.60</del>	<del>\$21,632.00</del>
25	<del>8.52</del>	<del>8.97</del>	<del>9.41</del>	<del>9.87</del>	<del>10.40</del>
26					
27	<del>#15</del>	<del>#16</del>	<del>#17</del>	<del>#18</del>	<del>#19</del>
28	<del>\$22,776.00</del>	<del>\$23,940.80</del>	<del>\$24,980.80</del>	<del>\$26,228.80</del>	<del>\$27,393.60</del>
29	<del>10.95</del>	<del>11.51</del>	<del>12.01</del>	<del>12.61</del>	<del>13.17</del>
30					

Page 2

1	<del>#20</del>	<del>#21</del>	<del>#22</del>	<del>#23</del>	<del>#24</del>
2	<del>\$28,828.80</del>	<del>\$30,097.60</del>	<del>\$31,595.20</del>	<del>\$33,155.20</del>	<del>\$34,652.80</del>
3	<del>X 13.86</del>	<del>14.47</del>	<del>15.19</del>	<del>15.94</del>	<del>16.66</del>
4					
5	<del>X#25</del>	<del>#26</del>	<del>#27</del>	<del>#28</del>	<del>#29</del>
6	<del>\$36,400.00</del>	<del>\$38,084.80</del>	<del>\$39,936.00</del>	<del>\$41,912.00</del>	<del>\$43,888.00</del>
7	<del>X 17.50</del>	<del>18.31</del>	<del>19.20</del>	<del>20.15</del>	<del>21.10</del>
8					
9	<del>X#30</del>	<del>#31</del>	<del>#32</del>	<del>#33</del>	<del>#34</del>
10	<del>\$46,009.60</del>	<del>\$48,276.80</del>	<del>\$50,502.40</del>	<del>\$52,977.60</del>	<del>\$55,432.00</del>
11	<del>22.12</del>	<del>23.21</del>	<del>24.28</del>	<del>25.47</del>	<del>26.65</del>
12					
13	<del>#35</del>	<del>#36</del>	<del>#37</del>	<del>#38</del>	<del>#39</del>
14	<del>\$58,115.20</del>	<del>\$60,881.60</del>	<del>\$63,856.00</del>	<del>\$66,892.80</del>	<del>\$70,158.40</del>
15	<del>27.94</del>	<del>29.27</del>	<del>30.70</del>	<del>32.16</del>	<del>33.73</del>
16					
17	<del>#40</del>	<del>#41</del>	<del>#42</del>	<del>#43</del>	<del>#44</del>
18	<del>\$73,528.00</del>	<del>\$77,064.00</del>	<del>\$80,828.80</del>	<del>\$84,572.80</del>	<del>\$88,712.00</del>
19	<del>35.35</del>	<del>37.05</del>	<del>38.86</del>	<del>40.66</del>	<del>42.65</del>
20					
21	<del>#45</del>	<del>#46</del>	<del>#47</del>	<del>#48</del>	<del>#49</del>
22	<del>\$92,976.00</del>	<del>\$97,406.40</del>	<del>\$102,044.80</del>	<del>\$106,953.60</del>	<del>\$112,070.40</del>
23	<del>44.70</del>	<del>46.83</del>	<del>49.06</del>	<del>51.42</del>	<del>53.88</del>
24					
25	<del>#50</del>	<del>#51</del>			
26	<del>\$117,520.00</del>	<del>\$120,452.80</del>			
27	<del>56.50</del>	<del>57.91</del>			
28	<del>#9</del>				
29	<u>\$17,825.60</u>				
30	<u>8.57</u>				

Page 3

1					
2	<del>#10</del>	<del>#11</del>	<del>#12</del>	<del>#13</del>	<del>#14</del>
3	<del>\$18,803.20</del>	<del>\$19,801.60</del>	<del>\$20,758.40</del>	<del>\$21,798.40</del>	<del>\$22,942.40</del>
4	<del>9.04</del>	<del>9.52</del>	<del>9.98</del>	<del>10.48</del>	<del>11.03</del>
5					

6	<u>#15</u>	<u>#16</u>	<u>#17</u>	<u>#18</u>	<u>#19</u>
7	<u>\$24,169.60</u>	<u>\$25,417.60</u>	<u>\$26,499.20</u>	<u>\$27,830.40</u>	<u>\$29,078.40</u>
8	<u>11.62</u>	<u>12.22</u>	<u>12.74</u>	<u>13.38</u>	<u>13.98</u>
9					
10	<u>#20</u>	<u>#21</u>	<u>#22</u>	<u>#23</u>	<u>#24</u>
11	<u>\$30,596.80</u>	<u>\$31,928.00</u>	<u>\$33,529.60</u>	<u>\$35,172.80</u>	<u>\$36,753.60</u>
12	<u>14.71</u>	<u>15.35</u>	<u>16.12</u>	<u>16.91</u>	<u>17.67</u>
13					
14	<u>#25</u>	<u>#26</u>	<u>#27</u>	<u>#28</u>	<u>#29</u>
15	<u>\$38,625.60</u>	<u>\$40,414.40</u>	<u>\$42,369.60</u>	<u>\$44,449.60</u>	<u>\$46,550.40</u>
16	<u>18.57</u>	<u>19.43</u>	<u>20.37</u>	<u>21.37</u>	<u>22.38</u>
17					
18	<u>#30</u>	<u>#31</u>	<u>#32</u>	<u>#33</u>	<u>#34</u>
19	<u>\$48,796.80</u>	<u>\$51,230.40</u>	<u>\$53,580.80</u>	<u>\$56,201.60</u>	<u>\$58,801.60</u>
20	<u>23.46</u>	<u>24.63</u>	<u>25.76</u>	<u>27.02</u>	<u>28.27</u>
21					
22	<u>#35</u>	<u>#36</u>	<u>#37</u>	<u>#38</u>	<u>#39</u>
23	<u>\$61,651.20</u>	<u>\$64,584.00</u>	<u>\$67,745.60</u>	<u>\$70,948.80</u>	<u>\$74,422.40</u>
24	<u>29.64</u>	<u>31.05</u>	<u>32.57</u>	<u>34.11</u>	<u>35.78</u>
25					
26	<u>#40</u>	<u>#41</u>	<u>#42</u>	<u>#43</u>	<u>#44</u>
27	<u>\$78,000.00</u>	<u>\$81,744.00</u>	<u>\$85,758.40</u>	<u>\$89,731.20</u>	<u>\$94,120.00</u>
28	<u>37.50</u>	<u>39.30</u>	<u>41.23</u>	<u>43.14</u>	<u>45.25</u>
29					
30	<u>#45</u>	<u>#46</u>	<u>#47</u>	<u>#48</u>	<u>#49</u>

Page 4

1	<u>\$98,633.60</u>	<u>\$103,334.40</u>	<u>\$108,264.00</u>	<u>\$113,464.00</u>	<u>\$118,913.60</u>
2	<u>47.42</u>	<u>49.68</u>	<u>52.05</u>	<u>54.55</u>	<u>57.17</u>
3					
4	<u>#50</u>	<u>#51</u>			
5	<u>\$124,696.00</u>	<u>\$127,795.20</u>			
6	<u>59.95</u>	<u>61.44</u>			

7 In this schedule, each numbered block shall be the  
8 yearly and hourly compensation for the pay grade of  
9 the number heading the block. Within each grade there  
10 shall be seven steps numbered "1" through "7". In the  
11 above schedule the steps for all grades are determined  
12 in the following manner. Each numbered block is  
13 counted as the "1" step for that grade. The next  
14 higher block is counted as the "2" step; the next  
15 higher block is the "3" step; the next higher block is  
16 the "4" step; the next higher block is the "5" step;  
17 the next higher block is the "6" step; and the next  
18 higher block is the "7" step.

19 Alternatively, the senate rules and administration  
20 committee for senate employees, and the house  
21 administration and rules committee for house employees  
22 may allow their employees' compensation to be flexibly  
23 set anywhere between steps "1" through "7" for an  
24 employee's prescribed pay grade.

25 All employees shall be available to work daily  
 26 until completion of the senate's and house of  
 27 representatives' business. The employee's division  
 28 supervisor shall schedule all employees' working hours  
 29 to, as far as possible, maintain regular working  
 30 hours.

Page 5

1 All employees, other than those designated "part-  
 2 time", shall be compensated for 40 hours of work in a  
 3 one-week pay period. Secretaries to senators and  
 4 representatives are presumed to have 40 hours of work  
 5 each week the legislature is in session and shall be  
 6 paid only on that basis. Full-time employees who are  
 7 required to work in excess of 80 hours in a two-week  
 8 pay period shall be allowed compensatory time off at a  
 9 rate of one hour for each hour of overtime up to a  
 10 maximum of 120 hours of compensatory time. Joint  
 11 security employees of the senate and house of  
 12 representatives may be compensated for each hour of  
 13 overtime at a rate of pay equal to one-and-one-half  
 14 times the hourly pay provided.  
 15 *Be it further resolved*, That part-time employees  
 16 shall be compensated at the scheduled hourly rate for  
 17 their pay grade and step.  
 18 *Be it further resolved*, That in the event the  
 19 salary schedule for employees of the State of Iowa as  
 20 promulgated by the department of administrative  
 21 services pursuant to section 8A.413, subsection 2, is  
 22 revised upward at any time during the ~~eighty-second~~  
 23 eighty-third general assembly, such revised schedule  
 24 shall simultaneously be adopted for the compensation  
 25 of the employees of the ~~eighty-second~~ eighty-third  
 26 general assembly assigned a grade by this resolution,  
 27 unless otherwise provided by the senate and house of  
 28 representatives.  
 29 *Be it further resolved*, That adjustments in the  
 30 positions and compensation listed in this resolution

Page 6

1 may be made through an interim review of all  
 2 legislative employees for internal equity and to  
 3 assure compliance with appropriate legal standards for  
 4 granting of overtime and compensatory time off. Such  
 5 review shall be conducted by a legislative committee  
 6 made up of members of the service committee of  
 7 legislative council and the appropriate salary  
 8 subcommittees of the senate and house. Only one such  
 9 review may be done in any fiscal year and adjustments  
 10 suggested must be approved by the appropriate hiring

11 body.

12 *Be it further resolved*, That the employees of the

13 ~~eighty-second~~ eighty-third general assembly be placed

14 in the following pay grades:

15 *Employees of the House*

16 Chief Clerk of the House ..... Grade 44

17 Sr. Assistant Chief Clerk of the House..... Grade 41

18 Assistant Chief Clerk of the House III..... Grade 38

19 Assistant Chief Clerk of the House II ..... Grade 35

20 Assistant Chief Clerk of the House I..... Grade 32

21 Legal Counsel II..... Grade 35

22 Legal Counsel I..... Grade 32

23 Legal Counsel..... Grade 30

24 Sr. Caucus Staff Director ..... Grade 41

25 Caucus Staff Director ..... Grade 38

26 Sr. Deputy Caucus Staff Director..... Grade 39

27 Deputy Caucus Staff Director..... Grade 36

28 Administrative Assistant to Leader

29 or Speaker ..... Grade 27

30 Administrative Assistant I to Leader

Page 7

1 or Speaker ..... Grade 29

2 Administrative Assistant II to Leader

3 or Speaker ..... Grade 32

4 Administrative Assistant III to Leader

5 or Speaker ..... Grade 35

6 Sr. Administrative Assistant to

7 Leader or Speaker..... Grade 38

8 Sr. Administrative Assistant to

9 Leader or Speaker II..... Grade 41

10 Research Assistant ..... Grade 24

11 Legislative Research Analyst..... Grade 27

12 Legislative Research Analyst I ..... Grade 29

13 Legislative Research Analyst II..... Grade 32

14 Legislative Research Analyst III ..... Grade 35

15 Sr. Legislative Research Analyst..... Grade 38

16 Assistant Secretary to Leader

17 or Speaker ..... Grade 18

18 Secretary to Leader or Speaker ..... Grade 19

19 Caucus Secretary ..... Grade 21

20 Senior Caucus Secretary ..... Grade 24

21 Administrative Secretary to Leader,

22 Speaker, or Chief Clerk..... Grade 21

23 Executive Secretary to Leader,

24 Speaker or Chief Clerk..... Grade 24

25 Confidential Secretary to Leader,

26 Speaker, or Chief Clerk..... Grade 27

27 Confidential Secretary II to Leader,

28 Speaker or Chief Clerk ..... Grade 32



29 Clerk to Chief Clerk.....	Grade 16
30 Supervisor of Secretaries.....	Grade 21

## Page 8

1 Supervisor of Secretaries I.....	Grade 24
2 Supervisor of Secretaries II.....	Grade 27
3 <u>Sr. Administrative Services Officer</u> .....	Grade 35
4 <u>Administrative Services Officer III</u> .....	Grade 32
5 <u>Administrative Services Officer II</u> .....	Grade 29
6 <u>Administrative Services Officer I</u> .....	Grade 26
7 <u>Administrative Services Officer</u> .....	Grade 23
8 <u>Administrative Services Assistant</u> .....	Grade 20
9 Senior Editor.....	Grade 30
10 Editor II.....	Grade 25
11 Editor I.....	Grade 22
12 Assistant Editor.....	Grade 19
13 Compositor/Desk Top Specialist.....	Grade 17
14 Sr. Text Processor.....	Grade 25
15 Text Processor II.....	Grade 22
16 Text Processor I.....	Grade 19
17 Senior Finance Officer III.....	Grade 38
18 Senior Finance Officer II.....	Grade 35
19 Senior Finance Officer I.....	Grade 31
20 Finance Officer II.....	Grade 27
21 Finance Officer I.....	Grade 24
22 Assistant Finance Officer.....	Grade 21
23 Recording Clerk II.....	Grade 24
24 Recording Clerk I.....	Grade 21
25 Assistant Legal Counsel I.....	Grade 30
26 Assistant Legal Counsel.....	Grade 27
27 Engrossing & Enrolling Processor.....	Grade 27
28 Assistant to the Legal Counsel.....	Grade 19
29 Senior Indexer.....	Grade 28
30 Indexer II.....	Grade 25

## Page 9

1 Indexer I.....	Grade 22
2 Indexing Assistant.....	Grade 19
3 Supply Clerk.....	Grade 16
4 Switchboard Operator.....	Grade 14
5 Legislative Secretary.....	Grade 15
6 Legislative Committee Secretary.....	Grade 17
7 Bill Clerk.....	Grade 14
8 Assistant Bill Clerk.....	Grade 12
9 Postmaster.....	Grade 12
10 Sergeant-at-Arms II.....	Grade 20
11 Sergeant-at-Arms I.....	Grade 17
12 Assistant Sergeant-at-Arms.....	Grade 14
13 Chief Doorkeeper.....	Grade 12
14 Doorkeepers.....	Grade 11

15 Pages ..... Grade 9

16 EMPLOYEES OF THE SENATE

17 Secretary of the Senate ..... Grade 44

18 Sr. Assistant Secretary of the Senate ..... Grade 41

19 Assistant Secretary of the Senate III ..... Grade 38

20 Assistant Secretary of the Senate II ..... Grade 35

21 Assistant Secretary of the Senate I ..... Grade 32

22 Legal Counsel II ..... Grade 35

23 Legal Counsel I ..... Grade 32

24 Legal Counsel ..... Grade 30

25 Sr. Caucus Staff Director ..... Grade 41

26 Caucus Staff Director ..... Grade 38

27 Sr. Deputy Caucus Staff Director ..... Grade 39

28 Deputy Caucus Staff Director ..... Grade 36

29 Administrative Assistant to Leader

30 or President ..... Grade 27

Page 10

1 Administrative Assistant I to Leader

2 or President ..... Grade 29

3 Administrative Assistant II to Leader

4 or President ..... Grade 32

5 Administrative Assistant III to Leader

6 or President ..... Grade 35

7 Sr. Administrative Assistant to

8 Leader or President ..... Grade 38

9 Sr. Administrative Assistant to

10 Leader or President II ..... Grade 41

11 Research Assistant ..... Grade 24

12 Legislative Research Analyst ..... Grade 27

13 Legislative Research Analyst I ..... Grade 29

14 Legislative Research Analyst II ..... Grade 32

15 Legislative Research Analyst III ..... Grade 35

16 Sr. Legislative Research Analyst ..... Grade 38

17 Caucus Secretary II ..... Grade 21

18 Senior Caucus Secretary ..... Grade 24

19 Secretary to Leader, President, or Caucus ..... Grade 18

20 Administrative Secretary to Leader, President,

21 or Secretary of the Senate ..... Grade 21

22 Executive Secretary to Leader, President,

23 or Secretary of the Senate ..... Grade 24

24 Confidential Secretary to Leader, President,

25 or Secretary of the Senate ..... Grade 27

26 Confidential Secretary II to Leader, President,

27 or Secretary of the Senate ..... Grade 32

28 Supervisor of Secretaries ..... Grade 21

29 Supervisor of Secretaries I ..... Grade 24

30 Supervisor of Secretaries II ..... Grade 27

Page 11

1	<u>Sr. Administrative Services Office</u> .....	Grade 35
2	<u>Administrative Services Officer III</u> .....	Grade 32
3	<u>Administrative Services Officer II</u> .....	Grade 29
4	<u>Administrative Services Officer I</u> .....	Grade 26
5	<u>Administrative Services Officer</u> .....	Grade 23
6	<u>Administrative Services Assistant</u> .....	Grade 20
7	Senior Editor.....	Grade 30
8	Editor II.....	Grade 25
9	Editor I.....	Grade 22
10	Assistant Editor.....	Grade 19
11	Compositor/Desktop Specialist.....	Grade 17
12	Assistant Legal Counsel I.....	Grade 30
13	Assistant Legal Counsel.....	Grade 27
14	Assistant to the Legal Counsel.....	Grade 19
15	Proofreader.....	Grade 16
16	Senior Finance Officer III.....	Grade 38
17	Senior Finance Officer II.....	Grade 35
18	Senior Finance Officer I.....	Grade 31
19	Finance Officer II.....	Grade 27
20	Finance Officer I.....	Grade 24
21	Assistant Finance Officer.....	Grade 21
22	Recording Clerk II.....	Grade 24
23	Recording Clerk I.....	Grade 21
24	Senior Indexer.....	Grade 28
25	Indexer II.....	Grade 25
26	Indexer I.....	Grade 22
27	Indexing Assistant.....	Grade 19
28	Records and Supply Clerk.....	Grade 18
29	Switchboard Operator.....	Grade 14
30	Legislative Secretary.....	Grade 15

Page 12

1	Legislative Committee Secretary.....	Grade 17
2	Bill Clerk.....	Grade 14
3	Assistant Bill Clerk.....	Grade 12
4	Postmaster.....	Grade 12
5	Sergeant-at-Arms II.....	Grade 20
6	Sergeant-at-Arms I.....	Grade 17
7	Assistant Sergeant-at-Arms.....	Grade 14
8	Chief Doorkeeper.....	Grade 12
9	Doorkeepers.....	Grade 11
10	Pages.....	Grade 9
11	<b>JOINT SENATE/HOUSE EMPLOYEES</b>	
12	Facilities Manager I.....	Grade 35
13	Facilities Manager II.....	Grade 38
14	Sr. Facilities Manager.....	Grade 41
15	Legislative Security Secretary.....	Grade 19
16	Legislative Security Coordinator I.....	Grade 23
17	Legislative Security Coordinator II.....	Grade 26

18 Legislative Security Officer I ..... Grade 20  
 19 Legislative Security Officer II..... Grade 23  
 20 Conservation/Restoration Specialist II..... Grade 31  
 21 Sr. Legislative Lobbyist Clerk ..... Grade 24  
 22 Legislative Lobbyist Clerk ..... Grade 21  
 23 Sr. Copy Center Operator..... Grade 21  
 24 Copy Center Operator ..... Grade 18  
 25 *Be it further resolved*, That there shall be four  
 26 classes of appointments as employees of the general  
 27 assembly:  
 28 A "permanent full-time" or "permanent part-time"  
 29 employee is one who is employed the year around and  
 30 eligible to receive state benefits.

Page 13

1 An "exempt full-time" employee is one who is  
 2 employed for only a portion of the year, usually the  
 3 period of the legislative sessions with extensions  
 4 post-session and pre-session as scheduled. This class  
 5 is eligible to receive state benefits with the cost of  
 6 benefits to the state to be paid, using accrued leave  
 7 if authorized, by the employee when not on the  
 8 payroll.  
 9 A "session-only" employee is one who is employed  
 10 for only a portion of the year, usually the  
 11 legislative session. This class is not eligible for  
 12 state benefits, except IPERS, and insurance as  
 13 provided in section 2.40.  
 14 A "part-time" employee is one who is employed to  
 15 work less than 40 hours per week. This class is not  
 16 eligible for state benefits, except IPERS if eligible.  
 17 *Be it further resolved*, That the exact  
 18 classification for individuals in a job series created  
 19 by this resolution shall be set or changed for senate  
 20 employees by the senate rules and administration  
 21 committee and for the house employees by the house  
 22 administration and rules committee. The committees  
 23 shall base the classification upon the following  
 24 factors:  
 25 1. The extent of formal education required of the  
 26 position; and,  
 27 2. The extent of the responsibilities to be  
 28 assigned to the position; and,  
 29 3. The amount of supervision placed over the  
 30 position; and,

Page 14

1 4. The number of persons the position is assigned  
 2 to supervise and skills and responsibilities of those  
 3 positions supervised.

4 The committees shall report the exact  
 5 classifications assigned to each individual on the  
 6 next legislative day, or, if such action is during the  
 7 interim, on the first day the senate or house shall  
 8 convene. Any action by the senate or house to  
 9 disapprove a report or a portion of a report shall be  
 10 effective the day after the action.  
 11 Recommendations for a pay grade for a new position  
 12 shall be developed in accordance with the factor  
 13 scores in the comparable worth report. Every four  
 14 years the senate rules and administration committee,  
 15 the house administration and rules committee, and the  
 16 legislative council may review all positions in the  
 17 legislative branch to assure conformity to comparable  
 18 worth.  
 19 *Be it further resolved,* That a senator or  
 20 representative may employ a secretary who in the  
 21 judgment of the senator or representative employing  
 22 such person, possesses the necessary skills to perform  
 23 the duties such senator or representative shall  
 24 designate, under the administrative direction, as  
 25 appropriate, of the secretary of the senate or the  
 26 chief clerk of the house.  
 27 Each standing committee chairperson, ethics  
 28 committee chairperson, and each appropriations  
 29 subcommittee chairperson shall designate a secretary  
 30 who is competent to perform the following duties:

Page 15

1 prepare committee minutes, committee reports, type  
 2 committee correspondence, maintain committee records,  
 3 and otherwise assist the committee. Such duties shall  
 4 be performed in accordance with standards which shall  
 5 be provided by the secretary of the senate and chief  
 6 clerk of the house. In making the designation,  
 7 chairpersons shall consider persons for possible  
 8 designation as the secretary to the committee in the  
 9 following order:  
 10 First: The secretary to the chairperson.  
 11 Second: The secretary to the committee's vice-  
 12 chairperson.  
 13 Third: The secretary to any other member of the  
 14 committee.  
 15 Fourth: The secretary to any other member in the  
 16 same house as the committee.  
 17 *Be it further resolved,* That a Legal Counsel II  
 18 shall be a person who has graduated from an accredited  
 19 school of law and is admitted to practice in Iowa as  
 20 an Attorney and Counselor at Law and possesses either  
 21 a Masters of Law degree or has at least two years of  
 22 legal experience after admission to practice.

23 A Legal Counsel I shall be a person who has  
 24 graduated from an accredited school of law and is  
 25 admitted to practice in Iowa as an Attorney and  
 26 Counselor at Law.  
 27 *Be it further resolved*, That employees of the  
 28 general assembly may be eligible for either:  
 29 a) increases in salary grade or step based on  
 30 evaluation of their job performance and

Page 16

1 recommendations of their administrative officers,  
 2 subject to approval of the senate committee on rules  
 3 and administration or the house committee on  
 4 administration and rules, as appropriate or  
 5 b) mobility within a pay grade at the discretion  
 6 of the chief clerk of the house upon recommendation by  
 7 the employee's division supervisor on the part of the  
 8 house, and the discretion of the employee's division  
 9 supervisor on the part of the senate, subject to the  
 10 approval of the house committee on administration and  
 11 rules or the senate committee on rules and  
 12 administration, as appropriate – either in accord  
 13 with a flexible pay plan approved by the senate rules  
 14 and administration committee or the house  
 15 administration and rules committee, or in accord with  
 16 the following schedule:  
 17 (1) Progression from step "1" to "2" for a newly  
 18 hired employee – six months of actual employment.  
 19 (2) Progression from step "1" to "2" following  
 20 promotion within a job series – twelve months of  
 21 actual employment in that position.  
 22 (3) Progression from step "2" to "3", and step "3"  
 23 to "4", and step "4" to "5", and step "5" to "6", and  
 24 step "6" to "7" – twelve months of actual employment  
 25 at the lower step.  
 26 *Be it further resolved*, That in addition to the  
 27 steps provided in the preceding paragraph, that  
 28 secretaries to senators and representatives who were  
 29 employees of the senate or house of representatives  
 30 during any general assembly prior to January 9, 1989,

Page 17

1 and who have received certification for passing a  
 2 typing and shorthand performance examination shall be  
 3 eligible for two additional steps.  
 4 *Be it further resolved*, That in addition to the  
 5 steps provided in the preceding paragraph, that  
 6 secretaries to senators and representatives shall be  
 7 eligible for a maximum of three additional grades  
 8 beyond grade 15, in any combination, as provided in

9 this paragraph:

- 10 1. One additional grade for a secretary to a
- 11 standing committee chair, ethics committee chair or
- 12 appropriations subcommittee chair who is not the
- 13 designated committee secretary.
- 14 2. One additional grade for a secretary to a vice-
- 15 chairperson or ranking member of a standing committee,
- 16 ethics committee or appropriations subcommittee.
- 17 3. One additional grade for a secretary to the
- 18 chairperson of the chaplain's committee.
- 19 4. Two additional grades for a secretary to an
- 20 assistant floor leader or speaker pro tempore or
- 21 president pro tempore.
- 22 5. One additional grade for a designated committee
- 23 secretary who is also the designated committee
- 24 secretary for an additional standing committee, ethics
- 25 committee, or appropriations subcommittee.
- 26 *Be it further resolved*, That in the event the
- 27 secretary to the chairperson of the chaplain's
- 28 committee is the secretary to the president, president
- 29 pro tempore, speaker, speaker pro tempore, or the
- 30 majority or minority leader, such secretary shall

Page 18

- 1 receive one additional step.
- 2 *Be it further resolved*, That the entrance salary
- 3 for employees of the general assembly shall be at step
- 4 1 in the grade of the position held. Such employee
- 5 may be hired above the entrance step if possessing
- 6 outstanding and unusual experience for the position.
- 7 Such employee who is hired above the entrance step
- 8 shall be mobile above that step in the same period of
- 9 time as other employees in that same step. An officer
- 10 or employee who is moved to another position may be
- 11 considered for partial or full credit for their
- 12 experience in the former position in determining the
- 13 step in the new grade.
- 14 The entry level for the position of research
- 15 analyst shall be Legislative Research Analyst, unless
- 16 extraordinary conditions justify increasing that entry
- 17 level.
- 18 *Be it further resolved*, That a pay increase for
- 19 employees of one step within the pay grade for the
- 20 position may be made for exceptionally meritorious
- 21 service in addition to step increases provided for in
- 22 this resolution, at the discretion of the chief clerk
- 23 upon recommendation by the employee's division
- 24 supervisor on the part of the house, and upon
- 25 recommendation by the employee's division supervisor
- 26 on the part of the senate, and the approval of the
- 27 senate committee on rules and administration or the

28 house committee on administration and rules.  
29 Exceptionally meritorious service pay increases shall  
30 be governed by the following:

Page 19

1 a. The employee must have served in the position  
2 for at least twelve months;  
3 b. Written justification, setting forth in detail  
4 the nature of the exceptionally meritorious service  
5 rendered, must be submitted to the senate rules and  
6 administration committee or house administration and  
7 rules committee and approved in advance of granting  
8 the pay increase;  
9 c. No more than one exceptionally meritorious  
10 service pay increase may be granted in any twelve-  
11 month period.  
12 d. Such meritorious service pay increase shall not  
13 be granted beyond the seven-step maximum for that  
14 position.  
15 *Be it further resolved*, That the senate rules and  
16 administration committee and the house administration  
17 and rules committee shall both hire officers and  
18 employees for their respective bodies and fill any  
19 vacancies which may occur, to be effective at such  
20 time as they shall set. The committee shall report  
21 the names of those it has hired for the positions  
22 specified in this resolution or the filling of any  
23 vacancies on the next legislative day or, if such  
24 action is during the interim, on the first day the  
25 senate or house shall convene. Any action by the  
26 senate or house to amend or disapprove a report or a  
27 portion of a report shall be effective the day after  
28 the action.  
29 The chief clerk of the house shall submit to the  
30 house committee on administration and rules and the

Page 20

1 secretary of the senate shall submit to the senate  
2 committee on rules and administration the list of  
3 names, or amendments thereto, of employee  
4 classifications and recommended pay step for each  
5 officer and employee. Such list shall include  
6 recommendations for the pay step for all employees.  
7 Each respective committee shall approve or amend the  
8 list of recommended classifications and pay steps and  
9 publish said list in the journal.  
10 *Be it further resolved*, That permanent employees of  
11 the general assembly shall receive vacation  
12 allowances, sick leave, health and accident insurance,  
13 life insurance, and disability income insurance as are



14 comparably provided for full-time permanent state  
 15 employees. The computations shall be maintained by  
 16 the finance officers in each house and coordinated  
 17 with the department of administrative services.  
 18 *Be it further resolved*, That should any employee  
 19 have a grievance, the grievance shall be resolved as  
 20 provided by procedures determined by the senate rules  
 21 and administration committee for senate employees or  
 22 the house administration and rules committee for house  
 23 employees.  
 24 *Be it further resolved*, That the legislative  
 25 council take action to provide the same compensation  
 26 and benefits to all legislative central staff agency  
 27 employees for the ~~eighty-second~~ eighty-third general  
 28 assembly as is provided by this resolution. The  
 29 director of each legislative central staff agency  
 30 shall report to the chief clerk of the house and the

Page 21

1 secretary of the senate the list of approved positions  
 2 for their agencies and the names, grades and steps of  
 3 each employee. Such lists shall be published in the  
 4 journals of the house and the senate within two weeks  
 5 after the adoption of this resolution by both houses.  
 6 *Be it further resolved*, That the compensation of  
 7 chaplains officiating at the opening of the daily  
 8 sessions of the house of representatives and the  
 9 senate of the ~~eighty-second~~ eighty-third general  
 10 assembly be fixed at ten dollars for each house of the  
 11 general assembly, and that mileage to and from the  
 12 State Capitol for chaplains be fixed at the rate  
 13 established for members of the general assembly.

The motion prevailed and the resolution was adopted.

On motion by Reasoner of Union, the House was recessed at 9:19  
 a.m., until 4:00 p.m.

#### AFTERNOON SESSION

The House reconvened at 4:07 p.m., Speaker pro tempore Bukta in  
 the chair.

#### INTRODUCTION OF BILLS

**House File 417**, by Reichert, a bill for an act concerning  
 procurement of products manufactured by Iowa state prison  
 industries.

Read first time and referred to committee on **public safety**.

**House File 418**, by Tymeson, a bill for an act relating to a prohibition on the use of school district resources or employees to influence elections and providing a penalty.

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

**House File 419**, by Mascher, Whitead, T. Taylor, D. Taylor, Ford, Zirkelbach, Bukta, Whitaker, D. Olson, Hunter, Winckler, Lensing, Petersen and Wessel-Kroeschell, a bill for an act relating to regulation of child care by the department of human services by providing for licensing of child development homes, establishing a regulatory fee and appropriating the fee proceeds, making penalties applicable, and providing effective dates.

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

**House File 420**, by committee on labor, a bill for an act concerning civil service commissions, disciplinary procedures, and residency requirements for civil service employees.

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

**House File 421**, by Upmeyer, a bill for an act relating to the impoundment of a motor vehicle by a law enforcement agency.

Read first time and referred to committee on **public safety**.

**House File 422**, by Reichert, a bill for an act relating to motor vehicle emission standards.

Read first time and referred to committee on **environmental protection**.

**House File 423**, by Bell, a bill for an act relating to landlord and tenant law by modifying requirements related to rental deposits, providing for the establishment of a landlord-tenant relations review board, and requiring certain premises to have an on-site manager.

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

**House File 424**, by Whitaker, a bill for an act relating to hours-of-service requirements for certain commercial motor vehicle operators hauling agricultural commodities or farm supplies.

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

**House File 425**, by Upmeyer, a bill for an act relating to grandparent and great-grandparent visitation.

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

#### IMMEDIATE MESSAGE

Reasoner of Union asked and received unanimous consent that **Senate Concurrent Resolution 2** be immediately messaged to the Senate.

#### BILL ENROLLED, SIGNED AND SENT TO GOVERNOR

The Chief Clerk of the House submitted the following report:

Mr. Speaker: The Chief Clerk of the House respectfully reports that the following bill has been examined and found correctly enrolled, signed by the Speaker of the House and the President of the Senate, and presented to the Governor for his approval on this 24<sup>th</sup> day of February, 2009: House File 283.

MARK W. BRANDSGARD  
Chief Clerk of the House

Report adopted.

#### COMMUNICATIONS RECEIVED

The following communications were received and filed in the office of the Chief Clerk:

#### CITIZENS' AIDE/OMBUDSMAN

Report on Investigation of Restraint Device Use in Iowa's County jails, pursuant to Chapter 2C.17, Code of Iowa.

## DEPARTMENT FOR THE BLIND

Report of the plastic and recycled content products and the soy-based inks regularly purchased, pursuant to Chapter 216B.3(12d), Code of Iowa.

## DEPARTMENT OF HUMAN SERVICES

Report on growth mechanism for child welfare, pursuant to Chapter 217.8, Code of Iowa.

Report on the medical assistance quality improvement council, pursuant to Chapter 217, Code of Iowa.

Combined annual and biennial report of the Mental Health, Mental Retardation, Developmental Disabilities, and Brain Injury Commission, pursuant to Chapter 225C.6(1)(h)(i), Code of Iowa.

2008 Iowa Care Report, pursuant to Chapter 217, Code of Iowa.

## DEPARTMENT OF NATURAL RESOURCES

Sustainable natural resources funding report, pursuant to Chapter 455A, Code of Iowa.

2008 State Preserves Biennial Report, pursuant to Chapter 455A, Code of Iowa.

## DEPARTMENT OF REVENUE

Iowa streamlined sales tax advisory council's 2008 annual report, pursuant to Chapter 423.9A, Code of Iowa.

## 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

- |           |   |
|-----------|---|
| 2009\1691 | Clifford Michael and Bette Pierce, Palmyra– For celebrating their 50th wedding anniversary. |
| 2009\1692 | LaVere and Marcella McCleary, Dexter– For celebrating their 60th wedding anniversary.       |
| 2009\1693 | Marvin and Phyllis Loynachan, Dubuque– For celebrating their 60th wedding anniversary.      |
| 2009\1694 | Ruth Hingst, Burlington – For celebrating her 96th birthday.                                |

- 2009\1695 Robert and Sharon Deggendorf, Burlington – For celebrating their 50th wedding anniversary.
- 2009\1696 Neil M. and Wanda R. Watts, Burlington – For celebrating their 50th wedding anniversary.
- 2009\1697 Paul “Rocky” and Phyllis Roxlau, Burlington – For celebrating their 50th wedding anniversary.
- 2009\1698 Don and Rita Larson, Elkader – For celebrating their 55th wedding anniversary.
- 2009\1699 Allen and Viola Wescott, Arlington – For celebrating their 50th wedding anniversary.
- 2009\1700 Thelma Long, Conrad – For celebrating her 90th birthday.
- 2009\1701 Helen Koehler, Marshalltown – For celebrating her 88th birthday.
- 2009\1702 Gladys Dekker, Grundy Center – For celebrating her 90th birthday.
- 2009\1703 Calvin Ohrt, Marshalltown – For celebrating his 80th birthday.
- 2009\1704 Myrle Engelson, Hubbard – For celebrating his 85th birthday.
- 2009\1705 Marjorie Voy, Ackley – For celebrating her 80th birthday.
- 2009\1706 Harold Fredericks, Denison – For celebrating his 90th birthday.
- 2009\1707 Iris Witt, Battle Creek – For celebrating her 80th birthday.
- 2009\1708 Marjorie Larsen, Holstein – For celebrating her 90th birthday.
- 2009\1709 John Harris, Holstein – For attaining the rank of Eagle Scout, the highest rank in the Boy Scouts of America.
- 2009\1710 Don Gebers, Holstein – For attaining the rank of Eagle Scout, the highest rank in the Boy Scouts of America.
- 2009\1711 H. Maurice and Lois Beaver, Oskaloosa – For celebrating their 90th birthdays.
- 2009\1712 Myrtle Fulton, Richland – For celebrating her 90th birthday.
- 2009\1712 Myrtle Fulton, Richland – For celebrating her 90th birthday.
- 2009\1713 Norma McCoy, Williamsburg – For celebrating her 90th birthday.
- 2009\1714 William Kirstein, Grand Mound – For celebrating his 85th birthday.
- 2009\1715 Lois Ruggeberg, De Witt – For celebrating her 90th birthday.

- 2009\1716 Joy Grantham, Fontanelle – For celebrating her 80th birthday.
- 2009\1717 Floyd and Martha Swanson, Aurelia – For celebrating their 50th wedding anniversary.
- 2009\1718 Eugene and Ramona Harken, Aplington – For celebrating their 50th wedding anniversary.
- 2009\1719 Gladys C. Jansen, Grundy Center – For celebrating her 99th birthday.
- 2009\1720 Gerald and Janice Bower, Grundy Center – For celebrating their 50th wedding anniversary.
- 2009\1721 Jim and Annie Hougham, Bagley – For celebrating their 60<sup>th</sup> wedding anniversary.
- 2009\1722 Esther Thompson, Panora – For celebrating her 90th birthday.
- 2009\1723 Francis Kastner, Yale – For celebrating his 85th birthday.
- 2009\1724 Lavonne De Groot, Hull – For celebrating her 80th birthday.
- 2009\1725 Jay and Anna May Ackerman, George – For celebrating their 60th wedding anniversary.
- 2009\1726 Elizabeth Pierce, Lake Mills – For celebrating her 90th birthday.
- 2009\1727 Edward and Diane Larsen, Garner – For celebrating their 50th wedding anniversary.
- 2009\1728 Derric Thomas, Newman Catholic High School – For winning 1<sup>st</sup> place in the 119 lb. weight class in the Class 1-A Division of the 2009 State Wrestling Tournament.
- 2009\1729 Thorvald Sorensen, Mason City – For celebrating his 90th birthday.
- 2009\1730 DeRay and LaVaughn Lichty, Mason City – For celebrating their 65th wedding anniversary.
- 2009\1731 Francis and Velma Berry, Aurelia – For celebrating their 60th wedding anniversary.
- 2009\1732 Matthew David Burnstedt, Libertyville – For attaining the rank of Eagle Scout, the highest rank in the Boy Scouts of America.
- 2009\1733 Charles and Janet Buford, Donnellson – For celebrating their 50th wedding anniversary.
- 2009\1734 Luella Schneider, Waterloo – For celebrating her 85th birthday.
- 2009\1735 Calvin Paulsen, Waterloo – For celebrating his 85th birthday.

- 2009\1736 Charles Smith, Waterloo – For celebrating his 90th birthday.
- 2009\1737 Dale Andres, Waterloo – For celebrating his 90th birthday.
- 2009\1738 Edith Cooley, Waterloo – For celebrating her 85th birthday.
- 2009\1739 Agnes Terry, Waterloo – For celebrating her 100th birthday.
- 2009\1740 Edna Steffens, Waterloo – For celebrating her 90th birthday.
- 2009\1741 Doris Blue, Waterloo – For celebrating her 80th birthday.
- 2009\1742 Dorothy Nordman, Waterloo – For celebrating her 90th birthday.
- 2009\1743 Joann Jordan, Waterloo – For celebrating her 75th birthday.
- 2009\1744 Earl Steimel, Waterloo – For celebrating his 80th birthday.
- 2009\1745 Lyle Hildebrand, Jr., Waterloo – For celebrating his 75th birthday.
- 2009\1746 Roger Klemz, Waterloo – For celebrating his 75th birthday.
- 2009\1747 Doris Evert, Waterloo – For celebrating her 80th birthday.
- 2009\1748 Marian Huffman, Waterloo – For celebrating her 80th birthday.
- 2009\1749 Lucile Hunemuller, Waterloo – For celebrating her 80th birthday.
- 2009\1750 Corlis Boylan, Waterloo – For celebrating his 95th birthday.
- 2009\1751 Donald Bessman, Waterloo – For celebrating his 75th birthday.
- 2009\1752 Herbert Kane, Waterloo – For celebrating his 85th birthday.
- 2009\1753 Ann Russell, Waterloo – For celebrating her 90th birthday.
- 2009\1754 Verelyn Mayer, Waterloo – For celebrating his 80th birthday.
- 2009\1755 Dorothy Forsberg, Waterloo – For celebrating her 90th birthday.
- 2009\1756 Florene Hiffernan, Waterloo – For celebrating her 75th birthday.
- 2009\1757 Donald Verbeck, Waterloo – For celebrating his 85th birthday.
- 2009\1758 Gloria Remhof, Waterloo – For celebrating her 85th birthday.
- 2009\1759 Mildred Cowan, Waterloo – For celebrating her 100th birthday.
- 2009\1760 Albert Everett, Waterloo – For celebrating his 80th birthday.
- 2009\1761 Marian Ratchford, Waterloo – For celebrating her 95th birthday.

- 2009\1762 Geneil Mestad, Waterloo – For celebrating her 80th birthday.
- 2009\1763 Jean Thompson, Waterloo – For celebrating her 85th birthday.
- 2009\1764 Irene Bartlett, Waterloo – For celebrating her 80th birthday.
- 2009\1765 Margaret Gardner, Waterloo – For celebrating her 80th birthday.
- 2009\1766 Dorothy Amundson, Waterloo – For celebrating her 85th birthday.
- 2009\1767 Marlene Forsyth, Waterloo – For celebrating her 75th birthday.
- 2009\1768 Colleen Bovy, Fairbank – For celebrating her 75th birthday.
- 2009\1769 James Davidson, Winthrop – For celebrating his 90th birthday.
- 2009\1770 Mildred Reichwald, Independence – For celebrating her 95th birthday.
- 2009\1771 Dorothy Duffy, Fairbank – For celebrating her 75th birthday.
- 2009\1772 Bennett Franken, Waterloo – For celebrating his 75th birthday.
- 2009\1773 Clifford Strempe, Independence – For celebrating his 75th birthday.
- 2009\1774 James Johannsen, La Porte City – For celebrating his 75th birthday.
- 2009\1775 Jane McGill, Independence – For celebrating her 75th birthday.
- 2009\1776 Earl Miller, Hazleton – For celebrating his 75th birthday.
- 2009\1777 Neva Hardy, Independence – For celebrating her 85th birthday.
- 2009\1778 Raphael Youngblut, Jesup – For celebrating his 85th birthday.
- 2009\1779 Geraldine Johnson, Fairbank – For celebrating her 75th birthday.
- 2009\1780 Glen Lorenz, Independence – For celebrating his 85th birthday.
- 2009\1781 Idella Gulden, Washburn – For celebrating her 90th birthday.
- 2009\1782 Robert Hilmer, Waterloo – For celebrating his 80th birthday.
- 2009\1783 Lloyd Reuter, Gilbertville – For celebrating his 80th birthday.
- 2009\1784 Raymond Luck, Independence – For celebrating his 75th birthday.
- 2009\1785 Katherine Bengston, Independence – For celebrating her 85th birthday.



- 2009\1786 William Hickey, Independence – For celebrating his 80th birthday.
- 2009\1787 Dorothy Senn, Washburn – For celebrating her 80th birthday.
- 2009\1788 Georgia Williams, Winthrop – For celebrating her 80th birthday.
- 2009\1789 Milo Stohr, Hazleton – For celebrating his 75th birthday.
- 2009\1790 Greta Thomas, Independence – For celebrating her 75th birthday.
- 2009\1791 Veronica Duben, Dunkerton – For celebrating her 75th birthday.
- 2009\1792 Lois Thedens, Rowley – For celebrating her 75th birthday.
- 2009\1793 Peter Koskamp, Independence – For celebrating his 85th birthday.
- 2009\1794 Lois Miszner, La Porte City – For celebrating her 90th birthday.
- 2009\1795 James Youngblut, Jesup – For celebrating his 75th birthday.
- 2009\1796 Jerry Evans, Jesup – For celebrating his 75th birthday.
- 2009\1797 Elizabeth Luebbers, Independence – For celebrating her 80th birthday.
- 2009\1798 Virgil Rogers, Brandon – For celebrating his 75th birthday.
- 2009\1799 Dolores Bader, La Porte City – For celebrating her 80th birthday.
- 2009\1800 Joseph Miller, Hazleton – For celebrating his 85th birthday.
- 2009\1801 Lois Pfeifer, La Porte City – For celebrating her 85th birthday.
- 2009\1802 Sharon Roberts, Jesup – For celebrating her 75th birthday.
- 2009\1803 Carl Schneider, Fairbank – For celebrating his 85th birthday.
- 2009\1804 Doris Travis, Independence – For celebrating her 85th birthday.
- 2009\1805 Charlotte Alger, Emmetsburg – For celebrating her 95th birthday.
- 2009\1806 Matsumi Hamilton, Emmetsburg – For celebrating her 80th birthday.
- 2009\1807 Charles Miller, Swea City – For celebrating his 75th birthday.
- 2009\1808 Jean Wiant, Estherville – For celebrating her 85th birthday.
- 2009\1809 Dorothy Cast, West Bend – For celebrating her 75th birthday.
- 2009\1810 Dona Fae Dahlberg, Estherville – For celebrating her 85th birthday.

- 2009\1811 Doris Jacob, Estherville – For celebrating her 95th birthday.
- 2009\1812 Obed Naig, Emmetsburg – For celebrating his 85th birthday.
- 2009\1813 Joe Wollner, Bancroft – For celebrating his 85th birthday.
- 2009\1814 Dorothy Cronk, Armstrong – For celebrating her 75th birthday.
- 2009\1815 Florence Soenen, Emmetsburg – For celebrating her 80th birthday.
- 2009\1816 David Anderson, Burt – For celebrating his 75th birthday.
- 2009\1817 Joann Greene, Estherville – For celebrating her 80th birthday.
- 2009\1818 Lloyd McCombs, Ruthven – For celebrating his 75th birthday.
- 2009\1819 Mabel Boe, Estherville – For celebrating her 80th birthday.
- 2009\1820 Lois Holcomb, Swea City – For celebrating her 80th birthday.
- 2009\1821 Ann Stillman, Emmetsburg – For celebrating her 80th birthday.
- 2009\1822 Deloris Boeckholt, Titonka – For celebrating her 75th birthday.
- 2009\1823 Dorothy Lind, Estherville – For celebrating her 90th birthday.
- 2009\1824 Beverly Miller, Algona – For celebrating her 80th birthday.
- 2009\1825 Juanita Schmalen, West Bend – For celebrating her 85th birthday.
- 2009\1826 Jean Cater, Emmetsburg – For celebrating her 80th birthday.
- 2009\1827 Mary Emerson, Swea City – For celebrating her 75th birthday.
- 2009\1828 Robert Huskamp, Fenton – For celebrating his 90th birthday.
- 2009\1829 Wilma Marler, Armstrong – For celebrating her 80th birthday.
- 2009\1830 Eva Watkins, Graettinger – For celebrating her 80th birthday.
- 2009\1831 Delores Farrow, Ledyard – For celebrating her 75th birthday.
- 2009\1832 Emma Tieman, Fenton – For celebrating her 85th birthday.
- 2009\1833 Esther Schenck, Estherville – For celebrating her 100th birthday.
- 2009\1834 Marvin Bollinger, Fenton – For celebrating his 75th birthday.
- 2009\1835 Roy Kirchner, Estherville – For celebrating his 90th birthday.
- 2009\1836 Harold Ubben, Lakota – For celebrating his 85th birthday.

- 2009\1837 Mike Maloney, Estherville – For celebrating his 80th birthday.
- 2009\1838 Maxine Osborn, Estherville – For celebrating her 95th birthday.
- 2009\1839 Lila Egeland, Dolliver – For celebrating her 85th birthday.
- 2009\1840 Julene Mastin, Elmore – For celebrating her 75th birthday.
- 2009\1841 Richard Dreyer, Armstrong – For celebrating his 75th birthday.
- 2009\1842 John Hamilton, Titonka – For celebrating his 90th birthday.
- 2009\1843 Arlis Higgins, Titonka – For celebrating her 80th birthday.
- 2009\1844 Donald Farrow, Swea City – For celebrating his 80th birthday.
- 2009\1845 Helen Matheason, Graettinger – For celebrating her 85th birthday.
- 2009\1846 Marguerite Montag, Emmetsburg – For celebrating her 90th birthday.
- 2009\1847 Wayne Haukoos, Estherville – For celebrating his 80th birthday.
- 2009\1848 Doris Gustafson, Emmetsburg – For celebrating her 85th birthday.
- 2009\1849 George Tjaden, Algona – For celebrating his 80th birthday.
- 2009\1850 Vivian Meyer, Estherville – For celebrating her 95th birthday.
- 2009\1851 Elnora Olson, Swea City – For celebrating her 90th birthday.
- 2009\1852 Donald Behnkendorf, Bancroft – For celebrating his 85th birthday.
- 2009\1853 Wanda Blome, Ledyard – For celebrating her 80th birthday.
- 2009\1854 James Dietrich, Emmetsburg – For celebrating his 75th birthday.
- 2009\1855 Edna Foth, Bancroft – For celebrating her 80th birthday.
- 2009\1856 Nordein Peterson, Wallingford – For celebrating his 90th birthday.
- 2009\1857 Anita Theisen, Fenton – For celebrating her 80th birthday.
- 2009\1858 Nonda Beaver, Estherville – For celebrating her 80th birthday.
- 2009\1859 Virgil West, Wallingford – For celebrating his 75th birthday.
- 2009\1860 Bonnie Oleary, Emmetsburg – For celebrating her 75th birthday.
- 2009\1861 Phyllis Minor, Estherville – For celebrating her 80th birthday.
- 2009\1862 Alberta Johnson, Ottumwa – For celebrating her 80th birthday.

- 2009\1863 Kenneth Pilcher, Ottumwa – For celebrating his 75th birthday.
- 2009\1864 Florence McWilliams, Ottumwa – For celebrating her 85th birthday.
- 2009\1865 Martin Darner, Ottumwa – For celebrating his 90th birthday.
- 2009\1866 Carl LandgrebeSr., Ottumwa – For celebrating his 90th birthday.
- 2009\1867 George Magrane, Ottumwa – For celebrating his 80th birthday.
- 2009\1868 Martha Garrett, Ottumwa – For celebrating her 75th birthday.
- 2009\1869 Dale Johnson, Ottumwa – For celebrating his 100th birthday.
- 2009\1870 Louise German, Ottumwa – For celebrating her 75th birthday.
- 2009\1871 Nancy Swanson, Ottumwa – For celebrating her 75th birthday.
- 2009\1872 Lila Propp, Ottumwa – For celebrating her 80th birthday.
- 2009\1873 Dale Shadonix, Ottumwa – For celebrating his 80th birthday.
- 2009\1874 Adah Ogden, Ottumwa – For celebrating her 90th birthday.
- 2009\1875 Robert Clark, Ottumwa – For celebrating his 80th birthday.
- 2009\1876 Glenn McKitrick, Ottumwa – For celebrating his 85th birthday.
- 2009\1877 Betty Johnston, Chillicothe – For celebrating her 75th birthday.
- 2009\1878 Ronald Wymore, Ottumwa – For celebrating his 75th birthday.
- 2009\1879 Pauline Kirkland, Ottumwa – For celebrating her 90th birthday.
- 2009\1880 Viola McCall, Ottumwa – For celebrating her 90th birthday.
- 2009\1881 Raymond White, Ottumwa – For celebrating his 75th birthday.
- 2009\1882 Doris Cummings, Ottumwa – For celebrating her 80th birthday.
- 2009\1883 Wilfred Steuerwald, Ottumwa – For celebrating his 85th birthday.
- 2009\1884 Margaret Jordan, Ottumwa – For celebrating her 75th birthday.
- 2009\1885 Audrey Kooyman, Ottumwa – For celebrating her 80th birthday.
- 2009\1886 Gail Parrish, Ottumwa – For celebrating her 95th birthday.
- 2009\1887 Maxine Vanness, Ottumwa – For celebrating her 100th birthday.
- 2009\1888 Hazel Terrell, Ottumwa – For celebrating her 75th birthday.

- 2009\1889 Beverly Davison, Ottumwa – For celebrating her 85th birthday.
- 2009\1890 Richard Link, Ottumwa – For celebrating his 80th birthday.
- 2009\1891 Roy Renfrew, Ottumwa – For celebrating his 75th birthday.
- 2009\1892 Elizabeth Diebold, Ottumwa – For celebrating her 95th birthday.
- 2009\1893 Alice Garr, Ottumwa – For celebrating her 85th birthday.
- 2009\1894 Edwin Shaddock, Ottumwa – For celebrating his 80th birthday.
- 2009\1895 Dorothy Lapsey, Ottumwa – For celebrating her 85th birthday.
- 2009\1896 Lelia Nelson, Ottumwa – For celebrating her 90th birthday.
- 2009\1897 Iva Roby, Ottumwa – For celebrating her 75th birthday.
- 2009\1898 Kenneth Ashby, Ottumwa – For celebrating his 80th birthday.
- 2009\1899 Aniceta Vista, Ottumwa – For celebrating her 80th birthday.
- 2009\1900 Robert Toomire, Ottumwa – For celebrating his 75th birthday.
- 2009\1901 Leonard Schakel, Ottumwa – For celebrating his 75th birthday.
- 2009\1902 Mildred Lalk, Ottumwa – For celebrating her 85th birthday.
- 2009\1903 Mabel Clark, Ottumwa – For celebrating her 80th birthday.
- 2009\1904 Goldie Denisar, Ottumwa – For celebrating her 75th birthday.
- 2009\1905 Erika Scott, Ottumwa – For celebrating her 75th birthday.
- 2009\1906 John Brown, Ottumwa – For celebrating his 85th birthday.
- 2009\1907 Jean Kent, Ottumwa – For celebrating her 75th birthday.
- 2009\1908 Irene Johnson, Ottumwa – For celebrating her 80th birthday.
- 2009\1909 Raymond Stainer, Ottumwa – For celebrating his 80th birthday.
- 2009\1910 Iva Yates, Ottumwa – For celebrating her 80th birthday.
- 2009\1911 Wilma Clothier, Ottumwa – For celebrating her 95th birthday.
- 2009\1912 Frances Hoffman, Ottumwa – For celebrating her 85th birthday.
- 2009\1913 Lois Hartman, Ottumwa – For celebrating her 75th birthday.
- 2009\1914 Arlene Webb, Ottumwa – For celebrating her 75th birthday.

- 2009\1915 Lillian Wingate, Ottumwa – For celebrating her 80th birthday.
- 2009\1916 Joan Wingate, Ottumwa – For celebrating her 80th birthday.
- 2009\1917 Marjorie Lewis, Ottumwa – For celebrating her 90th birthday.
- 2009\1918 Charlotte Starbuck, Ames – For celebrating her 80th birthday.
- 2009\1919 Lois Humphrey, Ames – For celebrating her 80th birthday.
- 2009\1920 Mary Lee, Ames – For celebrating her 75th birthday.
- 2009\1921 Kenneth Siebert, Ames – For celebrating his 80th birthday.
- 2009\1922 Harvey Bogenrief, Ames – For celebrating his 85th birthday.
- 2009\1923 Fred Bunce, Ames – For celebrating his 85th birthday.
- 2009\1924 Joan Anderson, Ames – For celebrating her 75th birthday.
- 2009\1925 Patricia Apt, Ames – For celebrating her 75th birthday.
- 2009\1926 Carlos Parker Sr., Boone – For celebrating his 75th birthday.
- 2009\1927 Florence Steel, Ames – For celebrating her 80th birthday.
- 2009\1928 Robert Steinick, Madrid – For celebrating his 85th birthday.
- 2009\1929 Laurretta Thompson, Ames – For celebrating her 85th birthday.
- 2009\1930 Beverley Van Meter, Ames – For celebrating her 75th birthday.
- 2009\1931 Kenneth McLaughlin, Ames – For celebrating his 85th birthday.
- 2009\1932 Karl Seifert, Ames – For celebrating his 75th birthday.
- 2009\1933 Dorothy McGee, Ames – For celebrating her 80th birthday.
- 2009\1934 Mary Banitt, Ames – For celebrating her 75th birthday.
- 2009\1935 Fern Ostrem, Ames – For celebrating her 90th birthday.
- 2009\1936 Betty Kinzler, Ames – For celebrating her 75th birthday.
- 2009\1937 Patricia Popelka, Ames – For celebrating her 75th birthday.
- 2009\1938 Hazel Gordon, Madrid – For celebrating her 90th birthday.
- 2009\1939 Mary Ullestad, Ames – For celebrating her 75th birthday.
- 2009\1940 Lois MacKen, Ames – For celebrating her 80th birthday.

- 2009\1941 David Kepley, Ames – For celebrating his 80th birthday.
- 2009\1942 Violet Abbott, Ames – For celebrating her 85th birthday.
- 2009\1943 Douglas Provow, Ames – For celebrating his 85th birthday.
- 2009\1944 Floyd Gibbons, Madrid – For celebrating his 75th birthday.
- 2009\1945 Clara Johnston, Boone – For celebrating her 75th birthday.
- 2009\1946 Eda Kruzich, Madrid – For celebrating her 90th birthday.
- 2009\1947 David Gregory, Ames – For celebrating his 95th birthday.
- 2009\1948 Arnold Faden, Ames – For celebrating his 75th birthday.
- 2009\1949 Janice Serovy, Ames – For celebrating her 80th birthday.
- 2009\1950 Beatrice Nizzi, Ames – For celebrating her 85th birthday.
- 2009\1951 Dolores McLean, Ames – For celebrating her 80th birthday.
- 2009\1952 Mabel Alfred, Ames – For celebrating her 95th birthday.
- 2009\1953 Billy Howard, Boone – For celebrating his 75th birthday.
- 2009\1954 Donald Schulze, Ames – For celebrating his 85th birthday.
- 2009\1955 Elsa Thompson, Ames – For celebrating her 85th birthday.
- 2009\1956 Robert Bachman, Ames – For celebrating his 80th birthday.
- 2009\1957 Mildred Stuart, Mitchellville – For celebrating her 95th birthday.
- 2009\1958 George Jordan, Mitchellville – For celebrating his 80th birthday.
- 2009\1959 Charley Mayfield, Altoona – For celebrating his 80th birthday.
- 2009\1960 Mary Kane, Prairie City – For celebrating her 80th birthday.
- 2009\1961 Wilbur Vanderkraan, Prairie City – For celebrating his 80th birthday.
- 2009\1962 Helen Warren, Altoona – For celebrating her 90th birthday.
- 2009\1963 Glenna Colyn, Runnells – For celebrating her 75th birthday.
- 2009\1964 Marilyn Gliem, Bondurant – For celebrating her 75th birthday.
- 2009\1965 Denise Eckermann, Berwick – For celebrating her 80th birthday.
- 2009\1966 Kenneth Hansen, Altoona – For celebrating his 85th birthday.

- 2009\1967 Laverne Manning, Altoona – For celebrating her 80th birthday.
- 2009\1968 Virginia Watts, Runnells – For celebrating her 85th birthday.
- 2009\1969 Jack Monahan, Des Moines – For celebrating his 75th birthday.
- 2009\1970 Dewey Christian, Runnells – For celebrating his 75th birthday.
- 2009\1971 Jean Simpson, Bondurant – For celebrating her 75th birthday.
- 2009\1972 Samuel Ocker, Prairie City – For celebrating his 75th birthday.
- 2009\1973 Lowell Peterson, Altoona – For celebrating his 80th birthday.
- 2009\1974 William McGilvrey, Altoona – For celebrating his 75th birthday.
- 2009\1975 Marvin Ingle, Prairie City – For celebrating his 85th birthday.
- 2009\1976 Ruth Pearson, Mitchellville – For celebrating her 90th birthday.
- 2009\1977 Mamie Middour, Pleasant Hill – For celebrating her 75th birthday.
- 2009\1978 Barbara Anderson, Altoona – For celebrating her 75th birthday.
- 2009\1979 Esther Miskimins, Altoona – For celebrating her 85th birthday.
- 2009\1980 Wanda Henrichs, Altoona – For celebrating her 85th birthday.
- 2009\1981 Denise Larsen, Altoona – For celebrating her 75th birthday.
- 2009\1982 Bonnie Good, Colfax – For celebrating her 75th birthday.
- 2009\1983 Leona Jabaa, Colfax – For celebrating her 85th birthday.
- 2009\1984 Mary Oliveria, Colfax – For celebrating her 80th birthday.
- 2009\1985 Lawrence Birchmier, Mitchellville – For celebrating his 75th birthday.
- 2009\1986 Beverly Gaumer, Altoona – For celebrating her 75th birthday.
- 2009\1987 Kathleen Luther, Colfax – For celebrating her 80th birthday.
- 2009\1988 Adeline Clemens, Mitchellville – For celebrating her 85th birthday.
- 2009\1989 Wilma Coiner, Mitchellville – For celebrating her 100th birthday.
- 2009\1990 Wendell Miskimins, Altoona – For celebrating his 80th birthday.
- 2009\1991 Joan Thurtell, Altoona – For celebrating her 75th birthday.
- 2009\1992 Mary Wagner, Dubuque – For celebrating her 85th birthday.



- 2009\1993 Margaret Waldmeir, Dubuque – For celebrating her 85th birthday.
- 2009\1994 Richard Berns, Dubuque – For celebrating his 75th birthday.
- 2009\1995 Sister Anne Marie Kollasch, Dubuque – For celebrating her 90th birthday.
- 2009\1996 Viola Eilers, Dubuque – For celebrating her 95th birthday.
- 2009\1997 Bernard Udelhoven, Dubuque – For celebrating his 80th birthday.
- 2009\1998 Lucille Montgomery, Dubuque – For celebrating her 90th birthday.
- 2009\1999 Rose Noesges, Dubuque – For celebrating her 85th birthday.
- 2009\2000 Florence Bonnet, Dubuque – For celebrating her 85th birthday.
- 2009\2001 Deloras Gassman, Dubuque – For celebrating her 85th birthday.
- 2009\2002 Janiece Hohmann, Dubuque – For celebrating her 75th birthday.
- 2009\2003 Donald Schmit, Dubuque – For celebrating his 75th birthday.
- 2009\2004 Elsie Beversdorf, Dubuque – For celebrating her 90th birthday.
- 2009\2005 De Loras Fortman, Dubuque – For celebrating her 80th birthday.
- 2009\2006 Wanita Broessel, Dubuque – For celebrating her 85th birthday.
- 2009\2007 Charles Menadue, Dubuque – For celebrating his 75th birthday.
- 2009\2008 Robert Woodhouse, Dubuque – For celebrating his 80th birthday.
- 2009\2009 Grace Brimeyer, Dubuque – For celebrating her 85th birthday.
- 2009\2010 Donald Hubanks, Dubuque – For celebrating his 75th birthday.
- 2009\2011 Aloysius Weitz, Dubuque – For celebrating his 85th birthday.
- 2009\2012 Beulah Buelow, Dubuque – For celebrating her 85th birthday.
- 2009\2013 Patricia Furuseth, Dubuque – For celebrating her 80th birthday.
- 2009\2014 Catherine Manternach, Dubuque – For celebrating her 75th birthday.
- 2009\2015 Gretchen Nordenson, Dubuque – For celebrating her 75th birthday.
- 2009\2016 Muriel Young, Dubuque – For celebrating her 80th birthday.
- 2009\2017 Dorrance Pitz, Dubuque – For celebrating his 75th birthday.

- 2009\2018 Rita Zimmerman, Dubuque – For celebrating her 80th birthday.
- 2009\2019 Irene Edgar, Dubuque – For celebrating her 90th birthday.
- 2009\2020 Sister M. William Allen, Dubuque – For celebrating her 95th birthday.
- 2009\2021 Clara Ruhl, Dubuque – For celebrating her 75th birthday.
- 2009\2022 John Mc Donough, Dubuque – For celebrating his 80th birthday.
- 2009\2023 Vern Breitbach, Dubuque – For celebrating his 85th birthday.
- 2009\2024 Marlene Hubbard, Dubuque – For celebrating her 80th birthday.
- 2009\2025 Mary Latimer, Dubuque – For celebrating her 75th birthday.
- 2009\2026 Mary Meyers, Dubuque – For celebrating her 75th birthday.
- 2009\2027 Rita Palen, Dubuque – For celebrating her 85th birthday.
- 2009\2028 Jenelda Splinter, Dubuque – For celebrating her 75th birthday.
- 2009\2029 Armella Steffen, Dubuque – For celebrating her 95th birthday.
- 2009\2030 Catherine Bechen, Dubuque – For celebrating her 80th birthday.
- 2009\2031 Mary Theisen, Dubuque – For celebrating her 80th birthday.
- 2009\2032 William Collings, Dubuque – For celebrating his 80th birthday.
- 2009\2033 Wilma Pink, Dubuque – For celebrating her 85th birthday.
- 2009\2034 Beatrice Gabriel, Dubuque – For celebrating her 85th birthday.
- 2009\2035 Janet Lo Bianco, Dubuque – For celebrating her 75th birthday.
- 2009\2036 Charles Schmitt, Dubuque – For celebrating his 85th birthday.
- 2009\2037 Elizabeth Lindecker, Dubuque – For celebrating her 75th birthday.
- 2009\2038 Esther Linden, Dubuque – For celebrating her 80th birthday.
- 2009\2039 Mary Dunn, Dubuque – For celebrating her 75th birthday.
- 2009\2040 Carol George, Dubuque – For celebrating her 80th birthday.
- 2009\2041 Edward Deppe, Dubuque – For celebrating his 80th birthday.
- 2009\2042 Alverna Bussen, Dubuque – For celebrating her 85th birthday.
- 2009\2043 Antonita Soppe, Dubuque – For celebrating her 95th birthday.

- 2009\2044 Janet Wareham, Dubuque – For celebrating her 75th birthday.
- 2009\2045 Hertha Betts, Dubuque – For celebrating her 90th birthday.
- 2009\2046 Betty Dryer, Dubuque – For celebrating her 80th birthday.
- 2009\2047 Richard Palmer, Dubuque – For celebrating his 75th birthday.
- 2009\2048 Evelyn Hickey, Dubuque – For celebrating her 80th birthday.
- 2009\2049 Richard Brookhaus, Coralville – For celebrating his 80th birthday.
- 2009\2050 Juanita Siders, North Liberty – For celebrating her 90th birthday.
- 2009\2051 Wanda Weir, Iowa City – For celebrating her 90th birthday.
- 2009\2052 Marilyn Berglund, Iowa City – For celebrating her 80th birthday.
- 2009\2053 Imogene Fisher, Iowa City – For celebrating her 90th birthday.
- 2009\2054 Agnes Boenker, Iowa City – For celebrating her 100th birthday.
- 2009\2055 Sally Tryon, North Liberty – For celebrating her 75th birthday.
- 2009\2056 Charles Silliman, Coralville – For celebrating his 80th birthday.
- 2009\2057 Robert Wachal, Iowa City – For celebrating his 80th birthday.
- 2009\2058 Elias Stephens, Coralville – For celebrating his 80th birthday.
- 2009\2059 Florence Davidsen, Iowa City – For celebrating her 80th birthday.
- 2009\2060 Terry Quinn, Coralville – For celebrating his 75th birthday.
- 2009\2061 Charlotte Weber, Coralville – For celebrating her 85th birthday.
- 2009\2062 Selma Connor, Coralville – For celebrating her 85th birthday.
- 2009\2063 Harold Hammond, Coralville – For celebrating his 75th birthday.
- 2009\2064 Dorothy Swain, Iowa City – For celebrating her 90th birthday.
- 2009\2065 Martha Huff, Iowa City – For celebrating her 75th birthday.
- 2009\2066 Jimmie Whetstine, North Liberty – For celebrating his 75th birthday.
- 2009\2067 Daisy Chipman, North Liberty – For celebrating her 90th birthday.
- 2009\2068 Harold Arnaman, Donnellson – For celebrating his 80th birthday.
- 2009\2069 Janet Cruikshank, Montrose – For celebrating her 80th birthday.

- 2009\2070 Donald Kay, Keokuk – For celebrating his 75th birthday.
- 2009\2071 Wilbert Nelson, Fort Madison – For celebrating his 75th birthday.
- 2009\2072 Valeria Dupy, Fort Madison – For celebrating her 75th birthday.
- 2009\2073 Joan Hunold, Montrose – For celebrating her 75th birthday.
- 2009\2074 Lorreine Duerkop, Keokuk – For celebrating her 90th birthday.
- 2009\2075 Gavino Garcia, Montrose – For celebrating his 75th birthday.
- 2009\2076 Lonnie Keeler, Fort Madison – For celebrating his 75th birthday.
- 2009\2077 Theodore Piloto, Fort Madison – For celebrating his 75th birthday.
- 2009\2078 Mary Seabold, Keokuk – For celebrating her 80th birthday.
- 2009\2079 Lillian Vermillion, Keokuk – For celebrating her 85th birthday.
- 2009\2080 James Spiekermeier, Fort Madison – For celebrating his 80th birthday.
- 2009\2081 Mary Cochran, Fort Madison – For celebrating her 85th birthday.
- 2009\2082 Harold Riley, Keokuk – For celebrating his 85th birthday.
- 2009\2083 Charles Klapprott, Keokuk – For celebrating his 85th birthday.
- 2009\2084 Laurene Sparrow, Keokuk – For celebrating her 85th birthday.
- 2009\2085 Richard Gorham, Keokuk – For celebrating his 75th birthday.
- 2009\2086 Robert Haas, Fort Madison – For celebrating his 75th birthday.
- 2009\2087 Delores Decker, Fort Madison – For celebrating her 80th birthday.
- 2009\2088 Clara Ruffcorn, Keokuk – For celebrating her 80th birthday.
- 2009\2089 Betty Schreck, Keokuk – For celebrating her 80th birthday.
- 2009\2090 Ella Varner, Keokuk – For celebrating her 90th birthday.
- 2009\2091 Raymond Brown, Montrose – For celebrating his 80th birthday.
- 2009\2092 Delores Bradley, Keokuk – For celebrating her 80th birthday.
- 2009\2093 Robert Shepherd, Keokuk – For celebrating his 80th birthday.
- 2009\2094 Marian Keenan, Fort Madison – For celebrating her 95th birthday.
- 2009\2095 Hazel Pope, Fort Madison – For celebrating her 85th birthday.

- 2009\2096 Jane Young, Fort Madison – For celebrating her 80th birthday.
- 2009\2097 George Jobe, Keokuk – For celebrating his 80th birthday.
- 2009\2098 Aurelia Martinez, Fort Madison – For celebrating her 75th birthday.
- 2009\2099 Mae Foster, Keokuk – For celebrating her 95th birthday.
- 2009\2100 Joyce Erickson, Keokuk – For celebrating her 75th birthday.
- 2009\2101 Joan Bentler, Fort Madison – For celebrating her 80th birthday.
- 2009\2102 Doris Anderson, Keokuk – For celebrating her 90th birthday.
- 2009\2103 Aileen Blaise, Keokuk – For celebrating her 80th birthday.
- 2009\2104 Blanche Roberts, Keokuk – For celebrating her 85th birthday.
- 2009\2105 Robert Leu, Keokuk – For celebrating his 80th birthday.
- 2009\2106 Ramona Lewiston, Montrose – For celebrating her 80th birthday.
- 2009\2107 Richard Nelson, Fort Madison – For celebrating his 80th birthday.
- 2009\2108 Richard Phillips, Keokuk – For celebrating his 80th birthday.
- 2009\2109 Phyllis Burke, Keokuk – For celebrating her 85th birthday.
- 2009\2110 Betty Butts, Fort Madison – For celebrating her 85th birthday.
- 2009\2111 Mary Ort, Fort Madison – For celebrating her 90th birthday.
- 2009\2112 Kathleen Bartholomew, Keokuk – For celebrating her 95th birthday.
- 2009\2113 Mary Glasgow, Fort Madison – For celebrating her 80th birthday.
- 2009\2114 Bernard Hoenig, Fort Madison – For celebrating his 85th birthday.
- 2009\2115 Joan Kurtz, Fort Madison – For celebrating her 80th birthday.
- 2009\2116 Gerald Hoskins, Keokuk – For celebrating his 80th birthday.
- 2009\2117 Shirley Jeffries, Fort Madison – For celebrating her 75th birthday.
- 2009\2118 Doris Beelman, Fort Madison – For celebrating her 80th birthday.
- 2009\2119 Raymond Johns, Keokuk – For celebrating his 80th birthday.
- 2009\2120 Mary Ackermann, Davenport – For celebrating her 90th birthday.

- 2009\2121 Myrtle Keppy, Davenport – For celebrating her 85th birthday.
- 2009\2122 Jacqueline Smith-Dodd, Davenport – For celebrating her 80th birthday.
- 2009\2123 Cheryl Accola, Davenport – For celebrating her 75th birthday.
- 2009\2124 Lavonne Hinrichs, Davenport – For celebrating her 80th birthday.
- 2009\2125 Erlene Channon, Davenport – For celebrating her 85th birthday.
- 2009\2126 Darrell Doss, Davenport – For celebrating his 85th birthday.
- 2009\2127 Jean Fitzsimmons, Davenport – For celebrating her 85th birthday.
- 2009\2128 Fayne Oberlander, Davenport – For celebrating her 75th birthday.
- 2009\2129 Mary Speth, Davenport – For celebrating her 80th birthday.
- 2009\2130 Ina Kretschmar, Davenport – For celebrating her 100th birthday.
- 2009\2131 Henry Sambdmam, Davenport – For celebrating his 85th birthday.
- 2009\2132 Mary Schloemer, Davenport – For celebrating her 85th birthday.
- 2009\2133 Evelyn Jackson, Davenport – For celebrating her 85th birthday.
- 2009\2134 Gladus Schnack, Davenport – For celebrating her 90th birthday.
- 2009\2135 Ivola Talbert, Davenport – For celebrating her 80th birthday.
- 2009\2136 Walter Davidge, Davenport – For celebrating his 90th birthday.
- 2009\2137 Louis Iannuzzelli, Davenport – For celebrating his 80th birthday.
- 2009\2138 Jacquelin Patera, Davenport – For celebrating her 75th birthday.
- 2009\2139 Donna Judkins, Davenport – For celebrating her 80th birthday.
- 2009\2140 Sherman Mattie, Davenport – For celebrating his 85th birthday.
- 2009\2141 Charles Bremer, Davenport – For celebrating his 80th birthday.
- 2009\2142 Keith Benjamin, Davenport – For celebrating his 75th birthday.
- 2009\2143 Dale Benson, Davenport – For celebrating his 75th birthday.
- 2009\2144 Ida Jurgens, Davenport – For celebrating her 80th birthday.
- 2009\2145 Dorothea Mattie, Davenport – For celebrating her 85th birthday.
- 2009\2146 Vivian Giebelstein, Davenport – For celebrating her 85th birthday.

- 2009\2147 Thelma Woods, Davenport – For celebrating her 85th birthday.
- 2009\2148 Charles Hendersin, Davenport – For celebrating his 90th birthday.
- 2009\2149 Coy Couchman, Davenport – For celebrating her 80th birthday.
- 2009\2150 Helen Justman, Davenport – For celebrating her 90th birthday.
- 2009\2151 Ardis Babcock, Davenport – For celebrating her 80th birthday.
- 2009\2152 Dorothy Schmidt, Eldridge – For celebrating her 85th birthday.
- 2009\2153 Roberta Lueders, Davenport – For celebrating her 90th birthday.
- 2009\2154 June Peterson, Davenport – For celebrating her 90th birthday.
- 2009\2155 Frank Steffen, Davenport – For celebrating his 85th birthday.
- 2009\2156 Joe Holubar, Marshalltown – For celebrating his 80th birthday.
- 2009\2157 Verle Hunt, Marshalltown – For celebrating his 90th birthday.
- 2009\2158 Kenneth Johnson, Marshalltown – For celebrating his 80th birthday.
- 2009\2159 Norma Balcom, Marshalltown – For celebrating her 75th birthday.
- 2009\2160 Melvin Buffington, Marshalltown – For celebrating his 75th birthday.
- 2009\2161 Barbara Ellcey, Marshalltown – For celebrating her 75th birthday.
- 2009\2162 Olive Gilmore, Marshalltown – For celebrating her 85th birthday.
- 2009\2163 Helen Prazak, Marshalltown – For celebrating her 80th birthday.
- 2009\2164 Mary Hepler, Marshalltown – For celebrating her 75th birthday.
- 2009\2165 Robert Ray, Marshalltown – For celebrating his 85th birthday.
- 2009\2166 Doreen Robins, Marshalltown – For celebrating her 80th birthday.
- 2009\2167 Gus Pappas, Marshalltown – For celebrating his 75th birthday.
- 2009\2168 Floyd Jury, Marshalltown – For celebrating his 75th birthday.
- 2009\2169 Helen Groeneveld, Marshalltown – For celebrating her 75th birthday.
- 2009\2170 Elizabeth Priske, Marshalltown – For celebrating her 80th birthday.

- 2009\2171 Martha Crow, Marshalltown – For celebrating her 80th birthday.
- 2009\2172 Harold Gourley, Marshalltown – For celebrating his 85th birthday.
- 2009\2173 Lola Nielsen, Marshalltown – For celebrating her 95th birthday.
- 2009\2174 James Buresh, Marshalltown – For celebrating his 85th birthday.
- 2009\2175 Melvin Petitt, Marshalltown – For celebrating his 80th birthday.
- 2009\2176 Clysta Gealow, Marshalltown – For celebrating her 75th birthday.
- 2009\2177 Robert McWilliams, Marshalltown – For celebrating his 85th birthday.
- 2009\2178 Dolores Buschbom, Marshalltown – For celebrating her 85th birthday.
- 2009\2179 Charles Fry, Liscomb – For celebrating his 80th birthday.
- 2009\2180 Herbert Holder, Marshalltown – For celebrating his 80th birthday.
- 2009\2181 Clayton Johnson, Marshalltown – For celebrating his 85th birthday.
- 2009\2182 Marvin Klinefelter, Marshalltown – For celebrating his 75th birthday.
- 2009\2183 M. Myrene Appelgate, Marshalltown – For celebrating her 80th birthday.
- 2009\2184 Lester Havran, Marshalltown – For celebrating his 85th birthday.
- 2009\2185 Kenneth Breinig, Marshalltown – For celebrating his 75th birthday.
- 2009\2186 Irene Steward, Marshalltown – For celebrating her 80th birthday.
- 2009\2187 Duane Witt, Marshalltown – For celebrating his 75th birthday.
- 2009\2188 Charles Coffman, Albion – For celebrating his 75th birthday.
- 2009\2189 Barbara Settle, Marshalltown – For celebrating her 80th birthday.
- 2009\2190 Gene Martin, Albion – For celebrating his 75th birthday.
- 2009\2191 Marian Wilkening, Marshalltown – For celebrating her 85th birthday.
- 2009\2192 Pauline Hartman, Marshalltown – For celebrating her 80th birthday.



- 2009\2193 Lorraine Mitchell, Marshalltown – For celebrating her 80th birthday.
- 2009\2194 L. Ardell Cline, Marshalltown – For celebrating her 85th birthday.
- 2009\2195 Edwin Dawson, Albion – For celebrating his 90th birthday.
- 2009\2196 Charles Reisetter, Marshalltown – For celebrating his 75th birthday.
- 2009\2197 Gilbert Lilly, Marshalltown – For celebrating his 80th birthday.
- 2009\2198 Lavonne Gustafson, Marshalltown – For celebrating her 80th birthday.
- 2009\2199 Elaine Plett, Marshalltown – For celebrating her 90th birthday.
- 2009\2200 Byrdna Ellsworth, Mason City – For celebrating her 80th birthday.
- 2009\2201 Dale Bublitz, Mason City – For celebrating his 80th birthday.
- 2009\2202 Henrietta Floden, Mason City – For celebrating her 95th birthday.
- 2009\2203 William Kupka, Mason City – For celebrating his 85th birthday.
- 2009\2204 John Patterson Sr., Mason City – For celebrating his 80th birthday.
- 2009\2205 Deray Lichty, Mason City – For celebrating his 90th birthday.
- 2009\2206 Lucille Ragan, Mason City – For celebrating her 90th birthday.
- 2009\2207 John Vaughn, Mason City – For celebrating his 85th birthday.
- 2009\2208 Katherine Engstrom, Mason City – For celebrating her 80th birthday.
- 2009\2209 Marian Hoit, Mason City – For celebrating her 75th birthday.
- 2009\2210 Lavern Warner, Mason City – For celebrating his 85th birthday.
- 2009\2211 Elmer Opheim, Mason City – For celebrating his 80th birthday.
- 2009\2212 Arwith Foat, Mason City – For celebrating her 75th birthday.
- 2009\2213 Della Price, Mason City – For celebrating her 80th birthday.
- 2009\2214 Ethel Lang, Mason City – For celebrating her 90th birthday.
- 2009\2215 Shirley Reynolds, Mason City – For celebrating her 90th birthday.
- 2009\2216 Bernard Dunn, Mason City – For celebrating his 75th birthday.

- 2009\2217 Katherine Hult, Mason City – For celebrating her 80th birthday.
- 2009\2218 Fanchon Wilson, Mason City – For celebrating her 80th birthday.
- 2009\2219 Paul Strathman, Mason City – For celebrating his 80th birthday.
- 2009\2220 Frederick Funk, Mason City – For celebrating his 80th birthday.
- 2009\2221 Howard Gage, Mason City – For celebrating his 95th birthday.
- 2009\2222 George Grekoff, Mason City – For celebrating his 85th birthday.
- 2009\2223 Harriet Kasel, Mason City – For celebrating her 75th birthday.
- 2009\2224 Earl Morris, Mason City – For celebrating his 85th birthday.
- 2009\2225 Maria Pattas, Mason City – For celebrating her 80th birthday.
- 2009\2226 Earl Berghefer, Mason City – For celebrating his 90th birthday.
- 2009\2227 Betty Clarke, Mason City – For celebrating her 75th birthday.
- 2009\2228 Vera Jacobson, Mason City – For celebrating her 80th birthday.
- 2009\2229 James Rasmussen, Mason City – For celebrating his 85th birthday.
- 2009\2230 Clarence Clark, Mason City – For celebrating his 85th birthday.
- 2009\2231 Evonka Nielson, Mason City – For celebrating her 75th birthday.
- 2009\2232 Ruth Smith, Mason City – For celebrating her 85th birthday.
- 2009\2233 Monica Murray, Mason City – For celebrating her 75th birthday.
- 2009\2234 Raymond Dickes, Mason City – For celebrating his 85th birthday.
- 2009\2235 Doris Olson, Mason City – For celebrating her 90th birthday.
- 2009\2236 Verna Aastrup, Mason City – For celebrating her 85th birthday.
- 2009\2237 Vance Baird, Mason City – For celebrating his 75th birthday.
- 2009\2238 Erling Nelson, Mason City – For celebrating his 80th birthday.
- 2009\2239 Arlo Movick, Mason City – For celebrating his 75th birthday.
- 2009\2240 Mildred Thompson, Mason City – For celebrating her 90th birthday.
- 2009\2241 Ernest Thompson, Mason City – For celebrating his 85th birthday.
- 2009\2242 Karen Cornick, Mason City – For celebrating her 80th birthday.

- 2009\2243 Phyllis Jones, Mason City – For celebrating her 85th birthday.
- 2009\2244 Edward Odonnell, Mason City – For celebrating her 90th birthday.
- 2009\2245 Harvey Schauf, Mason City – For celebrating his 80th birthday.
- 2009\2246 Harry Stanton, Mason City – For celebrating his 75th birthday.
- 2009\2247 Stella Tosel, Mason City – For celebrating her 90th birthday.
- 2009\2248 Donald Leyse, Cedar Rapids – For celebrating his 75th birthday.
- 2009\2249 Dorothy Elgas, Cedar Rapids – For celebrating her 75th birthday.
- 2009\2250 Joseph Kenney, Cedar Rapids – For celebrating his 85th birthday.
- 2009\2251 Ruth Mollman, Cedar Rapids – For celebrating her 85th birthday.
- 2009\2252 Charles Stookesberry, Cedar Rapids – For celebrating his 80th birthday.
- 2009\2253 Grover Fitzpatrick, Cedar Rapids – For celebrating his 75th birthday.
- 2009\2254 Arlon Nelson, Cedar Rapids – For celebrating his 95th birthday.
- 2009\2255 Lucille Zamastil, Cedar Rapids – For celebrating her 85th birthday.
- 2009\2256 Helen Hostak, Cedar Rapids – For celebrating her 80th birthday.
- 2009\2257 Gladys Kraus, Cedar Rapids – For celebrating her 90th birthday.
- 2009\2258 Wayne Koele, Cedar Rapids – For celebrating his 75th birthday.
- 2009\2259 Ronald Sherwood, Cedar Rapids – For celebrating his 75th birthday.
- 2009\2260 Dorothy Halbasch, Cedar Rapids – For celebrating her 90th birthday.
- 2009\2261 Neil McGeeJr., Cedar Rapids – For celebrating his 90th birthday.
- 2009\2262 Marilyn Melton, Cedar Rapids – For celebrating her 85th birthday.
- 2009\2263 Joseph Ernst, Cedar Rapids – For celebrating his 75th birthday.
- 2009\2264 Calvin Kennedy, Cedar Rapids – For celebrating his 85th birthday.
- 2009\2265 Doris Ryan, Cedar Rapids – For celebrating her 80th birthday.
- 2009\2266 Beverly Ballard, Cedar Rapids – For celebrating her 80th birthday.

- 2009\2267 Eugene Carlson, Cedar Rapids – For celebrating his 80th birthday.
- 2009\2268 Phyllis Gessner, Cedar Rapids – For celebrating her 75th birthday.
- 2009\2269 Maureen Perkins, Cedar Rapids – For celebrating her 80th birthday.
- 2009\2270 Patricia Thompson, Cedar Rapids – For celebrating her 80th birthday.
- 2009\2271 Patricia Bilsland, Cedar Rapids – For celebrating her 75th birthday.
- 2009\2272 Grace Herbert, Cedar Rapids – For celebrating her 85th birthday.
- 2009\2273 Jesse Sternberg, Cedar Rapids – For celebrating his 80th birthday.
- 2009\2274 Ada Dewit, Cedar Rapids – For celebrating her 90th birthday.
- 2009\2275 Charlotte Knupp, Cedar Rapids – For celebrating her 95th birthday.
- 2009\2276 Robert Craig, Cedar Rapids – For celebrating his 75th birthday.
- 2009\2277 Lillian Knapp, Cedar Rapids – For celebrating her 80th birthday.
- 2009\2278 Robert Mallory, Cedar Rapids – For celebrating his 80th birthday.
- 2009\2279 Catherine Hoppenworth, Cedar Rapids – For celebrating her 75th birthday.
- 2009\2280 Merlin Strong, Cedar Rapids – For celebrating his 85th birthday.
- 2009\2281 Cecil Oldridge, Cedar Rapids – For celebrating his 80th birthday.
- 2009\2282 Lucille Just, Cedar Rapids – For celebrating her 85th birthday.
- 2009\2283 Mary Rawson, Cedar Rapids – For celebrating her 95th birthday.
- 2009\2284 Margaret Flack, Cedar Rapids – For celebrating her 95th birthday.
- 2009\2285 Mary Pahl, Cedar Rapids – For celebrating her 75th birthday.
- 2009\2286 William Burks, Cedar Rapids – For celebrating his 80th birthday.
- 2009\2287 Eldon Vogt, Cedar Rapids – For celebrating his 90th birthday.
- 2009\2288 Dorothy Regan, Cedar Rapids – For celebrating her 85th birthday.
- 2009\2289 Dorothy Dreckman, Cedar Rapids – For celebrating her 90th birthday.

- 2009\2290 Darlene Ives, Cedar Rapids – For celebrating her 85th birthday.
- 2009\2291 Betty Hansen, Cedar Rapids – For celebrating her 80th birthday.
- 2009\2292 Doris Beatty, Edgewood – For celebrating her 85th birthday.
- 2009\2293 Donald Detrich, Manchester – For celebrating his 80th birthday.
- 2009\2294 Richard Smith, Fayette – For celebrating his 80th birthday.
- 2009\2295 Leeallen Johannngmeier, McGregor – For celebrating his 85th birthday.
- 2009\2296 Don Behrens, Strawberry Point – For celebrating his 80th birthday.
- 2009\2297 Robert Rosacker, Guttenberg – For celebrating his 80th birthday.
- 2009\2298 Floyd Thacher Jr., Manchester – For celebrating his 85th birthday.
- 2009\2299 Shirley Winkler, Arlington – For celebrating her 90th birthday.
- 2009\2300 Marjorie Phillips, Wadena – For celebrating her 80th birthday.
- 2009\2301 Dorotha Lyons, Strawberry Point – For celebrating her 85th birthday.
- 2009\2302 Duane Lamker, Monona – For celebrating his 80th birthday.
- 2009\2303 Ruth Noack, Garnavillo – For celebrating her 80th birthday.
- 2009\2304 Ruth Kruse, Elkader – For celebrating her 90th birthday.
- 2009\2305 Marjorie Goldsmith, McGregor – For celebrating her 80th birthday.
- 2009\2306 Dorothy Anderson, Elgin – For celebrating her 80th birthday.
- 2009\2307 Ronald Goeke, Guttenberg – For celebrating his 85th birthday.
- 2009\2308 Lavera Niewoehner, Elkader – For celebrating her 85th birthday.
- 2009\2309 Marcella Osmundson, Fayette – For celebrating her 85th birthday.
- 2009\2310 John Bernhard, McGregor – For celebrating his 85th birthday.
- 2009\2311 Bertha Schuchmann, Arlington – For celebrating her 80th birthday.
- 2009\2312 Arleen Ferguson, Monona – For celebrating her 80th birthday.
- 2009\2313 Mary Ford, Guttenberg – For celebrating her 80th birthday.
- 2009\2314 Doris Helmrichs, Manchester – For celebrating her 80th birthday.

- 2009\2315 Dorothy Lowell, Guttenberg – For celebrating her 80th birthday.
- 2009\2316 Arleen Thurn, Elkader – For celebrating her 90th birthday.
- 2009\2317 Lunida Miller, Farmersburg – For celebrating her 90th birthday.
- 2009\2318 Irma Schwendinger, Earlville – For celebrating her 85th birthday.
- 2009\2319 Lula Tweed, Strawberry Point – For celebrating her 85th birthday.
- 2009\2320 Gerald McGuire, Guttenberg – For celebrating his 80th birthday.
- 2009\2321 Reginald Opperman, Strawberry Point – For celebrating his 90th birthday.
- 2009\2322 Arthur Lyman, Sioux City – For celebrating his 85th birthday.
- 2009\2323 Russell Brown, Sioux City – For celebrating his 85th birthday.
- 2009\2324 Eileen Hanson, Sioux City – For celebrating her 80th birthday.
- 2009\2325 Gerald Laedtke, Sioux City – For celebrating his 80th birthday.
- 2009\2326 Zella Severson, Sioux City – For celebrating her 95th birthday.
- 2009\2327 Rosemarie Wood, Sioux City – For celebrating her 75th birthday.
- 2009\2328 Alice Thompson, Sioux City – For celebrating her 80th birthday.
- 2009\2329 Harlan Hove, Sioux City – For celebrating his 85th birthday.
- 2009\2330 Orlyn Swartz, Sioux City – For celebrating his 100th birthday.
- 2009\2331 John Gaul Jr., Sioux City – For celebrating his 80th birthday.
- 2009\2332 Lois Rohmiller, Sioux City – For celebrating her 75th birthday.
- 2009\2333 Janelle Gubbels, Sioux City – For celebrating her 75th birthday.
- 2009\2334 Jo Rizk, Sioux City – For celebrating her 85th birthday.
- 2009\2335 James Hrды, Sioux City – For celebrating his 75th birthday.
- 2009\2336 Russell Peterson, Sioux City – For celebrating his 90th birthday.
- 2009\2337 Richard Burnight, Sioux City – For celebrating his 75th birthday.
- 2009\2338 Laura Laedtke, Sioux City – For celebrating her 80th birthday.
- 2009\2339 Cecile Michael, Sioux City – For celebrating her 90th birthday.
- 2009\2340 John Tillo, Sioux City – For celebrating his 80th birthday.

- 2009\2341 Don Kessler, Sioux City – For celebrating his 75th birthday.
- 2009\2342 Kenneth Byrne, Sioux City – For celebrating his 80th birthday.
- 2009\2343 Robert Bracht, Sioux City – For celebrating his 75th birthday.
- 2009\2344 Bill Kenoyer, Sioux City – For celebrating his 85th birthday.
- 2009\2345 Norma Plucker, Sioux City – For celebrating her 80th birthday.
- 2009\2346 Marjorie Mesenbrink, Sioux City – For celebrating her 90th birthday.
- 2009\2347 Merlyn Baxter, Sioux City – For celebrating his 85th birthday.
- 2009\2348 June Shinkunas, Sioux City – For celebrating her 85th birthday.
- 2009\2349 Isabelle Burke, Sioux City – For celebrating her 80th birthday.
- 2009\2350 Eugene Russell, Sioux City – For celebrating his 85th birthday.
- 2009\2351 John Graser Jr., Sioux City – For celebrating his 75th birthday.
- 2009\2352 Roger Van Klompenburg, Sioux City – For celebrating his 75th birthday.
- 2009\2353 Iola Salmen, Sioux City – For celebrating her 95th birthday.
- 2009\2354 Winifred Phillips, Sioux City – For celebrating her 75th birthday.
- 2009\2355 James Solberg, Sioux City – For celebrating his 85th birthday.
- 2009\2356 Ruth Lang, Sioux City – For celebrating her 75th birthday.
- 2009\2357 Roberta Sterling, Sioux City – For celebrating her 75th birthday.
- 2009\2358 John Byrne, Sioux City – For celebrating his 80th birthday.
- 2009\2359 Juanita Sands, Sioux City – For celebrating her 75th birthday.
- 2009\2360 Kathryn Rasmus, Sioux City – For celebrating her 75th birthday.
- 2009\2361 Mac Erskine, Sioux City – For celebrating his 80th birthday.
- 2009\2362 Ralph Hansel, Sioux City – For celebrating his 80th birthday.
- 2009\2363 Richard Treglia, Sioux City – For celebrating his 75th birthday.
- 2009\2364 Eldon Von Hagel, Sioux City – For celebrating his 80th birthday.
- 2009\2365 Robert Lansworth, Sioux City – For celebrating his 75th birthday.

- 2009\2366 Jack Boulden, Sioux City – For celebrating his 85th birthday.
- 2009\2367 Kathleen Saxe, Sioux City – For celebrating her 75th birthday.
- 2009\2368 Norma Stoffer, Sioux City – For celebrating her 85th birthday.
- 2009\2369 Lola Balstad, Sioux City – For celebrating her 75th birthday.
- 2009\2370 Hazel Eastman, Sioux City – For celebrating her 80th birthday.
- 2009\2371 Stephen Shatka, Sioux City – For celebrating his 80th birthday.
- 2009\2372 Robert Rasmus, Sioux City – For celebrating his 75th birthday.
- 2009\2373 Peggy Skelton, Sioux City – For celebrating her 80th birthday.
- 2009\2374 Mary Galloway, Sioux City – For celebrating her 85th birthday.
- 2009\2375 Elma Foster, Sioux City – For celebrating her 75th birthday.
- 2009\2376 Jerry Hicks, Sioux City – For celebrating his 75th birthday.
- 2009\2377 Douglas Siefker, Sioux City – For celebrating his 75th birthday.
- 2009\2378 Lillian Pospeshil, Sioux City – For celebrating her 90th birthday.
- 2009\2379 Margaret Vanmannen, Sioux City – For celebrating her 90th birthday.
- 2009\2380 Gwendolyn Plantz, Sioux City – For celebrating her 75th birthday.
- 2009\2381 Patricia Mc Garry, Sioux City – For celebrating her 85th birthday.
- 2009\2382 Wayne Barnes, Sioux City – For celebrating his 75th birthday.
- 2009\2383 Martha Larvick, Sioux City – For celebrating her 80th birthday.
- 2009\2384 Nadine Kliment, Sioux City – For celebrating her 80th birthday.
- 2009\2385 Thomas Hotle, Sioux City – For celebrating his 75th birthday.
- 2009\2386 Betty Beyer, Sioux City – For celebrating her 75th birthday.
- 2009\2387 Darwyn Klemme, Sioux City – For celebrating his 75th birthday.
- 2009\2388 Milton Glazer, Sioux City – For celebrating his 85th birthday.
- 2009\2389 Roger Anderson, Sioux City – For celebrating his 80th birthday.
- 2009\2390 Bertha Snyder, Sioux City – For celebrating her 80th birthday.
- 2009\2391 Roena Wamberg, Sioux City – For celebrating her 80th birthday.



- 2009\2392 Gordon Vickery Sr., Sioux City – For celebrating his 80th birthday.
- 2009\2393 Ruth Larson, Sioux City – For celebrating her 90th birthday.
- 2009\2394 Helen Evans, Sioux City – For celebrating her 95th birthday.
- 2009\2395 Donald Warden, Sioux City – For celebrating his 80th birthday.
- 2009\2396 Harold Nelson, Sioux City – For celebrating his 85th birthday.
- 2009\2397 Robert Atwood, Sioux City – For celebrating his 85th birthday.
- 2009\2398 Frances Sulzbach, Sioux City – For celebrating her 85th birthday.
- 2009\2399 Lillian Stephen, Sioux City – For celebrating her 95th birthday.
- 2009\2400 Ardys Johnson, Sioux City – For celebrating her 80th birthday.
- 2009\2401 Patrick Murphy, Sioux City – For celebrating his 75th birthday.
- 2009\2402 David Brost, Cedar Rapids – For celebrating his 75th birthday.
- 2009\2403 Marilyn Wehner, Iowa City – For celebrating her 75th birthday.
- 2009\2404 Kathryn Leonard, Tiffin – For celebrating her 85th birthday.
- 2009\2405 Wilmar Peterson, Springville – For celebrating his 80th birthday.
- 2009\2406 Juanita Floden, Mount Vernon – For celebrating her 80th birthday.
- 2009\2407 Alfred Morris, Cedar Rapids – For celebrating his 80th birthday.
- 2009\2408 Delmar Thumm, Mount Vernon – For celebrating his 75th birthday.
- 2009\2409 Joseph Cullen, Mount Vernon – For celebrating his 80th birthday.
- 2009\2410 Ruth Meeker, Lisbon – For celebrating her 85th birthday.
- 2009\2411 Arthur Miller, Oxford – For celebrating his 75th birthday.
- 2009\2412 Wilbur Erhart, Solon – For celebrating his 75th birthday.
- 2009\2413 Ora Henley, Mount Vernon – For celebrating her 75th birthday.
- 2009\2414 Marianne Lawrence, Central City – For celebrating her 75th birthday.
- 2009\2415 Jean Stinocher, Solon – For celebrating her 75th birthday.
- 2009\2416 Patricia Henkelman, Oxford – For celebrating her 80th birthday.
- 2009\2417 Kermit Johnson, Solon – For celebrating his 75th birthday.

- 2009\2418 Lawrence Kubichek, Lisbon – For celebrating his 85th birthday.
- 2009\2419 Joseph Loan, Oxford – For celebrating his 75th birthday.
- 2009\2420 Marie Olson, Oxford – For celebrating her 80th birthday.
- 2009\2421 Grace Shepard, Solon – For celebrating her 85th birthday.
- 2009\2422 Eleanore Biderman, Mount Vernon – For celebrating her 95th birthday.
- 2009\2423 Lillian Shields, Cedar Rapids – For celebrating her 75th birthday.
- 2009\2424 Harriett Sander, Lisbon – For celebrating her 85th birthday.
- 2009\2425 Regis Meskimen, Cedar Rapids – For celebrating his 85th birthday.
- 2009\2426 Robert Sproston, Lisbon – For celebrating his 80th birthday.
- 2009\2427 Iva Jean Grimm, Solon – For celebrating her 80th birthday.
- 2009\2428 Vivian Wymore, Lisbon – For celebrating her 85th birthday.
- 2009\2429 Helen Secrist, Central City – For celebrating her 85th birthday.

#### SUBCOMMITTEE ASSIGNMENTS

##### **House File 325**

Judiciary: R. Olson, Chair; Ford and Schultz.

##### **House File 344**

Judiciary: R. Olson, Chair; Schultz and Willems.

##### **House File 360**

Judiciary: T. Olson, Chair; Helland and Willems.

##### **House File 361**

Judiciary: T. Olson, Chair; Lensing and Schulte.

##### **House File 383**

Human Resources: Berry, Chair; Petersen and Schulte.

##### **House File 388**

Judiciary: Palmer, Chair; Anderson and T. Olson.

**House File 389**

Human Resources: Smith, Chair; Hunter and Koester.

**House File 390**

Natural Resources: Whitaker, Chair; Ficken and Rayhons.

**House File 392**

Natural Resources: Steckman, Chair; Marek and Schultz.

**House File 393**

Education: Ficken, Chair; Schulte and Thede.

**House File 401**

Judiciary: R. Olson, Chair; Heaton and Lensing.

**House File 402**

Judiciary: R. Olson, Chair; Heaton and Lensing.

**House File 404**

Judiciary: R. Olson, Chair; Heaton and Lensing.

**House File 405**

Judiciary: R. Olson, Chair; Heaton and Lensing.

**House File 407**

Judiciary: R. Olson, Chair; Heaton and Lensing.

**House File 408**

Judiciary: R. Olson, Chair; Heaton and Lensing.

**House File 409**

State Government: Beard, Chair; Kaufman and Wendt.

**House File 410**

State Government: Frevert, Chair; Isenhardt and Pettengill.

**House File 413**

State Government: Lensing, Chair; Koester and T. Taylor.

**Senate File 113**

Judiciary: Smith, Chair; Kaufmann and Willems.

**HOUSE STUDY BILL SUBCOMMITTEE ASSIGNMENTS**

**House Study Bill 196**

Judiciary: Huser, Chair; Anderson and Swaim.

**House Study Bill 198**

Rebuild Iowa and Disaster Recovery: Huser, Chair; Sands and Thomas.

**House Study Bill 208**

Rebuild Iowa and Disaster Recovery: Burt, Chair; De Boef and Jacoby.

**House Study Bill 209**

Environmental Protection: H. Miller, Chair; Hagenow and Whitaker.

**House Study Bill 210**

Rebuild Iowa and Disaster Recovery: T. Taylor, Chair; Sorenson and D. Taylor.

**House Study Bill 211**

Judiciary: T. Olson, Chair; Anderson and Wessel-Kroeschell.

**House Study Bill 213**

Human Resources: Heddens, Chair; Abdul-Samad and Heaton.

**House Study Bill 217**

Economic Growth: Wenthe, Chair; Forristall, May, Steckman and Thomas.

**House Study Bill 218**

Environmental Protection: D. Olson, Chair; Lensing and Watts.

**House Study Bill 219**

Judiciary: Huser, Chair; Helland and Swaim.

**House Study Bill 220**

Judiciary: Willems, Chair; Schulte and Smith.

**House Study Bill 221**

State Government: Lensing, Chair; Frevert and Koester.

**House Study Bill 222**

State Government: Gaskill, Chair; Roberts and Willems.

**HOUSE STUDY BILL COMMITTEE ASSIGNMENTS****H.S.B. 223 Commerce**

Requiring certain health insurance contracts, policies, or plans to provide coverage for audiological services and hearing aids for children.

**H.S.B. 224 Judiciary**

Relating to the recognition and enforcement of foreign-country money judgments and providing for the Act's applicability.

**COMMITTEE RECOMMENDATIONS**

**MR. SPEAKER:** The Chief Clerk of the House respectfully reports that the following committee recommendations have been received and are on file in the office of the Chief Clerk.

**MARK W. BRANDSGARD**  
Chief Clerk of the House

**COMMITTEE ON COMMERCE**

**Committee Bill** (Formerly House Study Bill 153), relating to health insurance coverage for diabetes self-management training and education programs and providing effective and applicability dates.

Fiscal Note is not required.

Recommended **Amend and Do Pass** February 24, 2009.

**Committee Bill** (Formerly House Study Bill 154), prohibiting declaration of value forms for the conveyance of real estate to include social security numbers.

Fiscal Note is not required.

Recommended **Amend and Do Pass** February 24, 2009.

COMMITTEE ON PUBLIC SAFETY

**Committee Bill** (Formerly House File 30), providing for the regulation of commercial establishments that house animals by the department of agriculture and land stewardship.

Fiscal Note is not required.

Recommended **Amend and Do Pass** February 24, 2009.

**Committee Bill** (Formerly House File 293), relating to reporting requirements for traffic accidents involving the operation of motor vehicles by reserve peace officers.

Fiscal Note is not required.

Recommended **Do Pass** February 24, 2009.

COMMITTEE ON STATE GOVERNMENT

**Committee Bill** (Formerly House Study Bill 131), making technical changes to the laws relating to elections and voter registration, making a penalty applicable, and including effective date and applicability date provisions.

Fiscal Note is not required.

Recommended **Amend and Do Pass** February 24, 2009.

**Committee Bill** (Formerly House Study Bill 138), relating to the time of opening the polls for certain city elections.

Fiscal Note is not required.

Recommended **Do Pass** February 24, 2009.

COMMITTEE ON TRANSPORTATION

**Committee Bill** (Formerly House File 28), concerning the appointment of airport commissioners.

Fiscal Note is not required.

Recommended **Do Pass** February 24, 2009.

**Committee Bill** (Formerly House File 77), providing an excess weight allowance for vehicles hauling dried distillers grains.

Fiscal Note is not required.

Recommended **Amend and Do Pass** February 24, 2009.

**Committee Bill** (Formerly House Study Bill 116), relating to railway assistance and passenger rail service, including provisions for the administration of the railway revolving loan and grant fund, the elimination of the railway finance authority, and the administration of the passenger rail service revolving fund.

Fiscal Note is not required.

Recommended **Do Pass** February 24, 2009.

### RESOLUTION FILED

**HR 20**, by Reichert, Berry, Thede, H. Miller, Ford, Burt, Abdul-Samad and Kaufmann, a resolution to honor the life and work of Alexander G. Clark.

Laid over under **Rule 25**.

### AMENDMENTS FILED

H—1079	H.F.	416	Wendt of Woodbury
H—1080	H.F.	332	Heddens of Story
H—1081	H.F.	415	Sands of Louisa
H—1082	H.F.	415	Schulte of Linn Wagner of Linn May of Dickenson
H—1083	H.F.	416	Raecker of Polk Dolecheck of Ringgold

On motion by Reasoner of Union the House adjourned at 4:10 p.m., until 9:00 a.m., Wednesday, February 25, 2009.

# JOURNAL OF THE HOUSE

Forty-fifth Calendar Day - Twenty-ninth Session Day

Hall of the House of Representatives  
Des Moines, Iowa, Wednesday, February 25, 2009

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

Prayer was offered by Reverend Aaron James, pastor of Plymouth Congregational United Churches of Christ, Des Moines. He was the guest of Representative Jo Oldson of Polk County.

## PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Allison Adams, House Page from Red Oak.

The Journal of February 24, 2009 was approved.

## MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on February 24, 2009, passed the following bill in which the concurrence of the House is asked:

Senate File 151, a bill for an act relating to railway assistance and passenger rail service, including provisions for the administration of the railway revolving loan and grant fund, the elimination of the railway finance authority, and the administration of the passenger rail service revolving fund.

Also: That the Senate has on February 24, 2009, passed the following bill in which the concurrence of the House is asked:

Senate File 217, a bill for an act providing for the establishment of the categorical state percent of growth for purposes of the state school foundation program, and providing an applicability date.

Also: That the Senate has on February 24, 2009, passed the following bill in which the concurrence of the House is asked:

Senate File 218, a bill for an act providing for the establishment of the state percent of growth for purposes of the state school foundation program, and providing an applicability date.

MICHAEL E. MARSHALL, Secretary



On motion by Gayman of Scott, the House recessed at 9:17 a.m., until 3:00 p.m.

### AFTERNOON SESSION

The House reconvened at 3:13 p.m., Speaker Murphy in the chair.

### QUORUM CALL

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

### INTRODUCTION OF BILL

**House File 426**, by committee on public safety, a bill for an act relating to reporting requirements for traffic accidents involving the operation of motor vehicles by reserve peace officers.

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

### SENATE MESSAGES CONSIDERED

**Senate File 151**, by committee on transportation, a bill for an act relating to railway assistance and passenger rail service, including provisions for the administration of the railway revolving loan and grant fund, the elimination of the railway finance authority, and the administration of the passenger rail service revolving fund.

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

**Senate File 217**, by committee on education, a bill for an act providing for the establishment of the categorical state percent of growth for purposes of the state school foundation program, and providing an applicability date.

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

**Senate File 218**, by committee on education, a bill for an act providing for the establishment of the state percent of growth for

purposes of the state school foundation program, and providing an applicability date.

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

### LEAVE OF ABSENCE

Leave of absence was granted as follows:

H. Miller of Webster on request of Speaker Murphy.

### CONSIDERATION OF BILLS

#### Regular Calendar

**Senate File 51**, a bill for an act relating to electronic filing of campaign finance disclosure statements and reports by certain political committees and providing an effective date, with report of committee recommending passage, was taken up for consideration.

Cohoon of Des Moines moved that the bill be read a last time now and paced upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 51)

The ayes were, 98:

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

Thomas	Tjepkes	Tymeson	Upmeyer
Van Engelenhoven	Wagner	Watts	Wendt
Wenthe	Wessel-Kroeschell	Whitaker	Whitead
Willems	Winckler	Windschitl	Worthan
Zirkelbach	Mr. Speaker		
	Murphy		

The nays were, none.

Absent or not voting, 2:

Chambers                      Miller, H.

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

**Senate File 52**, a bill for an act relating to ethics regulations for the executive branch, legislative branch, and local officials and employees, with report of committee recommending passage, was taken up for consideration.

Lensing 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. 52)

The ayes were, 98:

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

Sweeney	Taylor, D.	Taylor, T.	Thede
Thomas	Tjepkes	Tymeson	Upmeyer
Van Engelenhoven	Wagner	Watts	Wendt
Wenthe	Wessel-Kroeschell	Whitaker	Whitead
Willems	Winckler	Windschitl	Worthan
Zirkelbach	Mr. Speaker		
	Murphy		

The nays were, none.

Absent or not voting, 2:

Chambers                      Miller, H.

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

Petersen of Polk in the chair at 3:27 p.m.

**House File 314**, a bill for an act relating to health-related activities and regulation by the department of public health and making penalties applicable, was taken up for consideration.

Thede 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. 314).

The ayes were, 98:

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

Schultz	Shomshor	Smith	Soderberg
Sorenson	Steckman	Struyk	Swaim
Sweeney	Taylor, D.	Taylor, T.	Thede
Thomas	Tjepkes	Tymeson	Upmeyer
Van Engelenhoven	Wagner	Watts	Wendt
Wenthe	Wessel-Kroeschell	Whitaker	Whitead
Willems	Winckler	Windschitl	Worthan
Zirkelbach	Petersen		
	Presiding		

The nays were, none.

Absent or not voting, 2:

Chambers                      Miller, H.

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

**House File 406**, a bill for an act establishing a shaken baby syndrome prevention program in the department of public health, was taken up for consideration.

#### SENATE FILE 101 SUBSTITUTED FOR HOUSE FILE 406

Steckman of Cerro Gordo asked and received unanimous consent to substitute Senate File 101 for House File 406.

**Senate File 101**, a bill for an act establishing a shaken baby syndrome prevention program in the department of public health, was taken up for consideration.

Steckman of Cerro Gordo 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. 101)

The ayes were, 98:

Abdul-Samad	Alons	Anderson	Arnold
Bailey	Baudler	Beard	Bell
Berry	Bukta	Burt	Cohoon
Cownie	De Boef	Deyoe	Dolecheck
Drake	Ficken	Ford	Forristall

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

The nays were, none.

Absent or not voting, 2:

Chambers                      Miller, H.

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

#### HOUSE FILE 406 WITHDRAWN

Steckman of Cerro Gordo asked and received unanimous consent to withdraw House File 406 from further consideration by the House.

#### MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on February 25, 2009, passed the following bill in which the concurrence of the House is asked:

Senate File 49, a bill for an act relating to the administration of campaign disclosure laws.

Also: That the Senate has on February 25, 2009, passed the following bill in which the concurrence of the House is asked:

Senate File 81, a bill for an act relating to assisting schools to recover from disaster by changing the approval method for transfers of emergency fund moneys, by modifying certain funding provisions to relate to disaster recovery, and by allowing area education agency boards greater authority to purchase and lease-purchase property.

Also: That the Senate has on February 25, 2009, passed the following bill in which the concurrence of the House is asked:

Senate File 112, a bill for an act providing for presentation of flags flown at half-staff over the state capitol in recognition of the death of a member of the armed forces of the United States while serving on active duty.

MICHAEL E. MARSHALL, Secretary

### IMMEDIATE MESSAGE

McCarthy of Polk asked and received unanimous consent that **House File 314, Senate File 51, 52 and 101** be immediately messaged to the Senate.

### SUBCOMMITTEE ASSIGNMENTS

#### **House File 288 Reassigned**

Commerce: Kressig, Chair; Bailey, Helland, Petersen and Sands.

#### **House File 346**

Veterans Affairs: Thomas, Chair; D. Taylor and Windschitl.

#### **House File 365**

Veterans Affairs: Zirkelbach, Chair; Whitead and Windschitl.

#### **House File 399**

Veterans Affairs: Zirkelbach, Chair; Whitead and Windschitl.

#### **House File 417**

Public Safety: Reichert, Chair; Kuhn and Sands.

#### **House File 424**

Transportation: Whitaker, Chair; Huseman and Quirk.

#### **Senate File 137**

State Government: Lensing, Chair; Isenhart and Pettengill.

## HOUSE STUDY BILL SUBCOMMITTEE ASSIGNMENTS

**House Study Bill 223**

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

**House Study Bill 224**

Judiciary: T. Olson, Chair; Helland and Willems.

## HOUSE STUDY BILL COMMITTEE ASSIGNMENTS

**H.S.B. 225 State Government**

Relating to the practices and procedures of the department of public safety including school inspections, gaming floor or wagering area restrictions, public intoxication testing, operating a vehicle, motorboat, or sailboat while intoxicated testing, interception of communications, and peace officers acting with federal agents, and providing penalties.

**H.S.B. 226 Human Resources**

Relating to financial liability for the costs of services paid by the county for a person with mental illness.

**H.S.B. 227 Human Resources**

Relating to individual development accounts available to certain persons with low income and providing effective and applicability date provisions.

**H.S.B. 228 Human Resources**

Relating to county liability for adult mental health, mental retardation, developmental disabilities, and substance abuse services authorized through the county central point of coordination process.

**H.S.B. 229 State Government**

Relating to the licensing of midwives under a title act and providing for a fee and a penalty.



**H.S.B. 230 Judiciary**

Relating to admissibility into evidence of medical records and bills in civil cases.

**H.S.B. 231 State Government**

Establishing a board of clinical laboratory science, requiring the licensure of clinical laboratory science practitioners, and providing for fees and penalties.

**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 EDUCATION**

**Committee Bill** (Formerly House File 191), relating to participation in varsity interscholastic athletic contests and athletic competitions by students participating in open enrollment.

Fiscal Note is not required.

Recommended **Amend and Do Pass** February 25, 2009.

**Committee Bill** (Formerly House File 276), requiring institutions of higher learning and community colleges to provide students with specific textbook information.

Fiscal Note is not required.

Recommended **Amend and Do Pass** February 25, 2009.

**Committee Bill** (Formerly House Study Bill 159), relating to licensing fees retained by the board of educational examiners and providing an effective date.

Fiscal Note is not required.

Recommended **Do Pass** February 25, 2009.

## COMMITTEE ON HUMAN RESOURCES

**Committee Bill** (Formerly House File 106), relating to including service animals as an eligible service reimbursable under the home and community-based services waivers.

Fiscal Note is not required.

Recommended **Amend and Do Pass** February 25, 2009.

## AMENDMENTS FILED

H—1084	H.F.	259	May of Dickinson
H—1085	H.F.	414	Watts of Dallas Raecker of Polk Alons of Sioux
H—1086	H.F.	414	Raecker of Polk Alons of Sioux Watts of Dallas
H—1087	H.F.	243	Horbach of Tama
H—1088	H.F.	414	Heaton of Henry Lukan of Dubuque Raecker of Polk
H—1089	H.F.	414	Upmeyer of Hancock Paulsen of Linn Raecker of Polk
H—1090	H.F.	420	Watts of Dallas
H—1091	S.F.	218	Schulte of Linn Wagner of Linn May of Dickinson
H—1092	S.F.	218	Sands of Louisa
H—1093	H.F.	414	Raecker of Polk Wagner of Linn Helland of Polk
H—1094	H.F.	414	Raecker of Polk Rayhons of Hancock Anderson of Page Baudler of Adair De Boef of Keokuk Deyoe of Story Drake of Cass Forristall of Pottawattamie Grassley of Butler Heaton of Henry Huseman of Cherokee
			Schulte of Linn Alons of Sioux Arnold of Lucas Cownie of Polk

Kaufmann of Cedar			Koester of Polk
L. Miller of Scott			Lukan of Dubuque
May of Dickinson			S. Olson of Clinton
Pettengill of Benton			Roberts of Carroll
Soderberg of Plymouth			Sorenson of Warren
Struyk of Pottawattamie			Tjepkes of Webster
Tymeson of Madison			Upmeyer of Hancock
Van Engelenhoven of Marion			Wagner of Linn
Watts of Dallas			Windschitl of Harrison
Worthan of Buena Vista			
H—1095	H.F.	416	May of Dickinson
H—1096	S.F.	217	May of Dickinson
H—1097	H.F.	259	Winckler of Scott
H—1098	H.F.	414	Oldson of Polk
H—1099	H.F.	414	Oldson of Polk

On motion by McCarthy of Polk the House adjourned at 3:47 p.m., until 9:00 a.m., Thursday, February 26, 2009.

# JOURNAL OF THE HOUSE

Forty-sixth Calendar Day - Thirtieth Session Day

Hall of the House of Representatives  
Des Moines, Iowa, Thursday, February 26, 2009

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

Prayer was offered by Reverend Michael Peters of the I Hope Ministries, Waterloo. He is the guest of Representative Bob Kressig of Black Hawk County.

## PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Erik Paramo, House Page from Des Moines. Singing the National Anthem was Amanda Hynek (secretary to Representative Todd Taylor of Linn County) accompanied by her sister Amy Hynek.

The Journal of Wednesday, February 25, 2009 was approved.

## INTRODUCTION OF BILLS

**House File 427**, by T. Taylor, a bill for an act allowing school districts affected by a presidentially declared major disaster between May 4, 2008, and August 14, 2008, to use the previous year's budget enrollments in the budget year beginning July 1, 2009, and providing an effective date.

Read first time and referred to committee on **rebuild Iowa and disaster recovery**.

**House File 428**, by Sands, a bill for an act providing volunteer emergency services providers serving in a disaster area certain employment protections.

Read first time and referred to committee on **rebuild Iowa and disaster recovery**.

**House File 429**, by Thede, Murphy, Burt, Mertz, T. Taylor, Mascher, Swaim, H. Miller, Petersen, Berry, Cohoon, Zirkelbach, Gaskill, Frevert, Lykam, Whitead, Bukta, Whitaker, Oldson, D. Olson, Smith, Schueller, Jacoby, Wendt, Ficken, Wenthe, Palmer, Isenhardt, Abdul-Samad, Hunter, Winckler, Steckman, Kuhn, Lensing, Shomshor, R. Olson, Kearns, Ford, Beard, T. Olson, Reasoner and Heddens, a bill for an act providing for the availability of a mortgage help hotline contained in a mortgagor's right to cure.

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

**House File 430**, by Isenhardt, a bill for an act relating to boards of administration for horizontal property.

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

**House File 431**, by Alons, a bill for an act providing for the operation of certain off-road vehicles on noninterstate highways and providing registration fees and a penalty.

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

**House File 432**, by Zirkelbach, a bill for an act providing for the establishment of a financial literacy council within the office of the governor, providing for its future repeal, and providing an effective date.

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

#### SENATE MESSAGES CONSIDERED

**Senate File 49**, by committee on state government, a bill for an act relating to the administration of campaign disclosure laws.

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

**Senate File 81**, by committee on education, a bill for an act relating to assisting schools to recover from disaster by changing the approval method for transfers of emergency fund moneys, by modifying certain funding provisions to relate to disaster recovery,

and by allowing area education agency boards greater authority to purchase and lease-purchase property.

Read first time and referred to committee on **rebuild Iowa and disaster fund.**

**Senate File 112**, by Johnson, Reynolds, Kapucian, Ward, Bartz, Hartsuch, Kettering, Mc Kinley, Noble, Boettger, Feenstra, Hahn, Wieck, Seymour, Hamerlinck, Zaun, Houser, Behn, Beall, Ragan, Kreiman, Hogg, Dotzler, Heckroth, Dvorsky, Warnstadt, Horn, Wilhelm, Seng, Hancock, Olive, Hatch, Dearden, Fraise, Appel, Courtney, Gronstal, Kibbie, Black, McCoy, Dandekar, Jochum, Stewart, Soddors, Danielson, Schoenjahn, Rielly and Bolkcom, a bill for an act providing for presentation of flags flown at half-staff over the state capitol in recognition of the death of a member of the armed forces of the United States while serving on active duty.

Read first time and referred to committee on **veterans affairs.**

## MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on February 26, 2009, passed the following bill in which the concurrence of the House is asked:

Senate File 118, a bill for an act relating to the judicial branch including contested and uncontested parking violations, city and county penalties, filing civil citations of municipal infractions with the clerk, records kept by the clerk, and service of original notice in a small claims action.

Also: That the Senate has on February 26, 2009, passed the following bill in which the concurrence of the House is asked:

Senate File 154, a bill for an act relating to the authorized uses of local exchange service information by specified individuals and entities.

Also: That the Senate has on February 26, 2009, passed the following bill in which the concurrence of the House is asked:

Senate File 173, a bill for an act relating to the allocation of funds to the all Iowa opportunity foster care grant program and providing an effective date.

Also: That the Senate has on February 26, 2009, passed the following bill in which the concurrence of the House is asked:

Senate File 177, a bill for an act relating to requirements for school districts providing transportation to students participating in open enrollment.

Also: That the Senate has on February 26, 2009, passed the following bill in which the concurrence of the House is asked:

Senate File 186, a bill for an act concerning preferential hiring treatment by government for veterans.

Also: That the Senate has on February 26, 2009, passed the following bill in which the concurrence of the House is asked:

Senate File 197, a bill for an act relating to unemployment insurance benefits and compliance with federal law regarding and in order to qualify for funding, and including effective and applicability dates.

Also: That the Senate has on February 26, 2009, passed the following bill in which the concurrence of the House is asked:

Senate File 204, a bill for an act relating to the department of elder affairs and services provided to older Iowans.

MICHAEL E. MARSHALL, Secretary

## ADOPTION OF HOUSE RESOLUTION 20

Thede of Scott, H. Miller of Webster, Abdul-Samad of Polk, Burt of Black Hawk, and Reichert of Muscatine called up for consideration **House Resolution 20**, a resolution to honor the life and work of Alexander G. Clark, and moved its adoption.

The motion prevailed and the resolution was adopted.

On motion by McCarthy of Polk, the House was recessed at 9:26 a.m., until 1:00 p.m.

## AFTERNOON SESSION

The House reconvened at 1:19 p.m., Speaker Murphy in the chair.

## INTRODUCTION OF BILLS

**House File 433**, by Upmeyer, a bill for an act relating to reimbursement under the medical assistance home and community-based services waiver for the elderly.

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

**House File 434**, by Ford, a bill for an act relating to distribution and reporting requirements for endow Iowa grants and county endowment moneys.

Read first time and referred to committee on **economic growth**

**House File 435**, by Upmeyer, a bill for an act relating to the legislative review of administrative rules, and rescinding all rules every five years.

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

**House File 436**, by Upmeyer, a bill for an act relating to the scope of rulemaking authority delegated to an administrative agency.

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

**House File 437**, by Upmeyer, a bill for an act requiring a review of legislation containing a proposed health care benefit mandate prior to filing.

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

**House File 438**, by Upmeyer, a bill for an act relating to the mailing of a certified copy of a certificate or record by the state registrar of vital statistics.

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

**House File 439**, by Dolecheck, a bill for an act providing for depredation plans to harvest antlerless deer after the last established deer hunting season.

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

**House File 440**, by Ford, a bill for an act requiring health insurance coverage of certain services related to the diagnosis, treatment, and management of osteoporosis for qualified insured individuals.

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



**House File 441**, by Swaim, a bill for an act modifying provisions relating to a final hearing in a civil commitment proceeding for a sexually violent predator.

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

**House File 442**, by Hagenow and Cownie, a bill for an act establishing a state biennial appropriations process and providing effective and applicability dates.

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

**House File 443**, by Mascher and Swaim, a bill for an act relating to access to obscene materials and child in need of assistance proceedings and child abuse reporting.

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

**House File 444**, by Paulsen, a bill for an act relating to the sales tax imposed on the sale of tangible personal property and the furnishing of enumerated services and including effective date provisions.

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

**House File 445**, by Reasoner, a bill for an act relating to biodiesel fuel, by providing for labeling requirements, and providing for the extension of a tax credit.

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

**House File 446**, by Ford, a bill for an act relating to requirements of the department of human services involving electronic benefits transfer for the food assistance program.

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

**House File 447**, by Kaufmann, Sweeney, Sorenson, De Boef, L. Miller, Worthan, Watts, Huseman, Sands, Dolecheck, Schultz, Windschitl, Helland, Wagner, Hagenow, Koester, Schulte, Mertz,

Drake, Cownie and Marek, a bill for an act relating to the composition of the environmental protection commission and providing an effective date.

Read first time and referred to committee on **environmental protection**.

**House File 448**, by Ford, Hunter, Smith and Petersen, a bill for an act requiring testing and abatement of lead hazards in certain residential dwellings and child care facilities, requiring inspections of certain residential housing for lead hazards prior to sale, establishing a childhood lead poisoning prevention and control committee, and providing a penalty.

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

**House File 449**, by Ford, a bill for an act relating to programs administered by the commission on volunteer service by establishing Iowa summer youth corps and green corps programs, creating the Iowa summer youth corps account and making appropriations from the account, excluding certain payments provided to an AmeriCorps volunteer from state income tax, and providing a retroactive applicability provision.

Read first time and referred to committee on **economic growth**.

**House File 450**, by committee on state government, a bill for an act relating to the time of opening the polls for certain city elections.

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

**House File 451**, by Deyoe, a bill for an act reducing the assessment limitation for commercial and industrial property and including a retroactive applicability date provision.

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

**House File 452**, by Ford, a bill for an act relating to the establishment of a study of the economic, fiscal, and social impact of the living wage in Iowa.

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

**House File 453**, by Schueller, a bill for an act establishing the offense of satellite television equipment trespass and providing a penalty.

Read first time and referred to committee on **public safety**.

**House File 454**, by Paulsen, a bill for an act relating to funding for special education services for children living in foster care or shelter care facilities or a juvenile detention home.

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

**House File 455**, by Kaufmann, Abdul-Samad, Schueller and Sands, a bill for an act relating to child custody and visitation.

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

**House File 456**, by T. Olson and Raecker, a bill for an act concerning tax-sheltered investment contracts and including an effective date.

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

**House File 457**, by Hunter, a bill for an act relating to the amount of reimbursement per client for case management for certain elders.

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

**House File 458**, by Hunter, a bill for an act prohibiting certain liquor control, wine, or beer licensees or permittees from knowingly permitting or engaging in criminal activity in areas adjacent to the licensed premises and making penalties applicable.

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

**House File 459**, by Tymeson, a bill for an act limiting the frequency of elections relating to local option sales taxes.

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

**House File 460**, by Tymeson, a bill for an act concerning remedies for motor vehicle dealers for a buyer's nonpayment of fees.

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

**House File 461**, by Rants, a bill for an act relating to an exemption for theatrical performances from the smokefree air Act.

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

#### SENATE MESSAGES CONSIDERED

**Senate File 118**, by committee on judiciary, a bill for an act relating to the judicial branch including contested and uncontested parking violations, city and county penalties, filing civil citations of municipal infractions with the clerk, records kept by the clerk, and service of original notice in a small claims action.

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

**Senate File 154**, by committee on judiciary, a bill for an act relating to the authorized uses of local exchange service information by specified individuals and entities.

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

**Senate File 173**, by committee on education, a bill for an act relating to the allocation of funds to the all Iowa opportunity foster care grant program and providing an effective date.

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

**Senate File 177**, by committee on education, a bill for an act relating to requirements for school districts providing transportation to students participating in open enrollment.

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

**Senate File 186**, by committee on veterans affairs, a bill for an act concerning preferential hiring treatment by government for veterans.

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

**Senate File 197**, by committee on labor and business relations, a bill for an act relating to unemployment insurance benefits and compliance with federal law regarding and in order to qualify for funding, and including effective and applicability dates.

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

**Senate File 204**, by committee on human resources, a bill for an act relating to the department of elder affairs and services provided to older Iowans.

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

## CONSIDERATION OF BILLS Appropriations Calendar

**House File 414**, a bill for an act relating to public funding and regulatory matters and making, reducing, and transferring appropriations and revising fund amounts and including effective, retroactive, and other applicability date provisions, was taken up for consideration.

Heaton of Henry offered the following amendment H-1088 filed by Heaton, et al., and moved its adoption:

H-1088

- 1 Amend House File 414 as follows:
- 2 1. Page 17, line 10, by striking the figure
- 3 "25,606,746" and inserting the following:
- 4 "30,606,746".
- 5 2. Page 17, line 27, by inserting after the
- 6 figure "4." the following: "The exercise of transfer
- 7 authority shall be applied to produce at least
- 8 \$5,000,000 in reductions through the elimination of
- 9 the funding for full-time equivalent positions that
- 10 have been vacant throughout the six months prior to
- 11 the effective date of this section. Such positions do
- 12 not include correctional officers, state patrol
- 13 officers, seasonal or temporary positions intended to
- 14 be vacant during the designated period, positions
- 15 funded by the appropriations exempt from this section,
- 16 and positions that are more than 25 percent funded by
- 17 sources other than the general fund of the state."

Roll call was requested by Heaton of Henry and Raecker of Polk.

On the question "Shall amendment H-1088 be adopted?" (H.F. 414)

The ayes were, 43:

Alons	Anderson	Arnold	Baudler
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, 56:

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

Absent or not voting, 1:

Chambers

Amendment H-1088 lost.

Raecker of Polk offered the following amendment H-1093 filed by Raecker, et al., and moved its adoption:

H-1093

- 1 Amend House File 414 as follows:
- 2 1. Page 17, line 10, by striking the figure

3 "25,606,746" and inserting the following:  
 4 "33,606,746".  
 5 2. Page 17, line 27, by inserting after the  
 6 figure "4." the following: "The transfer authority  
 7 shall be applied to produce a reduction in  
 8 expenditures for office supplies, service contracts,  
 9 and equipment purchases of at least \$8,000,000."

Roll call was requested by Raecker of Polk and Upmeyer of Hancock.

On the question "Shall amendment H-1093 be adopted?" (H.F. 414)

The ayes were, 42:

Alons	Arnold	Baudler	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, 57:

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

Absent or not voting, 1:

Chambers

Amendment H-1093 lost.

Watts of Dallas offered the following amendment H-1085 filed by Watts, et al., and moved its adoption:

H-1085

1 Amend House File 414 as follows:  
 2 1. Page 18, by inserting after line 3 the  
 3 following:  
 4 "Sec. \_\_\_\_ . SALE OR LEASE OF IOWA COMMUNICATIONS  
 5 NETWORK. The Iowa telecommunications and technology  
 6 commission shall implement a request for proposals  
 7 process to sell or lease the Iowa communications  
 8 network. The request for proposals shall provide for  
 9 the sale to be closed or the lease to commence during  
 10 the fiscal year beginning July 1, 2009. The  
 11 commission shall implement the sale or lease with  
 12 terms that will allow existing users of the network to  
 13 continue such use at a lower overall long-term cost as  
 14 compared to the anticipated operation and maintenance  
 15 overall long-term cost if state ownership and control  
 16 were to continue."  
 17 2. By renumbering as necessary.

Roll call was requested by Paulsen of Linn and Baudler of Adair.

On the question "Shall amendment H-1085 be adopted?" (H.F. 414)

The ayes were, 43:

Alons	Anderson	Arnold	Baudler
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, 56:

Abdul-Samad	Bailey	Beard	Bell
Berry	Bukta	Burt	Cohoon
Ficken	Ford	Frevert	Gaskill



Gayman	Heddens	Hunter	Huser
Isenhardt	Jacoby	Kearns	Kelley
Kressig	Kuhn	Lensing	Lykam
Marek	Mascher	McCarthy	Mertz
Miller, H.	Oldson	Olson, D.	Olson, R.
Olson, T.	Palmer	Petersen	Quirk
Reasoner	Reichert	Schueller	Shomshor
Smith	Steckman	Swaim	Taylor, D.
Taylor, T.	Thede	Thomas	Wendt
Wenthe	Wessel-Kroeschell	Whitaker	Whitead
Willems	Winckler	Zirkelbach	Mr. Speaker Murphy

Absent or not voting, 1:

Chambers

Amendment H-1085 lost.

Raecker of Polk offered the following amendment H-1086 filed by Raecker, et al., and moved its adoption:

H-1086

1 Amend House File 414 as follows:  
 2 1. Page 18, by inserting after line 3 the  
 3 following:  
 4 "Sec.\_\_\_\_. VEHICLE PURCHASES DEFERRED.  
 5 Notwithstanding any provision to the contrary, except  
 6 as otherwise provided by this section, the department  
 7 of administrative services shall defer the purchase of  
 8 replacement motor vehicles paid for from the general  
 9 fund of the state or from such moneys credited to the  
 10 depreciation fund maintained pursuant to section  
 11 8A.365. The purchase deferral is applicable to the  
 12 remainder of the fiscal year beginning July 1, 2008,  
 13 commencing on the effective date of this section and  
 14 to the succeeding fiscal year. However, the executive  
 15 council may authorize an exception to allow purchase  
 16 of a replacement vehicle when the purchase is less  
 17 costly than all other alternatives."  
 18 2. By renumbering as necessary.

Roll call was requested by Raecker of Polk and Alons of Sioux.

On the question "Shall amendment H-1086 be adopted?" (H.F. 414)

The ayes were, 44:

Alons	Anderson	Arnold	Baudler
Cownie	De Boef	Deyoe	Dolecheck
Drake	Forristall	Grassley	Hagenow
Heaton	Helland	Horbach	Huseman
Huser	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, 55:

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

Absent or not voting, 1:

Chambers

Amendment H-1086 lost.

Upmeyer of Hancock offered the following amendment H-1089 filed by Upmeyer, et al., and moved its adoption:

H-1089

- 1 Amend House File 414 as follows:
- 2 1. Page 18, by inserting before line 4 the
- 3 following:
- 4 "Sec. \_\_\_\_ JUST ELIMINATE LIES PROGRAM –
- 5 IMPLEMENTATION SUSPENDED. Notwithstanding chapter
- 6 142A, 2008 Iowa Acts, chapter 1187, section 62,
- 7 subsection 1, and any other provision to the contrary,
- 8 the department of public health and the commission on

9 tobacco use prevention and control shall suspend  
 10 expenditures for the Just Eliminate Lies program,  
 11 including but not limited to grants to school  
 12 districts and community organizations to support Just  
 13 Eliminate Lies youth chapters and youth tobacco  
 14 prevention activities and the Just Eliminate Lies  
 15 tobacco prevention media campaign. The suspension  
 16 period is applicable for the remainder of the fiscal  
 17 year beginning July 1, 2008, commencing on the  
 18 effective date of this section, and to the succeeding  
 19 fiscal year."  
 20 2. By renumbering as necessary.

Roll call was requested by Smith of Marshall and Raecker of Polk.

On the question "Shall amendment H-1089 be adopted?" (H.F. 414)

The ayes were, 41:

Alons	Arnold	Baudler	Cownie
De Boef	Deyoe	Dolecheck	Drake
Forristall	Grassley	Hagenow	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, 58:

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

Absent or not voting, 1:

Chambers

Amendment H-1089 lost.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Cohoon of Des Moines on request of Speaker Murphy.

Raecker of Polk offered the following amendment H-1094 filed by Raecker, et al., and moved its adoption:

H-1094

1 Amend House File 414 as follows:

2 1. Page 28, by inserting after line 21 the  
3 following:

4 "Sec. \_\_\_\_ AMERICAN RECOVERY AND REINVESTMENT ACT  
5 OF 2009- PROPERTY TAX RELIEF FUND RISK POOL.

6 1. There is appropriated from the fund created by  
7 section 8.41 to the department of human services for  
8 the fiscal year beginning July 1, 2008, and ending  
9 June 30, 2009, the following amount, or so much  
10 thereof as is necessary, to be used for the purposes  
11 designated:

12 From unencumbered fiscal stabilization moneys  
13 available under the American Recovery and Reinvestment  
14 Act of 2009, to be credited to the risk pool created  
15 in the property tax relief fund in section 426B.5:

16 ..... \$ 14,000,000

17 2. The amount appropriated in this section shall  
18 be used for grants to counties to eliminate or avoid  
19 the implementation of waiting lists in the fiscal year  
20 beginning July 1, 2008, and the succeeding fiscal  
21 year, and to address the other circumstances the risk  
22 pool is authorized to address. All of the eligibility  
23 requirements and other requirements and restrictions  
24 applicable to risk pool funding under section 426B.5  
25 are applicable for distribution of the moneys  
26 appropriated in this section except for the following:

27 a. Notwithstanding section 426B.5, subsection 2,  
28 paragraph "h", the risk pool board shall allocate the  
29 moneys appropriated in this section so that the moneys  
30 are distributed to counties for both the fiscal year  
31 beginning July 1, 2008, and the succeeding fiscal  
32 year.

33 b. Awards of the unpaid balances of the amounts  
 34 previously accepted by the risk pool board for award  
 35 for the fiscal year beginning July 1, 2008, shall be  
 36 made without additional application. For the  
 37 remainder of the appropriation, a county must apply  
 38 for risk pool assistance within 30 calendar days of  
 39 the effective date of this section. The risk pool  
 40 board shall make its final decisions on applications  
 41 within 60 calendar days of the effective date of this  
 42 section.

43 3. The department of human services shall  
 44 calculate the amount of moneys due to eligible  
 45 counties in accordance with the board's decisions and  
 46 that amount is appropriated for each fiscal year from  
 47 the risk pool to the department for payment of the  
 48 moneys due. For the fiscal year beginning July 1,  
 49 2008, the department shall authorize the issuance of  
 50 warrants payable to the county treasurer for the

Page 2

1 amounts due and the warrants shall be issued on or  
 2 before June 15, 2009. For the succeeding fiscal year,  
 3 the department shall authorize the issuance of  
 4 warrants payable to the county treasurer for the  
 5 amounts due and the warrants shall be issued on or  
 6 before July 15, 2009."

7 2. By renumbering as necessary.

Roll call was requested by Raecker of Polk and Struyk of Pottawattamie.

On the question "Shall amendment H-1094 be adopted?" (H.F. 414)

The ayes were, 43:

Alons	Anderson	Arnold	Baudler
Cownie	De Boef	Deyoe	Dolecheck
Drake	Forristall	Grassley	Hagenow
Heaton	Helland	Horbach	Huseman
Kaufmann	Koester	Lukan	May
Mertz	Miller, L.	Olson, S.	Paulsen
Pettengill	Raecker	Rants	Rayhons
Roberts	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	Ficken
Ford	Frevert	Gaskill	Gayman
Heddens	Hunter	Huser	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
Schueller	Shomshor	Smith	Steckman
Swaim	Taylor, D.	Thede	Thomas
Wendt	Wenthe	Wessel-Kroeschell	Whitaker
Whitead	Willems	Winckler	Zirkelbach
Mr. Speaker			
Murphy			

Absent or not voting, 4:

Chambers	Cohoon	Sands	Taylor, T.
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Amendment H-1094 lost.

Oldson of Polk offered the following amendment H-1098 filed by her and moved its adoption:

H-1098

1 Amend House File 414 as follows:  
 2 1. Page 29, by inserting before line 35 the  
 3 following:  
 4 "Sec.\_\_\_\_. IOWA PUBLIC EMPLOYEES' RETIREMENT  
 5 SYSTEM-TEMPORARY LAYOFFS-AVERAGE COVERED WAGE  
 6 RECALCULATION.  
 7 1. Notwithstanding any provision of chapter 97B to  
 8 the contrary, a member of the Iowa public employees'  
 9 retirement system who has an employer-mandated  
 10 reduction in hours but remains on the employer's  
 11 payroll, and who would receive a reduction in the  
 12 member's three-year average covered wage as a result  
 13 of the reduction in hours, may have the member's  
 14 retirement allowance calculated based on the  
 15 three-year average covered wage the member would have  
 16 received, based on reasonable assumptions, if the  
 17 member had not been subject to the employer-mandated  
 18 reduction in hours, upon payment by the member of the  
 19 applicable contribution amount. For purposes of this  
 20 section, the applicable contribution amount is an  
 21 amount equal to the employee and employer  
 22 contributions that would have been paid to the system

23 based on the wages that the member would have received  
 24 but for the employer-mandated reduction in hours and  
 25 would have been included in the member's three-year  
 26 average covered wage.

27 2. The payment of the applicable contribution  
 28 amount under this section shall be treated as pick-up  
 29 contributions in addition to amounts picked up under  
 30 section 97B.11A. The member must notify the Iowa  
 31 public employees' retirement system and the member's  
 32 employer prior to the member terminating employment  
 33 covered under the system so that the appropriate  
 34 calculations can be made and the applicable  
 35 contribution amount for the member can be deducted  
 36 from the member's wages. The Iowa public employees'  
 37 retirement system shall have no liability for a  
 38 member's failure to notify the system and the member's  
 39 employer in time to make such calculations and deduct  
 40 the applicable contribution amount from the member's  
 41 remaining wage payments.

42 3. This section shall apply to employer-mandated  
 43 reductions in hours during the period of time  
 44 beginning on or after January 1, 2009, and ending no  
 45 later than June 30, 2010. The system is authorized to  
 46 adopt such rules, including emergency rules, as it  
 47 deems necessary or prudent to implement this section."

48 2. By renumbering as necessary.

Amendment H-1098 was adopted.

Oldson of Polk offered amendment H-1099 filed by her as follows:

H-1099

1 Amend House File 414 as follows:

2 1. Page 30, by inserting after line 15 the  
 3 following:

4 "Sec. \_\_\_\_\_. Judicial Appointment-Delay.

5 1. Notwithstanding section 46.12, the chief  
 6 justice may order the state commissioner of elections  
 7 to delay, for up to one hundred eighty days for  
 8 budgetary reasons, the sending of a notification to  
 9 the proper judicial nominating commission that a  
 10 vacancy in the supreme court, court of appeals, or  
 11 district court has occurred or will occur.

12 2. Notwithstanding sections 602.6304, 602.7103B,  
 13 and 633.20B, the chief justice may order any county  
 14 magistrate appointing commission to delay, for up to  
 15 one hundred eighty days for budgetary reasons, the  
 16 certification of nominees to the chief judge of the  
 17 judicial district for a district associate judgeship,

18 associate juvenile judgeship, or associate probate  
19 judgeship.  
20 3. Notwithstanding section 602.6403, the chief  
21 justice may order any county magistrate appointing  
22 commission to delay, for up to one hundred eighty days  
23 for budgetary reasons, the appointment of a  
24 magistrate.  
25 4. The section is applicable for the period  
26 beginning on the effective date of this section and  
27 ending June 30, 2009."  
28 2. By renumbering as necessary.

R. Olson of Polk offered the following amendment H-1100, to amendment H-1099, filed by him from the floor and moved its adoption:

H-1100

1 Amend the amendment, H-1099, to House File 414 as  
2 follows:  
3 1. Page 1, line 20, by inserting after the figure  
4 "602.6403," the following: "subsection 3,".  
5 2. Page 1, line 24, by inserting after the word  
6 "magistrate" the following: "to serve the remainder  
7 of an unexpired term".

Amendment H-1100 was adopted.

Pettengill of Benton offered the following amendment H-1101, to amendment H-1099, filed by her from the floor and moved its adoption:

H-1101

1 Amend the amendment, H-1099, to House File 414 as  
2 follows:  
3 1. Page 1, by inserting after line 24 the  
4 following:  
5 "\_\_\_\_. The appropriation made to the judicial  
6 branch in 2008 Iowa Acts, chapter 1182, section 1, has  
7 been reduced by this Act as necessary to address a  
8 decline in anticipated state revenues. The judicial  
9 branch shall not address the appropriation reduction  
10 by moving civil trials to the scheduled judges'  
11 counties of residence."

Oldson of Polk rose on a point of order that amendment H-1101 was not germane, to amendment H-1099.



The Speaker ruled the point well taken and amendment H-1101 not germane, to amendment H-1099.

Oldson of Polk moved the adoption of amendment H-1099, as amended.

Amendment H-1099, as amended, was adopted.

Willems of Linn in the chair at 3:42 p.m.

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?" (H.F. 414)

The ayes were, 55:

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

The nays were, 43:

Alons	Anderson	Arnold	Baudler
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	

Absent or not voting, 2:

Chambers

Cohoon

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

### LEAVE OF ABSENCE

Leave of absence was granted as follows:

Watts of Dallas on request of Paulsen of Linn.

### Regular Calendar

**House File 416**, a bill for an act providing for the establishment of the categorical state percent of growth for purposes of the state school foundation program, and providing an applicability date, was taken up for consideration.

Wendt of Woodbury offered the following amendment H-1079 filed by him and moved its adoption:

H-1079

- 1 Amend House File 416 as follows:
- 2 1. Page 1, line 5, by striking the word "zero"
- 3 and inserting the following: "two".

Amendment H-1079 was adopted.

May of Dickinson offered the following amendment H-1095 filed by him and moved its adoption:

H-1095

- 1 Amend House File 416 as follows:
- 2 1. Page 1, by striking lines 1 through 15.
- 3 2. Page 1, by inserting before line 16 the
- 4 following:
- 5 "Sec. \_\_\_\_ . STATE PERCENT OF GROWTH –
- 6 POSTPONEMENT.
- 7 Notwithstanding section 257.8, subsection 1, the
- 8 state percent of growth for the budget year beginning
- 9 July 1, 2010, shall be established in January 2010."
- 10 3. Title page, line 1, by striking the words

- 11 "establishment of" and inserting the following:  
 12 "postponement of establishing".  
 13 4. By renumbering as necessary.

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

Speaker Murphy in the chair at 4:00 p.m.

On the question "Shall amendment H-1095 be adopted?" (H.F. 416)

The ayes were, 43:

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

The nays were, 54:

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

Absent or not voting, 3:

Chambers	Cohoon	Watts
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Amendment H-1095 lost.

Raecker of Polk asked and received unanimous consent to withdraw amendment H-1083 filed by him and Dolecheck of Ringgold on February 24, 2009.

## SENATE FILE 217 SUBSTITUTED FOR HOUSE FILE 416

Wendt of Woodbury asked and received unanimous consent to substitute Senate File 217 for House File 416.

**Senate File 217**, a bill for an act providing for the establishment of the categorical state percent of growth for purposes of the state school foundation program, and providing an applicability date, was taken up for consideration.

Amendment H-1096 was placed out of order.

Wendt of Woodbury 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. 217)

The ayes were, 55:

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

The nays were, 42:

Alons	Anderson	Arnold	Baudler
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
Windschitl	Worthan		

Absent or not voting, 3:

Chambers	Cohoon	Watts
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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 414** and **Senate File 217**.

**House File 415**, a bill for an act providing for the establishment of the state percent of growth for purposes of the state school foundation program, and providing an applicability date, was taken up for consideration.

### SENATE FILE 218 SUBSTITUTED FOR HOUSE FILE 415

Wendt of Woodbury asked and received unanimous consent to substitute Senate File 218 for House File 415, placing out of order amendment H-1081 filed by Sands of Louisa on February 24, 2009 and amendment H-1082 filed by Schulte, et al., on February 24, 2009.

**Senate File 218**, a bill for an act providing for the establishment of the state percent of growth for purposes of the state school foundation program, and providing an applicability date, was taken up for consideration.

Schulte of Linn offered amendment H-1091 filed by her as follows:

H-1091

- 1 Amend Senate File 218, as passed by the Senate, as
- 2 follows:
- 3 1. Page 1, line 7, by striking the word
- 4 "percent." and inserting the following: "percent.
- 5 and, in addition, any property tax increase caused as

6 a result of this state percent of growth shall be paid

7 for by the state."

8 2. Title page, line 2, by inserting after the

9 word "program," the following: "requiring state

10 payment of any related property tax increases,".

Wendt of Woodbury rose on a point of order that amendment H-1091 was not germane.

The Speaker ruled the point well taken and amendment H-1091 not germane.

Schulte of Linn moved to suspend the rules to consider amendment H-1091.

Roll call was requested by Paulsen of Linn and May of Dickinson.

On the question "Shall the rules be suspended to consider amendment H-1091?" (S.F. 218)

The ayes were, 43:

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

The nays were, 52:

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

Absent or not voting, 5:

Chambers	Cohoon	Huser	Taylor, D.
Watts			

The motion to suspend the rules lost.

Sands of Louisa offered the following amendment H-1092 filed by him and moved its adoption:

H-1092

- 1 Amend Senate File 218, as passed by the Senate, as
- 2 follows:
- 3 1. Page 1, by striking lines 6 and 7 and
- 4 inserting the following: "1, 2009, is four percent.
- 5 The state".
- 6 2. Page 1, by inserting after line 14 the
- 7 following:
- 8 "Sec. \_\_\_\_\_. STATE PERCENT OF GROWTH –
- 9 POSTPONEMENT.
- 10 Notwithstanding section 257.8, subsection 1, the
- 11 state percent of growth for the budget year beginning
- 12 July 1, 2010, shall be established in January 2010."
- 13 3. Title page, line 1, by striking the words
- 14 "establishment of" and inserting the following:
- 15 "postponement of establishing".
- 16 4. By renumbering as necessary.

Roll call was requested by Sands of Louisa and Paulsen of Linn.

On the question "Shall amendment H-1092 be adopted?" (S.F. 218)

The ayes were, 42:

Alons	Anderson	Arnold	Baudler
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
Windschitl	Worthan		

The nays were, 55:

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

Absent or not voting, 3:

Chambers	Cohoon	Watts
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Amendment H-1092 lost.

Wendt of Woodbury 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. 218)

The ayes were, 53:

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



The nays were, 44:

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

Absent or not voting and 3:

Chambers	Cohoon	Watts
----------	--------	-------

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

#### IMMEDIATE MESSAGE

McCarthy of Polk asked and received unanimous consent that **Senate File 218** be immediately messaged to the Senate.

#### HOUSE FILES 415 and 416 WITHDRAWN

Wendt of Woodbury asked and received unanimous consent to withdraw House Files 415 and 416 from further consideration by the House.

#### MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on February 26, 2009, passed the following bill in which the concurrence of the House is asked:

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

Also: That the Senate has on February 26, 2009, passed the following bill in which the concurrence of the House is asked:

Senate File 150, a bill for an act relating to notice of claims and the statute of limitation period in an action involving a claim against a special charter city.

MICHAEL E. MARSHALL, Secretary

MR SPEAKER: Pursuant to Senate Concurrent Resolution 2, the following is a list of officers and employees of the House for the Eighty-Third General Assembly, 2009 Session, and their respective classification, grades and steps:

<u>Position</u>	<u>Name</u>	<u>Grade- Step</u>	<u>Class of Appoint- ment</u>
Chief Clerk	Mark W. Brandsgard	44-7	P-FT
Assistant Chief Clerk III	David F. Schrader	38-4	P-FT
Sr. Caucus Staff Director	Jeffrey G. Mitchell	41-7	P-FT
Sr. Caucus Staff Director	Joseph P. Romano	41-7	P-FT
Admin. Asst. I to Leader	Mark N. Langgin	29-6	P-FT
Admin. Asst. I to Leader	Noreen F. Bush	29-6	P-FT
Admin. Asst II to Leader	Josie L. Klingaman	32-3	P-FT
Admin. Asst III to Leader	Brian J. Meyer	35-4	P-FT
Sr. Admin. Assistant to Speaker	Dwayne Dean Fiihr, Jr.	38-3	P-FT
Sr. Admin. Assistant to Speaker II	Edward J. Conlow	41-7	P-FT
Sr. Admin. Assistant to Speaker II	Carolyn McNeill Gaukel	41-7	P-FT
Legislative Research Analyst	William T.D. Freeland	27-6	P-FT
Legislative Research Analyst	Matthew E. Hinch	27-5	P-FT
Legislative Research Analyst	Anthony D. Phillips	27-2	P-FT
Legislative Research Analyst	Rachelle D. Thomas	27-3	P-FT
Legislative Research Analyst I	Ezekiel L. Furlong	29-6	P-FT
Legislative Research Analyst II	David L. Epley	32-6	P-FT
Legislative Research Analyst II	Kelly M. Ryan	32-5	P-FT
Sr. Legislative Research Analyst	Lon W. Anderson	38-7	P-FT
Sr. Legislative Research Analyst	Mary C. Braun	38-7	P-FT
Sr. Legislative Research Analyst	Anna M. Hyatt-Crozier	38-3	P-FT
Sr. Legislative Research Analyst	Paulee Lipsman	38-7	P-FT
Sr. Legislative Research Analyst	Ann M. McCarthy	38-7	P-FT
Sr. Legislative Research Analyst	Lewis E. Olson	38-7	P-FT
Sr. Legislative Research Analyst	Jenifer L. Parsons	38-7	P-FT
Sr. Legislative Research Analyst	Thomas R. Patterson	38-7	P-FT
Sr. Legislative Research Analyst	Bradley A. Trow	38-5	P-FT
Caucus Secretary	Joseph M. Gilde	21-6	P-FT
Senior Caucus Secretary	Jason M. Chapman	24-6	P-FT
Executive Secretary to Chief Clerk	Janet R. Ramsay	24-2	E-FT
Clerk to Chief Clerk	Kathy J. Stachon	16-2	S-O
Supervisor of Secretaries I	Mary M. Sanders	24-3	P-FT
Senior Editor	Gayle A. Goble	30-7	P-FT
Editor II	Vicki L. Jones	25-4	P-FT
Assistant Editor	Robin L. Bennett	19-3	E-FT

Text Processor I	Colleen R. MacRae	19-2	P-FT
Senior Finance Officer III	Debra K. Rex	38-7	P-FT
Senior Finance Officer II	Kelly M. Bronsink	35-4	P-FT
Recording Clerk I	Diane K. Burget	21-4	E-FT
Assistant Legal Counsel I	Doreen R. Terrell	30-7	P-FT
Engrossing & Enrolling Processor	Pauline E. Kephart	27-7	S-O
Assistant to the Legal Counsel	Michelle K. Bauer	19-3	S-O
Senior Indexer	Kristin L. Wentz	28-7	P-FT
Indexing Assistant	Katherine G. Kenline	19-4	P-FT
Switchboard Operator	Jane E. Phalen	14-1	S-O
Switchboard Operator	Karol D. Skeffington	14-1	S-O
Legislative Secretary	Clarice E. Alons	16-3	S-O
Legislative Secretary	Pamela D. Anderson	16-2	S-O
Legislative Secretary	Cheryl K. Arnold	15-3	S-O
Legislative Secretary	Michael M. Belding	15-1	S-O
Legislative Secretary	Adrienne H. Branstad	17-2	S-O
Legislative Secretary	Marcus A. Branstad	16-1	S-O
Legislative Secretary	Lia D. Brown	17-1	S-O
Legislative Secretary	Beverly A. Burns	16-2	S-O
Legislative Secretary	Scott A. Corrie	17-1	S-O
Legislative Secretary	Sarah S. Cutshall	15-1	S-O
Legislative Secretary	Dana M. Deyoe	16-1	S-O
Legislative Secretary	Dawn R. Dillman	17-4	S-O
Legislative Secretary	Deborah Donovan	16-1	S-O
Legislative Secretary	Shirley J. Drake	16-6	S-O
Legislative Secretary	Jordan M. Durham	15-1	S-O
Legislative Secretary	Kelley A. Fifer	16-3	S-O
Legislative Secretary	Carol J. Forristall	16-1	S-O
Legislative Secretary	Lindsey L. Frank	16-2	S-O
Legislative Secretary	Kasey L. Friedrichsen	16-1	S-O
Legislative Secretary	Martha L. Fullerton	16-3	S-O
Legislative Secretary	Cassandra C. Furlong	15-1	S-O
Legislative Secretary	Susan D. Geddes	15-1	S-O
Legislative Secretary	Donna W. Greenwood	16-7	S-O
Legislative Secretary	Christopher C. Hall	17-1	S-O
Legislative Secretary	Megan L. Hess	16-2	S-O
Legislative Secretary	Joseph L. Heuertz	16-1	S-O
Legislative Secretary	Tiffanee L. Hokel	16-2	S-O
Legislative Secretary	Jane M. Hughes	16-2	S-O
Legislative Secretary	Kelli A. Huser	15-2	S-O
Legislative Secretary	Jeremy A. Jansen	17-1	S-O
Legislative Secretary	Robert F. Kaufmann	17-2	S-O
Legislative Secretary	Andrew R. Klein	15-1	S-O
Legislative Secretary	Christopher M. Knudsen	16-1	S-O
Legislative Secretary	Mary Daily Lange	16-1	S-O
Legislative Secretary	Amy J. Langgin	17-1	S-O
Legislative Secretary	John R. Lund	16-1	S-O
Legislative Secretary	Amy L. Lynch	16-2	S-O
Legislative Secretary	Susan M. Mahedy-Ridgway	15-2	S-O
Legislative Secretary	Janice M. Marek	17-1	S-O
Legislative Secretary	Carole I. Martin	15-2	S-O
Legislative Secretary	Margie A. May	16-2	S-O

Legislative Secretary	Nancy M. McDowell	15-2	S-O
Legislative Secretary	Lynn M. McRoberts	15-1	S-O
Legislative Secretary	Catherine J. Miller-Sands	16-1	S-O
Legislative Secretary	Charolotte M. Mosher	15-7	S-O
Legislative Secretary	Melba K. Murken	18-4	S-O
Legislative Secretary	Joseph H. Nehring	16-1	S-O
Legislative Secretary	K'la D. Novencido	16-1	S-O
Legislative Secretary	Jean P. Olson	16-3	S-O
Legislative Secretary	Lauren EJ Page	15-1	S-O
Legislative Secretary	Kevin B. Patrick	17-1	S-O
Legislative Secretary	Janet M. Peterson	17-1	S-O
Legislative Secretary	Martha S. Raecker	16-3	S-O
Legislative Secretary	Erika K. Rasey	16-1	S-O
Legislative Secretary	Virginia A. Rowen	17-7	S-O
Legislative Secretary	Jessica L. Rundlett	16-1	S-O
Legislative Secretary	Shannon E. Sanders	18-1	S-O
Legislative Secretary	Taylor L. Schaa	17-1	S-O
Legislative Secretary	Erica L. Shannon	16-1	S-O
Legislative Secretary	Andrew J. Soderberg	16-1	S-O
Legislative Secretary	Virginia A. Sourbeer	16-4	S-O
Legislative Secretary	Alyssa A. Staley	15-1	S-O
Legislative Secretary	Lora A. Starks	16-1	S-O
Legislative Secretary	Christopher D. Street	17-1	S-O
Legislative Secretary	M. Bernadine Travers	16-2	S-O
Legislative Secretary	Darlene A. VanOort	15-4	S-O
Legislative Secretary	Ruth A. Vander Linden	16-2	S-O
Legislative Secretary	Louis A. Vander Streek	16-1	S-O
Legislative Secretary	Jennifer M. Warner- Blankenship	16-1	S-O
Legislative Secretary	Terrence J. Welton	16-1	S-O
Legislative Secretary	Gabriel J. Whitaker	17-1	S-O
Legislative Secretary	Marilyn J. Zagnoli	16-4+1	S-O
Legislative Committee Secretary	Mary Ann Ahrens	17-1	S-O
Legislative Committee Secretary	John A. Bach	17-1	S-O
Legislative Committee Secretary	Sara B. Birkenholz	17-1	S-O
Legislative Committee Secretary	Christina M. Butts	17-1	S-O
Legislative Committee Secretary	Donna K. Downey	17-1	S-O
Legislative Committee Secretary	Mary K. Ellett	17-2	S-O
Legislative Committee Secretary	Claire M. Haws	17-1	S-O
Legislative Committee Secretary	Amy L. Hein	17-1	S-O
Legislative Committee Secretary	Amanda S. Hynek	17-1	S-O
Legislative Committee Secretary	Catherine S. Jury	17-7	S-O
Legislative Committee Secretary	Carol J. Lamb	17-2	S-O
Legislative Committee Secretary	Ericka J. Meanor	17-1	S-O
Legislative Committee Secretary	Susan G. Meimann	17-2	S-O
Legislative Committee Secretary	Brooke N. Miller	17-1	S-O
Legislative Committee Secretary	Rachel L. Moskowitz	17-1	S-O
Legislative Committee Secretary	John P. Noonan	17-1	S-O
Legislative Committee Secretary	Brenda R. Olson	17-2	S-O
Legislative Committee Secretary	Jeffrey Perry	17-1	S-O
Legislative Committee Secretary	Carissa L. Sagar	17-1	S-O
Legislative Committee Secretary	Melodie K. Schueller	17-2	S-O

Legislative Committee Secretary	Fran D. Smith	17-2	S-O
Legislative Committee Secretary	Joshua R. Swaim	17-1	S-O
Legislative Committee Secretary	Doris A. Taylor	17-1	S-O
Legislative Committee Secretary	Rosemary G. Thomas	17-3	S-O
Legislative Committee Secretary	Patricia J. Van Cleave	17-1	S-O
Legislative Committee Secretary	Anita R. Wendt	17-3	S-O
Bill Clerk	Joyce A. Hendrix	14-1	S-O
Assistant Bill Clerk	Joan E. Skeffington	12-1	S-O
Postmaster	William C. Walling	12-6	S-O
Sergeant-at-Arms I	Maynard L. Boatwright	17-3	S-O
Assistant Sergeant-at-Arms	Marvin Hollingshead	14-4	S-O
Chief Doorkeeper	Robert B. Yeager	12-3	S-O
Doorkeeper	Darrell E. Brown	11-1	S-O
Doorkeeper	Jack R. Hall	11-2	S-O
Doorkeeper	Harold L. Harker	11-2	S-O
Doorkeeper	Henry J. Luetjen	11-1	S-O
Doorkeeper	Donald L. Wederquist	11-1	S-O

## PAGES-GROUP I

Speaker's Page	Laura B. Zeman	9-1	S-O
Chief Clerk's Page	Jessie L. Ede	9-1	S-O
Chief Clerk's Page	Billie J. Silva	9-1	S-O
Chief Clerk's Page	Katelyn R. Schofield	9-1	S-O
Page	Allison P. Adams	9-1	S-O
Page	Adam D. Child	9-1	S-O
Page	Zachary C. Dalluge	9-1	S-O
Page	Erica A. Kite	9-1	S-O
Page	Laura F. Leners	9-1	S-O
Page	Kathleen K. McKnight	9-1	S-O
Page	Alicia R. Nicoletto	9-1	S-O
Page	Isabella S. Nixon	9-1	S-O
Page	Erik Paramo	9-1	S-O
Page	Nicole M. Pratt	9-1	S-O
Page	Chad P. Ratashak	9-1	S-O
Page	Hanna T. Rosman	9-1	S-O
Page	Joseph D. Sweeney	9-1	S-O
Page	Cassandra L. Wenger	9-1	S-O
Page	Nicole M. Westergaard	9-1	S-O

## PAGES-GROUP II

Page	Kelsey A. Patience	9-1	S-O
Page	Katherine E. Pauk	9-1	S-O

Pursuant to Senate Concurrent Resolution 2, the following is a list of officers and Joint Senate/House employees for the Eighty-Third General Assembly, 2009 Session, and their respective classification, grades and steps:

<u>Position</u>	<u>Name</u>	<u>Grade- Step</u>	<u>Class of Appoint- ment</u>
Sr. Facilities Manager	Mark L. Willemsen	41-7	P-FT
Legislative Security Coordinator II	Shawna S. Ferguson	26-5	P-FT
Legislative Security Officer I	Kathleen C. Bacus	20-2	P-FT
Legislative Security Officer I	Staci M. Bohlen	20-2	P-FT
Legislative Security Officer I	Robert W. Cornwell	20-3	P-FT
Legislative Security Officer I	Samuel L. Groves	20-1	P-FT
Legislative Security Officer I	Marshall T. Irwin	20-7	P-FT
Legislative Security Officer I	Carl E. Lami	20-7	P-FT
Legislative Security Officer I	Mahlon Y. Lamp	20-6	P-FT
Legislative Security Officer I	Steven D. Marsh	20-7	P-FT
Legislative Security Officer I	Judith A. Salier	20-7	P-FT
Legislative Security Officer I	Kert J. Schnell	20-6	P-FT
Legislative Security Officer I	Curtis L. Scott	20-5	P-FT
Legislative Security Officer I	Gordon M. Skeffington	20-3	P-FT
Legislative Security Officer I	Leo R. Skeffington	20-5	P-FT
Legislative Security Officer I	Richard D. Taylor	20-2	P-FT
Legislative Security Officer I	James W. Walton	20-2	P-FT
Conservation/Restoration Sp. II	Richard J. Labertew	31-7	P-FT
Conservation/Restoration Sp. II	Mark S. Lundberg	31-7	P-FT
Senior Copy Center Operator	Shirley M. Roach	21-7	E-FT
Copy Center Operator	Kathleen G. Splittgerber	18-1	S-O

### HOUSE FILE 441 REREFERRED

The Speaker announced that House File 441, previously referred to committee on **judiciary** was rereferred to committee on **public safety**.

### HOUSE FILE 456 REREFERRED

The Speaker announced that House File 456, previously referred to committee on **education** was rereferred to committee on **commerce**.

### SENATE FILE 81 REREFERRED

The Speaker announced that Senate File 81, previously referred to committee on **rebuild Iowa and disaster recovery** was rereferred to committee on **education**.

## BILLS SIGNED BY THE GOVERNOR

A communication was received from the Governor announcing that on February 26, 2009, he approved and transmitted to the Secretary of State the following bills:

House File 283, an Act relating to the county commissions of veteran affairs fund and required hours of service for executive directors and administrators.

Senate File 82, an Act adding four nonvoting members to the Iowa workforce development board.

## PRESENTATION OF VISITORS

The Speaker announced that the following visitors were present in the House chamber:

Eleven students from FCCLA, Williamsburg, Iowa, accompanied by Sandy Miller. By Betty De Boef of Keokuk.

## 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

- |           |   |
|-----------|---|
| 2009\2430 | Hayden Fry, Former Iowa Hawkeye football coach – For celebrating his 80 <sup>th</sup> birthday. |
| 2009\2431 | Raymond Kauzlarich, Indianola – For celebrating his 80 <sup>th</sup> birthday.                  |
| 2009\2432 | Nadean Downey, Indianola – For celebrating her 95 <sup>th</sup> birthday.                       |
| 2009\2433 | Eldon Beers, Tipton – For celebrating his 80 <sup>th</sup> birthday.                            |
| 2009\2434 | Grace England, Clarence – For celebrating her 80 <sup>th</sup> birthday.                        |
| 2009\2435 | Juanita Smith, Moscow – For celebrating her 80 <sup>th</sup> birthday.                          |
| 2009\2436 | Kenneth Hunter, West Branch – For celebrating his 80 <sup>th</sup> birthday.                    |
| 2009\2437 | Carolyn Krob, Tipton – For celebrating her 80 <sup>th</sup> birthday.                           |
| 2009\2438 | Dale Coppess, Stanwood – For celebrating his 80 <sup>th</sup> birthday.                         |

- 2009\2439 Wilfred Spector, West Branch – For celebrating his 80<sup>th</sup> birthday.
- 2009\2440 Joan Pruess, Tipton – For celebrating her 80<sup>th</sup> birthday.
- 2009\2441 James Dohmen, Mechanicsville – For celebrating his 80<sup>th</sup> birthday.
- 2009\2442 Velda Dinse, Tipton – For celebrating her 80<sup>th</sup> birthday.
- 2009\2443 Warren and Arlene Erickson, Muscatine – For celebrating their 60<sup>th</sup> wedding anniversary.
- 2009\2444 Paul T. Votaw, West Burlington – For attaining the rank of Eagle Scout, the highest rank in the Boy Scouts of America.
- 2009\2445 Sawyer Farris, New London / Winfield-Mount Union – For winning 1<sup>st</sup> place in the 103 lb. weight class in the Class 1-A Division of the 2009 State Wrestling Tournament.
- 2009\2446 Zach Bredlow, Clear Lake – For attaining the rank of Eagle Scout, the highest rank the Boy Scouts of America.
- 2009\2447 Neva Heitland, Ackley – For celebrating her 90<sup>th</sup> birthday.
- 2009\2448 Doris Carson Fuller Fisher, Marshalltown – For celebrating her 80<sup>th</sup> birthday.
- 2009\2449 Jack and Velma Chaplin, Monticello – For celebrating their 60<sup>th</sup> wedding anniversary.
- 2009\2450 Keith and Carleta Herzberger, Anamosa – For celebrating their 60<sup>th</sup> wedding anniversary.
- 2009\2451 Marvin and Joan Marsh, Monticello – For celebrating their 50<sup>th</sup> wedding anniversary.

#### SUBCOMMITTEE ASSIGNMENTS

##### **House File 419**

Human Resources: Mascher, Chair; Petersen and Soderberg.

##### **House File 421**

Public Safety: Whitead, Chair; Hagenow and Whitaker.

##### **House File 422**

Environmental Protection: Reichert, Chair; Gayman and Schultz.

##### **Senate File 49**

State Government: Cohoon, Chair; Isenhardt and Schulte.



**Senate File 81**

Education: Willems, Chair; Schulte and Thede.

**HOUSE STUDY BILL SUBCOMMITTEE ASSIGNMENTS****House Study Bill 225**

State Government: Lensing, Chair; Frevert and Koester.

**House Study Bill 226**

Human Resources: Smith, Chair; Heddens and Schulte.

**House Study Bill 227**

Human Resources: Mascher, Chair; L. Miller and Wessel-Kroeschell.

**House Study Bill 228**

Human Resources: Smith, Chair; Heddens and Soderberg.

**House Study Bill 229**

State Government: Mascher, Chair; Kaufmann and Willems.

**House Study Bill 231**

State Government: T. Taylor, Chair; Frevert and Schulte.

**HOUSE STUDY BILL COMMITTEE ASSIGNMENTS****H.S.B. 232 Judiciary**

Relating to expunging the record of certain simple misdemeanor violations.

**H.S.B. 233 Rebuild Iowa and Disaster Recovery**

Relating to the authority of the director of the department of natural resources in disaster emergencies.

**H.S.B. 234 State Government**

Relating to public records and open meetings, including the creation of the public records, open meetings, and privacy advisory committee, and providing an effective date.

## 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 ENVIRONMENTAL PROTECTION

**Committee Bill** (Formerly House File 69), creating an unsewered community revolving loan program and fund.

Fiscal Note is not required.

Recommended **Do Pass** February 25, 2009.

**Committee Bill** (Formerly House File 89), relating to reimbursement of hazardous substance cleanup costs.

Fiscal Note is not required.

Recommended **Amend and Do Pass** February 25, 2009.

## COMMITTEE ON LOCAL GOVERNMENT

**Committee Bill** (Formerly House File 111), requiring an election to approve the use of increased local sales and services tax revenues to fund urban renewal projects.

Fiscal Note is not required.

Recommended **Amend and Do Pass** February 25, 2009.

**Committee Bill** (Formerly House File 159), relating to the authority of a city to dispose of real property by gift.

Fiscal Note is not required.

Recommended **Amend and Do Pass** February 25, 2009.

**Committee Bill** (Formerly House File 217), relating to compensation paid to county supervisors.

Fiscal Note is not required.

Recommended **Do Pass** February 25, 2009.

**Committee Bill** (Formerly House Study Bill 157), relating to county recorders, fees collected by the county recorders, and the county land record information system.

Fiscal Note is not required.

Recommended **Amend and Do Pass** February 25, 2009.

#### COMMITTEE ON VETERANS AFFAIRS

**Committee Bill** (Formerly House File 22), relating to the definition of resident for purposes of tuition and fees for qualified veterans at Iowa's public universities and community colleges and for programs administered by the college student aid commission, and establishing a veterans educational assistance council.

Fiscal Note is not required.

Recommended **Amend and Do Pass** February 26, 2009.

**Committee Bill** (Formerly House File 250), creating a distinguished flying cross special motor vehicle registration plate and providing fees.

Fiscal Note is not required.

Recommended **Do Pass** February 26, 2009.

**Committee Bill** (Formerly House Study Bill 9), concerning preferential hiring treatment by government for veterans.

Fiscal Note is not required.

Recommended **Do Pass** February 26, 2009.

**Committee Bill** (Formerly House Study Bill 65), concerning the definition of veteran.

Fiscal Note is not required.

Recommended **Amend and Do Pass** February 26, 2009.

**Committee Bill** (Formerly House Study Bill 129), requiring record checks for persons who are prospective or current employees or volunteers for the Iowa veterans home.

Fiscal Note is not required.

Recommended **Amend and Do Pass** February 26, 2009.

**Committee Bill** (Formerly House Study Bill 179), correcting references in the Code relating to the United States department of veterans affairs.

Fiscal Note is not required.

Recommended **Do Pass** February 26, 2009.

## RESOLUTION FILED

**HR 21**, by Ford, a resolution urging the Governor of the State of Iowa to declare a state of economic emergency relating to real estate mortgage foreclosures.

Laid over under **Rule 25**.

On motion by McCarthy of Polk the House adjourned at 4:56 p.m., until 9:00 a.m., Friday, February 27, 2009.

# JOURNAL OF THE HOUSE

Forty-seventh Calendar Day - Thirty-first Session Day

Hall of the House of Representatives  
Des Moines, Iowa, Friday, February 27, 2009

The House met pursuant to adjournment at 9:16 a.m., Reasoner of Union in the chair.

Prayer was offered by Mark Brandsgard, Chief Clerk of the House

## PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Chief Clerk Brandsgard.

The Journal of Thursday, February 26, 2009 was approved.

## INTRODUCTION OF BILLS

**House File 462**, by Watts, Pettengill, Tymeson, Drake, Alons, Deyoe, Baudler, Hagenow, Sorenson, Forristall and Kaufmann, a bill for an act requiring disclosure of energy efficiency-related costs or expenses on utility bills.

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

**House File 463**, by Deyoe, a bill for an act providing authority to reallocate specified surcharge revenue otherwise payable to a joint E911 service board under certain circumstances.

Read first time and referred to committee on **public safety**.

**House File 464**, by Sands, a bill for an act relating to membership on joint E911 service boards.

Read first time and referred to committee on **public safety**.

**House File 465**, by Deyoe, a bill for an act authorizing the withholding of specified surcharge revenue otherwise payable to a joint E911 service board under certain circumstances.

Read first time and referred to committee on **public safety**.

**House File 466**, by Rayhons, Forristall and De Boef, a bill for an act relating to the issuance of any sex deer hunting licenses to certain nonresident landowners and providing a fee and penalties.

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

**House File 467**, by Schulte, a bill for an act providing for colocation of early care services available through the community empowerment initiative.

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

**House File 468**, by committee on environmental protection, a bill for an act creating an unsewered community revolving loan program and fund.

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

**House File 469**, by committee on education, a bill for an act relating to licensing fees retained by the board of educational examiners and providing an effective date.

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

**House File 470**, by Whitaker, a bill for an act relating to reserve certified peace officers and training requirements.

Read first time and referred to committee on **public safety**.

**House File 471**, by Upmeyer, L. Miller, Heaton, Forristall, Soderberg, Baudler, Schulte, Alons, Rayhons, Tymeson, Pettengill, Drake, Deyoe, Raecker, Grassley, Cownie, Hagenow, Wagner, Huseman, Arnold, Van Engelenhoven, Worthan, Sweeney, Tjepkes, Koester and Paulsen, a bill for an act relating to the development and implementation of uniform billing codes for third-party payors and health care providers.

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

**House File 472**, by Marek, a bill for an act providing for the powers and duties of the Iowa soybean association's board of directors.

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

**House File 473**, by Roberts, a bill for an act relating to the redemption of empty beverage containers by persons operating a redemption center.

Read first time and referred to committee on **environmental protection**.

**House File 474**, by Bukta, a bill for an act modifying the maximum probationary period for police dispatchers and fire fighters.

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

**House File 475**, by committee on state government, a bill for an act making technical changes to the laws relating to elections and voter registration, making a penalty applicable, and including effective date and applicability date provisions.

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

**House File 476**, by Windschitl, a bill for an act requiring schools to hold an assembly on or about September 11 each year to educate students about the sacrifices of current and past military service persons.

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

**House File 477**, by committee on commerce, a bill for an act relating to declaration of value forms for the conveyance of real estate by making social security numbers and tax identification numbers confidential.

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

**House File 478**, by committee on commerce, a bill for an act relating to health insurance coverage for diabetes self-management

training and education programs and providing effective and applicability dates.

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

**House File 479**, by Ford, a bill for an act expanding access to the Iowa communications network by adding classifications of eligible users of the network.

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

**House File 480**, by Palmer, a bill for an act relating to the entry upon land by a surveyor for land survey purposes.

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

**House File 481**, by committee on transportation, a bill for an act providing an excess weight allowance for special trucks hauling distillers grains.

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

**House File 482**, by Frevert, a bill for an act relating to health care coverage for registered nurse first assistant benefits or services.

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

**House File 483**, by Ford, a bill for an act relating to first offense operating-while-intoxicated offenses and the installation of ignition interlock devices.

Read first time and referred to committee on **public safety**.

**House File 484**, by Ford, a bill for an act relating to the testing of licensed mechanical professionals and providing an effective date.

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

**House File 485**, by Ford, a bill for an act increasing civil penalties for certain consumer fraud violations.

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



## SUBCOMMITTEE ASSIGNMENTS

**House File 434**

Economic Growth: Thomas, Chair; Cownie and Marek.

**House File 438**

Human Resources: T. Olson, Chair; Smith and Soderberg.

**House File 443**

Human Resources: Mascher, Chair; Baudler and Hunter.

**House File 446**

Human Resources: Smith, Chair; Heddens and L. Miller.

**House File 447**

Environmental Protection: D. Olson, Chair; Kearns and Schultz.

**House File 448**

Human Resources: Berry, Chair; Koester and Petersen.

**House File 449**

Economic Growth: Ford, Chair; Horbach, Jacoby, Schultz and Thomas.

**House File 457**

Human Resources: Hunter, Chair; Forristall and Wendt.

## HOUSE STUDY BILL SUBCOMMITTEE ASSIGNMENT

**House Study Bill 234**

State Government: Lensing, Chair; Isenhart, Koester, Mascher and Pettengill.

On motion by McCarthy of Polk the House adjourned at 9:23 a.m., until 1:00 p.m., Monday, March 2, 2009.

# JOURNAL OF THE HOUSE

Fiftieth Calendar Day - Thirty-second Session Day

Hall of the House of Representatives  
Des Moines, Iowa, Monday, March 2, 2009

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

Prayer was offered by Reverend Susan Guy, pastor of Walnut Hills United Methodist Church, Urbandale. She was the guest of Representative Janet Petersen of Polk County.

## PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Rishabh Nath, Brian Simons and Nick Gulick, students from Linn-Mar High School, demonstrating their robotic skills.

The Journal of Friday, February 27, 2009 was approved.

## INTRODUCTION OF BILLS

**House File 486**, by committee on public safety, a bill for an act providing for the regulation of commercial establishments that house animals by the department of agriculture and land stewardship.

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

**House File 487**, by committee on education, a bill for an act requiring postsecondary institutions and schools to provide students with specific textbook information.

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

**House File 488**, by committee on human resources, a bill for an act relating to including the maintenance of service animals as an eligible service reimbursable under the home and community-based services waivers.

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

**House File 489**, by committee on environmental protection, a bill for an act relating to reimbursement of hazardous substance cleanup costs.

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

**House File 490**, by Abdul-Samad, a bill for an act relating to inmates diagnosed with hepatitis C, including referral of such inmates for coverage under the medical assistance program upon release.

Read first time and referred to committee on **public safety**.

**House File 491**, by committee on local government, a bill for an act relating to compensation paid to county supervisors.

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

**House File 492**, by Ford, a bill for an act prohibiting the use of credit information for underwriting or rating risks for personal insurance and providing penalties and effective and applicability dates.

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

**House File 493**, by Frevert, Reichert and Mertz, a bill for an act requiring a registered nurse to be present in operating rooms during certain surgical procedures.

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

**House File 494**, by Windschitl, a bill for an act prohibiting the expenditure of state funds to implement the federal REAL ID Act of 2005.

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

**House File 495**, by committee on education, a bill for an act relating to participation in varsity extracurricular interscholastic contests and competitions by students.

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

## SENATE MESSAGES CONSIDERED

**Senate File 117**, by committee on transportation, a bill for an act relating to the operation of bicycles on a street or highway, providing requirements for motor vehicle operators encountering other vehicles or bicycles, and providing penalties.

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

**Senate File 150**, by committee on judiciary, a bill for an act relating to notice of claims and the statute of limitation period in an action involving a claim against a special charter city.

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

## REPORT OF THE CITIZENS' AIDE/OMBUDSMAN

CHIEF CLERK OF THE HOUSE OF REPRESENTATIVES:  
Pursuant to Senate Concurrent Resolution 2, William P. Angrick II submits the following list of position classifications in the Office of the Citizens' Aide/Ombudsman and the following list of the names, positions, and grades and steps of the employees in the Office of the Citizens' Aide/Ombudsman.

<u>Position Classification</u>	<u>Pay Grade</u>
Senior Deputy	41
Deputy	38
Senior Legal Counsel	38
Legal Counsel 2	35
Legal Counsel 1	32
Senior Assistant	38
Assistant 3	35
Assistant 2	32
Assistant 1	29
Senior Finance Officer 2	35
Senior Finance Officer	31
Finance Officer 2	27
Finance Officer 1	24
Executive Secretary	24
Administrative Secretary	21
Citizens' Aide/Ombudsman Secretary/receptionist	19
Legislative Intern	19

<u>Name</u>	<u>Position</u>	<u>Grade/Step</u>
W. Angrick	Citizens' Aide/Ombudsman	45-6
L. Brundies	Assistant 1	29-2
J. Burdick Crane	Senior Finance Officer	35-3
J. Burnham	Senior Assistant	38-7
R. Calloway	Assistant 3	35-5
R. Cooperrider	Senior Deputy	41-7
B. Dalmer	Assistant 2	32-3
A. Dalton	Assistant 2	32-4
E. Hart	Assistant 2	32-4
K. Hirschman	Senior Assistant	38-7
D. Julien	CAOSecretary/Receptionist	19-2
E. Mitchell-Sadler	Assistant 2	32-5
C. Natynski	Legislative Intern	19-1
R. Rowland	Legal Counsel 1	32-3
A. Teas	Assistant 1	29-3
B. Van Allen	Assistant 2	32-3
K. White	Assistant 3	35-5

## REPORT OF THE DIRECTOR OF THE LEGISLATIVE SERVICES AGENCY

CHIEF CLERK OF THE HOUSE OF REPRESENTATIVES:  
Pursuant to Senate Concurrent Resolution 2, Glen P. Dickinson, Legislative Services Agency, submits the following list of position classifications in the Office of the Legislative Services Agency and the following list of the names, positions, and grades and steps of the employees in the Legislative Services Agency.

### POSITION CLASSIFICATIONS

<u>Position Classification</u>	<u>Pay Grade</u>
Capitol Tour Guide Supervisor 2	25
Capitol Tour Guide Supervisor 1	22
Capitol Tour Guide	18
Director	00
Division Director	43
Senior Finance Officer 2	35
Senior Finance Officer	31
Finance Officer 2	27
Finance Officer 1	24
Legislative Document Specialist 3	30
Legislative Document Specialist 2	27
Legislative Document Specialist 1	24
Legislative Document Specialist	21
Legislative Document Tech. Supervisor	28
Legislative Document Tech. 3	25

Legislative Document Tech. 2	22
Legislative Document Tech. 1	19
Legislative Document Tech.	16
Senior Librarian	27
Librarian	24
Assistant Librarian	22
LIO Director 3	38
LIO Director 2	35
LIO Director 1	32
LIO Officer 3	30
LIO Officer 2	27
LIO Officer 1	24
LSA Page	9
Systems Analyst	32
CSD Division Editor/Supervisor	36
Senior Computer Systems Analyst	35
Computer Systems Analyst 3	32
Computer Systems Analyst 2	29
Computer Systems Analyst 1	27
Computer Systems Analyst	24
Senior Computer Systems Engineer	35
Computer Systems Engineer 2	32
Computer Systems Engineer1	29
Division Administrator 2	41
Division Administrator 1	38
Session Technology Floor Asst.	17
Senior Legislative Analyst	38
Legislative Analyst 3	35
Legislative Analyst 2	32
Legislative Analyst 1	29
Legislative Analyst	27
Assistant Editor 3	30
Assistant Editor 2	27
Assistant Editor 1	24
Code Editor	41
Deputy Code Editor	35
Index Supervisor	28
Indexer 2	25
Indexer 1	22
Assistant Indexer	19
Division Editor/Supervisor	39
Senior Legal Counsel	38
Legal Counsel 2	35
Legal Counsel 1	32
Legal Counsel	30
Publications Assistant	21
Senior Research Analyst	38
Research Analyst 3	35
Research Analyst 2	32
Research Analyst 1	29
Research Analyst	27

## NAME, POSITIONS AND GRADES AND STEPS OF EMPLOYEES

<u>NAME</u>	<u>POSITION</u>	<u>GRADE AND STEP</u>
M. Anfinson	Capitol Tour Guide	18-1
A. Arnett	Capitol Tour Guide	18-1
J. Arnett	Capitol Tour Guide Supervisor 2	25-7
M. Belieu	Capitol Tour Guide	18-1
C. Bergan	Page	9-1
M. Bray	Capitol Tour Guide	18-1
A. Bridges	Capitol Tour Guide	18-1
C. Coppock	Capitol Tour Guide	18-1
D. Craft	Legislative Document Tech. 3	25-3
C. Cronbaugh	LIO Director	32-6
D. Degen	Legislative Document Tech. 2	22-7
G. Dickinson	Director	\$130,000.00
J. Douglas	Legislative Document Sp. 2	27-7
S. Downey	Capitol Tour Guide	18-1
T. Duncan	Legislative Document Tech. 1	19-2
J. Ellenwood	Legislative Document Tech. 2	22-3
T. Faller	Division Director	43-7
C. Fisher	Systems Analyst	32-7
M. Fisher	Capitol Tour Guide	18-1
G. Garrett	Legislative Doc. Tech. Supervisor	28-4
M. Hagen	Legislative Document Tech. 2	22-2
J. Hanel	Page	9-1
N. Herselius	Capitol Tour Guide	18-1
S. Jennings	Legislative Document Tech. 3	25-6
J. Jess	Capitol Tour Guide	18-1
T. Johnson	Capitol Tour Guide	18-1
D. Kirk	Legislative Document Tech. 2	22-1
C. Koster	Legislative Document Tech. 1	19-1
M. Kruse	Senior Finance Officer 2	35-4
B. Lamberti	LIO Officer2	27-3
S. Laust	Legislative Doc. Tech. Supervisor	28-6
E. Lyons	Capitol Tour Guide	18-1
C. Mercati	Capitol Tour Guide	18-1
L. Morford	Legislative Document Tech. 3	25-6
S. Nabholz	Legislative Document Tech. 2	22-7
N. Navara	Legislative Document Tech. 3	25-7
K. Nelson	Legislative Document Tech. 2	22-2
K. Nichols	Legislative Document Tech. 1	19-7
W. Paxson	Capitol Tour Guide	18-1
S. Person	Capitol Tour Guide	18-1
M. Powell	Page	9-1
E. Robinson	Capitol Tour Guide	18-1
T. Rudicil	Legislative Document Tech. 1	19-5
T. Souer	Legislative Doc. Tech. Supervisor	28-7
M. Thompson	Legislative Document Tech. 3	25-5
D. Vasey	Capitol Tour Guide	18-1
J. Warner	Legislative Document Tech. 3	25-7

M. Weber	Capitol Tour Guide	18-1
K. Wesely	Senior Finance Officer 2	35-2
J. Wood	Capitol Tour Guide	18-1
D. Allen	Senior Computer Systems Analyst	35-4
J. Bellizzi	Computer Systems Analyst 2	29-5
B. Boyd	Division Administrator 1	38-7
M. Eaton	Division Administrator 1	38-7
D. Kair	Division Administrator 1	38-7
R. Knapp	Senior Computer Systems Analyst	35-7
J. Koth	Senior Computer Systems Engineer	35-5
J. Kroes	Senior Computer Systems Engineer	35-7
E. Meyer	Computer Systems Analyst 1	27-2
S. Miller	Senior Computer Systems Analyst	35-7
J. Rafdal	Senior Computer Systems Engineer	35-7
B. Rodenkirk	Computer Systems Engineer 2	32-3
G. Rudicil	Senior Computer Systems Analyst	35-7
M. Rykhoek	Computer Systems Analyst	24-3
J. Van Engelenhoven	Division Administrator 1	38-5
V. Van Vlair Hansen	Senior Compute Systems Analyst	35-5
J. Acton	Senior Legislative Analyst	38-2
J. Benson	Legislative Analyst 1	29-4
J. Brandstatter	Legislative Analyst	27-2
D. Ferguson	Senior Legislative Analyst	38-7
D. Helsen	Legislative Analyst	27-3
D. Kozel	Senior Legislative Analyst	38-6
B. Lenstra	Senior Legislative Analyst	38-7
S. Lerdal	Senior Legislative Analyst	38-7
H. Lyons	Division Director	43-7
R. Madison	Senior Legislative Analyst	38-2
M. Mellick	Legislative Analyst 2	32-6
D. Reynolds	Senior Legislative Analyst	38-7
J. Robinson	Senior Legislative Analyst	38-7
R. Robinson	Senior Legislative Analyst	38-3
M. Shipman	Division Editor/Supervisor	39-7
S. Snyder	Senior Legislative Analyst	38-7
M. Tannian	Legislative Analyst 1	29-2
D. Wulf	Division Administrator 2	41-7
D. Ackerman	Senior Research Analyst	38-4
D. Adkisson	Senior Legal Counsel	38-7
J. Clark	Publications Assistant	21-6
E. Cook	Senior Legal Counsel	38-7
J. Croatt	Assistant Editor 1	24-1
S. Crowley	Division Editor/Supervisor	39-7
N. Dugan	Assistant Editor 1	24-2
M. Duster	Legal Counsel	30-3
A. Erazo	Assistant Editor 1	24-2
P. Funaro	Senior Legal Counsel	38-7
M. Goedert	Senior Legal Counsel	38-7
K. Hanlon	Senior Research Analyst	38-7
L. Hickey	Iowa Code Editor	41-7
R. Hjelmaas	Senior Legal Counsel	38-3
S. Hoff	Deputy Administrative Code Editor	35-4



N. Hoffman	Division Editor/Supervisor	39-7
R. Johnson	Division Director	43-7
R. Karns	Assistant Editor 3	30-4
C. Kimsey	Publications Assistant	21-3
A. Knief	Legal Counsel 1	32-3
J. McEniry	Senior Legal Counsel	38-6
T. McDermott	Senior Legal Counsel	38-6
R. Nelson	Senior Legal Counsel	38-7
J. Page	Deputy Iowa Code Editor	35-7
J. Pollak	Division Administrator 2	41-7
J. Powell	Indexer 2	25-5
J. Royce	Senior Legal Counsel	38-7
R. Schulze	Assistant Editor 3	30-7
N. Swank	Research Analyst	27-1
C. Thurmond	Assistant Editor 1	24-3
T. Vander Linden	Assistant Editor 3	30-6
A. Ver Heul	Legal Counsel 2	35-4
M. Weiford	Assistant Editor 1	24-4
K. West	Administrative Code Editor	41-7
N. Westbrook	Assistant Editor 2	27-5
T. Whipple	Legal Counsel	30-3
P. Worden	Index Supervisor	28-7

### SENATE FILE 151 REREFERRED

The Speaker announced that Senate File 151, previously referred to committee on **transportation** was **passed on file**.

### BILLS SIGNED BY THE GOVERNOR

A communication was received from the Governor announcing that on February 27, 2009, he approved and transmitted to the Secretary of State the following bills:

Senate File 217, an Act providing for the establishment of the categorical state percent of growth for purposes of the state school foundation program, and providing an applicability date.

Senate File 218, an Act providing for the establishment of the state percent of growth for purposes of the state school foundation program, and providing an applicability date.

### 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

- 2009\2452 Ina Kretschmar, Marshalltown– For celebrating her 100<sup>th</sup> birthday.
- 2009\2453 Elsie Lohman, Rock Rapids– For celebrating her 90<sup>th</sup> birthday.
- 2009\2454 Evert Vanwesten, George– For celebrating his 90<sup>th</sup> birthday.
- 2009\2455 Gertrude Franken, Sioux Center– For celebrating her 90<sup>th</sup> birthday.
- 2009\2456 Myna De Stigter, Sioux Center– For celebrating her 85<sup>th</sup> birthday.
- 2009\2457 Catherine Gacke, Rock Rapids– For celebrating her 85<sup>th</sup> birthday.
- 2009\2458 Wilbur Rook, Rock Rapids– For celebrating his 85<sup>th</sup> birthday.
- 2009\2459 Elvira Johnson, Inwood– For celebrating her 85<sup>th</sup> birthday.
- 2009\2460 Ardyce Huff, George– For celebrating her 85<sup>th</sup> birthday.
- 2009\2461 Bryant Hummel, Clarinda– For winning 1<sup>st</sup> place in the 215 lb. weight class in the Class 2-A Division of the 2009 State Wrestling Tournament.
- 2009\2462 Edith Kusters, Sioux Center – For celebrating her 85<sup>th</sup> birthday.
- 2009\2463 Esther Plantage, Sioux Center – For celebrating her 80<sup>th</sup> birthday.
- 2009\2464 Tillie Nyhuis, Rock Rapids – For celebrating her 80<sup>th</sup> birthday.
- 2009\2465 Arie Blom, Inwood – For celebrating his 80<sup>th</sup> birthday.
- 2009\2466 Pete Smit, George – For celebrating his 80<sup>th</sup> birthday.
- 2009\2467 Darlene Peters, Little Rock – For celebrating her 80<sup>th</sup> birthday.
- 2009\2468 Lyle Grotewold, Larchwood – For celebrating his 75<sup>th</sup> birthday.
- 2009\2469 Jennie Wibben, Rock Rapids – For celebrating her 75<sup>th</sup> birthday.
- 2009\2470 Frederick Lamfers, Sioux Center – For celebrating his 75<sup>th</sup> birthday.
- 2009\2471 Perry Van Gorp, Sioux Center – For celebrating his 75<sup>th</sup> birthday.
- 2009\2472 Beverly Jackson, Inwood – For celebrating her 75<sup>th</sup> birthday.
- 2009\2473 Douglas Hilbrands, George – For celebrating his 75<sup>th</sup> birthday.
- 2009\2474 Cornelius Brands, Rock Valley – For celebrating his 75<sup>th</sup> birthday.
- 2009\2475 Myrna Eben, George – For celebrating her 75<sup>th</sup> birthday.

- 2009\2476 Carroll and Judy Clark, Dubuque – For celebrating their 50<sup>th</sup> wedding anniversary.
- 2009\2477 Tony and Betty Callahan, Dubuque – For celebrating their 55<sup>th</sup> wedding anniversary.
- 2009\2478 Judith Chapman, Genesis Medical Center, Davenport – For being selected at the University of Iowa College of Nursing as one of Iowa's 100 Great Nurses.
- 2009\2479 Jill Weber, Genesis Medical Center, Davenport – For being selected at the University of Iowa College of Nursing as one of Iowa's 100 Great Nurses.

#### SUBCOMMITTEE ASSIGNMENTS

##### **House File 431**

Transportation: May, Chair; Quirk and Wenthe.

##### **House File 435**

State Government: Mascher, Chair; Struyk and T. Taylor.

##### **House File 436**

State Government: Lensing, Chair; Frevert and Struyk.

##### **House File 453**

Public Safety: Whitead, Chair; Hagenow and Whitaker.

##### **House File 458**

State Government: Lensing, Chair; Pettengill and T. Taylor.

##### **House File 460**

Transportation: Koester, Chair; Kelley and Quirk.

##### **House File 467**

State Government: Frevert, Chair; Drake and Isenhardt.

##### **House File 473**

Environmental Protection: Lensing, Chair; Soderberg and Whitaker.

##### **House File 474**

State Government: T. Taylor, Chair; Koester and Shomshor.

**House File 484**

State Government: T. Taylor, Chair; Koester and Willems.

HOUSE STUDY BILL SUBCOMMITTEE ASSIGNMENT

**House Study Bill 233**

Rebuild Iowa and Disaster Recovery: Thomas, Chair; De Boef and Kuhn.

HOUSE STUDY BILL COMMITTEE ASSIGNMENTS

**H.S.B. 235 Economic Growth**

Changing the allocation of moneys in the county endowment fund.

**H.S.B. 236 Rebuild Iowa and Disaster Recovery**

Providing a contingent appropriation from the Iowa economic emergency fund to address the effects of a major disaster.

**H.S.B. 237 Environmental Protection**

Relating to the operation and purview of the office of energy independence, by transferring authority over specified energy-related measures and programs from the department of natural resources to the office of energy independence, and providing transition provisions relating to the transfer of authority.

**H.S.B. 238 Rebuild Iowa and Disaster Recovery**

Relating to disaster recovery for businesses through the loan and guarantee program and other activities by the department of economic development and providing an effective date.

COMMITTEE RECOMMENDATION

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

MARK W. BRANDSGARD  
Chief Clerk of the House

## COMMITTEE ON EDUCATION

**Committee Bill** (Formerly House File 351), relating to early school start dates and providing effective and applicability dates.

Fiscal Note is not required.

Recommended **Amend and Do Pass** March 2, 2009.

## RESOLUTION FILED

**HCR 6**, by Sorenson, De Boef, Schultz, Tymeson, Deyoe, Paulsen, Upmeyer, Raecker, Watts, Hagenow, Helland, Kaufmann, Windschitl, Cownie, Wagner, Koester, Lukan, Baudler, Sands, Huseman, Soderberg and Pettengill, a concurrent resolution claiming state sovereignty under the Tenth Amendment to the Constitution of the United States over certain mandates imposed on states by the federal government.

Laid over under **Rule 25**.

## AMENDMENTS FILED

H—1102	S.F.	98	Struyk of Pottawattamie
H—1103	H.F.	475	Rants of Woodbury
H—1104	H.F.	374	Kuhn of Floyd
H—1105	H.F.	243	Pettengill of Benton
H—1106	H.F.	243	Pettengill of Benton

On motion by Reasoner of Union the House adjourned at 1:20 p.m., until 9:00 a.m., Tuesday, March 3, 2009.

# JOURNAL OF THE HOUSE

Fifty-first Calendar Day - Thirty-third Session Day

Hall of the House of Representatives  
Des Moines, Iowa, Tuesday, March 3, 2009

The House met pursuant to adjournment at 9:15 a.m., Speaker Murphy in the chair.

Prayer was offered by Reverend Walter Helms, St. Thomas More Catholic Church, Iowa City. He was the guest of Representative Dave Jacoby of Johnson County.

## PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Nicole Westergaard, House Page from Newell.

The Journal of Monday, March 2, 2009 was approved.

## INTRODUCTION OF BILLS

**House File 496**, by committee on local government, a bill for an act relating to the authority of a city to dispose of real property by gift.

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

**House File 497**, by Alons, Sweeney, Baudler, Swaim, Helland, Struyk, Kaufmann, Palmer, Anderson, Mertz and De Boef, a bill for an act relating to minors and public intoxication or possession of alcohol and providing penalties.

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

**House File 498**, by Willems, Wessel-Kroeschell, Frevert, Ficken, Struyk, Gayman, Bukta and Thede, a bill for an act providing for year-round classes for kindergarten and grades one through five in school districts with three thousand or more students, and providing an applicability date.

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

**House File 499**, by Windschitl, a bill for an act relating to the period of validity of a permit to carry weapons and providing for the combined issuance of and a fee for a permit to carry weapons and a driver's license.

Read first time and referred to committee on **public safety**.

**House File 500**, by Alons, Watts, Koester, Hagenow, Baudler, Tymeson, Sands, May, Helland, De Boef, Horbach, Grassley, Drake, Kaufmann and Anderson, a bill for an act requiring voters to provide certain identification when voting in person at the polling place.

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

**House File 501**, by Alons, L. Miller, Heaton, Baudler, Schulte, Smith and Upmeyer, a bill for an act relating to development of a plan for a home and community-based services autism waiver under the medical assistance program.

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

**House File 502**, by committee on local government, a bill for an act providing for petition and election to approve the use of increased local sales and services tax revenues to fund urban renewal projects.

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

**House File 503**, by committee on veterans affairs, a bill for an act concerning the definition of veteran.

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

**House File 504**, by committee on veterans affairs, a bill for an act correcting references in the Code relating to the United States department of veterans affairs.

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

**House File 505**, by committee on veterans affairs, a bill for an act requiring record checks for persons who are prospective or current volunteers for the Iowa veterans home.

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

**House File 506**, by committee on local government , a bill for an act relating to identity theft protection by requiring reporting and by making changes to the duties of county recorders, the fees collected by the county recorders, and the county land record information system.

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

### 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 2, 2009, passed the following bill in which the concurrence of the House is asked:

Senate File 176, a bill for an act allowing the waiver of certain administrative penalties for late annual reports concerning cemetery and funeral merchandise, and funeral services, upon a showing of good cause or financial hardship and providing an immediate effective date.

Also: That the Senate has on March 2, 2009, passed the following bill in which the concurrence of the House is asked:

Senate File 199, a bill for an act relating to the uniform athlete agents act and providing remedies and penalties.

Also: That the Senate has on March 2, 2009, passed the following bill in which the concurrence of the House is asked:

Senate File 203, a bill for an act relating to the identification of the eligibility of tenants of an assisted living program for benefits through the United States department of veterans affairs.

Also: That the Senate has on March 2, 2009, passed the following bill in which the concurrence of the House is asked:

Senate File 207, a bill for an act relating to the Iowa finance authority by providing immunity for board members, providing administrative authority for the executive director, eliminating duties of the council on homelessness, defining projects under the bond bank program, and defining assets in, and providing for the use of moneys in, the housing trust fund.

Also: That the Senate has on March 2, 2009, passed the following bill in which the concurrence of the House is asked:

Senate File 237, a bill for an act relating to pseudoephedrine product sales by pharmacies and retailers, and providing penalties and contingent applicability.

MICHAEL E. MARSHALL, Secretary

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



The House resumed session at 9:55 a.m., Speaker Murphy in the chair.

CONSIDERATION OF BILL  
Regular Calendar

**House File 374**, a bill for an act relating to the grain depositors and sellers indemnity fund, was taken up for consideration.

Kuhn of Floyd asked and received unanimous consent to withdraw amendment H-1078 filed by him on February 23, 2009.

Kuhn of Floyd offered the following amendment H-1104 filed by him and moved its adoption:

H-1104

1 Amend House File 374 as follows:

2 1. Page 1, by inserting after line 11 the  
3 following:

4 "Sec.\_\_\_\_. Section 203D.6, subsection 1, Code  
5 2009, is amended to read as follows:

6 1. PERSONS WHO MAY FILE CLAIMS ~~—TIME OF FILING.~~

7 A depositor or seller may file a claim with the  
8 department for indemnification of a loss from the  
9 grain depositors and sellers indemnity fund. A claim  
10 shall be filed in the manner prescribed by the board.

11 ~~A claim shall not be filed prior to the~~

12 1A. TIME OF FILING CLAIM.

13 a. As used in this subsection, an incurrence date,  
14 ~~which is the earlier is when either~~ of the following  
15 occurs:

16 ~~a. (1)~~ The revocation, termination, or  
17 cancellation of the license of the grain dealer or  
18 warehouse operator.

19 ~~b. (2)~~ The filing of a petition in bankruptcy by a  
20 licensed grain dealer or licensed warehouse operator.

21 b. To be timely, a claim ~~shall~~ must be filed  
22 within a claim period beginning on either incurrence  
23 date and ending one hundred twenty days of the after  
24 that incurrence date, regardless of whether a previous  
25 claim period has expired.

26 Sec.\_\_\_\_. Section 203D.6, subsection 3, paragraph  
27 d, Code 2009, is amended to read as follows:

28 d. That the claim derives from a covered  
29 transaction. For purposes of this paragraph, a claim  
30 derives from a covered transaction if the claimant is  
31 a seller who transferred title to the grain to a

32 licensed grain dealer other than by credit-sale  
 33 contract within six months of the incurrence date for  
 34 a claim period as provided in subsection 1A, or if the  
 35 claimant is a depositor who delivered the grain to a  
 36 licensed warehouse operator.  
 37 Sec.\_\_\_\_. Section 203D.6, subsection 3, Code 2009,  
 38 is amended by adding the following new paragraph:  
 39 NEW PARAGRAPH. f. A claim has not been paid for  
 40 the same loss."  
 41 2. Page 1, by inserting after line 23 the  
 42 following:  
 43 "Sec.\_\_\_\_. EFFECTIVE DATE AND RETROACTIVE  
 44 APPLICATION. This Act, being deemed of immediate  
 45 importance, takes effect upon enactment and applies  
 46 retroactively to October 1, 2008."  
 47 3. Title page, line 2, by inserting after the  
 48 word "fund" the following: ", and providing for an  
 49 effective date and retroactive applicability".  
 50 4. By renumbering as necessary.

Amendment H-1104 was adopted.

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

On the question "Shall the bill pass?" (H.F. 374)

The ayes were, 97:

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

Tjepkes	Tymeson	Upmeyer	Van Engelenhoven
Wagner	Watts	Wendt	Wenthe
Wessel-Kroeschell	Whitaker	Whitead	Willems
Winckler	Windschitl	Worthan	Zirkelbach
Mr. Speaker			
Murphy			

The nays were, none.

Absent or not voting, 3:

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

### IMMEDIATE MESSAGE

McCarthy of Polk asked and received unanimous consent that **House File 374** be immediately messaged to the Senate.

### 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

2009\2480	Thomas Brooke, West Liberty— For celebrating his 80 <sup>th</sup> birthday.
2009\2481	Aquilina Rocha, West Liberty— For celebrating her 80 <sup>th</sup> birthday.
2009\2482	Alma Hughes, Tipton— For celebrating her 80 <sup>th</sup> birthday.
2009\2483	James Blank, Iowa City— For celebrating his 80 <sup>th</sup> birthday.
2009\2484	Welma Krueger, Lowden— For celebrating her 80 <sup>th</sup> birthday.
2009\2485	Evelyn Siebel, Tipton— For celebrating her 80 <sup>th</sup> birthday.
2009\2486	Gwen Bulger, Mechanicsville— For celebrating her 80 <sup>th</sup> birthday.
2009\2487	Luverna Schreck, Durant— For celebrating her 80 <sup>th</sup> birthday.
2009\2488	Fred Rekemeyer, Tipton— For celebrating his 80 <sup>th</sup> birthday.
2009\2489	Mary Heacock, West Branch— For celebrating her 80 <sup>th</sup> birthday.

- 2009\2490 Norbert Kruckenberg, Lowden– For celebrating his 80<sup>th</sup> birthday.
- 2009\2491 Phyllis Sladek, Iowa City– For celebrating her 80<sup>th</sup> birthday.
- 2009\2492 Mary Lowry, Wilton– For celebrating her 80<sup>th</sup> birthday.
- 2009\2493 John Dirks, Clarence– For celebrating his 80<sup>th</sup> birthday.
- 2009\2494 Marjory Melick, West Liberty– For celebrating her 80<sup>th</sup> birthday.
- 2009\2495 Wilma “Til” Tank, Wilton– For celebrating her 80<sup>th</sup> birthday.
- 2009\2496 Duane King, Wilton– For celebrating his 80<sup>th</sup> birthday.
- 2009\2497 Donald Owen, West Liberty– For celebrating his 80<sup>th</sup> birthday.
- 2009\2498 Eileen Waller, West Liberty– For celebrating her 80<sup>th</sup> birthday.
- 2009\2499 Donald Boedeker, Lowden– For celebrating his 80<sup>th</sup> birthday.
- 2009\2500 Elmer “Jake” and Luva Jean Peterson, Tipton– For celebrating their 66<sup>th</sup> wedding anniversary.
- 2009\2501 Harold Hensch, Tipton– For celebrating his 80<sup>th</sup> birthday.
- 2009\2502 Leona Hunwardsen, Clarence– For celebrating her 95<sup>th</sup> birthday.
- 2009\2503 Margaret Fankhauser, West Liberty– For celebrating her 85<sup>th</sup> birthday.
- 2009\2504 Ardith Ostrem, Columbus Junction– For celebrating her 80<sup>th</sup> birthday.
- 2009\2505 Matt Mougín, Columbus Junction– For winning 1<sup>st</sup> place in the 145 lb. weight class in the Class 2-A Division of the 2009 State Wrestling Tournament.
- 2009\2506 Al Schirm, Walnut– For celebrating his 90<sup>th</sup> birthday.
- 2009\2507 Ruth Davis, Avoca– For celebrating her 90<sup>th</sup> birthday.
- 2009\2508 Ethel Robinson, Irwin– For celebrating her 90<sup>th</sup> birthday.
- 2009\2509 John and Kathryn Vander Plaats, Sheldon– For celebrating their 60<sup>th</sup> wedding anniversary.
- 2009\2510 Kenneth Sorenson, Crystal Lake– For celebrating his 85<sup>th</sup> birthday.
- 2009\2511 Joy Nelson, Clear Lake– For celebrating her 80<sup>th</sup> birthday.
- 2009\2512 Robert E. Pals, Clear Lake– For celebrating his 80<sup>th</sup> birthday.

- 2009\2513 Louis and Doris Eichmeier, Sheffield– For celebrating their 65 wedding anniversary.
- 2009\2514 Doris Abels, Kanawha– For celebrating her 80<sup>th</sup> birthday.
- 2009\2515 Lucille Ragan, Mason City– For celebrating her 90<sup>th</sup> birthday.
- 2009\2516 Charlotte Orr, Sioux City– For celebrating her 95<sup>th</sup> birthday.
- 2009\2517 Joyce E. Williams, Sioux City– For celebrating her 80<sup>th</sup> birthday.
- 2009\2518 Pauline Boll, Manchester– For celebrating her 103<sup>rd</sup> birthday.
- 2009\2519 Simon Post, Doon– For celebrating his 97<sup>th</sup> birthday.
- 2009\2520 Stella Dahlman, Rock Rapids– For celebrating her 90<sup>th</sup> birthday.
- 2009\2521 JoAnn Miller, Harper– For celebrating her 80<sup>th</sup> birthday.
- 2009\2522 Spencer A. Wright, Sigourney– For attaining the rank of Eagle Scout, the highest rank in the Boy Scouts of America.
- 2009\2523 Kathryn Van Gilst, Oskaloosa – For celebrating her 85<sup>th</sup> birthday.
- 2009\2524 Garlyn and Irene Engelhoven, Oskaloosa – For celebrating their 60<sup>th</sup> wedding anniversary.
- 2009\2525 Larry and Lois Anderson, Keota – For celebrating their 55<sup>th</sup> wedding anniversary.
- 2009\2526 Irene Peiffer, Sigourney – For celebrating her 90<sup>th</sup> birthday.
- 2009\2527 Loren Farrell, Rock Rapids – For celebrating his 100<sup>th</sup> birthday.
- 2009\2528 Wallace and Doris Dahl, Manly – For celebrating their 65<sup>th</sup> wedding anniversary.
- 2009\2529 Mark Huling, Garner – For receiving the 2009 Farm Bureau Life Silver Award.
- 2009\2530 Jake and Arlene Winter, Buffalo Center – For celebrating their 60<sup>th</sup> wedding anniversary.
- 2009\2531 Mike Matern, Britt – For his 23 years of service with the United States Postal Service.
- 2009\2532 Norma King, Forest City – For celebrating her 80<sup>th</sup> birthday.
- 2009\2533 Florence Potter, Forest City – For celebrating her 80<sup>th</sup> birthday.
- 2009\2534 Marjorie Hefte, Britt – For celebrating her 85<sup>th</sup> birthday.

- 2009\2535 Kenneth Sorenson, Crystal Lake – For celebrating his 85<sup>th</sup> birthday.
- 2009\2536 Darrel and Barb Andersen, Anita – For celebrating their 50<sup>th</sup> wedding anniversary.
- 2009\2537 Neva Compton, Guthrie Center – For celebrating her 86<sup>th</sup> birthday.
- 2009\2538 Shirley Mueller, Greenfield – For receiving an award from the American Red Cross for her many years of service as a volunteer coordinator.
- 2009\2539 Janet Johnson, Wesley Park Centre, Newton – For being selected at the University of Iowa College of Nursing as one of Iowa's 100 Great Nurses.
- 2009\2540 William and Luella Sloan, Newton – For celebrating their 60<sup>th</sup> wedding anniversary.
- 2009\2541 Irene Ferguson, Newton – For celebrating her 85<sup>th</sup> birthday.
- 2009\2542 Alvera Rosgaard, Rock Valley – For celebrating her 90<sup>th</sup> birthday.
- 2009\2543 Patricia Mouw, Sioux Center – For celebrating her 90<sup>th</sup> birthday.
- 2009\2544 Betty Bauer, Sioux Center – For celebrating her 85<sup>th</sup> birthday.
- 2009\2545 Bethal Koedam, Rock Valley – For celebrating her 80<sup>th</sup> birthday.
- 2009\2546 Anna Schipper, George – For celebrating her 80<sup>th</sup> birthday.
- 2009\2547 Ruth Van Maanen, Rock Valley – For celebrating her 80<sup>th</sup> birthday.
- 2009\2548 Sue Kooima, Rock Valley – For celebrating her 80<sup>th</sup> birthday.
- 2009\2549 Theresa De Wit, Hull – For celebrating her 80<sup>th</sup> birthday.
- 2009\2550 Dorothy Van Beek, Rock Valley – For celebrating her 80<sup>th</sup> birthday.
- 2009\2551 Joan Hilbrands, George – For celebrating her 75<sup>th</sup> birthday.
- 2009\2552 Lavonne Hollander, George – For celebrating her 75<sup>th</sup> birthday.
- 2009\2553 Gerald Van Roekel, Sioux Center – For celebrating his 75<sup>th</sup> birthday.
- 2009\2554 Evelyn De Vries, Sioux Center – For celebrating her 75<sup>th</sup> birthday.
- 2009\2555 Linda Lappe, Morning Sun – For being inducted into the Iowa High School Girls Basketball Hall of Fame.

## SUBCOMMITTEE ASSIGNMENTS

**House File 127**

Labor: T. Taylor, Chair; Watts and Willems.

**House File 222**

Labor: T. Taylor, Chair; Van Engelenhoven and Willems.

**House File 367**

Commerce: Oldson, Chair; Reasoner and Sorenson.

**House File 412**

Commerce: Reichert, Chair; Petersen, Quirk, Soderberg and Wagner.

**House File 418**

Education: Winckler, Chair; Abdul-Samad and Tymeson.

**House File 423**

Commerce: Reasoner, Chair; Shomshor and Windschitl.

**House File 425**

Judiciary: Wessel-Kroeschell, Chair; Lensing and Schultz.

**House File 427**

Rebuild Iowa and Disaster Recovery: T. Taylor, Chair; Sorenson and D. Taylor.

**House File 429**

Commerce: Reasoner, Chair; Helland and Jacoby.

**House File 430**

Commerce: Jacoby, Chair; Reasoner and Sorenson.

**House File 432**

Education: Winckler, Chair; Mascher and May.

**House File 433**

Human Resources: Wendt, Chair; Alons and Steckman.

**House File 437**

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

**House File 439**

Natural Resources: Mertz, Chair; Huseman and Marek

**House File 440**

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

**House File 441**

Public Safety: Reichert, Chair; Baudler and Bukta.

**House File 445**

Agriculture: Reasoner, Chair; Wenthe and Worthan.

**House File 454**

Education: Wendt, Chair; Ficken and L. Miller.

**House File 455**

Judiciary: Huser, Chair; Kaufmann and Willems.

**House File 456**

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

**House File 461**

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

**House File 462**

Commerce: D. Olson, Chair; Petersen and Struyk.

**House File 463**

Public Safety: Tjepkes, Chair; Burt and Kressig.

**House File 464**

Public Safety: Tjepkes, Chair; Burt and Kressig.

**House File 465**

Public Safety: Tjepkes, Chair; Burt and Kressig.



**House File 466**

Natural Resources: Whitaker, Chair; Beard and Rayhons.

**House File 470**

Public Safety: Whitaker, Chair; Tjepkes and Whitead.

**House File 471**

Commerce: T. Olson, Chair; Jacoby and Struyk.

**House File 472**

Agriculture: Marek, Chair; De Boef and Gayman.

**House File 476**

Education: Winckler, Chair; Mascher and Tymeson.

**House File 482**

Commerce: Reasoner, Chair; D. Olson and Pettengill.

**House File 483**

Public Safety: R. Olson, Chair; Baudler and Lykam.

**House File 485**

Judiciary: Ford, Chair; Horbach and Lensing.

**House File 490**

Public Safety: Heddens, Chair; Alons and Kuhn.

**House File 492**

Commerce: Oldson, Chair; Jacoby and Pettengill.

**House File 493**

Human Resources: Smith, Chair; Abdul-Samad and L. Miller.

**House File 500**

State Government: Gaskill, Chair; Roberts and Willems.

**Senate File 150**

Judiciary: Willems, Chair; Helland and T. Olson.

## HOUSE STUDY BILL SUBCOMMITTEE ASSIGNMENTS

**House Study Bill 235**

Economic Growth: Thomas, Chair; Cownie and Marek.

**House Study Bill 236**

Rebuild Iowa and Disaster Recovery: Jacoby, Chair; Berry and Grassley.

**House Study Bill 237**

Environmental Protection: Reichert, Chair; Kearns and Soderberg.

**House Study Bill 238**

Rebuild Iowa and Disaster Recovery: Sands, Chair; Pettengill and Thomas.

## HOUSE STUDY BILL COMMITTEE ASSIGNMENTS

**H.S.B. 239 Commerce**

Relating to energy efficiency by establishing a renewable energy transmission authority, and conferring bonding authority upon the authority.

**H.S.B. 240 Judiciary**

Relating to nonsubstantive Code corrections and providing effective dates and for retroactive applicability.

**H.S.B. 241 Commerce**

Specifying a maximum finance charge applicable to delayed deposit service transactions, making related modifications, making penalties applicable, and providing a penalty.

**H.S.B. 242 Commerce**

Relating to renewable energy production by specifying an electricity distributed renewable generation standard.

**H.S.B. 243 Commerce**

Providing for the establishment of an abbreviated electric transmission franchise process, and providing an effective date.

**H.S.B. 244 State Government**

Concerning the deferred retirement option plan under the municipal fire and police retirement system of Iowa and providing an effective date.

**H.S.B. 245 Labor**

Relating to workers' compensation benefits for certain work-related injuries that occur outside this state.

**H.S.B. 246 Labor**

Relating to the imposition of penalty benefits in workers' compensation cases.

**H.S.B. 247 Labor**

Requiring additional workers' compensation payments for scheduled injuries that result in a reduction in the injured employee's earning capacity.

**H.S.B. 248 Labor**

Prohibiting employers from infringing on employees' political activities after work hours and if not using company resources.

**H.S.B. 249 Economic Growth**

Relating to the rulemaking process and the judicial review of administrative rules, the assessment of court costs and attorney fees, rulemaking requirements specific to the environmental protection commission and the natural resource commission, and including effective date and applicability provisions.

### **H.S.B. 250 Judiciary**

Relating to the applicability of the motor vehicle dealer licensing requirements to certain financial institutions which are holders of retail installment contracts secured by motor vehicles.

### **H.S.B. 251 Judiciary**

Relating to the reorganization of operating-while-intoxicated criminal offenses, making related changes, and providing an effective date.

## **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 ENVIRONMENTAL PROTECTION**

**Committee Bill** (Formerly House Study Bill 90), relating to open burning of residential waste in certain areas of the state and providing penalties.

Fiscal Note is not required.

Recommended **Amend and Do Pass** March 2, 2009.

### **COMMITTEE ON HUMAN RESOURCES**

**Committee Bill** (Formerly House File 354), relating to reimbursement of nonparticipating providers for eligible services provided to IowaCare program members.

Fiscal Note is not required.

Recommended **Do Pass** March 2, 2009.

**Committee Bill** (Formerly House File 383), relating to the state child care advisory council.

Fiscal Note is not required.

Recommended **Do Pass** March 2, 2009.

**Committee Bill** (Formerly House Study Bill 227), relating to individual development accounts available to certain persons with low income and providing effective and applicability date provisions.

Fiscal Note is not required.

Recommended **Amend and Do Pass** March 2, 2009.

#### COMMITTEE ON LOCAL GOVERNMENT

**House File 216**, a bill for an act relating to what constitutes a pioneer cemetery.

Fiscal Note is not required.

Recommended **Do Pass** March 2, 2009.

**Committee Bill** (Formerly House Study Bill 206), relating to county recorders by making changes to fees charged by the county recorder, information required to be endorsed on certain recorded documents and instruments, and standards for indexes maintained by the county recorder.

Fiscal Note is not required.

Recommended **Amend and Do Pass** March 2, 2009.

**Committee Bill** (Formerly House Study Bill 207), relating to public notice requirements for meetings of boards of township trustees.

Fiscal Note is not required.

Recommended **Do Pass** March 2, 2009.

#### COMMITTEE ON TRANSPORTATION

**Committee Bill** (Formerly House File 386), relating to parking on the left side of a roadway.

Fiscal Note is not required.

Recommended **Amend and Do Pass** March 3, 2009.

#### AMENDMENTS FILED

H—1107	H.F.	197	Abdul-Samad of Polk
H—1108	H.F.	238	Struyk of Pottawattamie
H—1109	S.F.	186	Tymeson of Madison Mascher of Johnson

On motion by McCarthy of Polk the House adjourned at 10:09 a.m., until 9:00 a.m., Wednesday, March 4, 2009.

# JOURNAL OF THE HOUSE

Fifty-second Calendar Day - Thirty-fourth Session Day

Hall of the House of Representatives  
Des Moines, Iowa, Wednesday, March 4, 2009

The House met pursuant to adjournment at 9:00 a.m., Speaker Murphy in the chair.

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

## PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Blake Grotewold, House Page from Lake Mills.

The Journal of Tuesday, March 3, 2009 was approved.

## INTRODUCTION OF BILLS

**House File 507**, by Heaton, a bill for an act relating to the posting of certain Medicare rating information by nursing facilities.

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

**House File 508**, by Heaton, a bill for an act requiring the availability of electronic billing and payment for providers under the state child care assistance program.

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

**House File 509**, by Heaton, Schulte, Upmeyer, Raecker and Rayhons, a bill for an act relating to the use of federal funding for medical assistance home and community-based services waivers.

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

**House File 510**, by Ford, a bill for an act appropriating unclaimed lottery prize money for the before and after school grant program.

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

**House File 511**, by Ford, a bill for an act allowing school districts to utilize attendance centers to provide academic, enrichment, cultural, or recreational activities to children during noninstructional hours.

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

**House File 512**, by Heaton, a bill for an act relating to reporting of class I violations by health care facilities to the governor and general assembly.

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

**House File 513**, by Heaton, a bill for an act requiring the availability of electronic billing and payment for providers under the state child care assistance program.

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

**House File 514**, by Heaton, a bill for an act relating to providing psychiatric residency positions at the university of Iowa hospitals and clinics and providing an appropriation.

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

**House File 515**, by Ford, a bill for an act relating to law enforcement officers and reserve peace officers and racial and cultural awareness and sensitivity curriculum training requirements.

Read first time and referred to committee on **public safety**.

**House File 516**, by Heaton, a bill for an act providing for a transportation levy for certain school districts.

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

**House File 517**, by Heaton, a bill for an act relating to copayments for certain prescription drugs under the medical assistance program.

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

**House File 518**, by De Boef, Sands, S. Olson, Dolecheck, Roberts, Lukan, Huseman, Schultz, Watts, Alons, Soderberg, Rayhons, Tymeson, Drake and Sweeney, a bill for an act requiring public school districts and nonpublic schools to adopt a policy restricting school officials and employees from posting student information on internet websites.

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

**House File 519**, by Baudler, a bill for an act providing for the impoundment and seizure of motor vehicles for certain violations of the state's financial responsibility laws, creating an uninsured motorist victim restitution fund, and making an appropriation.

Read first time and referred to committee on **public safety**.

**House File 520**, by committee on veterans affairs, a bill for an act relating to the definition of resident for purposes of tuition and fees for qualified veterans at Iowa's public universities and community colleges.

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

**House File 521**, by Baudler, a bill for an act relating to enhanced penalties for assaults involving certain occupations.

Read first time and referred to committee on **public safety**.

**House File 522**, by committee on veterans affairs, a bill for an act concerning preferential hiring treatment by government for veterans.

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

**House File 523**, by committee on veterans affairs, a bill for an act creating a distinguished flying cross special motor vehicle registration plate and providing fees.

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



**House File 524**, by Reichert, a bill for an act establishing an energy independence transmission franchise process which may be used under specified circumstances.

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

**House File 525**, by D. Olson, a bill for an act requiring an annual cost-of-living adjustment for certain weekly workers' compensation benefits for veterans.

Read first time and referred to committee on **veterans affairs**.

**House File 526**, by Kuhn, a bill for an act relating to the practice of healing arts by unlicensed persons and providing remedies.

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

**House File 527**, by Upmeyer, a bill for an act relating to the rulemaking authority and voting requirements of the environmental protection commission.

Read first time and referred to committee on **environmental protection**.

**House File 528**, by Rants, a bill for an act relating to the research activities tax credit for innovative renewable energy generation components.

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

**House File 529**, by Upmeyer, a bill for an act prohibiting certain lobbying activities by a state agency and making penalties applicable.

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

**House File 530**, by Hunter, T. Taylor and Willems, a bill for an act relating to the choice of doctor to treat an injured employee under workers' compensation laws and providing effective and applicability dates.

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

**House File 531**, by Kuhn, a bill for an act providing for a right to rescind a future grain delivery contract, and providing an effective date.

Read first time and referred to committee on **rebuild Iowa and disaster recovery**.

**House File 532**, by Struyk, a bill for an act relating to the duties of state and local government entities by providing for the reimbursement by the state of certain contributions paid by a city to the fire and police retirement fund and by shifting responsibility for mental health services from counties to the state, and including effective date and applicability date provisions.

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

**House File 533**, by Whitaker, a bill for an act relating to the operation of medium-speed electric vehicles on certain roads, providing registration fees for low-speed and medium-speed electric vehicles, and providing a penalty.

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

**House File 534**, by Ford, a bill for an act requiring a registry of certain dwelling units with lead hazards.

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

**House File 535**, by Struyk, Deyoe, Sorenson, Hagenow, Worthan, Baudler, Dolecheck, Forristall, Huseman, Watts, Roberts, Alons, Pettengill, Huser, De Boef, May, Sweeney, Cownie and Upmeyer, a bill for an act requiring certain persons who register to vote after the close of registration to vote a provisional ballot.

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

**House File 536**, by Ford, a bill for an act concerning the feasibility of tolling on interstate highways.

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

**House File 537**, by Heaton, a bill for an act requiring a national criminal history record check for certain child care providers and making penalties applicable.

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

**House File 538**, by Frevert and May, a bill for an act modifying wind energy production tax credit eligibility requirements, providing for a refund of sales and use taxes, and including effective and retroactive applicability date provisions.

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

**House File 539**, by Ford, a bill for an act relating to minimum ratings required for financial institution eligibility to receive deposits of state public funds.

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

**House File 540**, by Wessel-Kroeschell and Upmeyer, a bill for an act establishing a pilot physician assistant mental health fellowship program and making appropriations.

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

**House File 541**, by Ford, a bill for an act exempting from inheritance taxation property, interest in property, or income passing to brothers, sisters, nieces, and nephews under certain conditions and including an applicability date provision.

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

**House File 542**, by Bukta, Gaskill, Ficken, Burt, Beard, Marek, T. Taylor and Thomas, a bill for an act relating to boiler and pressure vessel inspections and the boiler and pressure vessel board that oversees the inspections.

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

**House File 543**, by Baudler, a bill for an act relating to public intoxication by using or consuming a controlled substance, and making penalties applicable.

Read first time and referred to committee on **public safety**.

**House File 544**, by Schultz, a bill for an act relating to the elimination of the requirements relating to posting of signs under the smokefree air Act.

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

**House File 545**, by Schultz and Windschitl, a bill for an act relating to proof of identity of a parent provided notification of the performance of an abortion on the parent's pregnant minor child.

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

**House File 546**, by Kelley, a bill for an act increasing the penalties for sexually related criminal offenses committed against a minor.

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

**House File 547**, by Heaton, a bill for an act relating to the disclosure of relationships with pharmaceutical manufacturers by members of the medical assistance pharmaceutical and therapeutics committee and the drug utilization review commission.

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

**House File 548**, by Mascher, a bill for an act relating to resources for families with premature infants.

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

**House File 549**, by Kaufmann, S. Olson, Sands, Schueller and Reichert, a bill for an act establishing two judicial election districts within the seventh judicial district.

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

**House File 550**, by Ford, a bill for an act mandating that certain health insurance policies provide coverage for colorectal and prostate cancer screening under some circumstances and providing an applicability date.

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

**House File 551**, by Ford, a bill for an act relating to the operation of the Iowa communications network by providing for expansion of the network to facilitate statewide wireless network access, eliminating a provision relating to the lease of specified network components, and making appropriations.

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

**House File 552**, by committee on transportation, a bill for an act concerning the appointment of airport commissioners.

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

**House File 553**, by Baudler, a bill for an act relating to the arrest of an identified unauthorized alien.

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

**House File 554**, by Alons, Huseman, Schultz, Sorenson, May, Schulte, De Boef, Pettengill, Rayhons and Mertz, a bill for an act providing for increased reimbursement paid by the department of human services for certain providers of services to persons with mental retardation or other disabilities and making an appropriation.

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

**House File 555**, by Hunter, a bill for an act providing for fair share agreements relating to collective bargaining and providing an effective date.

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

**House File 556**, by H. Miller, a bill for an act relating to local government development activities in cultural and entertainment districts.

Read first time and referred to committee on **economic growth**.

**House File 557**, by Anderson, a bill for an act concerning the consumption of alcohol, wine, or beer in public places and on the premises of businesses and making penalties applicable.

Read first time and referred to committee on **public safety**.

**House File 558**, by Wenthe, a bill for an act providing for the taking of crops on land classified as a farm tenancy.

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

**House File 559**, by Gayman, a bill for an act relating to the issuance of permits to carry weapons, providing for an appeal process, and providing an effective date.

Read first time and referred to committee on **public safety**.

**House File 560**, by Cownie, a bill for an act increasing the percentage of qualified expenditures that may be claimed for purposes of the research activities tax credit and including a retroactive applicability date provision.

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

**House File 561**, by committee on transportation, a bill for an act relating to railway assistance and passenger rail service, including provisions for the administration of the railway revolving loan and grant fund, the elimination of the railway finance authority, and the administration of the passenger rail service revolving fund.

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

**House File 562**, by committee on human resources, a bill for an act relating to the state child care advisory council.

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

**House File 563**, by Heaton, a bill for an act providing for implementation of a voluntary licensure system for certain home-based child care providers.

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

**House File 564**, by Schultz, a bill for an act relating to the establishment of exclusive grounds for a dissolution of marriage.

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

**House File 565**, by Winckler, Kressig, Kelley and Burt, a bill for an act providing for a state research and development prekindergarten through grade twelve school.

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

**House File 566**, by Lukan, a bill for an act providing tax credits to low-income workers for purchases of used vehicles and including a retroactive applicability date provision.

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

**House File 567**, by Schultz and Windschitl, a bill for an act prohibiting the provision of state funds to certain entities in the state that provide family planning services.

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

**House File 568**, by Swaim and Drake, a bill for an act specifying general policy provisions applicable to telecommunications regulation.

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

**House File 569**, by Sorenson, Tymeson, Windschitl, Hagenow, Cownie, Upmeyer, Helland, Forristall, Wagner, Thomas, Lukan, Baudler, Sands, Huseman, Roberts, D. Taylor, T. Taylor, Schultz, Lensing, T. Olson, Willems, Schulte and Jacoby, a bill for an act concerning the manufacture and sale of native distilled spirits, and establishing a related permit fee and excise tax.

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

**House File 570**, by Wenthe, a bill for an act relating to the hours of supervised driving time required under the graduated driver licensing program.

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

**House File 571**, by committee on local government, a bill for an act relating to public notice requirements for meetings of boards of township trustees.

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

**House File 572**, by Wenthe, T. Olson, Gayman, Cownie, Koester, Rants, Alons, Baudler, Helland, May, Wagner, Sorenson, Lukan, Grassley, Schulte, Hagenow, Bailey, Palmer, Thede, Zirkelbach, Thomas, Petersen and Steckman, a bill for an act concerning the appointment of young adults to appointive boards, commissions, committees, and councils and including an applicability date provision.

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

#### SENATE MESSAGES CONSIDERED

**Senate File 176**, by committee on commerce, a bill for an act allowing the waiver of certain administrative penalties for late annual reports concerning cemetery and funeral merchandise, and funeral services, upon a showing of good cause or financial hardship and providing an immediate effective date.

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

**Senate File 199**, by committee on judiciary, a bill for an act relating to the uniform athlete agents Act and providing remedies and penalties.

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

**Senate File 203**, by committee on human resources, a bill for an act relating to the identification of the eligibility of tenants of an



assisted living program for benefits through the United States department of veterans affairs.

Read first time and referred to committee on **veterans affairs**.

**Senate File 207**, by committee on economic growth, a bill for an act relating to the Iowa finance authority by providing immunity for board members, providing administrative authority for the executive director, eliminating duties of the council on homelessness, defining projects under the bond bank program, and defining assets in, and providing for the use of moneys in, the housing trust fund.

Read first time and referred to committee on **economic growth**.

**Senate File 237**, by committee on judiciary, a bill for an act relating to pseudoephedrine product sales by pharmacies and retailers, and providing penalties and contingent applicability.

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

#### LEAVE OF ABSENCE

Leave of absence was granted as follows:

Berry of Black Hawk on request of Speaker Murphy.

#### CONSIDERATION OF BILLS

##### Regular Calendar

**House File 381**, a bill for an act relating to the practice of pharmacy by establishing a registration program for pharmacy support persons and regulating the internet sale of prescription products, including a program of registration of pharmacy internet sites, making penalties applicable, and establishing a general definition for the term "internet site", was taken up for consideration.

Smith of Marshall 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. 381)

The ayes were, 98:

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

The nays were, none.

Absent or not voting, 2:

Berry                      Chambers

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

**House File 403**, a bill for an act relating to the department of elder affairs and services provided to older Iowans, was taken up for consideration.

#### SENATE FILE 204 SUBSTITUTED FOR HOUSE FILE 403

Petersen of Polk asked and received unanimous consent to substitute Senate File 204 for House File 403.

**Senate File 204**, a bill for an act relating to the department of elder affairs and services provided to older Iowans, was taken up for consideration.

Petersen 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. 204)

The ayes were, 67:

Abdul-Samad	Anderson	Bailey	Beard
Bell	Bukta	Burt	Cohoon
Dolecheck	Ficken	Ford	Forristall
Frevert	Gaskill	Gayman	Heaton
Heddens	Hunter	Huser	Isenhart
Jacoby	Kearns	Kelley	Koester
Kressig	Kuhn	Lensing	Lykam
Marek	Mascher	McCarthy	Mertz
Miller, H.	Miller, L.	Oldson	Olson, D.
Olson, R.	Olson, S.	Olson, T.	Palmer
Petersen	Quirk	Reasoner	Roberts
Schueller	Schulte	Shomshor	Smith
Steckman	Struyk	Swaim	Taylor, D.
Taylor, T.	Thede	Thomas	Tjepkes
Upmeyer	Watts	Wendt	Wenthe
Wessel-Kroeschell	Whitaker	Whitead	Willems
Winckler	Zirkelbach	Mr. Speaker	
		Murphy	

The nays were, 29:

Alons	Arnold	Baudler	Cownie
De Boef	Drake	Grassley	Hagenow
Helland	Horbach	Huseman	Kaufmann
Lukan	May	Paulsen	Pettengill
Raecker	Rants	Rayhons	Sands
Schultz	Soderberg	Sorenson	Sweeney
Tymeson	Van Engelenhoven	Wagner	Windschitl
Worthan			

Absent or not voting, 4:

Berry	Chambers	Deyoe	Reichert
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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 381** and **Senate File 204**.

The House stood at ease at 9:46 a.m., until the fall of the gavel.

The House resumed session at 10:11 a.m., Speaker Murphy in the chair.

**House File 328**, a bill for an act relating to requirements for school districts providing transportation to students participating in open enrollment, was taken up for consideration.

Tymeson of Madison offered amendment H-1052 filed by her as follows:

H-1052

1 Amend House File 328 as follows:  
 2 1. Page 1, by striking lines 22 and 23 and  
 3 inserting the following: "district, if the ~~boards of~~  
 4 ~~both the sending and receiving districts agree to this~~  
 5 ~~arrangement~~ length of time added to the receiving  
 6 district's bus route to transport the student does not  
 7 cause the riding time for elementary students on the  
 8 bus route to exceed one hour, or for high school  
 9 pupils, seventy-five minutes, unless authorized by the  
 10 parent or guardian of the child whose ride time  
 11 exceeds the limit specified."

Ficken of Buchanan rose on a point of order that amendment H-1052 was not germane.

Ficken of Buchanan withdrew his motion.

Tymeson of Madison asked and received unanimous consent to withdraw amendment H-1052 filed by her on February 17, 2009.

SENATE FILE 177 SUBSTITUTED FOR HOUSE FILE 328

Ficken of Buchanan asked and received unanimous consent to substitute Senate File 177 for House File 328.

**Senate File 177**, a bill for an act relating to requirements for school districts providing transportation to students participating in open enrollment, was taken up for consideration.

Ficken of Buchanan 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. 177)

The ayes were, 66:

Abdul-Samad	Anderson	Bailey	Beard
Bell	Bukta	Burt	Cohoon
Cownie	Dolecheck	Drake	Ficken
Ford	Forristall	Frevert	Gaskill
Gayman	Heddens	Horbach	Hunter
Huser	Isenhart	Jacoby	Kaufmann
Kearns	Kelley	Koester	Kressig
Kuhn	Lensing	Lykam	Marek
Mascher	May	McCarthy	Miller, H.
Oldson	Olson, D.	Olson, R.	Olson, S.
Olson, T.	Palmer	Petersen	Pettengill
Quirk	Reasoner	Reichert	Schueller
Shomshor	Smith	Steckman	Struyk
Swaim	Taylor, D.	Taylor, T.	Thede
Thomas	Tjepkes	Wendt	Wenthe
Wessel-Kroeschell	Whitaker	Whitead	Willems
Winckler	Mr. Speaker		
	Murphy		

The nays were, 32:

Alons	Arnold	Baudler	De Boef
Deyoe	Grassley	Hagenow	Heaton
Helland	Huseman	Lukan	Mertz
Miller, L.	Paulsen	Raecker	Rants
Rayhons	Roberts	Sands	Schulte
Schultz	Soderberg	Sorenson	Sweeney
Tymeson	Upmeyer	Van Engelenhoven	Wagner
Watts	Windschitl	Worthan	Zirkelbach

Absent or not voting, 2:

Berry                      Chambers

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

## IMMEDIATE MESSAGE

McCarthy of Polk asked and received unanimous consent that **Senate File 177** be immediately messaged to the Senate.

## HOUSE FILE 382 REFERRED

The Speaker announced that House File 382, previously placed on the **calendar** was referred to committee on **appropriations**.

## HOUSE FILE 569 REREFERRED

The Speaker announced that House File 569, previously referred to committee on **state government** was rereferred to committee on **economic growth**.

## COMMUNICATIONS RECEIVED

The following communications were received and filed in the office of the Chief Clerk:

## DEPARTMENT OF HUMAN RIGHTS

Division of Latino Affairs annual report, pursuant to Chapter 216A, Code of Iowa.

Biennial report for fiscal year 07-08, pursuant to Chapter 216A, Code of Iowa.

## IOWA HEALTHCARE COLLABORATIVE

Final report of the advisory council, pursuant to Chapter 514I, Code of Iowa.

## 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

- |           |  |
|-----------|--|
| 2009\2556 | Ken and Phyllis Sampson, Primghar – For celebrating their 60 <sup>th</sup> wedding anniversary.  |
| 2009\2557 | Donald and Mary Ann Kuehl, Calumet – For celebrating their 60 <sup>th</sup> wedding anniversary. |

- 2009\2558 Ruby Herrmann, Denison – For celebrating her 80<sup>th</sup> birthday.
- 2009\2559 Bonard Christiansen, Schleswig – For celebrating his 80<sup>th</sup> birthday.
- 2009\2560 Eunice McCollough, Denison – For celebrating her 85<sup>th</sup> birthday.
- 2009\2561 Dr. Thomas Renze, Marshalltown – For receiving the Dr. Carmen P. Sousa Leadership Award.
- 2009\2562 West Marshall FFA, Marshalltown – For receiving the 2-Star Award.
- 2009\2563 Duane and Mabel Maakestad, Radcliffe – For celebrating their 65<sup>th</sup> wedding anniversary.
- 2009\2564 Mildred Trickey Santee, Iowa Falls – For celebrating her 100<sup>th</sup> birthday.
- 2009\2565 Inez Winters, Iowa Falls – For celebrating her 80<sup>th</sup> birthday.
- 2009\2566 Norma and Dale Wallace, Marshalltown – For celebrating their 50<sup>th</sup> wedding anniversary.
- 2009\2567 Howard Wilson, Milford – For celebrating his 85<sup>th</sup> birthday.
- 2009\2568 Rodney and Myrt Swanson, Spirit Lake – For celebrating their 60<sup>th</sup> wedding anniversary.
- 2009\2569 Blaine Tunnel, Dubuque – For recognition as a member of the winning team for the sixth annual Iowa Middle School Science Bowl.
- 2009\2570 Alex Baranski, Dubuque – For recognition as a member of the winning team for the sixth annual Iowa Middle School Science Bowl.
- 2009\2571 Rachel Brufloft, Dubuque – For recognition as a member of the winning team for the sixth annual Iowa Middle School Science Bowl.
- 2009\2572 Autumn Johnson, Peosta – For recognition as a member of the winning team for the sixth annual Iowa Middle School Science Bowl.
- 2009\2573 Pooja Patel, Dubuque – For recognition as a member of the winning team for the sixth annual Iowa Middle School Science Bowl.
- 2009\2574 Keenan and Bev Steil, Dubuque – For celebrating their 25<sup>th</sup> wedding anniversary.
- 2009\2575 Terry and Sheila Jenkins, Dubuque – For celebrating their 30<sup>th</sup> wedding anniversary.

- 2009\2576 Carroll and Judy Clark, Dubuque – For celebrating their 50<sup>th</sup> wedding anniversary.
- 2009\2577 Tony and Betty Callahan, Dubuque – For celebrating their 55<sup>th</sup> wedding anniversary.
- 2009\2578 Joe Sievert, Akron-Westfield High School – For winning 1<sup>st</sup> place in the 160 lb. weight class in the Class 1-A Division of the 2009 State Wrestling Tournament.
- 2009\2579 Dorothy Poppen, Orange City – For celebrating her 102<sup>nd</sup> birthday.
- 2009\2580 Mr. and Mrs. Virgel Alpers, Gibson – For celebrating their 50<sup>th</sup> wedding anniversary.
- 2009\2581 John A. Hadley, Richland – For celebrating his 90<sup>th</sup> birthday.

#### SUBCOMMITTEE ASSIGNMENTS

##### **House File 202 Reassigned**

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

##### **House File 397**

Local Government: Schueller, Chair; Deyoe and Gaskill.

##### **House File 467 Reassigned**

State Government: Frevert, Chair; Isenhardt and Schulte.

##### **House File 480**

Local Government: D. Olson, Chair; Deyoe and Whitead.

##### **House File 486**

Agriculture: Gayman, Chair; Marek and Rayhons.

##### **House File 494**

Transportation: Hagenow, Chair; Wendt and Wenthe.

##### **House File 498**

Education: Wendt, Chair; Dolecheck and Palmer.

##### **House File 499**

Public Safety: Whitaker, Chair; Baudler and Whitead.



**House File 501**

Human Resources: Thede, Chair; L. Miller and Petersen.

**House File 527**

Environmental Protection: D. Olson, Chair; Kearns and S. Olson.

**House File 556**

Economic Growth: H. Miller, Chair; Thede and Upmeyer.

**Senate File 117**

Transportation: Quirk, Chair; Kelley and Wagner.

**HOUSE STUDY BILL SUBCOMMITTEE ASSIGNMENTS****House Study Bill 240**

Judiciary: Wessel-Kroeschell, Chair; Mertz and Schultz.

**House Study Bill 241**

Commerce: Kressig, Chair; Helland and Petersen.

**House Study Bill 242**

Commerce: Reichert, Chair; D. Olson, Soderberg, Struyk and D. Taylor.

**House Study Bill 243**

Commerce: Reichert, Chair; Petersen, Quirk, Soderberg and Struyk.

**House Study Bill 245**

Labor: R. Olson, Chair; Horbach and Kearns.

**House Study Bill 246**

Labor: Willems, Chair; Horbach and T. Taylor.

**House Study Bill 247**

Labor: Willems, Chair; Abdul-Samad and Horbach.

**House Study Bill 248**

Labor: Kearns, Chair; T. Taylor and Tymeson.

**House Study Bill 251**

Judiciary: T. Olson, Chair; Baudler and Smith.

## HOUSE STUDY BILL COMMITTEE ASSIGNMENTS

### **H.S.B. 252 Rebuild Iowa and Disaster Recovery**

Providing for the award of local watershed improvement grants.

### **H.S.B. 253 Rebuild Iowa and Disaster Recovery**

Providing for a lead containment and abatement equipment program and fund and making an appropriation.

### **H.S.B. 254 Environmental Protection**

Relating to the regulation of junkyards.

### **H.S.B. 255 Rebuild Iowa and Disaster Recovery**

Relating to linked investments by making loans available to borrowers in disaster areas.

### **H.S.B. 256 Education**

Requiring the director of the department of education to develop and distribute guidelines related to life-threatening food allergies to school districts.

### **H.S.B. 257 Local Government**

Relating to local regulation of certain lawn applications.

### **H.S.B. 258 Public Safety**

Relating to the federal Adam Walsh Child Protection and Safety Act.

### **H.S.B. 259 Human Resources**

Relating to criteria under the medical assistance program for admission to a psychiatric medical institution for children.

### **H.S.B. 260 Environmental Protection**

Relating to the comprehensive recycling planning task force.

## H.S.B. 261 Judiciary

Relating to the uniform adult guardianship and protective proceedings Act relating to the establishment, transfer, and recognition of guardianships and conservatorships in multistate cases, and including effective date and applicability provisions.

### COMMITTEE RECOMMENDATIONS

MR. SPEAKER: The Chief Clerk of the House respectfully reports that the following committee recommendations have been received and are on file in the office of the Chief Clerk.

MARK W. BRANDSGARD  
Chief Clerk of the House

#### COMMITTEE ON COMMERCE

**Committee Bill** (Formerly House File 334), relating to claims of adverse possession concerning cemeteries or pioneer cemeteries.

Fiscal Note is not required.

Recommended **Amend and Do Pass** March 3, 2009.

**Committee Bill** (Formerly House Study Bill 67), relating to matters under the purview of the credit union division of the department of commerce.

Fiscal Note is not required.

Recommended **Amend and Do Pass** March 3, 2009.

**Committee Bill** (Formerly House Study Bill 137), requiring licensure of and regulating escrow agents, making an appropriation, and providing a penalty and an effective date.

Fiscal Note is not required.

Recommended **Amend and Do Pass** March 3, 2009.

**Committee Bill** (Formerly House Study Bill 151), relating to various matters under the purview of the insurance division of the department of commerce including the uniform securities act; insurance division; examination of insurance companies; articles of incorporation filing requirements; viatical settlements contracts; life insurance companies and associations; long-term care insurance; long-term care asset disregard incentives; insurance other than life; insurance guaranty association; county mutual insurance associations; state mutual insurance associations; consolidation,

merger, and reinsurance; and cemetery and funeral merchandise and funeral services; and providing for retroactive applicability.

Fiscal Note is not required.

Recommended **Amend and Do Pass** March 3, 2009.

**Committee Bill** (Formerly House Study Bill 152), relating to the regulation of the business of debt management and making penalties applicable.

Fiscal Note is not required.

Recommended **Amend and Do Pass** March 3, 2009.

#### COMMITTEE ON ECONOMIC GROWTH

**Committee Bill** (Formerly House Study Bill 166), relating to the eligibility for tax credits and income reductions for qualified expenditures under the film, television, and video project promotion program and providing effective and retroactive applicability date provisions.

Fiscal Note is not required.

Recommended **Amend and Do Pass** March 3, 2009.

**Committee Bill** (Formerly House Study Bill 183), relating to unemployment insurance benefits and compliance with federal law regarding and in order to qualify for funding, and including effective and applicability dates.

Fiscal Note is not required.

Recommended **Amend and Do Pass** March 4, 2009.

**Committee Bill** (Formerly House Study Bill 184), relating to the availability of and eligibility for investment tax credits, eliminating the venture capital investment tax credit, and including retroactive applicability and other applicability date provisions.

Fiscal Note is not required.

Recommended **Do Pass** March 3, 2009.

**Committee Bill** (Formerly House Study Bill 217), relating to the requirements of certain financial assistance programs administered by the department of economic development including a reorganization of the grow Iowa values fund and creating a grow Iowa values financial assistance program.

Fiscal Note is not required.

Recommended **Amend and Do Pass** March 4, 2009.

## COMMITTEE ON JUDICIARY

**Committee Bill** (Formerly House Study Bill 29), relating to charitable trusts by providing for filing documents with the attorney general.

Fiscal Not is not required.

Recommended **Amend and Do Pass** March 3, 2009.

**Committee Bill** (Formerly House Study Bill 170), relating to civil actions including certain limitations on actions, judgments, and executions and including actions relating to the foreclosure of real estate mortgages, and providing applicability provisions.

Fiscal Note is not required.

Recommended **Amend and Do Pass** March 3, 2009.

**Committee Bill** (Formerly House Study Bill 196), relating to trusts and estates including the administration of small estates and including retroactive and other applicability provisions.

Fiscal Note is not required.

Recommended **Do Pass** March 3, 2009.

**Committee Bill** (Formerly House Study Bill 220), creating the uniform child abduction prevention Act.

Fiscal Note is not required.

Recommended **Do Pass** March 3, 2009.

## COMMITTEE ON LABOR

**Committee Bill** (Formerly House Study Bill 62), requiring employers to provide notice of plant closings and mass layoffs and providing penalties.

Fiscal Note is not required.

Recommended **Amend and Do Pass** March 3, 2009.

**Committee Bill** (Formerly House Study Bill 63), relating to the duties of the labor commissioner pursuant to wage payment collection and child labor law enforcement, making an appropriation, and providing penalties.

Fiscal Note is not required.

Recommended **Amend and Do Pass** March 3, 2009.

## COMMITTEE ON LOCAL GOVERNMENT

**Senate File 43**, a bill for an act relating to the abatement or refund of property taxes for certain religious, literary, and charitable societies and including effective and retroactive applicability date provisions.

Fiscal Note is not required.

Recommended **Do Pass** March 2, 2009.

**Committee Bill** (Formerly House Study Bill 155), relating to publication of property assessment equalization orders.

Fiscal Note is not required.

Recommended **Do Pass** March 4, 2009.

## COMMITTEE ON PUBLIC SAFETY

**Committee Bill** (Formerly House File 82), providing volunteer emergency services providers protection from employment termination.

Fiscal Note not required.

Recommended **Amend and Do Pass** March 3, 2009.

**Committee Bill** (Formerly House Study Bill 93), relating to reporting the treatment of serious wounds received as the result of a crime to a law enforcement agency and making penalties applicable.

Fiscal Note is not required.

Recommended **Amend and Do Pass** March 4, 2009.

**Committee Bill** (Formerly House Study Bill 95), making changes to the criminal offense of indecent exposure and providing penalties.

Fiscal Note is not required.

Recommended **Amend and Do Pass** March 3, 2009.

## COMMITTEE ON STATE GOVERNMENT

**Committee Bill** (Formerly House File 396), requiring a postelection audit after each general election and including effective and applicability date provisions.

Fiscal Note is required.

Recommended **Amend and Do Pass** March 3, 2009.

**Committee Bill** (Formerly House Study Bill 133), relating to absentee voting by providing for ongoing absentee voter status and by requiring the counting of absentee ballots to begin the day before the general election.

Fiscal Note is not required.

Recommended **Amend and Do Pass** March 3, 2009.

**Committee Bill** (Formerly House Study Bill 178), concerning audits conducted by a licensee conducting pari-mutuel wagering and providing an effective date.

Fiscal Note is not required.

Recommended **Amend and Do Pass** March 4, 2009.

**Committee Bill** (Formerly House Study Bill 200), relating to bidding requirements for public improvement projects completed by certain state entities.

Fiscal Note is not required.

Recommended **Amend and Do Pass** March 4, 2009.

**Committee Bill** (Formerly House Study Bill 201), concerning the authority of the department of administrative services relative to existing leases on real property acquired by the department.

Fiscal Note is not required.

Recommended **Do Pass** March 3, 2009.

#### RESOLUTIONS FILED

**HR 22**, by Bell, a resolution supporting a free trade agreement between the Republic of China on Taiwan and the United States.

Laid over under **Rule 25**.

**HR 23**, by Winckler and L. Miller, a resolution designating March 2009 as Iowa Women's History Month.

Laid over under **Rule 25**.

#### AMENDMENTS FILED

H—1110	H.F.	197	Abdul-Samad of Polk
H—1111	H.F.	380	Smith of Marshall Thomas of Clayton May of Dickinson
H—1112	H.F.	331	Heddens of Story

On motion by McCarthy of Polk the House adjourned at 10:36 a.m., until 9:00 a.m., Thursday, March 5, 2009.

# JOURNAL OF THE HOUSE

Fifty-third Calendar Day - Thirty-fifth Session Day

Hall of the House of Representatives  
Des Moines, Iowa, Thursday, March 5, 2009

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

Prayer was offered by Bishop Richard Pates of the Des Moines Diocese of the Catholic Church. He was the guest of Representative Mike Reasoner from Union County.

## PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Cassie Wenger, House Page from Wellman.

The Journal of Wednesday, March 4, 2009 was approved.

## INTRODUCTION OF BILLS

**House File 573**, by Cownie, a bill for an act authorizing the county board of supervisors to decrease compensation paid to supervisors.

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

**House File 574**, by Marek and Mertz, a bill for an act regulating animal feeding operations, making penalties applicable, and providing for penalties.

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

**House File 575**, by Tymeson, a bill for an act concerning eligibility for the injured veterans grant program.

Read first time and referred to committee on **veterans affairs**.

**House File 576**, by Heaton, a bill for an act relating to the criteria used for selection of school districts for participation in the statewide



preschool program for four-year-old children and providing effective and applicability dates.

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

**House File 577**, by Sands, a bill for an act relating to certain water use permit fees.

Read first time and referred to committee on **environmental protection**.

**House File 578**, by Isenhardt, Schueller and Beard, a bill for an act relating to denials of lease extensions for barge fleeting areas on the public waters of the state in sites adjacent to national monuments or registered landmarks.

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

**House File 579**, by D. Olson, a bill for an act relating to targeted jobs withholding tax credit agreements, providing for a report to the general assembly, and including an effective date provision.

Read first time and referred to committee on **economic growth**.

**House File 580**, by committee on human resources, a bill for an act relating to reimbursement of nonparticipating providers for eligible services provided to IowaCare program members.

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

**House File 581**, by S. Olson, a bill for an act relating to certain property of associations of war veterans eligible for an exemption from property taxation, providing a refund of property taxes in certain circumstances, and including effective and retroactive applicability date provisions.

Read first time and referred to committee on **veterans affairs**.

**House File 582**, by Ford, a bill for an act requiring a minority impact statement with each bid submitted for a contract with the department of transportation, and providing an applicability date.

Read first time and referred to committee on **economic growth**.

**House File 583**, by Cohoon, a bill for an act relating to public financing of state legislative campaigns, making an appropriation, making penalties applicable, and including an effective date provision.

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

**House File 584**, by D. Olson, a bill for an act creating a clean campaign pledge program and establishing a penalty.

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

**House File 585**, by D. Olson, a bill for an act relating to discharges of storm water under a general permit issued by the department of natural resources.

Read first time and referred to committee on **environmental protection**.

**House File 586**, by Lensing, a bill for an act relating to the emancipation of a minor and family in need of assistance proceedings.

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

**House File 587**, by Ford, a bill for an act relating to state agencies' procurement goals for purchases from certain targeted small businesses.

Read first time and referred to committee on **economic growth**.

**House File 588**, by Ford, Hunter and Petersen, a bill for an act creating an excise tax on paints, primer, and speciality finish and directing moneys to fund the childhood lead poisoning prevention program.

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

## LEAVE OF ABSENCE

Leave of absence was granted as follows:

Berry of Black Hawk on request of Speaker Murphy; Sands of Louisa on request of Paulsen of Linn.

CONSIDERATION OF BILL  
Regular Calendar

**House File 321**, a bill for an act exempting certain persons who transport members of the Iowa veterans home from the requirement to be licensed as a chauffeur, was taken up for consideration.

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?" (H.F. 321)

The ayes were, 95:

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

The nays were, none.

Absent or not voting, 5:

Berry Sands	Chambers	McCarthy	Olson, R.
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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 MESSAGE

Whitaker of Van Buren asked and received unanimous consent that **House File 321** be immediately messaged to the Senate.

### 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

- |           |  |
|-----------|--|
| 2009\2582 | Stephanie Anderson, St. Luke's Hospital, Cedar Rapids – For being selected at the University of Iowa College of Nursing as one of Iowa's 100 Great Nurses.                   |
| 2009\2583 | Catherine Kane, Mercy Medical Center, Cedar Rapids – For being selected at the University of Iowa College of Nursing as one of Iowa's 100 Great Nurses.                      |
| 2009\2584 | Kathryn Smelser, Mercy Medical Center, Cedar Rapids – For being selected at the University of Iowa College of Nursing as one of Iowa's 100 Great Nurses.                     |
| 2009\2585 | Bernice M. Stropes, Muscatine – For celebrating her 93 <sup>rd</sup> birthday.   |
| 2009\2586 | Ehrma Lee Jackson, Muscatine – For celebrating her 90 <sup>th</sup> birthday.  |
| 2009\2587 | Aaron Roberts, Audubon Boy Scout Troop 103 – For earning a Silver Eagle Palm Award, for his continued leadership and skills development after the Eagle Scot Rank is earned. |
| 2009\2588 | Kenneth Gene and Diane Fenton, Audubon – For celebrating their 50 <sup>th</sup> wedding anniversary.   |
| 2009\2589 | Joey Elbert, KUOO Radio, Spirit Lake– For receiving the News Media Award from the Iowa High School Athletic Association for  |

his many years of genuine enthusiasm for young people and educational athletics.

- 2009\2590 Sherry Hall, Tipton – For being selected at the University of Iowa College of Nursing as one of Iowa’s 100 Great Nurses.
- 2009\2591 Deb Schwiebert, Lisbon – For being selected at the University of Iowa College of Nursing as one of Iowa’s 100 Great Nurses.
- 2009\2592 Leona Klever, Williamsburg – For celebrating her 97<sup>th</sup> birthday.
- 2009\2593 Dale Johnson, Delta – For celebrating his 100<sup>th</sup> birthday.

### HOUSE FILE 520 REREFERRED

The Speaker announced that House File 520, previously referred to committee on **education** was placed on the **calendar**.

### HOUSE FILE 581 REREFERRED

The Speaker announced that House File 581, previously referred to committee on **veterans affairs** was rereferred to committee on **ways and means**.

### SUBCOMMITTEE ASSIGNMENTS

#### House File 497

Judiciary: Smith, Chair; Anderson and Lensing.

#### House File 507

Human Resources: Wendt, Chair; Koester and Thede.

#### House File 508

Human Resources: Petersen, Chair; Alons and Steckman.

#### House File 509

Human Resources: Berry, Chair; Forristall and Hunter.

#### House File 510

State Government: Quirk, Chair; Drake and Wendt.

#### House File 512

Human Resources: Wendt, Chair; Baudler and Thede.

**House File 513**

Human Resources: Petersen, Chair; Alons and Steckman.

**House File 516**

Education: Cohoon, Chair; Koester and Wendt.

**House File 517**

Human Resources: Hunter, Chair; Alons and Mascher.

**House File 518**

Education: Palmer, Chair; Schulte and Wendt.

**House File 524**

Commerce: Reichert, Chair; Petersen, Quirk, Soderberg and Wagner.

**House File 526**

Human Resources: Hunter, Chair; Mascher and L. Miller.

**House File 529**

State Government: Cohoon, Chair; Koester and Willems.

**House File 531**

Rebuild Iowa and Disaster Recovery: Kuhn, Chair; Helland, Sands, Schueller and Thomas.

**House File 532**

State Government: Frevert, Chair; Beard and Struyk.

**House File 534**

Human Resources: Smith, Chair; Forristall and Wendt.

**House File 535**

State Government: Gaskill, Chair; Beard and Roberts.

**House File 537**

Human Resources: Mascher, Chair; Baudler and Petersen.

**House File 538**

Commerce: D. Olson, Chair; Reichert and Wagner.

**House File 539**

State Government: Isenhardt, Chair; Frevert and Kaufmann.

**House File 540**

Human Resources: Wessel-Kroeschell, Chair; Heddens and Schulte.

**House File 544**

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

**House File 545**

Human Resources: Hunter, Chair; Heaton and Mascher.

**House File 546**

Judiciary: R. Olson, Chair; Schulte and Wessel-Kroeschell.

**House File 547**

Human Resources: Wessel-Kroeschell, Chair; L. Miller and Smith.

**House File 548**

Human Resources: Mascher, Chair; L. Miller and Wendt.

**House File 549**

Judiciary: Wessel-Kroeschell, Chair; Kaufmann and T. Olson.

**House File 550**

Commerce: T. Olson, Chair; D. Olson and Pettengill.

**House File 551**

State Government: Lensing, Chair; Mascher and Struyk.

**House File 553**

Judiciary: Lensing, Chair; Baudler and R. Olson.

**House File 557**

Public Safety: Whitead, Chair; Bell and Hagenow.

**House File 558**

Agriculture: Wenthe, Chair; Huseman and H. Miller.

**House File 559**

Public Safety: Whitaker, Chair; Baudler and Whitead.

**House File 563**

Human Resources: Mascher, Chair; Petersen and Schulte.

**House File 564**

Judiciary: Smith, Chair; Schultz and Willems.

**House File 565**

Education: Kelley, Chair; May, Schulte, Wendt and Winckler.

**House File 567**

Human Resources: Hunter, Chair; Mascher and L. Miller.

**House File 568**

Commerce: Petersen, Chair; Helland and Oldson.

**House File 569**

Economic Growth: H. Miller, Chair; Sorenson and Thomas.

**House File 572**

State Government: Schulte, Chair; Lensing and Willems.

**Senate File 176**

Commerce: Bailey, Chair; Quirk and Sorenson.

**Senate File 199**

Judiciary: Lensing, Chair; Helland and Wessel-Kroeschell.

**Senate File 207**

Economic Growth: Thede, Chair; Anderson and Bailey.

HOUSE STUDY BILL SUBCOMMITTEE ASSIGNMENTS

**House Study Bill 230**

Judiciary: Palmer, Chair; Struyk and Swaim.



**House Study Bill 232**

Judiciary: Willems, Chair; Baudler and T. Olson.

**House Study Bill 239**

Commerce: Reichert, Chair; Petersen, Quirk, Soderberg and Wagner.

**House Study Bill 244**

State Government: Frevert, Chair; Beard and Drake.

**House Study Bill 249**

Economic Growth: Kelley, Chair; Marek and Sorenson.

**House Study Bill 250**

Judiciary: Huser, Chair; Helland and Mertz.

**House Study Bill 252**

Rebuild Iowa and Disaster Recovery: Schueller, Chair; De Boef and Kuhn.

**House Study Bill 253**

Rebuild Iowa and Disaster Recovery: Burt, Chair; Kaufmann and D. Taylor.

**House Study Bill 255**

Rebuild Iowa and Disaster Recovery: Jacoby, Chair; Burt and Sands.

**House Study Bill 256**

Education: Steckman, Chair; L. Miller and Thede.

**House Study Bill 257**

Local Government: D. Olson, Chair; Whitead and Windschitl.

**House Study Bill 259**

Human Resources: Smith, Chair; Heddens and L. Miller.

**House Study Bill 260**

Environmental Protection: D. Olson, Chair; Drake and Gayman.

**House Study Bill 261**

Judiciary: Swaim, Chair; Anderson and Huser.

## HOUSE STUDY BILL COMMITTEE ASSIGNMENT

**H.S.B. 262 Commerce**

Concerning restrictions on the resale and use of motor vehicle operating records furnished by the department of transportation and making a penalty applicable.

## COMMITTEE RECOMMENDATIONS

MR. SPEAKER: The Chief Clerk of the House respectfully reports that the following committee recommendations have been received and are on file in the office of the Chief Clerk.

MARK W. BRANDSGARD  
Chief Clerk of the House

## COMMITTEE ON AGRICULTURE

**Committee Bill** (Formerly House File 327), providing for the stockpiling of dry manure originating from confinement feeding operations, making penalties applicable, and providing an effective date.

Fiscal Note is not required.

Recommended **Do Pass** March 4, 2009.

## COMMITTEE ON COMMERCE

**Committee Bill** (Formerly House File 296), relating to the membership and administration of the Iowa propane education and research council, increasing an assessment, and providing an effective date.

Fiscal Note is not required.

Recommended **Amend and Do Pass** March 5, 2009.

## COMMITTEE ON EDUCATION

**Committee Bill** (Formerly House Study Bill 26), relating to certain reporting requirements or actions required of the department of education, school districts, accredited nonpublic schools, and community colleges.

Fiscal Note is not required.

Recommended **Amend and Do Pass** March 4, 2009.

## COMMITTEE ON ENVIRONMENTAL PROTECTION

**Committee Bill** (Formerly House Study Bill 168), providing for public comment regarding an application to construct a confinement feeding operation structure.

Fiscal Note is not required.

Recommended **Amend and Do Pass** March 4, 2009.

## COMMITTEE ON LOCAL GOVERNMENT

**House File 397**, a bill for an act relating to township property tax levies for emergency services and providing an applicability date.

Fiscal Note is not required.

Recommended **Do Pass** March 4, 2009.

**Pursuant to Rule 31, House File 397 was referred to the committee on ways and means.**

## COMMITTEE ON PUBLIC SAFETY

**Committee Bill** (Formerly House File 417), concerning procurement of products manufactured by Iowa state prison industries.

Fiscal Note is not required.

Recommended **Do Pass** March 5, 2009.

**Committee Bill** (Formerly House File 441), modifying provisions relating to a final hearing in a civil commitment proceeding for a sexually violent predator.

Fiscal Note is not required.

Recommended **Amend and Do Pass** March 5, 2009.

**Committee Bill** (Formerly House Study Bill 258), relating to the federal Adam Walsh Child Protection and Safety Act.

Fiscal Note is not required.

Recommended **Do Pass** March 5, 2009.

## COMMITTEE ON REBUILD IOWA AND DISASTER RECOVERY

**Committee Bill** (Formerly House Study Bill 180), requiring a severe weather safe room in newly constructed public buildings and providing an implementation provision and applicability date.

Fiscal Note is not required.

Recommended **Amend and Do Pass** March 4, 2009.

**Committee Bill** (Formerly House Study Bill 208), creating a disaster aid local government assistance grant program and fund.

Fiscal Note is not required.

Recommended **Amend and Do Pass** March 4, 2009.

**Committee Bill** (Formerly House Study Bill 238), relating to disaster recovery for businesses through the loan and guarantee program and other activities by the department of economic development and providing an effective date.

Fiscal Note is not required.

Recommended **Amend and Do Pass** March 4, 2009.

#### COMMITTEE ON STATE GOVERNMENT

**House File 278**, a bill for an act requiring notification of occupancy rates for certain premises licensed to permit on-premises consumption of alcohol.

Fiscal Note is not required.

Recommended **Do Pass** March 3, 2009.

#### COMMITTEE ON VETERANS AFFAIRS

**Committee Bill** (Formerly House File 251), relating to mortgage foreclosure and real estate obligation protections for members of the reserve military forces.

Fiscal Note is not required.

Recommended **Amend and Do Pass** March 5, 2009.

#### RESOLUTIONS FILED

**HCR 7**, by McCarthy and Paulsen, a concurrent resolution relating to Pioneer Lawmakers.

Laid over under **Rule 25**.

**HR 24**, by Ford, a resolution requesting the formation of an interim study committee by the Legislative Council to make recommendations relating to the development and implementation of a statewide wireless broadband network.

Laid over under **Rule 25**.

## AMENDMENTS FILED

H—1113	H.F.	259	Winckler of Scott
H—1114	H.F.	520	Mascher of Johnson
H—1115	H.F.	257	T. Olson of Linn
H—1116	H.F.	552	Wenthe of Fayette May of Dickinson
H—1117	H.F.	561	Bell of Jasper

On motion by Whitaker of Van Buren the House adjourned at 9:36 a.m., until 9:00 a.m., Friday, March 6, 2009.

# JOURNAL OF THE HOUSE

Fifty-fourth Calendar Day - Thirty-sixth Session Day

Hall of the House of Representatives  
Des Moines, Iowa, Friday, March 6, 2009

The House met pursuant to adjournment at 9:05 a.m., R. Olson of Polk in the chair.

Prayer was offered by Mark W. Brandsgard, Chief Clerk of the House.

## PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by the honorable Rick Olson, state representative from Polk County.

The Journal of Thursday, March 5, 2009 was approved.

## INTRODUCTION OF BILLS

**House File 589**, by committee on education, a bill for an act relating to the school calendar and school start dates and providing effective and applicability dates.

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

**House File 590**, by committee on state government, a bill for an act concerning the authority of the department of administrative services relative to existing leases on real property acquired by the department.

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

**House File 591**, by Schultz, Deyoe, Pettengill, Alons, Tymeson, De Boef, Kaufmann, Drake, Tjepkes, May, Sweeney and Baudler, a bill for an act providing for the establishment of a task force to study the division of school districts with enrollments greater than two thousand five hundred pupils.

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

**House File 592**, by Windschitl, a bill for an act providing for immigration law enforcement training and the sharing of immigration status information.

Read first time and referred to committee on **public safety**.

**House File 593**, by Windschitl, a bill for an act prohibiting agreements not to compete for health care professionals in the state.

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

**House File 594**, by Heaton, a bill for an act relating to transportation assistance aid to school districts under certain circumstances and providing an appropriation.

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

**House File 595**, by Schulte, De Boef, Sorenson, Horbach, Arnold, Heaton, Baudler, Soderberg, Alons, Anderson, Sweeney, Cownie, Wagner, L. Miller, Helland, Grassley, Bailey, Deyoe and Pettengill, a bill for an act requiring the department of revenue to provide notice of suspected misuse of personal information.

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

**House File 596**, by Sorenson, Pettengill, Alons, Helland, Arnold, Struyk, Deyoe, De Boef, Windschitl, Schultz, Baudler, Kaufmann, Sweeney, Lukan, Wagner, Huseman, Sands, Worthan, Van Engelenhoven, Tymeson, Tjepkes, Horbach, Grassley, Hagenow and Watts, a bill for an act relating to the carrying of weapons.

Read first time and referred to committee on **public safety**.

**House File 597**, by Windschitl, a bill for an act requiring the installation of photoelectric only smoke detectors in certain multiple-unit residential buildings and single-family dwellings.

Read first time and referred to committee on **public safety**.

**House File 598**, by Windschitl, a bill for an act relating to the repeal of the state inheritance tax and state qualified use inheritance tax.

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

**House File 599**, by Gaskill, Kressig and Kelley, a bill for an act expanding Iowa communications network access to include counties.

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

**House File 600**, by Ford, a bill for an act creating a criminal offense for causing the death of another when knowingly operating a motor vehicle without financial liability coverage.

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

**House File 601**, by Van Engelenhoven and Baudler, a bill for an act relating to excluding certain criminal offenses from the jurisdiction of the juvenile court.

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

**House File 602**, by Kressig, Kelley, Berry, Steckman, Zirkelbach, Mertz, Quirk, Schueller, Kearns and Burt, a bill for an act establishing an independent office of administrative hearings within the department of inspections and appeals.

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

**House File 603**, by Heddens, a bill for an act directing the department of education to organize a statewide day of teacher professional development if a majority of school districts and area education agencies are supportive.

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

## 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 5, 2009, passed the following bill in which the concurrence of the Senate was asked:

House File 233, a bill for an act relating to the disposition of school property and providing an effective date.

Also: That the Senate has on March 5, 2009, passed the following bill in which the concurrence of the Senate was asked:



House File 414, a bill for an act relating to public funding and regulatory matters and making, reducing, and transferring appropriations and revising fund amounts and including effective, retroactive, and other applicability date provisions.

Also: That the Senate has on March 5, 2009, passed the following bill in which the concurrence of the House is asked:

Senate File 209, a bill for an act relating to the practices and procedures of the department of public safety and other law enforcement agencies, including building inspections, controlled substance detection training, and criminal history data storage.

Also: That the Senate has on March 5, 2009, passed the following bill in which the concurrence of the House is asked:

Senate File 225, a bill for an act allowing the purchase of service credit under the statewide fire and police retirement system for prior service under the retirement system.

Also: That the Senate has on March 5, 2009, passed the following bill in which the concurrence of the House is asked:

Senate File 229, a bill for an act relating to elections or appointments to a county magistrate appointing commission.

Also: That the Senate has on March 5, 2009, passed the following bill in which the concurrence of the House is asked:

Senate File 236, a bill for an act relating to psychiatric medical institution for children services and providing an effective date.

Also: That the Senate has on March 5, 2009, passed the following bill in which the concurrence of the House is asked:

Senate File 241, a bill for an act correcting references in the Code relating to the United States department of veterans affairs.

MICHAEL E. MARSHALL, Secretary

## BILL SIGNED BY THE GOVERNOR

A communication was received from the Governor announcing that on March 5, 2009, he approved and transmitted to the Secretary of State the following bill:

Senate File 101, an Act establishing a shaken baby syndrome prevention program in the department of public health.

## SUBCOMMITTEE ASSIGNMENT

### House File 542

Labor: Taylor, T, Chair; Van Engelenhoven and Willems.

## 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 ECONOMIC GROWTH

**Committee Bill** (Formerly House File 449), relating to programs administered by the commission on volunteer service by establishing Iowa summer youth corps and green corps programs, creating the Iowa summer youth corps account and making appropriations from the account, excluding certain payments provided to an AmeriCorps volunteer from state income tax, and providing a retroactive applicability provision.

Fiscal Note is not required.

Recommended **Amend and Do Pass** March 5, 2009.

**Committee Bill** (Formerly House File 556), relating to local government development activities in cultural and entertainment districts.

Fiscal Note is not required.

Recommended **Amend and Do Pass** March 5, 2009.

**Committee Bill** (Formerly House File 569), concerning the manufacture and sale of native distilled spirits, and establishing a related permit fee and excise tax.

Fiscal Note is not required.

Recommended **Do Pass** March 5, 2009.

## COMMITTEE ON JUDICIARY

**Committee Bill** (Formerly House Study Bill 169), relating to the uniform athlete agents Act and providing remedies and penalties.

Fiscal Note is not required.

Recommended **Do Pass** March 5, 2009.

**Committee Bill** (Formerly House Study Bill 211), providing for unincorporated nonprofit associations, and providing for fees and penalties.

Fiscal Note is not required.

Recommended **Do Pass** March 5, 2009.

**Committee Bill** (Formerly House Study Bill 240), relating to nonsubstantive Code corrections and providing effective dates and for retroactive applicability.

Fiscal Note is not required.

Recommended **Do Pass** March 5, 2009.

#### COMMITTEE ON LABOR

**Committee Bill** (Formerly House File 10), relating to employees who are breast-feeding.

Fiscal Note is not required.

Recommended **Amend and Do Pass** March 5, 2009.

**Committee Bill** (Formerly House File 127), providing for the licensure of elevator contractors and elevator mechanics and providing penalties.

Fiscal Note is not required.

Recommended **Do Pass** March 5, 2009.

#### COMMITTEE ON NATURAL RESOURCES

**Committee Bill** (Formerly House Study Bill 136), relating to regulation of certain conservation and recreation activities under the jurisdiction of the department of natural resources, modifying fees, and making penalties applicable.

Fiscal Note is not required.

Recommended **Amend and Do Pass** March 5, 2009.

#### RESOLUTION FILED

**HR 25**, by Petersen, a resolution recognizing the American Kennel Club Canine Good Citizen Program and supporting its effort to promote responsible dog ownership in Iowa.

Laid over under **Rule 25**.

On motion by McCarthy of Polk the House adjourned at 9:10 a.m., until 1:00 p.m., Monday, March 9, 2009.

# JOURNAL OF THE HOUSE

Fifty-seventh Calendar Day - Thirty-seventh Session Day

Hall of the House of Representatives  
Des Moines, Iowa, Monday, March 9, 2009

The House met pursuant to adjournment at 1:18 p.m., Speaker Murphy in the chair.

Prayer was offered by Reverend Brian Dellaert, pastor of six parishes in Hancock and Winnebago counties, St. Boniface Catholic Church in Garner is his home church. He was the guest of Representative Henry Rayhons of Hancock County.

## PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by a group from the Country Living Care Center in Tama. They were the guests of Representative Lance Horbach of Tama County.

The Journal of Friday, March 6, 2009 was approved.

## LEAVE OF ABSENCE

Leave of absence was granted as follows:

Heaton of Henry; Watts of Dallas for March 9 and March 10, 2009; Rants of Woodbury, for the week of March 9<sup>th</sup> through March 13, 2009, on request of Paulsen of Linn.

## INTRODUCTION OF BILLS

**House File 604**, by Wagner, a bill for an act reducing the individual and corporate income tax rates and including an effective and applicability date provision.

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

**House File 605**, by Wagner, a bill for an act making the services of certain executive search agencies and private employment agencies exempt from the sales tax and including effective and retroactive applicability date provisions.

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

**House File 606**, by D. Olson, De Boef and Mertz, a bill for an act relating to administrative costs to support the watershed improvement review board.

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

**House File 607**, by Heaton, a bill for an act requiring a study concerning the provision of child abuse information to juvenile court services.

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

**House File 608**, by Windschitl, a bill for an act relating to air quality testing.

Read first time and referred to committee on **environmental protection**.

**House File 609**, by Alons, May, Forristall, Dolecheck, Sweeney, Koester, L. Miller, Tymeson and Schulte, a bill for an act making changes to the healthy kids Act and providing an effective date.

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

**House File 610**, by Kaufmann, a bill for an act relating to the delivery of certain notices provided by the department of transportation and authorizing the department to collect fees for the cost of providing certain notices.

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

**House File 611**, by Schulte, De Boef, Sorenson, Horbach, Arnold, Heaton, Baudler, Soderberg, Alons, Anderson, Sweeney, Cownie, Wagner, L. Miller, Helland, Grassley, Deyoe and Pettengill, a bill for an act modifying certain provisions relating to recounts of public offices and public measures.

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

**House File 612**, by Heaton, a bill for an act prohibiting transfers of appropriations made for preschool foundation aid and including effective and retroactive applicability date provisions.

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

**House File 613**, by Tymeson, a bill for an act relating to property valuation for property tax purposes by modifying the definition of market value, requiring personal notice of certain equalization orders, and modifying the timeline of the property assessment protest process and including an applicability date.

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

**House File 614**, by committee on local government, a bill for an act relating to county recorders by making changes to fees charged by the county recorder, information required to be endorsed on certain recorded documents and instruments, and standards for indexes maintained by the county recorder.

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

**House File 615**, by Isenhardt, a bill for an act concerning labor management committees.

Read first time and referred to committee on **economic growth**.

**House File 616**, by Heddens, Wessel-Kroeschell and Deyoe, a bill for an act relating to certain witness information in the minutes of evidence filed with a trial information or indictment and providing an effective date.

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

**House File 617**, by Pettengill and Cownie, a bill for an act relating to the providing of income tax, franchise tax, premium tax, and moneys and credits tax credits for employers paying part of their employees' student loans and including a retroactive applicability date provision.

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

**House File 618**, by committee on labor, a bill for an act relating to the duties of the labor commissioner pursuant to wage payment collection and child labor law enforcement, and providing penalties.

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

**House File 619**, by Ford, a bill for an act relating to urban renewal and tax increment financing, and including effective date and applicability date provisions.

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

**House File 620**, by Ford, a bill for an act establishing market factor teacher incentives for school district attendance centers located in areas that have high rates of crime and making an appropriation.

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

**House File 621**, by Schulte, a bill for an act allowing the court to order a person charged with or convicted of a violation of a no-contact order or a protective order in domestic abuse cases to be supervised by an electronic tracking and monitoring system.

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

**House File 622**, by Ford, a bill for an act relating to the confidentiality of patient prescription information and providing for a penalty.

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

**House File 623**, by committee on economic growth, a bill for an act relating to unemployment insurance benefits and compliance with federal law regarding and in order to qualify for funding, and including an appropriation and effective and applicability dates.

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

## SENATE MESSAGES CONSIDERED

**Senate File 209**, by committee on judiciary, a bill for an act relating to the practices and procedures of the department of public safety and other law enforcement agencies, including building inspections, controlled substance detection training, and criminal history data storage.

Read first time and referred to committee on **public safety**.

**Senate File 225**, by committee on state government, a bill for an act allowing the purchase of service credit under the statewide fire and police retirement system for prior service under the retirement system.

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

**Senate File 229**, by committee on judiciary, a bill for an act relating to elections or appointments to a county magistrate appointing commission.

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

**Senate File 236**, by committee on human resources, a bill for an act relating to psychiatric medical institution for children services and providing an effective date.

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

**Senate File 241**, by committee on veterans affairs, a bill for an act correcting references in the Code relating to the United States department of veterans affairs.

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

## HOUSE FILE 313 REFERRED

The Speaker announced that House File 313, previously placed on the **calendar** was referred to committee on **appropriations**.



## SENATE FILE 199 REREFERRED

The Speaker announced that Senate File 199, previously referred to committee on **judiciary** was **passed on file**.

## BILLS SIGNED BY THE GOVERNOR

A communication was received from the Governor announcing that on March 6, 2009, he approved and transmitted to the Secretary of State the following bills:

Senate File 51, an Act relating to electronic filing of campaign finance disclosure statements and reports by certain political committees and providing an effective date.

Senate File 52, an Act relating to ethics regulations for the executive branch, legislative branch, and local officials and employees.

## 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

- |           |  |
|-----------|--|
| 2009\2594 | Dewey and Jan Sample Jr., Sioux City – For celebrating their 60 <sup>th</sup> wedding anniversary.     |
| 2009\2595 | Gordon (Curly) Hummel, Sioux City – For celebrating his 80 <sup>th</sup> birthday.                     |
| 2009\2596 | Beverly Junck, Sioux City – For celebrating her 85 <sup>th</sup> birthday.                             |
| 2009\2597 | Mildred Witt, Reinbeck – For celebrating her 100 <sup>th</sup> birthday.                               |
| 2009\2598 | George and Dorothy Van Beek, Rock Valley – For celebrating their 60 <sup>th</sup> wedding anniversary. |

## SUBCOMMITTEE ASSIGNMENTS

### **House File 523**

Transportation: Wenthe, Chair; D. Olson and Worthan.

### **House File 530**

Labor: R. Olson, Chair; Horbach and Hunter.

**House File 533**

Transportation: Whitaker, Chair; Quirk and Roberts.

**House File 536**

Transportation: Quirk, Chair; Kelley and Tjepkes.

**House File 570**

Transportation: Wenthe, Chair; May and Quirk.

**House File 573**

Local Government: D. Taylor, Chair; Schueller and Wagner.

**House File 574**

Agriculture: Zirkelbach, Chair; S. Olson and Wenthe.

**House File 577**

Environmental Protection: D. Olson, Chair; Kearns and S. Olson.

**House File 583**

State Government: Cohoon, Chair; Isenhart, Quirk, Roberts and Struyk.

**House File 584**

State Government: Cohoon, Chair; Beard and Roberts.

**House File 585**

Environmental Protection: Kearns, Chair; Hagenow and Whitead.

**House File 586**

Human Resources: Smith, Chair; Forristall and Heddens.

**House File 599**

State Government: Lensing, Chair; Drake and Mascher.

**House File 602**

State Government: Isenhart, Chair; Frevert and Kaufmann.

**Senate File 117 Reassigned**

Transportation: Quirk, Chair; Wagner and Whitaker.

## HOUSE STUDY BILL SUBCOMMITTEE ASSIGNMENT

**House Study Bill 262**

Commerce: Reasoner, Chair; Jacoby and Sorenson.

## HOUSE STUDY BILL COMMITTEE ASSIGNMENTS

**H.S.B. 263 Judiciary**

Relating to statutory corrections which may adjust language to reflect current practices, insert earlier omissions, delete redundancies and inaccuracies, delete temporary language, resolve inconsistencies and conflicts, update ongoing provisions, or remove ambiguities, and including effective and applicability date provisions.

**H.S.B. 264 Environmental Protection**

Relating to wastewater treatment.

**H.S.B. 265 Rebuild Iowa and Disaster Recovery**

Requesting the legislative council to authorize a study of the county emergency management system for the 2009 interim.

## 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 JUDICIARY

**House File 266**, a bill for an act relating to recording proceedings before a magistrate.

Fiscal Note is not required.

Recommended **Do Pass** March 5, 2009.

## COMMITTEE ON NATURAL RESOURCES

**Committee Bill** (Formerly House File 116), relating to the carrying of a gun in or on a vehicle on a public highway and making penalties applicable.

Fiscal Note is not required.

Recommended **Do Pass** March 5, 2009.

## COMMITTEE ON STATE GOVERNMENT

**Senate File 49**, a bill for an act relating to the administration of campaign disclosure laws.

Fiscal Note is not required.

Recommended **Do Pass** March 5, 2009.

**Senate File 137**, a bill for an act providing that wage discrimination is an unfair employment practice under the Iowa civil rights Act and providing an enhanced remedy.

Fiscal Note is not required.

Recommended **Amend and Do Pass with Amendment H-1118** March 5, 2009.

## AMENDMENTS FILED

H—1118	S.F.	137	Committee on State Government
H—1119	H.F.	257	Lukan of Dubuque
H—1120	S.F.	118	Lukan of Dubuque
H—1121	H.F.	571	Tymeson of Madison
H—1122	H.F.	380	T. Olson of Linn
H—1123	H.F.	571	Tymeson of Madison
H—1124	H.F.	589	Raecker of Polk
H—1125	H.F.	589	Raecker of Polk
H—1126	H.F.	589	Raecker of Polk
H—1127	H.F.	589	Raecker of Polk
H—1128	H.F.	216	Burt of Black Hawk

On motion by McCarthy of Polk the House adjourned at 1:43 p.m., until 9:00 a.m., Tuesday, March 10, 2009.

# JOURNAL OF THE HOUSE

Fifty-eighth Calendar Day - Thirty-eighth Session Day

Hall of the House of Representatives  
Des Moines, Iowa, Tuesday, March 10, 2009

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

Prayer was offered by the honorable Dwayne Alons, state representative from Sioux County.

## PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Erica Kite, House Page from Jesup.

The Journal of Monday, March 9, 2009 was approved.

## LEAVE OF ABSENCE

Leave of absence was granted as follows:

Heaton of Henry on request of Paulsen of Linn.

## 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, 2009, passed the following bill in which the concurrence of the House is asked:

Senate File 205, a bill for an act relating to required testing for infectious diseases of persons under supervision of judicial district departments of correctional services.

Also: That the Senate has on March 9, 2009, passed the following bill in which the concurrence of the House is asked:

Senate File 253, a bill for an act relating to the time allowed certain active duty military personnel to file a state income tax return and including a retroactive applicability date provision.

Also: That the Senate has on March 9, 2009, passed the following bill in which the concurrence of the House is asked:

Senate File 254, a bill for an act requiring the preparation of a report by the department of veterans affairs relating to the activities of county commissions of veteran affairs.

Also: That the Senate has on March 9, 2009, passed the following bill in which the concurrence of the House is asked:

Senate File 262, a bill for an act relating to the imposition of penalty benefits in workers' compensation cases.

Also: That the Senate has on March 9, 2009, passed the following bill in which the concurrence of the House is asked:

Senate File 268, a bill for an act providing for the award of local watershed improvement grants.

Also: That the Senate has on March 9, 2009, passed the following bill in which the concurrence of the House is asked:

Senate File 270, a bill for an act transferring the authority to register postsecondary schools from the secretary of state to the college student aid commission and providing for related matters, and making penalties applicable.

Also: That the Senate has on March 9, 2009, passed the following bill in which the concurrence of the House is asked:

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

Also: That the Senate has on March 9, 2009, passed the following bill in which the concurrence of the House is asked:

Senate File 288, a bill for an act relating to county recorders by making changes to fees charged by the county recorder, information required to be endorsed on certain recorded documents and instruments, and standards for indexes maintained by the county recorder.

Also: That the Senate has on March 9, 2009, passed the following bill in which the concurrence of the House is asked:

Senate File 289, a bill for an act relating to loan forgiveness under the jumpstart housing assistance program.

Also: That the Senate has on March 9, 2009, passed the following bill in which the concurrence of the House is asked:

Senate File 291, a bill for an act providing for the recognition and promotion of certified retirement communities.

Also: That the Senate has on March 9, 2009, passed the following bill in which the concurrence of the House is asked:

Senate File 295, a bill for an act concerning the authority of the department of administrative services relative to existing leases on real property acquired by the department.

Also: That the Senate has on March 9, 2009, passed the following bill in which the concurrence of the House is asked:

Senate File 305, a bill for an act concerning audits conducted by a licensee conducting pari-mutuel wagering or gambling games and providing an effective date.

Also: That the Senate has on March 9, 2009, passed the following bill in which the concurrence of the House is asked:

Senate File 318, a bill for an act pertaining to the duties and regulations under the purview of the labor commissioner.

Also: That the Senate has on March 9, 2009, passed the following bill in which the concurrence of the House is asked:

Senate File 319, a bill for an act relating to child support enforcement including withholding of an employee's compensation by an employer for support of a child under a support order, protection of child support information, annual collections fees, and the potential charging of interest on overdue child support payments, and providing an effective date.

Also: That the Senate has on March 9, 2009, passed the following bill in which the concurrence of the House is asked:

Senate File 320, a bill for an act relating to charitable trusts by providing for filing documents with the attorney general and providing for the attorney general's investigative authority.

Also: That the Senate has on March 9, 2009, passed the following bill in which the concurrence of the House is asked:

Senate File 322, a bill for an act relating to the technical administration of the tax and related laws by the department of revenue, including administration of income taxes, sales and use taxes, fees for new vehicle registrations, and property taxes and including a retroactive applicability date provision.

Also: That the Senate has on March 9, 2009, passed the following bill in which the concurrence of the House is asked:

Senate File 328, a bill for an act relating to reimbursement of hazardous substance cleanup costs.

Also: That the Senate has on March 9, 2009, passed the following bill in which the concurrence of the Senate was asked:

House File 256, a bill for an act relating to bidders at a property tax sale and owners of tax sale certificates and including effective and applicability date provisions.

MICHAEL E. MARSHALL, Secretary

## INTRODUCTION OF BILLS

**House File 624**, by committee on economic growth, a bill for an act relating to the availability of and eligibility for investment tax credits, eliminating the venture capital investment tax credit, and including retroactive applicability and other applicability date provisions.

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

**House File 625**, by Ford, a bill for an act relating to the use of real estate transfer tax receipts for the housing trust fund and the shelter assistance fund.

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

**House File 626**, 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**.

**House File 627**, by committee on environmental protection, a bill for an act relating to open burning of residential waste in certain areas of the state and providing penalties.

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

**House File 628**, by committee on local government, a bill for an act relating to publication of property assessment equalization orders.

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



**House File 629**, by committee on commerce, a bill for an act relating to cemeteries, the classification of pioneer cemeteries, and claims of adverse possession concerning cemeteries or pioneer cemeteries.

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

**House File 630**, by committee on commerce, a bill for an act relating to matters under the purview of the credit union division of the department of commerce.

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

### CONSIDERATION OF BILLS Regular Calendar

**House File 197**, a bill for an act relating to child support enforcement including withholding of an employee's compensation by an employer for support of a child under a support order, the required establishment of a personal account for self-employed child support obligors, and protection of child support information, providing a penalty, and providing an effective date, was taken up for consideration.

Abdul-Samad of Polk asked and received unanimous consent to withdraw amendment H-1107 filed by him on March 3, 2009.

Abdul-Samad of Polk offered the following amendment H-1110 filed by him and moved its adoption:

H-1110

- 1 Amend House File 197 as follows:
- 2 1. By striking page 1, line 26, through page 3,
- 3 line 14.
- 4 2. Page 4, line 2, by striking the word
- 5 "request," and inserting the following: "request".
- 6 3. By striking page 7, line 32, through page 8,
- 7 line 28, and inserting the following:
- 8 "DIVISION \_\_\_\_\_
- 9 CHILD SUPPORT RECOVERY UNIT COLLECTIONS FEES
- 10 Sec. \_\_\_\_\_. Section 252B.5, subsection 13, paragraph
- 11 a, Code 2009, is amended to read as follows:
- 12 a. Beginning October 1, 2007, implement the

13 provision of the federal Deficit Reduction Act of  
 14 2005, Pub. L. No. 109-171 ; 7310, requiring an annual  
 15 collections fee of twenty-five dollars in child  
 16 support cases in which the family has never received  
 17 assistance under Title IV-A of the federal Social  
 18 Security Act for whom the unit has ~~collected~~ disbursed  
 19 at least five hundred dollars. ~~After~~ When the first  
 20 five hundred dollars in support is ~~collected~~ disbursed  
 21 in each federal fiscal year for a family, the fee  
 22 shall be collected from the ~~obligor~~ obligee by  
 23 retaining twenty-five dollars from ~~subsequent~~  
 24 ~~collections~~ disbursements to the obligee. If five  
 25 hundred dollars but less than five hundred twenty-five  
 26 dollars is ~~collected~~ disbursed in any federal fiscal  
 27 year, any unpaid portion of the annual fee shall not  
 28 accumulate and is not due. ~~Any amount retained to pay~~  
 29 ~~the twenty five dollar fee shall not reduce the amount~~  
 30 ~~of support due under the support order.~~ The unit  
 31 shall send information regarding the requirements of  
 32 this subsection by regular mail to the last known  
 33 address of an affected ~~obligor or~~ obligee, or may  
 34 include the information for an obligee in an  
 35 application for services signed by the obligee. In  
 36 addition, the unit shall take steps necessary  
 37 regarding the fee to qualify for federal funds in  
 38 conformity with the provisions of Title IV-D of the  
 39 federal Social Security Act, including receiving and  
 40 accounting for fee payments, as appropriate, through  
 41 the collection services center created in section  
 42 252B.13A.  
 43 Sec. \_\_\_\_\_. Section 252B.5, subsection 13, paragraph  
 44 c, Code 2009, is amended by striking the paragraph and  
 45 inserting in lieu thereof the following:  
 46 c. Until such time as a methodology to secure  
 47 payment of the collections fee from the obligor is  
 48 provided by law, an obligee may act pursuant to this  
 49 paragraph to recover the collections fee from the  
 50 obligor. If the unit retains all or a portion of the

Page 2

1 collections fee imposed pursuant to paragraph "a" in a  
 2 federal fiscal year, there is an automatic nonsupport  
 3 judgment, in an amount equal to the amount retained,  
 4 against the obligor payable to the obligee. This  
 5 paragraph shall serve as constructive notice that the  
 6 fee amount, once retained, is an automatic nonsupport  
 7 judgment against the obligor. The obligee may use any  
 8 legal means, including the lien created by the  
 9 nonsupport judgment, to collect the nonsupport  
 10 judgment.  
 11 Sec. \_\_\_\_\_. CHILD SUPPORT COLLECTIONS FEE –

12 METHODOLOGY. The department of human services shall  
 13 seek a federally approved, cost-effective methodology  
 14 to secure payment of the collections fee imposed  
 15 pursuant to section 252B.5, subsection 13, paragraph  
 16 "a", from the obligor. The department shall report  
 17 options for such a methodology to the general assembly  
 18 by December 15, 2009.

19 DIVISION \_\_\_\_\_  
 20 CHILD SUPPORT COLLECTIONS INTEREST  
 21 Sec. \_\_\_\_\_. INTEREST ON CHILD SUPPORT COLLECTIONS.  
 22 The department of human services shall perform a  
 23 cost-benefit analysis of calculating interest on  
 24 overdue child support payments enforced by the child  
 25 support recovery unit. The department shall report  
 26 its findings to the general assembly by December 15,  
 27 2009."  
 28 4. Title page, by striking lines 3 through 6 and  
 29 inserting the following: "support of a child under a  
 30 support order, protection of child support  
 31 information, annual collections fees, and the  
 32 potential charging of interest on overdue child  
 33 support payments, and providing an effective date".  
 34 5. By renumbering as necessary.

Amendment H-1110 was adopted.

Mertz of Kossuth in the chair at 9:22 a.m.

McCarthy of Polk asked and received unanimous consent that House File 197 be deferred and that the bill retain its place on the calendar.

### SENATE MESSAGE CONSIDERED

**Senate File 319**, by committee on human resources, a bill for an act relating to child support enforcement including withholding of an employee's compensation by an employer for support of a child under a support order, protection of child support information, annual collections fees, and the potential charging of interest on overdue child support payments, and providing an effective date.

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

The House resumed consideration of House File 197.

## SENATE FILE 319 SUBSTITUTED FOR HOUSE FILE 197

Abdul-Samad of Polk asked and received unanimous consent to substitute Senate File 319 for House File 197.

**Senate File 319**, a bill for an act relating to child support enforcement including withholding of an employee's compensation by an employer for support of a child under a support order, protection of child support information, annual collections fees, and the potential charging of interest on overdue child support payments, and providing an effective date, was taken up for consideration.

Abdul-Samad 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. 319)

The ayes were, 96:

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

The nays were, none.

Absent or not voting, 4:

Chambers

Heaton

Rants

Watts

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

### HOUSE FILE 197 WITHDRAWN

Abdul-Samad of Polk asked and received unanimous consent to withdraw House File 197 from further consideration by the House.

**House File 216**, a bill for an act relating to what constitutes a pioneer cemetery, with report of committee recommending passage, was taken up for consideration.

Burt of Black Hawk offered the following amendment H-1128 filed by him and moved its adoption:

H-1128

- 1 Amend House File 216 as follows:
- 2 1. Page 1, by inserting after line 9 the
- 3 following:
- 4 "Sec. \_\_\_\_\_. Section 523I.316, Code 2009, is amended
- 5 by adding the following new subsection:
- 6 NEW SUBSECTION. 7. ADVERSE POSSESSION. A
- 7 cemetery or a pioneer cemetery is exempt from seizure,
- 8 appropriation, or acquisition of title under any claim
- 9 of adverse possession, unless it is shown that all
- 10 remains in the cemetery or pioneer cemetery have been
- 11 disinterred and removed to another location."
- 12 2. Title page, line 1, by inserting after the
- 13 word "to" the following: "cemeteries, including".
- 14 3. Title page, line 1, by inserting after the
- 15 word "cemetery" the following: "and claims of adverse
- 16 possession concerning cemeteries or pioneer
- 17 cemeteries".
- 18 4. By renumbering as necessary.

Amendment H-1128 was adopted.

Burt 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?" (H.F. 216)

The ayes were, 94:

Abdul-Samad	Alons	Anderson	Arnold
Bailey	Baudler	Beard	Bell
Berry	Bukta	Burt	Cohoon
Cownie	De Boef	Deyoe	Dolecheck
Drake	Ficken	Ford	Forristall
Frevert	Gaskill	Gayman	Grassley
Hagenow	Heddens	Helland	Horbach
Hunter	Huseman	Huser	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
Rayhons	Reasoner	Reichert	Roberts
Schueler	Schulte	Schultz	Shomshor
Smith	Soderberg	Sorenson	Steckman
Struyk	Swaim	Taylor, D.	Taylor, T.
Thede	Thomas	Tjepkes	Tymeson
Upmeyer	Van Engelenhoven	Wagner	Wendt
Wenthe	Wessel-Kroeschell	Whitaker	Whitead
Willems	Winckler	Windschitl	Worthan
Zirkelbach	Mertz, Presiding		

The nays were, 2:

Sands                      Sweeney

Absent or not voting, 4:

Chambers                  Heaton                      Rants                      Watts

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

T. Olson of Linn in the chair at 9:55 a.m.

**House File 238**, a bill for an act establishing a lean enterprise office within the department of management, was taken up for consideration.

Struyk of Pottawattamie offered amendment H-1108 filed by him as follows:

H-1108

1 Amend House File 238 as follows:

2 1. Page 1, by inserting before line 1 the  
3 following:

4 "Section 1. Section 8.6, Code 2009, is amended by  
5 adding the following new subsection:

6 NEW SUBSECTION. 9A. BUDGET AND TAX RATE  
7 DATABASES. To develop and make available to the  
8 public a searchable budget database website as  
9 required under chapter 8G, division I, and to develop  
10 and make available to the public a searchable tax rate  
11 database website as required under chapter 8G,  
12 division II."

13 2. Page 2, by inserting after line 28 the  
14 following:

15 "DIVISION I  
16 SEARCHABLE BUDGET DATABASE FOR STATE SPENDING  
17 Sec.\_\_\_\_. NEW SECTION. 8G.1 INTENT – FINDINGS.

18 The general assembly finds that taxpayers should be  
19 able to easily access the details on how the state is  
20 spending their tax dollars and the performance results  
21 achieved for those expenditures. Therefore, it is the  
22 intent of the general assembly to direct the  
23 department of management to create and maintain a  
24 searchable budget database website detailing where tax  
25 dollars are expended, the purposes for which tax  
26 dollars are expended, and the results achieved for all  
27 taxpayer investments in state government.

28 Sec.\_\_\_\_. NEW SECTION. 8G.2 SHORT TITLE.

29 This division shall be known as and may be cited as  
30 the "Taxpayer Transparency Act".

31 Sec.\_\_\_\_. NEW SECTION. 8G.3 DEFINITIONS.

32 As used in this division, unless the context  
33 otherwise requires:

34 1. "Agency" means a state department, office,  
35 board, commission, bureau, division, institution, or  
36 public institution of higher education. "Agency"  
37 includes individual state agencies and programs, as  
38 well as those programs and activities that are  
39 administered by or involve more than one agency.  
40 "Agency" includes all elective offices in the  
41 executive branch of government and the general  
42 assembly.

43 2. "Director" means the director of the department  
44 of management.

45 3. "Entity" or "recipients" means any of the  
46 following:

- 47 a. A corporation.
- 48 b. An association.
- 49 c. An employee union.
- 50 d. A limited liability company.

Page 2

- 1 e. A limited liability partnership.
- 2 f. Any other legal business entity, including
- 3 nonprofit entities.
- 4 g. A grant recipient.
- 5 h. Contractors.
- 6 i. A county, city, school district, or other local
- 7 government entity.
- 8 "Entity" or "recipients" does not include an
- 9 individual recipient of state assistance.
- 10 4. "Funding action or expenditure" includes
- 11 details on the type of spending that is provided
- 12 including but not limited to grants, contracts, and
- 13 appropriations. "Funding action or expenditure"
- 14 includes tax exemptions or credits. Where possible,
- 15 an electronic link to the actual grants or contracts
- 16 shall be provided. An electronic link shall be in a
- 17 format that is a searchable document.
- 18 5. "Funding source" means the state account or
- 19 fund from which the expenditure is appropriated.
- 20 6. "Searchable website" means a website described
- 21 in section 8G.4 that allows the public at no cost to
- 22 search and compile information identified in section
- 23 8G.4 and that is in a format capable of being
- 24 downloaded.
- 25 7. "State audit or report" shall include any audit
- 26 or report issued by the auditor of state, department
- 27 of management, legislative services agency,
- 28 legislative committee, or executive body relating to
- 29 the entity or recipient of funds, the budget program
- 30 or activity, or agency.
- 31 Sec. \_\_\_\_\_. NEW SECTION. 8G.4 SEARCHABLE BUDGET
- 32 DATABASE WEBSITE CREATED.
- 33 1. By January 1, 2011, the director shall develop
- 34 and make publicly available a database website for
- 35 searching, accessing, and processing data, including
- 36 the data required in this section, for the most recent
- 37 state budget. The website shall be developed in such
- 38 a way that the information can be provided to other
- 39 software applications, including internet software
- 40 applications, in a manner and format that allows such
- 41 software applications to access and interpret the data
- 42 using the internal programming of the software
- 43 applications.
- 44 2. The searchable website developed pursuant to
- 45 this section shall allow the public at no cost to
- 46 search and compile information for all of the
- 47 following:
- 48 a. Name and principal location or residence of the
- 49 entity or recipient of state funds.
- 50 b. Amount of state funds expended.



Page 3

- 1 c. Funding or expending agency.
- 2 d. Funding source of the revenue expended.
- 3 e. Budget program or activity of the expenditure.
- 4 f. Descriptive purpose for the funding action or
- 5 expenditure.
- 6 g. Expected performance outcome for the funding
- 7 action or expenditure.
- 8 h. Past performance outcomes achieved for the
- 9 funding action or expenditure.
- 10 i. State audit or report relating to the entity or
- 11 recipient of state funds or the budget program or
- 12 activity or agency.
- 13 j. Any other relevant information specified by the
- 14 director.

15 Sec.\_\_\_\_. NEW SECTION. 8G.5 WEBSITE UPDATES.

16 1. Effective July 1, 2011, the searchable website  
 17 shall be updated for each fiscal year not later than  
 18 thirty days following the close of the fiscal year.  
 19 In addition, the director may update the searchable  
 20 website as new data becomes available. All agencies  
 21 shall provide to the director data that is required to  
 22 be included in the searchable website not later than  
 23 thirty days after the data becomes available to the  
 24 agency. The director shall provide guidance to agency  
 25 heads or the governing body of an agency to ensure  
 26 compliance with this section.

27 2. By January 1, 2012, the director shall add data  
 28 for the previous budgets to the searchable website.  
 29 Data for previous fiscal years may be added as it  
 30 becomes available and as time permits. The director  
 31 shall ensure that all data added to the searchable  
 32 website remain accessible to the public for a minimum  
 33 of ten years.

34 Sec.\_\_\_\_. NEW SECTION. 8G.6 NONCOMPLIANCE.

35 The director shall not be considered in compliance  
 36 with this division if the data required for the  
 37 searchable website is not available in a searchable  
 38 manner and capable of being compiled or the public is  
 39 redirected to other government websites unless each of  
 40 those sites has information from all agencies and each  
 41 category of information required can be searched  
 42 electronically by field in a single search.

#### 43 DIVISION II

#### 44 SEARCHABLE TAX RATE DATABASE

45 Sec.\_\_\_\_. NEW SECTION. 8G.10 INTENT – FINDINGS.

46 The general assembly finds that increasing the ease  
 47 of public access to state and local tax rates,  
 48 particularly where the rates are currently available  
 49 from disparate government sources but are difficult  
 50 for the public to collect and efficiently aggregate,

Page 4

1 significantly contributes to governmental  
2 accountability, public participation, and the  
3 understanding of the cost of government services.  
4 Therefore, it is the intent of the general assembly to  
5 direct the department of management, in consultation  
6 with the department of revenue, to create and maintain  
7 a searchable database website of each tax rate for all  
8 taxing districts in the state to make citizen access  
9 to state and local tax rates as open, transparent, and  
10 publicly accessible as is feasible.

11 Sec.\_\_\_\_. NEW SECTION. 8G.11 SHORT TITLE.  
12 This division shall be known and cited as the  
13 "Taxation Disclosure Act".

14 Sec.\_\_\_\_. NEW SECTION. 8G.12 TAX RATE DATABASE.

15 1. SEARCHABLE TAX RATE DATABASE. By January 1,  
16 2010, the department of management, in consultation  
17 with the department of revenue, shall make publicly  
18 available on an internet site a searchable database of  
19 all tax rates in the state for each taxing  
20 jurisdiction. The information shall be aggregated by  
21 type of tax and accessible by entering a zip code or  
22 physical address for each residency or business.  
23 Individual tax levies shall be further specified  
24 within each tax rate.

25 2. GEOGRAPHICAL TAX RATE MAP. In addition to  
26 searching for tax rates by zip code or physical  
27 address for each residency or business, searches shall  
28 be accommodated by a geographical tax rate map of the  
29 state that is capable of being displayed with a level  
30 of specificity corresponding to each taxing district.

31 3. INDIVIDUAL TAX RATE CALCULATOR. Tax rate  
32 calculators shall be provided on the searchable  
33 database to allow citizens and businesses to calculate  
34 taxes based on the location of the citizen or  
35 business. Calculation capability shall be provided at  
36 a minimum for property, sales, use, income, vehicle,  
37 and business taxes and shall be specific to the rate  
38 for the taxing district identified by the citizen or  
39 business.

40 Sec.\_\_\_\_. NEW SECTION. 8G.13 UPDATING DATABASE.

41 To facilitate the department of management's  
42 efforts in creating and maintaining a searchable  
43 database of the taxes identified in section 8G.12,  
44 subsection 3, for all taxing districts in the state,  
45 every taxing district shall report its tax rates  
46 annually to the department of management and shall  
47 report any changes to its tax rates within thirty days  
48 of the change.

49 Sec.\_\_\_\_. CODE EDITOR DIRECTIVE. Unless otherwise  
50 determined by the Iowa Code editor, sections 8G.1

Page 5

1 through 8G.6, as enacted in this Act, shall be  
 2 designated as division I of chapter 8G, and sections  
 3 8G.10 through 8G.13, as enacted in this Act, shall be  
 4 designated as division II of chapter 8G."

5 3. Title page, line 1, by inserting after the  
 6 words "An Act" the following: "concerning state  
 7 government operations, by".

8 4. Title page, line 2, by inserting after the  
 9 word "management" the following: "and establishing a  
 10 searchable budget database website for the public to  
 11 access the details of the expenditure of state tax  
 12 revenues and a searchable tax rate database for the  
 13 public to access the details of each tax rate for all  
 14 taxing districts in the state".

15 5. By renumbering as necessary.

Lensing of Johnson rose on a point of order that amendment H-1108 was not germane.

The Speaker ruled the point well taken and amendment H-1108 not germane.

Struyk of Pottawattamie asked for unanimous consent to suspend the rules to consider amendment H-1108.

Objection was raised.

Struyk of Pottawattamie moved to suspend the rules to consider amendment H-1108.

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

On the question "Shall the rules be suspended to consider amendment H-1108?" (H.F. 238)

The ayes were, 40:

Alons	Anderson	Arnold	Baudler
Cownie	De Boef	Deyoe	Dolecheck
Drake	Forristall	Grassley	Hagenow
Helland	Horbach	Huseman	Kaufmann
Koester	Lukan	May	Miller, L.
Olson, S.	Paulsen	Pettengill	Raecker
Rayhons	Roberts	Sands	Schulte

Schultz	Soderberg	Sorenson	Struyk
Sweeney	Tjepkes	Tymeson	Upmeyer
Van Engelenhoven	Wagner	Windschitl	Worthan

The nays were, 55:

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

Absent or not voting, 5:

Chambers	Heaton	Miller, H.	Rants
Watts			

The motion to suspend the rules lost.

### SENATE FILE 98 SUBSTITUTED FOR HOUSE FILE 238

Lensing of Johnson asked and received unanimous consent to substitute Senate File 98 for House File 238, placing out of order amendment H-1102 filed by Struyk of Pottawattamie on March 2, 2009.

**Senate File 98**, a bill for an act establishing a lean enterprise office within the department of management, was taken up for consideration.

Lensing 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. 98)

The ayes were, 95:

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

The nays were, none.

Absent or not voting, 5:

Chambers	Heaton	Rants	Watts
Whitead			

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

#### HOUSE FILE 238 WITHDRAWN

Lensing of Johnson asked and received unanimous consent to withdraw House File 238 from further consideration by the House.

The House stood at ease at 10:05 a.m., until the fall of the gavel.

The House resumed session at 11:02 a.m., T. Olson of Linn in the chair.

## SENATE MESSAGES CONSIDERED

**Senate File 268**, by committee on agriculture, a bill for an act providing for the award of local watershed improvement grants.

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

**Senate File 288**, by committee on local government, a bill for an act relating to county recorders by making changes to fees charged by the county recorder, information required to be endorsed on certain recorded documents and instruments, and standards for indexes maintained by the county recorder.

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

**Senate File 328**, by committee on environment and energy independence, a bill for an act relating to reimbursement of hazardous substance cleanup costs.

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

## IMMEDIATE MESSAGES

McCarthy of Polk asked and received unanimous consent that the following bills be immediately messaged to the Senate: **House File 216**, and **Senate Files 98** and **319**.

**House File 332**, a bill for an act relating to the practices and procedures of the department of public safety and other law enforcement agencies, including building inspections, controlled substance detection training, and criminal history data storage, was taken up for consideration.

Heddens of Story offered the following amendment H-1064 filed by her and moved its adoption:

H-1064

- 1 Amend House File 332 as follows:
- 2 1. Page 1, line 21, by striking the words "Any
- 3 renovation or repair" and inserting the following: "A
- 4 renovation".

Amendment H-1064 was adopted.

Heddens of Story offered the following amendment H-1080 filed by her and moved its adoption:

H-1080

1 Amend House File 332 as follows:

2 1. By striking page 1, line 28, through page 2,  
3 line 4, and inserting the following:

4 "Sec.\_\_\_\_. Section 124.506, subsection 1, Code  
5 2009, is amended to read as follows:

6 1. Except as otherwise provided in this section,  
7 the court having jurisdiction shall order such  
8 controlled substances forfeited and destroyed. A  
9 record of the place where the controlled substances  
10 were seized, of the kinds and quantities of controlled  
11 substances so destroyed, and of the time, place, and  
12 manner of destruction, shall be kept for not less than  
13 ten years after destruction, and a return under oath,  
14 reporting said destruction, shall be made to the court  
15 ~~and to the bureau by the officer who destroys them.~~

16 Sec.\_\_. Section 124.506, Code 2009, is amended  
17 by adding the following new subsection:

18 **NEW SUBSECTION.** 2A. Upon a request of any law  
19 enforcement agency, the court may order that a portion  
20 of a controlled substance subject to forfeiture and  
21 destruction pursuant to this section becomes the  
22 possession of the requesting law enforcement agency  
23 for the sole purpose of canine controlled substance  
24 detection training. A law enforcement agency  
25 receiving a controlled substance pursuant to this  
26 subsection shall do the following:

27 a. Establish a policy that includes reasonable  
28 controls regarding the possession, storage, use, and  
29 destruction of the controlled substance.

30 b. Retain a record of the following for at least  
31 ten years from the date the controlled substance is  
32 destroyed:

33 (1) The court order granting the law enforcement  
34 agency possession of the controlled substance.

35 (2) The name of each peace officer who takes  
36 possession of the controlled substance.

37 (3) The time, place, and manner of the destruction  
38 of the controlled substance."

39 2. By renumbering as necessary.

Amendment H-1080 was adopted.

Heddens of Story 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. 332)

The ayes were, 96:

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

The nays were, none.

Absent or not voting, 4:

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

### SENATE MESSAGE CONSIDERED

**Senate File 270**, by committee on education, a bill for an act transferring the authority to register postsecondary schools from the



secretary of state to the college student aid commission and providing for related matters, and making penalties applicable.

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

**House File 364**, a bill for an act transferring the authority to register postsecondary schools from the secretary of state to the college student aid commission and providing for related matters, and making penalties applicable, was taken up for consideration.

Winckler of Scott offered the following amendment H-1067 filed by her and moved its adoption:

H-1067

- 1 Amend House File 364 as follows:
- 2 1. Page 5, line 1, by striking the word
- 3 "ENFORCEMENT." and inserting the following:
- 4 "~~VIOLATIONS-ENFORCEMENT.~~"
- 5 2. Page 5, by inserting after line 14 the
- 6 following:
- 7 "3. A violation of this chapter constitutes an
- 8 unlawful practice pursuant to section 714.16."
- 9 3. Page 7, line 17, by striking the figure and
- 10 word "714.18, or" and inserting the following:
- 11 "714.18,".
- 12 4. Page 7, line 18, by inserting after the figure
- 13 "714.20" the following: ", 714.23, or 714.25".
- 14 5. By renumbering as necessary.

Amendment H-1067 was adopted.

#### SENATE FILE 270 SUBSTITUTED FOR HOUSE FILE 364

Winckler of Scott asked and received unanimous consent to substitute Senate File 270 for House File 364.

**Senate File 270**, a bill for an act transferring the authority to register postsecondary schools from the secretary of state to the college student aid commission and providing for related matters, and making penalties applicable, was taken up for consideration.

Winckler 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. 270)

The ayes were, 95:

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

The nays were, none.

Absent or not voting, 5:

Chambers	Gaskill	Heaton	Rants
Watts			

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

HOUSE FILE 364 WITHDRAWN

Winckler of Scott asked and received unanimous consent to withdraw House File 364 from further consideration by the House.

**House File 450**, a bill for an act relating to the time of opening the polls for certain city elections, was taken up for consideration.

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

On the question "Shall the bill pass?" (H.F. 450)

The ayes were, 94:

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

The nays were, 1:

Hunter

Absent or not voting, 5:

Chambers	Heaton	Palmer	Rants
Watts			

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 450** and **Senate File 270**.

**House File 468**, a bill for an act creating an unsewered community revolving loan program and fund, was taken up for consideration.

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

On the question "Shall the bill pass?" (H.F. 468)

The ayes were, 95:

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

The nays were, none.

Absent or not voting, 5:

Chambers                      Heaton                      Rants                      Struyk  
Watts

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

**House File 469**, a bill for an act relating to licensing fees retained by the board of educational examiners and providing an effective date, was taken up for consideration.

Ficken of Buchanan 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. 469)

The ayes were, 93:

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

The nays were, 1:

Wagner

Absent or not voting, 6:

Chambers  
Taylor, T.

Heaton  
Watts

Horbach

Rants

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

**House File 475**, a bill for an act making technical changes to the laws relating to elections and voter registration, making a penalty applicable, and including effective date and applicability date provisions, was taken up for consideration.

Struyk of Pottawattamie offered the following amendment H-1103 filed by Rants of Woodbury and moved its adoption:

H-1103

- 1 Amend House File 475 as follows:
- 2 1. Page 32, by inserting after line 21 the
- 3 following:
- 4 "Sec. \_\_. Section 53.20, subsection 2, Code 2009,
- 5 is amended to read as follows:
- 6 2. Results from the special precinct shall be
- 7 reported separately from the results of the ballots
- 8 cast at the polls on election day. The commissioner
- 9 shall for general elections also report the results of
- 10 the special precinct by the resident precincts of the
- 11 voters who cast absentee and provisional ballots. For
- 12 all other elections, the commissioner may report the
- 13 results of the special precinct by the resident
- 14 precincts of the voters who cast absentee and
- 15 provisional ballots, or may report the absentee
- 16 results as a single precinct. ~~The separate residence~~
- 17 ~~precinct reports shall be provided in one of the~~
- 18 ~~following ways:~~
- 19 ~~a. The commissioner may manually sort the absentee~~
- 20 ~~ballots by precinct upon receipt of completed ballots.~~
- 21 ~~Each group of ballots from an individual precinct~~
- 22 ~~shall be tallied together.~~
- 23 ~~b. The commissioner may prepare a separate~~
- 24 ~~absentee ballot style for each precinct in the county~~
- 25 ~~and shall program the voting system to produce reports~~
- 26 ~~by the resident precincts of the voters. For the~~
- 27 ~~general election and for any election in which the~~
- 28 ~~commissioner determines in advance of the election to~~
- 29 ~~report the results of the special precinct by the~~
- 30 ~~resident precincts of the voters who cast absentee and~~
- 31 ~~provisional ballots, the commissioner shall prepare a~~
- 32 ~~separate absentee ballot style for each precinct in~~

- 33 the county and shall program the voting system to  
 34 produce reports by the resident precincts of the  
 35 voters."  
 36 2. By renumbering as necessary.

Amendment H-1103 was adopted.

Gaskill of Wapello 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. 475)

The ayes were, 96:

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

The nays were, none.

Absent or not voting, 4:

Chambers	Heaton	Rants	Watts
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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 MESSAGE

McCarthy of Polk asked and received unanimous consent that **House Files 468, 469 and 475** be immediately messaged to the Senate.

**House File 478**, a bill for an act relating to health insurance coverage for diabetes self-management training and education programs and providing effective and applicability dates, was taken up for consideration.

Speaker Murphy in the chair at 11:50 a.m.

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

On the question "Shall the bill pass?" (H.F. 478)

The ayes were, 96:

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



The nays were, none.

Absent or not voting, 4:

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

**House File 489**, a bill for an act relating to reimbursement of hazardous substance cleanup costs, was taken up for consideration.

### SENATE FILE 328 SUBSTITUTED FOR HOUSE FILE 489

Kearns of Lee asked and received unanimous consent to substitute Senate File 328 for House File 489.

**Senate File 328**, a bill for an act relating to reimbursement of hazardous substance cleanup costs, was taken up for consideration.

Kearns of Lee 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. 328)

The ayes were, 96:

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

Taylor, D.	Taylor, T.	Thede	Thomas
Tjepkes	Tymeson	Upmeyer	Van Engelenhoven
Wagner	Wendt	Wenthe	Wessel-Kroeschell
Whitaker	Whitead	Willems	Winckler
Windschitl	Worthan	Zirkelbach	Mr. Speaker Murphy

The nays were, none.

Absent or not voting, 4:

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

**House File 496**, a bill for an act relating to the authority of a city to dispose of real property by gift, was taken up for consideration.

Deyoe of Story 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. 496)

The ayes were, 95:

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

Whitead  
Worthan

Willems  
Zirkelbach

Winckler  
Mr. Speaker  
Murphy

Windschitl

The nays were, none.

Absent or not voting, 5:

Chambers  
Watts

Heaton

Olson, D.

Rants

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

### IMMEDIATE MESSAGES

McCarthy of Polk asked and received unanimous consent that the following bills be immediately messaged to the Senate: **House Files 478 and 496** and **Senate File 328**.

### HOUSE FILE 489 WITHDRAWN

Kearns of Lee asked and received unanimous consent to withdraw House File 489 from further consideration by the House.

On motion by McCarthy of Polk, the House was recessed at 12:04 p.m., until 5:30 p.m.

### AFTERNOON SESSION

The House reconvened at 5:24 p.m., Speaker Murphy in the chair.

### INTRODUCTION OF BILLS

**House File 631**, by committee on economic growth, a bill for an act relating to the eligibility for tax credits and income reductions for qualified expenditures under the film, television, and video project promotion program, providing for a fee, and providing an applicability date provision.

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

**House File 632**, by Helland, a bill for an act establishing a small business competitiveness advisory council.

Read first time and referred to committee on **economic growth**.

**House File 633**, by Thomas, a bill for an act adding restrictions to the state's open enrollment law and providing for the future repeal of the open enrollment law.

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

**House File 634**, by Thomas, a bill for an act relating to administrative rules for wastewater discharge from well drilling sites.

Read first time and referred to committee on **environmental protection**.

**House File 635**, by Struyk, a bill for an act modifying the process for filling vacancies in the office of United States senator.

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

**House File 636**, by Sands, a bill for an act increasing the eligibility for the state child and dependent care tax credit and including a retroactive applicability date provision.

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

**House File 637**, by May, a bill for an act providing for a tax credit against the individual or corporate income tax, the franchise tax, insurance premiums tax, and the moneys and credits tax for a charitable contribution to certain institutions engaged in regenerative medicine research and including a retroactive applicability date provision.

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

**House File 638**, by Ford, a bill for an act establishing lead product content procedures and restrictions applicable to retail establishments and providing a penalty.

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

**House File 639**, by Sands, Kaufmann, Lukan, De Boef, Schulte, Struyk, L. Miller and Upmeyer, a bill for an act relating to the protection of personal information by requiring the department of

revenue to provide notice of suspected misuse of personal information.

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

**House File 640**, by Anderson and Swaim, a bill for an act relating to indecent exposure and providing penalties.

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

**House File 641**, by Alons, Pettengill, Lukan, Kaufmann, Sorenson, S. Olson, De Boef, Soderberg, Swaim, Grassley and Thomas, a bill for an act modifying general policy provisions applicable to telecommunications regulation.

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

**House File 642**, by Sorenson, a bill for an act relating to full-time county attorneys and the practice of law.

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

**House File 643**, by Baudler, a bill for an act relating to the provision of certain witness information in the minutes of evidence filed with a trial information or indictment and providing an effective date.

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

**House File 644**, by Wessel-Kroeschell and Heddens, a bill for an act relating to the confidentiality of records of a governmental body relating to any form of housing assistance and making a penalty applicable.

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

**House File 645**, by Ford, a bill for an act providing for the establishment of a task force to study measures to encourage elementary and middle school students to identify early career paths and interests and making an appropriation.

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

**House File 646**, by Raecker, a bill for an act relating to county adult mental health, mental retardation, and developmental disabilities services, by making an appropriation to the risk pool of the property tax relief fund and providing an effective date.

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

**House File 647**, by Winckler, a bill for an act relating to the college student aid commission and the programs and funds it administers and making appropriations.

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

**House File 648**, by Heaton, Kaufmann, Lukan, De Boef, Schulte, Struyk, Sands, Soderberg, L. Miller and Upmeyer, a bill for an act prohibiting postsecondary educational institutions that receive state moneys from selling, offering, or otherwise providing information relating to certain persons.

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

**House File 649**, by Heaton, Kaufmann, Lukan, De Boef, Schulte, Struyk, Sands, Soderberg, L. Miller and Upmeyer, a bill for an act prohibiting the disclosure of specified consumer information by internet service providers and providing a penalty.

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

**House File 650**, by Ford, a bill for an act providing for the establishment of a task force to study ninth grade academies and making an appropriation.

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

**House File 651**, by Ford, a bill for an act relating to the establishment of a health care professionals loan forgiveness program including loan forgiveness for family practice physicians to be administered by the college student aid commission and providing an appropriation.

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

**House File 652**, by Ford, a bill for an act relating to public water supply system water quality.

Read first time and referred to committee on **environmental protection**.

**House File 653**, by Alons, a bill for an act providing for the payment of litigation expenses related to legal actions alleging that an agricultural operation is a nuisance.

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

**House File 654**, by Whitaker, a bill for an act relating to the surveying of unused highway right-of-way to be sold by the department of transportation.

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

**House File 655**, by May, a bill for an act concerning members of out-of-state national guard units who reside in Iowa.

Read first time and referred to committee on **veterans affairs**.

**House File 656**, by committee on economic growth, a bill for an act relating to the requirements of certain financial assistance programs administered by the department of economic development including a reorganization of the grow Iowa values fund and creating a grow Iowa values financial assistance program.

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

**House File 657**, by committee on public safety, a bill for an act making changes to the criminal offense of indecent exposure and providing penalties.

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

**House File 658**, by Ford, a bill for an act related to the completion of cultural competency instruction by health professionals and students enrolled in health-related degree programs.

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

**House File 659**, by Ford, a bill for an act creating a junior entrepreneur training assistance program and providing a tax deduction and making an appropriation.

Read first time and referred to committee on **economic growth**.

**House File 660**, by D. Olson, a bill for an act relating to accommodations by employers for court-ordered visitation.

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

**House File 661**, by D. Olson, a bill for an act abolishing the property assessment appeal board.

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

**House File 662**, by Kaufmann, a bill for an act relating to the status of posthumously conceived and born children in the context of legitimacy and liability for support, and inheritance.

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

**House File 663**, by Kaufmann, Arnold, Grassley, Alons, De Boef, May, Baudler, Pettengill, Heaton, Horbach, Lukan, Schueller, Schultz and Drake, a bill for an act relating to the location of a civil jury trial.

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

**House File 664**, by Baudler, a bill for an act relating to the disclosure of certain information by a pretrial release agency.

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

**House File 665**, by Alons, Deyoe, De Boef, May, Helland, Soderberg, Rayhons, Drake, Forristall, Tymeson, Lukan, Koester, Struyk, Watts, Huseman, Schultz, Worthan, Paulsen, Upmeyer, Roberts, Tjepkes, Horbach and Arnold, a bill for an act relating to the deduction of the capital gain from the sale of capital investments made in or by certain businesses and including an applicability date provision.

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



**House File 666**, by Berry, a bill for an act relating to the administrative modification of a child support order.

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

**House File 667**, by Alons, May, Drake and Rayhons, a bill for an act relating to the citation of health care facilities under state and federal law, and providing effective and retroactive applicability dates.

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

**House File 668**, by Jacoby, a bill for an act relating to the taxation of commercial property and providing an applicability date.

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

**House File 669**, by Kuhn, Palmer, Steckman, Wessel-Kroeschell, Beard, D. Olson, Frevert, Lensing, Reichert, Isenhardt, Whitaker, Willems, Kearns, Hunter, Winckler, Burt, Gayman, Smith, Schueller, Jacoby, Wendt, Thomas, Bailey, Kelley, Ficken, Wenthe, Huser, Marek and Bell, a bill for an act relating to funding for the alternate energy revolving loan program and making an appropriation.

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

**House File 670**, by committee on state government, a bill for an act relating to absentee voting by requiring the counting of absentee ballots to begin the day before the general election.

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

**House File 671**, by committee on public safety, a bill for an act providing volunteer emergency services providers protection from employment termination.

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

**House File 672**, by committee on human resources, a bill for an act relating to individual development accounts available to certain

persons with low income and providing effective and applicability date provisions.

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

**House File 673**, by committee on economic growth, a bill for an act relating to local government development activities in cultural and entertainment districts.

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

**House File 674**, by committee on public safety, a bill for an act relating to reporting the treatment of serious wounds received as the result of a crime to a law enforcement agency and making penalties applicable.

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

**House File 675**, by committee on state government, a bill for an act providing time off from work to attend presidential precinct caucuses and making penalties applicable.

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

**House File 676**, by committee on public safety, a bill for an act modifying provisions relating to a final hearing in a civil commitment proceeding for a sexually violent predator.

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

**House File 677**, by committee on judiciary, a bill for an act relating to trusts and estates including the administration of small estates and including retroactive and other applicability provisions.

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

**House File 678**, by committee on state government, a bill for an act concerning audits conducted by a licensee conducting pari-mutuel wagering and providing an effective date.

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

## SENATE MESSAGES CONSIDERED

**Senate File 205**, by committee on judiciary, a bill for an act relating to required testing for infectious diseases of persons under supervision of judicial district departments of correctional services.

Read first time and referred to committee on **public safety**.

**Senate File 253**, by committee on veterans affairs, a bill for an act relating to the time allowed certain active duty military personnel to file a state income tax return and including a retroactive applicability date provision.

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

**Senate File 254**, by committee on veterans affairs, a bill for an act requiring the preparation of a report by the department of veterans affairs relating to the activities of county commissions of veteran affairs.

Read first time and referred to committee on **veterans affairs**.

**Senate File 285**, by committee on judiciary, a bill for an act relating to magistrate jurisdiction, specifying certain traffic-related offenses as simple misdemeanors, making other related changes to simple misdemeanor offenses, and providing a penalty.

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

**Senate File 289**, by committee on rebuild Iowa and disaster recovery, a bill for an act relating to loan forgiveness under the jumpstart housing assistance program and providing effective and retroactive applicability dates.

Read first time and referred to committee on **rebuild Iowa and disaster recovery**.

**Senate File 291**, by committee on local government, a bill for an act providing for the recognition and promotion of certified retirement communities.

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

**Senate File 295**, by committee on state government, a bill for an act concerning the authority of the department of administrative services relative to existing leases on real property acquired by the department.

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

**Senate File 305**, by committee on state government, a bill for an act concerning audits conducted by a licensee conducting pari-mutuel wagering or gambling games and providing an effective date.

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

**Senate File 318**, by committee on labor and business relations, a bill for an act pertaining to the duties and regulations under the purview of the labor commissioner.

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

**Senate File 320**, by committee on judiciary, a bill for an act relating to charitable trusts by providing for filing documents with the attorney general and providing for the attorney general's investigative authority.

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

**Senate File 322**, by committee on ways and means, a bill for an act relating to the technical administration of the tax and related laws by the department of revenue, including administration of income taxes, sales and use taxes, fees for new vehicle registrations, and property taxes and including a retroactive applicability date provision.

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

#### HOUSE FILE 615 REREFERRED

The Speaker announced that House File 615, previously referred to committee on **economic growth** was rereferred to committee on **labor**.

## SENATE FILE 209 REREFERRED

The Speaker announced that Senate File 209, previously referred to committee on **public safety** was **passed on file**.

### MOTION TO RECONSIDER (House File 332)

I move to reconsider the vote by which House File 332 passed the House on March 10, 2009.

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

- 2009\2599 Betty Rohn, Sheffield – For celebrating her 90<sup>th</sup> birthday.
- 2009\2600 Vi Kappen, Sheffield – For celebrating her 80<sup>th</sup> birthday.
- 2009\2601 Ardie Bier, Clear Lake – For celebrating her 80<sup>th</sup> birthday.
- 2009\2602 James P. Krabbe, Hampton – For celebrating his 100<sup>th</sup> birthday.
- 2009\2603 Hazel Lord, Burlington – For celebrating her 98<sup>th</sup> birthday.
- 2009\2604 Samuel B. and Charlotte L. Swartz, Clear Lake – For celebrating their 55<sup>th</sup> wedding anniversary.
- 2009\2605 Glenn and Maxine Shropshire, Clear Lake – For celebrating their 65<sup>th</sup> wedding anniversary.
- 2009\2606 Hallie Peterson, SCMT High School – For earning All State honors in Volleyball.
- 2009\2607 Kyle Meintz, West Fork High School – For being selected as the First Team All State punter by the Iowa Newspaper Association.
- 2009\2608 Zach Bredlow, Clear Lake – For attaining the rank of Eagle Scout, the highest rank in the Boy Scouts of America.
- 2009\2609 Mac Guldberg, Coulter – For celebrating his 85<sup>th</sup> birthday.

- 2009\2610 Helen Foreman, Sheffield – For celebrating her 85<sup>th</sup> birthday.
- 2009\2611 Clayton Blue, Russell – For celebrating his 80<sup>th</sup> birthday.
- 2009\2612 Keith and Shirley Kent, Lucas – For celebrating their 60<sup>th</sup> wedding anniversary.
- 2009\2613 Dorothy Schroder, Walnut – For celebrating her 85<sup>th</sup> birthday.
- 2009\2614 Omar Scheffler, Harlan – For celebrating his 95<sup>th</sup> birthday.
- 2009\2615 Elva Graeve, Earling – For celebrating her 98<sup>th</sup> birthday.
- 2009\2616 Alvena M. Michael, Walker – For celebrating her 100<sup>th</sup> birthday.
- 2009\2617 Evelyn Wasson, Panora – For celebrating her 90<sup>th</sup> birthday.
- 2009\2618 Tom and Mary Lee Link, Stuart – For celebrating their 50<sup>th</sup> wedding anniversary.
- 2009\2619 Mildred Ryan, Stuart – For celebrating her 101<sup>st</sup> birthday.
- 2009\2620 Velmo Andersen, Audubon – For celebrating her 95<sup>th</sup> birthday.
- 2009\2621 Raymond Nielsen, Audubon – For celebrating his 95<sup>th</sup> birthday.
- 2009\2622 Carroll and Ramona Dass, Sibley – For celebrating their 60<sup>th</sup> wedding anniversary.
- 2009\2623 Heidi Kistenmacher, Holstein – For attaining the Girl Scout Gold Award, the highest award in Girl Scouting.
- 2009\2624 Olivia Leuschen, Holstein – For attaining the Girl Scout Gold Award, the highest award in Girl Scouting.
- 2009\2625 Kirstin Wessling, Holstein – For attaining the Girl Scout Gold Award, the highest award in Girl Scouting.
- 2009\2626 Margaret Leonard, Burlington – For celebrating her 90<sup>th</sup> birthday.
- 2009\2627 Norma Sievers, Stockton – For celebrating her 80<sup>th</sup> birthday.
- 2009\2628 Bob and Ethel Hythecker, Wheatland – For celebrating their 65<sup>th</sup> wedding anniversary.
- 2009\2629 Donovan and Lynn Sievers, Stockton – For celebrating their 50<sup>th</sup> wedding anniversary.
- 2009\2630 Rollin Howell, Moravia – For celebrating his 80<sup>th</sup> birthday.
- 2009\2631 Harlan Greener, McGregor – For attaining the rank of Eagle Scout, the highest rank in the Boy Scouts of America.

- 2009\2632 Andrew Adney, McGregor – For attaining the rank of Eagle Scout, the highest rank in the Boy Scouts of America.
- 2009\2633 Scott Eben, Central Lyon High School – For winning 2<sup>nd</sup> place in the 189 lb. weight class in the Class 1-A Division of the 2009 State Wrestling Tournament.

SUBCOMMITTEE ASSIGNMENTS

**House File 313**

Appropriations: Wenthe, Chair; Cownie and Jacoby.

**House File 430 Reassigned**

Commerce: Reasoner, Chair; Jacoby and Sorenson.

**House File 515**

Public Safety: Berry, Chair; Bukta and Hagenow.

**House File 519**

Public Safety: Burt, Chair; Baudler and Bukta.

**House File 521**

Public Safety: R. Olson, Chair; Heddens and Tjepkes.

**House File 543**

Public Safety: Reichert, Chair; Alons and Kuhn.

**House File 579**

Economic Growth: Bailey, Chair; Schueller and Soderberg.

**House File 582**

Economic Growth: Ford, Chair; Marek and Upmeyer.

**House File 587**

Economic Growth: Ford, Chair; Jacoby and Soderberg.

**House File 591**

Education: Wendt, Chair; Bukta and May.

**House File 592**

Public Safety: Whitaker, Chair; Whitead and Worthan.

**House File 596**

Public Safety: R. Olson, Chair; Baudler and Reichert.

**House File 597**

Public Safety: Kressig, Chair; Hagenow and Kuhn.

**House File 600**

Judiciary: Ford, Chair; Helland and Wessel-Kroeschell.

**House File 608**

Environmental Protection: D. Olson, Chair; Kearns and S. Olson.

**House File 611**

State Government: Gaskill, Chair; Schulte and Willems.

**House File 616**

Judiciary: T. Olson, Chair; R. Olson and Schultz.

**House File 621**

Judiciary: Smith, Chair; Lensing and Schulte.

**Senate File 225**

State Government: Frevert, Chair; Beard and Raecker.

**Senate File 229**

Judiciary: R. Olson, Chair; Kaufmann and Palmer.

HOUSE STUDY BILL SUBCOMMITTEE ASSIGNMENTS

**House Study Bill 263**

Judiciary: Huser, Chair; Schulte and Swaim.

**House Study Bill 264**

Environmental Protection: D. Olson, Chair; Kearns and S. Olson.



## HOUSE STUDY BILL COMMITTEE ASSIGNMENTS

### **H.S.B. 266 Appropriations**

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.

### **H.S.B. 267 Environmental Protection**

Relating to a waste tire stewardship and management fund and making appropriations.

### **H.S.B. 268 Education**

Relating to articulation agreements between public postsecondary institutions.

### **H.S.B. 269 Labor**

Concerning public employee collective bargaining.

## 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 AGRICULTURE

**Committee Bill** (Formerly House Study Bill 148), relating to the agricultural development authority, by providing for the reporting of its operations.

Fiscal Note is not required.

Recommended **Do Pass** March 9, 2009.

**Committee Bill** (Formerly House File 472), providing for the powers and duties of the Iowa soybean association's board of directors.

Fiscal Note is not required.

Recommended **Amend and Do Pass** March 9, 2009

#### COMMITTEE ON EDUCATION

**Senate File 81**, a bill for an act relating to assisting schools to recover from disaster by changing the approval method for transfers of emergency fund moneys, by modifying certain funding provisions to relate to disaster recovery, and by allowing area education agency boards greater authority to purchase and lease-purchase property.

Fiscal Note is not required.

Recommended **Amend and Do Pass with Amendment H-1129** March 9, 2009.

**Committee Bill** (Formerly House Study Bill 22), relating to the duties and operations of the department of education and local school boards.

Fiscal Note is not required.

Recommended **Amend and Do Pass** March 9, 2009.

**Committee Bill** (Formerly House File 357), relating to preschool support provided through school ready children grants under the community empowerment initiative.

Fiscal Note is not required.

Recommended **Amend and Do Pass** March 9, 2009.

#### COMMITTEE ON ENVIRONMENTAL PROTECTION

**Committee Bill** (Formerly House Study Bill 57), modifying the maximum amount of nameplate generating capacity for all facilities qualifying for wind energy production and renewable energy tax credits.

Fiscal Note is not required.

Recommended **Amend and Do Pass** March 9, 2009.

**Committee Bill** (Formerly House Study Bill 193), relating to storm water management plans.

Fiscal Note is not required.

Recommended **Amend and Do Pass** March 9, 2009.

#### COMMITTEE ON HUMAN RESOURCES

**Committee Bill** (Formerly House Study Bill 213), relating to psychiatric medical institution for children services and providing an effective date.

Fiscal Note is not required.

Recommended **Amend and Do Pass** March 9, 2009.

**Committee Bill** (Formerly House File 419), relating to regulation of child care by the department of human services by providing for licensing of child development homes, establishing a regulatory fee and appropriating the fee proceeds, making penalties applicable, and providing effective dates.

Fiscal Note is not required.

Recommended **Amend and Do Pass** March 9, 2009.

**Committee Bill** (Formerly House File 443), relating to access to obscene materials and child in need of assistance proceedings and child abuse reporting.

Fiscal Note is not required.

Recommended **Amend and Do Pass** March 9, 2009.

#### COMMITTEE ON PUBLIC SAFETY

**Committee Bill** (Formerly House File 193), relating to the issuance of permits to carry weapons and providing an effective date.

Fiscal note is not required.

Recommended **Amend and Do Pass** March 10, 2009.

**Committee Bill** (Formerly House File 470), relating to reserve certified peace officers and training requirements.

Fiscal Note is not required.

Recommended **Amend and Do Pass** March 10, 2009.

#### COMMITTEE ON REBUILD IOWA AND DISASTER RECOVERY

**Committee Bill** (Formerly House Study Bill 162), relating to disaster emergency assistance immunity.

Fiscal Note is not required.

Recommended **Amend and Do Pass** March 9, 2009.

**Committee Bill** (Formerly House Study Bill 181), requiring counties and cities with flood hazard areas within their boundaries to participate in the national flood insurance program.

Fiscal Note is not required.

Recommended **Amend and Do Pass** March 9, 2009.

**Committee Bill** (Formerly House Study Bill 252), providing for the award of local watershed improvement grants.

Fiscal Note is not required.

Recommended **Do Pass** March 9, 2009.

**Committee Bill** (Formerly House File 427), allowing school districts affected by a presidentially declared major disaster between May 4, 2008, and August 14, 2008, to use the previous year's budget enrollments in the budget year beginning July 1, 2009, and providing an effective date.

Fiscal Note is not required.

Recommended **Do Pass** March 9, 2009.

#### COMMITTEE ON STATE GOVERNMENT

**Committee Bill** (Formerly House Study Bill 203), establishing alternative project delivery procedures for certain public projects undertaken by political subdivisions.

Fiscal Note is not required.

Recommended **Amend and Do Pass** March 10, 2009.

**Committee Bill** (Formerly House File 295), modifying the time period after which certain school district proposals defeated at election may be resubmitted to the voters and providing an effective date.

Fiscal Note is not required.

Recommended **Amend and Do Pass** March 10, 2009.

#### RESOLUTION FILED

**HR 26**, by Wessel-Kroeschell and Heddens, a resolution honoring the 2008 Iowa State University Cyclones volleyball team for an outstanding 2008 season that culminated in the team's appearance in the National Collegiate Athletic Association Women's Volleyball Tournament and an unprecedented appearance in the regional final.

Laid over under **Rule 25**.

## AMENDMENTS FILED

H—1129	S.F.	81	Committee on Education
H—1130	S.F.	197	Upmeyer of Hancock
H—1131	H.F.	623	Upmeyer of Hancock
H—1132	H.F.	623	Soderberg of Plymouth
H—1133	S.F.	197	Soderberg of Plymouth
H—1134	H.F.	623	Horbach of Tama
H—1135	S.F.	197	Horbach of Tama
H—1136	H.F.	315	Baudler of Adair

On motion by McCarthy of Polk the House adjourned at 5:42 p.m., until 9:00 a.m., Wednesday, March 11, 2009.

# JOURNAL OF THE HOUSE

Fifty-ninth Calendar Day - Thirty-ninth Session Day

Hall of the House of Representatives  
Des Moines, Iowa, Wednesday, March 11, 2009

The House met pursuant to adjournment at 9:08 a.m., Speaker Murphy in the chair.

Prayer was offered by Reverend Anita Johnson, United Methodist Chaplain at Friendship Retirement home in Fort Dodge. She was the guest of Representative Helen Miller of Webster County.

## PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Katelyn Schofield, House Page from Essex.

The Journal of Tuesday, March 10, 2009 was approved.

## INTRODUCTION OF BILLS

**House File 679**, by Kaufmann, a bill for an act providing for the establishment of a digital film equipment conversion program and fund and making an appropriation.

Read first time and referred to committee on **economic growth**.

**House File 680**, by Lukan, a bill for an act expanding eligibility for the state child and dependent care tax credit and including a retroactive applicability date provision.

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

**House File 681**, by committee on labor, a bill for an act requiring employers to provide notice of business closings and mass layoffs and providing penalties.

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

**House File 682**, by committee on state government, a bill for an act requiring a postelection audit after each general election and including effective and applicability date provisions.

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

**House File 683**, by committee on labor, a bill for an act relating to employees with medical and dependent child nutrition needs and providing a penalty.

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

**House File 684**, by committee on commerce, a bill for an act relating to the membership and administration of the Iowa propane education and research council, increasing an assessment, and providing an effective date.

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

**House File 685**, by committee on commerce, a bill for an act providing for the registration of escrow agents, authorizing fees, and providing an effective date.

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

**House File 686**, by committee on transportation, a bill for an act relating to parking on the left side of a roadway.

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

**House File 687**, by committee on education, a bill for an act relating to certain reporting requirements or actions required of the department of education, school districts, accredited nonpublic schools, and community colleges.

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

#### SENATE FILE 305 REFERRED

The Speaker announced that Senate File 305, previously referred to committee on **state government** was **passed on file**.

## 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

- 2009\2634 Marilee Hicks, Indianola – For celebrating her 80<sup>th</sup> birthday.
- 2009\2635 Annie Wignall, Newton – For being inducted to the Iowa Volunteer Hall of Fame.
- 2009\2636 Antionette Bonderman, Sheldon – For celebrating her 100<sup>th</sup> birthday.
- 2009\2637 Bernard and Dora Bruxvoort, Oskaloosa – For celebrating their 60<sup>th</sup> wedding anniversary.
- 2009\2638 Nellie Sundblad, Spencer – For celebrating her 94<sup>th</sup> birthday.
- 2009\2639 Oscar Sundblad, Spencer – For celebrating his 100<sup>th</sup> birthday.
- 2009\2640 Frances Heilman, Holstein – For celebrating her 80<sup>th</sup> birthday.
- 2009\2641 Theresa Topf, Charter Oak – For celebrating her 80<sup>th</sup> birthday.
- 2009\2642 Worth and Myrtle Rankin, Pleasantville – For celebrating their 60<sup>th</sup> wedding anniversary.

## SUBCOMMITTEE ASSIGNMENTS

**House File 511**

Education: Ford, Chair; Palmer and Schulte.

**House File 576**

Education: Winckler, Chair; Mascher and Sweeney.

**House File 578**

Natural Resources: Beard, Chair; May and Thede.

**House File 593**

Human Resources: Hunter, Chair; Mascher and Schulte.



**House File 594**

Education: Winckler, Chair; Dolecheck and Palmer.

**House File 601**

Human Resources: T. Olson, Chair; Baudler and Steckman.

**House File 603**

Education: Thede, Chair; Schulte and Steckman.

**House File 606**

Agriculture: De Boef, Chair; Frevert and Mertz.

**House File 607**

Human Resources: Smith, Chair; Heaton and Wendt.

**House File 609**

Education: Winckler, Chair; L. Miller and Wendt.

**House File 610**

Transportation: Koester, Chair; Quirk and Wenthe.

**House File 612**

Education: Mascher, Chair; Dolecheck and Steckman.

**House File 615**

Labor: Isenhart, Chair; Cownie and Kearns.

**House File 619**

Local Government: Ford, Chair; Kressig and Windschitl.

**House File 620**

Education: Ford, Chair; Thede and Tymeson.

**House File 622**

Human Resources: Wendt, Chair; L. Miller and Petersen.

**House File 632**

Economic Growth: Bailey, Chair; Sorenson and Wenthe.

**House File 633**

Education: Wendt, Chair; Ficken and Forristall.

**House File 635**

State Government: Gaskill, Chair; Beard and Struyk.

**House File 640**

Judiciary: Anderson, Chair; Palmer and Swaim.

**House File 644**

State Government: Lensing, Chair; Drake and Mascher.

**House File 645**

Education: Wendt, Chair; Cownie and Ford.

**House File 647**

Education: Winckler, Chair; Forristall and Wendt.

**House File 648**

Education: Ficken, Chair; May and Thede.

**House File 650**

Education: Winckler, Chair; Tymeson and Wendt.

**House File 651**

Education: Ford, Chair; Ficken and L. Miller.

**House File 654**

Transportation: Whitaker, Chair; D. Olson and Tjepkes.

**House File 658**

Education: Winckler, Chair; Mascher and May.

**House File 659**

Economic Growth: Bailey, Chair; Forristall and Wenthe.

## HOUSE STUDY BILL SUBCOMMITTEE ASSIGNMENTS

**House Study Bill 267**

Environmental Protection: Kearns, Chair; Deyoe and H. Miller.

**House Study Bill 268**

Education: Wendt, Chair; Ficken and May.

**House Study Bill 269**

Labor: T. Taylor, Chair; Anderson and Hunter.

## HOUSE STUDY BILL COMMITTEE ASSIGNMENT

**H.S.B. 270 Veterans Affairs**

Concerning the administration of veterans services.

## COMMITTEE RECOMMENDATIONS

MR. SPEAKER: The Chief Clerk of the House respectfully reports that the following committee recommendations have been received and are on file in the office of the Chief Clerk.

MARK W. BRANDSGARD  
Chief Clerk of the House

## COMMITTEE ON COMMERCE

**Committee Bill** (Formerly House Study Bill 85), requiring health benefit coverage for certain cancer treatment delivered pursuant to approved cancer clinical trials and providing an applicability date.

Fiscal Note is not required.

Recommended **Amend and Do Pass** March 11, 2009.

**Committee Bill** (Formerly House File 339), providing for the establishment of small wind innovation zones, providing for the applicability of tax credits, and including effective and retroactive applicability date provisions.

Fiscal Note is not required.

Recommended **Amend and Do Pass** March 10, 2009.

## COMMITTEE ON JUDICIARY

**Committee Bill** (Formerly House Study Bill 261), relating to the uniform adult guardianship and protective proceedings Act relating to the establishment, transfer, and recognition of guardianships and conservatorships in multistate cases, and including effective date and applicability provisions.

Fiscal Note is not required.

Recommended **Do Pass** March 10, 2009.

## COMMITTEE ON LABOR

**Committee Bill** (Formerly House File 222), relating to safe walkways for railroad workers and making penalties applicable.

Fiscal Note is not required.

Recommended **Do Pass** March 10, 2009.

**Committee Bill** (Formerly House Study Bill 246), relating to the imposition of penalty benefits in workers' compensation cases.

Fiscal Note is not required.

Recommended **Do Pass** March 10, 2009.

**Committee Bill** (Formerly House Study Bill 247), requiring additional workers' compensation payments for scheduled injuries that result in a reduction in the injured employee's earning capacity.

Fiscal Note is not required.

Recommended **Amend and Do Pass** March 10, 2009.

**Committee Bill** (Formerly House File 530), relating to the choice of doctor to treat an injured employee under workers' compensation laws and providing effective and applicability dates.

Fiscal Note is not required.

Recommended **Amend and Do Pass** March 10, 2009.

**Committee Bill** (Formerly House File 542), relating to boiler and pressure vessel inspections and the boiler and pressure vessel board that oversees the inspections.

Fiscal Note is not required.

Recommended **Do Pass** March 10, 2009.

## COMMITTEE ON TRANSPORTATION

**Committee Bill** (Formerly House Study Bill 115), relating to department of transportation administrative procedures by establishing a procedure to remove a conviction relating to the operation of a motor vehicle from a driving record based on identity theft and requiring verification of status in regards to the driver's license of a foreign national.

Fiscal Note is not required.

Recommended **Do Pass** March 10, 2009.

**Committee Bill** (Formerly House Study Bill 163), relating to matters under the purview of the department of transportation, including provisions for the administration of the department, driver licensing, vehicle regulation, and the issuance of citations, providing a penalty, and providing effective and retroactive applicability dates.

Fiscal Note is not required.

Recommended **Amend and Do Pass** March 10, 2009.

**Committee Bill** (Formerly House File 395), relating to lead wheel weights on state-owned motor vehicles.

Fiscal Note is not required.

Recommended **Amend and Do Pass** March 10, 2009.

**Committee Bill** (Formerly House File 424), relating to hours-of-service requirements for certain commercial motor vehicle operators hauling agricultural commodities or farm supplies.

Fiscal Note is not required.

Recommended **Amend and Do Pass** March 10, 2009.

## AMENDMENTS FILED

H—1137	S.F.	81	Tymeson of Madison
H—1138	H.F.	623	Ford of Polk
H—1139	H.F.	320	Alons of Sioux

On motion by Whitaker of Van Buren the House adjourned at 9:22 a.m., until 9:00 a.m., Thursday, March 12, 2009.

# JOURNAL OF THE HOUSE

Sixtieth Calendar Day - Fortieth Session Day

Hall of the House of Representatives  
Des Moines, Iowa, Thursday, March 12, 2009

The House met pursuant to adjournment at 9:10 a.m., Speaker Murphy in the chair.

Prayer was offered by Reverend Roger Twito, pastor of Ascension Lutheran Church, Waterloo. He was the guest of Representative Doris Kelley of Black Hawk County.

## PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Jessie Ede, House Page from Indianola.

The Journal of Wednesday, March 11, 2009 was approved.

## MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on March 11, 2009, passed the following bill in which the concurrence of the Senate was asked:

House File 374, a bill for an act relating to the grain depositors and sellers indemnity fund, and providing for an effective date and retroactive applicability.

Also: That the Senate has on March 11, 2009, adopted the following resolution in which the concurrence of the House is asked:

Senate Joint Resolution 5, a joint resolution proposing an amendment to the Constitution of the State of Iowa eliminating a requirement that a criminal offense, where the maximum permissible penalty does not exceed thirty days of imprisonment, be prosecuted on information under oath.

Also: That the Senate has on March 11, 2009, passed the following bill in which the concurrence of the House is asked:

Senate File 152, a bill for an act relating to administrative and planning requirements involving children for whom the department of human services has responsibility under state or federal law.

Also: That the Senate has on March 11, 2009, passed the following bill in which the concurrence of the House is asked:

Senate File 187, a bill for an act providing for the issuance of special deer hunting licenses to residents who are nonambulatory.

Also: That the Senate has on March 11, 2009, passed the following bill in which the concurrence of the House is asked:

Senate File 266, a bill for an act relating to publication of property assessment equalization orders.

Also: That the Senate has on March 11, 2009, passed the following bill in which the concurrence of the House is asked:

Senate File 304, a bill for an act relating to withholding agreements and local match requirements of the targeted jobs withholding tax credit program.

Also: That the Senate has on March 11, 2009, passed the following bill in which the concurrence of the House is asked:

Senate File 338, a bill for an act establishing an upland game bird study advisory committee, establishing the deer study advisory committee, and providing an immediate effective date.

Also: That the Senate has on March 11, 2009, passed the following bill in which the concurrence of the House is asked:

Senate File 342, a bill for an act providing for the powers and duties of the Iowa soybean association's board of directors.

Also: That the Senate has on March 11, 2009, passed the following bill in which the concurrence of the House is asked:

Senate File 356, a bill for an act relating to department of transportation administrative procedures by establishing a procedure to remove a conviction relating to the operation of a motor vehicle from a driving record based on identity theft and requiring verification of status in regards to the driver's license of a foreign national.

Also: That the Senate has on March 11, 2009, passed the following bill in which the concurrence of the House is asked:

Senate File 376, a bill for an act relating to the issuance of bonds including the issuance of annual appropriation bonds, creating an annual appropriation bonds debt service fund and an appropriation bonds capitals fund, making and revising appropriations, and including effective date provisions.

MICHAEL E. MARSHALL, Secretary

## INTRODUCTION OF BILLS

**House File 688**, by Alons, a bill for an act relating to the application of penalties relative to the submission of cost reports by certain medical assistance program providers, providing an effective date, and providing for retroactive applicability.

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

**House File 689**, by Sands, a bill for an act providing a tax credit to certain small businesses for increased wages paid to employees and including a retroactive applicability date provision.

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

**House File 690**, by Whitaker and Kaufmann, a bill for an act authorizing a county board of supervisors to abate property taxes in response to economic conditions and providing effective and applicability dates.

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

**House File 691**, by committee on human resources, a bill for an act relating to access to obscene materials and child in need of assistance proceedings and child abuse reporting.

Read first time and placed on the **calendar**.

**House File 692**, by committee on human resources, a bill for an act relating to psychiatric medical institution for children services and providing an effective date.

Read first time and placed on the **calendar**.

**House File 693**, by committee on economic growth, a bill for an act concerning the manufacture and sale of native distilled spirits, and establishing a related permit fee and excise tax.

Read first time and placed on the **calendar**.



**House File 694**, by L. Miller, a bill for an act relating to the offering of health care coverage to state employees through high deductible health plans and health savings accounts.

Read first time and referred to committee on **commerce**.

**House File 695**, by committee on judiciary, a bill for an act relating to civil actions including certain limitations on actions, judgments, and executions and including actions relating to the foreclosure of real estate mortgages, and providing effective date and applicability provisions.

Read first time and placed on the **calendar**.

**House File 696**, by Isenhardt, a bill for an act relating to prisoner visitation at county jails and municipal holding facilities, and inmate visitation at state correctional facilities.

Read first time and referred to committee on **public safety**.

**House File 697**, by committee on judiciary, a bill for an act relating to interference with judicial acts, and providing a penalty.

Read first time and placed on the **calendar**.

**House File 698**, by Upmeyer, a bill for an act establishing a township clerk self-insurance program and a township clerk self-insurance fund, and providing an effective date.

Read first time and referred to committee on **local government**.

**House File 699**, by Ford, a bill for an act providing for the establishment of a financial literacy and counseling pilot program to be administered by the Iowa finance authority, making an appropriation, and providing an effective date.

Read first time and referred to committee on **commerce**.

**House File 700**, by Jacoby, a bill for an act providing for a linked investment loans for emerging businesses program administered by the department of economic development.

Read first time and referred to committee on **economic growth**.

**House File 701**, by committee on labor, a bill for an act providing for the licensure of elevator contractors and elevator mechanics and providing penalties.

Read first time and placed on the **calendar**.

**House File 702**, by committee on economic growth, a bill for an act relating to programs administered by the commission on volunteer service by establishing Iowa summer youth corps and green corps programs, creating the Iowa summer youth corps account and making appropriations from the account, excluding certain payments provided to an AmeriCorps volunteer from state income tax, and providing effective dates.

Read first time and referred to committee on **ways and means**.

**House File 703**, by committee on education, a bill for an act relating to the indicators used to assess the effectiveness of school ready children grants under the community empowerment initiative.

Read first time and placed on the **calendar**.

**House File 704**, by committee on rebuild Iowa and disaster recovery, a bill for an act creating a disaster aid local government assistance grant program and fund.

Read first time and referred to committee on **appropriations**.

**House File 705**, by committee on rebuild Iowa and disaster recovery, a bill for an act concerning community safe rooms and storm shelters in newly constructed public buildings.

Read first time and placed on the **calendar**.

**House File 706**, by committee on veterans affairs, a bill for an act relating to and publicizing mortgage foreclosure and real estate obligation protections for members of the national guard, and the reserve or regular component of the armed forces of the United States in active duty service, and providing a penalty.

Read first time and placed on the **calendar**.

**House File 707**, by committee on state government, a bill for an act relating to eligible beneficiaries for a line of duty death benefit under the statewide fire and police retirement system and providing an effective date.

Read first time and placed on the **calendar**.

**House File 708**, by committee on state government, a bill for an act relating to absentee ballots delivered to applicants who are patients or residents of hospitals or health care facilities.

Read first time and placed on the **calendar**.

**House File 709**, by committee on state government, a bill for an act relating to bidding requirements for public improvement projects completed by certain state entities.

Read first time and placed on the **calendar**.

**House File 710**, by committee on agriculture, a bill for an act relating to the agricultural development authority, by providing for the reporting of its operations.

Read first time and placed on the **calendar**.

**House File 711**, by committee on public safety, a bill for an act relating to the federal Adam Walsh Child Protection and Safety Act.

Read first time and placed on the **calendar**.

**House File 712**, by committee on judiciary, a bill for an act relating to a private cause of action for certain consumer fraud violations and providing an applicability provision.

Read first time and placed on the **calendar**.

**House File 713**, by committee on judiciary, a bill for an act creating the uniform child abduction prevention Act.

Read first time and placed on the **calendar**.

**House File 714**, by committee on judiciary, a bill for an act relating to the uniform athlete agents Act and providing remedies and penalties.

Read first time and placed on the **calendar**.

**House File 715**, by committee on environmental protection, a bill for an act relating to storm water management plans.

Read first time and placed on the **calendar**.

Bell of Jasper asked and received unanimous consent that the committee on natural resources meet at 1:00 p.m. today.

The House stood at ease at 9:22 a.m., until the fall of the gavel.

The House resumed session at 10:13 a.m., Speaker Murphy in the chair.

#### LEAVE OF ABSENCE

Leave of absence was granted as follows:

Kaufmann of Cedar on request of Upmeyer of Hancock.

#### CONSIDERATION OF BILLS Regular Calendar

**House File 623**, a bill for an act relating to unemployment insurance benefits and compliance with federal law regarding and in order to qualify for funding, and including an appropriation and effective and applicability dates, was taken up for consideration.

Ford of Polk offered the following amendment H-1138 filed by him and moved its adoption:

H-1138

- 1 Amend House File 623 as follows:
- 2 1. Title page, line 3, by striking the words "an
- 3 appropriation and".

Amendment H-1138 was adopted.

SENATE FILE 197 SUBSTITUTED FOR HOUSE FILE 623

Ford of Polk asked and received unanimous consent to substitute Senate File 197 for House File 623, placing the following amendments out of order:

Amendment H-1131 filed by Upmeyer of Hancock on March 10, 2009.

Amendment H-1132 filed by Soderberg of Plymouth on March 10, 2009.

Amendment H-1134 filed by Horbach of Tama of March 10, 2009.

**Senate File 197**, a bill for an act relating to unemployment insurance benefits and compliance with federal law regarding and in order to qualify for funding, and including effective and applicability dates, was taken up for consideration.

Upmeyer of Hancock offered the following amendment H-1130 filed by her and moved its adoption:

H-1130

1 Amend Senate File 197, as passed by the Senate, as  
2 follows:

3 1. Page 3, by inserting after line 11 the  
4 following:

5 "(d) The individual must complete the career  
6 readiness certificate program through the department  
7 at the end of the individual's training program."

Zirkelbach of Jones in the chair at 10:25 a.m.

Speaker Murphy in the chair at 10:27 a.m.

Roll call was requested by Upmeyer of Hancock and Lukan of Dubuque.

On the question "Shall amendment H-1130 be adopted?" (S.F. 197)

The ayes were, 41:

Alons	Anderson	Arnold	Baudler
Cownie	De Boef	Deyoe	Dolecheck
Drake	Forristall	Grassley	Hagenow

Heaton	Helland	Horbach	Huseman
Koester	Lukan	May	Miller, L.
Olson, S.	Paulsen	Pettengill	Raecker
Rayhons	Roberts	Sands	Schulte
Schultz	Soderberg	Sorenson	Struyk
Sweeney	Tjepkes	Tymeson	Upmeyer
Van Engelenhoven	Wagner	Watts	Windschitl
Worthan			

The nays were, 56:

Abdul-Samad	Bailey	Beard	Bell
Berry	Bukta	Burt	Cohoon
Ficken	Ford	Frevrt	Gaskill
Gayman	Heddens	Hunter	Huser
Isenhardt	Jacoby	Kearns	Kelley
Kressig	Kuhn	Lensing	Lykam
Marek	Mascher	McCarthy	Mertz
Miller, H.	Oldson	Olson, D.	Olson, R.
Olson, T.	Palmer	Petersen	Quirk
Reasoner	Reichert	Schueller	Shomshor
Smith	Steckman	Swaim	Taylor, D.
Taylor, T.	Thede	Thomas	Wendt
Wenthe	Wessel-Kroeschell	Whitaker	Whitead
Willems	Winckler	Zirkelbach	Mr. Speaker Murphy

Absent or not voting, 3:

Chambers	Kaufmann	Rants
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Amendment H-1130 lost.

Soderberg of Plymouth offered the following amendment H-1133 filed by him and moved its adoption:

H-1133

1 Amend Senate File 197, as passed by the Senate, as  
 2 follows:  
 3 1. Page 3, by inserting after line 11 the  
 4 following:  
 5 "(6) An individual who does not complete the  
 6 training on time or after a subsequent period of time  
 7 to be determined by the director, shall be required to  
 8 make restitution to the fund in the amount of the  
 9 training extension benefits received by the  
 10 individual."  
 11 2. By renumbering as necessary.

Roll call was requested by Soderberg of Plymouth and Hunter of Polk.

On the question "Shall amendment H-1133 be adopted?" (S.F. 197)

The ayes were, 42:

Alons	Anderson	Arnold	Baudler
Cownie	De Boef	Deyoe	Dolecheck
Drake	Forristall	Grassley	Hagenow
Heaton	Helland	Horbach	Huseman
Koester	Lensing	Lukan	May
Miller, L.	Olson, S.	Paulsen	Pettengill
Raecker	Rayhons	Roberts	Sands
Schulte	Schultz	Soderberg	Sorenson
Struyk	Sweeney	Tjepkes	Tymeson
Upmeyer	Van Engelenhoven	Wagner	Watts
Windschitl	Worthan		

The nays were, 55:

Abdul-Samad	Bailey	Beard	Bell
Berry	Bukta	Burt	Cohoon
Ficken	Ford	Frevert	Gaskill
Gayman	Heddens	Hunter	Huser
Isenhardt	Jacoby	Kearns	Kelley
Kressig	Kuhn	Lykam	Marek
Mascher	McCarthy	Mertz	Miller, H.
Oldson	Olson, D.	Olson, R.	Olson, T.
Palmer	Petersen	Quirk	Reasoner
Reichert	Schueller	Shomshor	Smith
Steckman	Swaim	Taylor, D.	Taylor, T.
Thede	Thomas	Wendt	Wenthe
Wessel-Kroeschell	Whitaker	Whitead	Willems
Winckler	Zirkelbach	Mr. Speaker	
		Murphy	

Absent or not voting, 3:

Chambers	Kaufmann	Rants
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Amendment H-1133 lost.

Horbach of Tama offered the following amendment H-1135 filed by him and moved its adoption:

H-1135

- 1 Amend Senate File 197, as amended by the Senate, as
- 2 follows:
- 3 1. Page 7, by inserting after line 21 the

4 following:

5 "Sec. \_\_. ALTERNATIVE FUNDING. After two years  
6 from the effective date of this Act or after a total  
7 of seventy-one million dollars received from the  
8 federal government pursuant to section 903 of the  
9 federal Social Security Act is expended as a result of  
10 the enactment of this Act, whichever happens later,  
11 the state shall fund the benefit obligations initially  
12 created in this Act from a source other than the  
13 unemployment compensation trust fund."

14 2. By renumbering as necessary.

Roll call was requested by Horbach of Tama and Alons of Sioux.

On the question "Shall amendment H-1135 be adopted?" (S.F. 197)

The ayes were, 42:

Alons	Anderson	Arnold	Baudler
Cownie	De Boef	Deyoe	Dolecheck
Drake	Forristall	Grassley	Hagenow
Heaton	Helland	Horbach	Huseman
Huser	Koester	Lukan	May
Mertz	Miller, L.	Olson, S.	Pettengill
Raecker	Rayhons	Roberts	Sands
Schulte	Schultz	Soderberg	Sorenson
Struyk	Sweeney	Tjepkes	Tymeson
Upmeyer	Van Engelenhoven	Wagner	Watts
Windschitl	Worthan		

The nays were, 54:

Abdul-Samad	Bailey	Beard	Bell
Berry	Bukta	Burt	Cohoon
Ficken	Ford	Frevert	Gaskill
Gayman	Heddens	Hunter	Isenhardt
Jacoby	Kearns	Kelley	Kressig
Kuhn	Lensing	Lykam	Marek
Mascher	McCarthy	Miller, H.	Oldson
Olson, D.	Olson, R.	Olson, T.	Palmer
Petersen	Quirk	Reasoner	Reichert
Schueller	Shomshor	Smith	Steckman
Swaim	Taylor, D.	Taylor, T.	Thede
Thomas	Wendt	Wenthe	Wessel-Kroeschell
Whitaker	Whitead	Willems	Winckler
Zirkelbach	Mr. Speaker		
	Murphy		



Absent or not voting, 4:

Chambers

Kaufmann

Paulsen

Rants

Amendment H-1135 lost.

### RULE 32 INVOKED

Raecker of Polk rose on a point of order invoking Rule 32, relating to an appropriation in Senate File 197.

The Speaker ruled the point well taken and Senate File 197 was sent to the committee on appropriations.

### RULE 57 SUSPENDED

McCarthy of Polk asked and received unanimous consent to suspend Rule 57, relating to committee notice and agenda, for the committee on appropriations to meet immediately.

The House stood at ease at 11:03 a.m., until the fall of the gavel.

The House resumed session at 11:58 a.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 12, 2009, passed the following bill in which the concurrence of the House is asked:

Senate File 374, a bill for an act concerning restrictions on the resale and use of motor vehicle operating records furnished by the department of transportation and making a penalty applicable.

Also: That the Senate has on March 12, 2009, passed the following bill in which the concurrence of the House is asked:

Senate File 377, a bill for an act relating to the prescription drug donation repository program.

MICHAEL E. MARSHALL, Secretary

### COMMITTEE RECOMMENDATION

MR. SPEAKER: The Chief Clerk of the House respectfully reports that the following committee recommendation has been received and is on file in the office of the Chief Clerk.

MARK W. BRANDSGARD  
Chief Clerk of the House

### COMMITTEE ON APPROPRIATIONS

**Senate File 197**, a bill for an act relating to unemployment insurance benefits and compliance with federal law regarding and in order to qualify for funding, and including effective and applicability dates.

Fiscal Note is not required.

Recommended: **Do Pass** March 12, 2009.

McCarthy of Polk asked and received unanimous consent to resume consideration of Senate File 197.

### Appropriations Calendar

**Senate File 197**, a bill for an act relating to unemployment insurance benefits and compliance with federal law regarding and in order to qualify for funding, and including effective and applicability dates, was taken up for consideration.

Ford 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. 197)

The ayes were, 84:

Abdul-Samad	Anderson	Arnold	Bailey
Baudler	Beard	Bell	Berry
Bukta	Burt	Cphoon	Deyoe
Dolecheck	Drake	Ficken	Ford

Frevert	Gaskill	Gayman	Grassley
Hagenow	Heaton	Heddens	Horbach
Hunter	Huseman	Huser	Isenhart
Jacoby	Kearns	Kelley	Koester
Kressig	Kuhn	Lensing	Lykam
Marek	Mascher	McCarthy	Mertz
Miller, H.	Miller, L.	Oldson	Olson, D.
Olson, R.	Olson, S.	Olson, T.	Palmer
Paulsen	Petersen	Pettengill	Quirk
Rayhons	Reasoner	Reichert	Roberts
Schueller	Schulte	Shomshor	Smith
Soderberg	Sorenson	Steckman	Struyk
Swaim	Sweeney	Taylor, D.	Taylor, T.
Thede	Thomas	Tjepkes	Tymeson
Upmeyer	Van Engelenhoven	Wagner	Wendt
Wenthe	Wessel-Kroeschell	Whitaker	Whitead
Willems	Winckler	Zirkelbach	Mr. Speaker Murphy

The nays were, 13:

Alons	Cownie	De Boef	Forristall
Helland	Lukan	May	Raecker
Sands	Schultz	Watts	Windschitl
Worthan			

Absent or not voting, 3:

Chambers	Kaufmann	Rants
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The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

### Regular Calendar

**House File 618**, a bill for an act relating to the duties of the labor commissioner pursuant to wage payment collection and child labor law enforcement, and providing penalties, was taken up for consideration.

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.

On the question "Shall the bill pass?" (H.F. 618)

The ayes were, 97:

Abdul-Samad	Alons	Anderson	Arnold
Bailey	Baudler	Beard	Bell
Berry	Bukta	Burt	Cohoon
Cownie	De Boef	Deyoe	Dolecheck
Drake	Ficken	Ford	Forristall
Frevert	Gaskill	Gayman	Grassley
Hagenow	Heaton	Heddens	Helland
Horbach	Hunter	Huseman	Huser
Isenhardt	Jacoby	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	Paulsen
Petersen	Pettengill	Quirk	Raecker
Rayhons	Reasoner	Reichert	Roberts
Sands	Schueller	Schulte	Schultz
Shomshor	Smith	Soderberg	Sorenson
Steckman	Struyk	Swaim	Sweeney
Taylor, D.	Taylor, T.	Thede	Thomas
Tjepkes	Tymeson	Upmeyer	Van Engelenhoven
Wagner	Watts	Wendt	Wenthe
Wessel-Kroeschell	Whitaker	Whitead	Willems
Winckler	Windschitl	Worthan	Zirkelbach
Mr. Speaker			
Murphy			

The nays were, none.

Absent or not voting and 3:

Chambers	Kaufmann	Rants
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The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

### HOUSE FILE 623 WITHDRAWN

Ford of Polk asked and received unanimous consent to withdraw House File 623 from further consideration by the House.

### IMMEDIATE MESSAGES

McCarthy of Polk asked and received unanimous consent that the following bills be immediately messaged to the Senate: **House File 618** and **Senate File 197**.

## HOUSE FILE 647 REREFERRED

The Speaker announced that House File 647, previously referred to committee on **education** was rereferred to committee on **appropriations**.

### BILLS ENROLLED, SIGNED AND SENT TO GOVERNOR

The Chief Clerk of the House submitted the following report:

Mr. Speaker: The Chief Clerk of the House respectfully reports that the following bills have been examined and found correctly enrolled, signed by the Speaker of the House and the President of the Senate, and presented to the Governor for his approval on this 12<sup>th</sup> day of March, 2009: House Files 233 and 256.

MARK W. BRANDSGARD  
Chief Clerk of the House

Report adopted.

### 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

- |           |  |
|-----------|--|
| 2009\2643 | Mathew Mallet, Salix – For attaining the rank of Eagle Scout, the highest rank in the Boy Scouts of America. |
| 2009\2644 | Matthew Newman, Salix – For attaining the rank of Eagle Scout, the highest rank in the Boy Scouts of America |
| 2009\2645 | Ronald L. and Kathleen C. Stonehocker, Earlham – For celebrating their 50 <sup>th</sup> wedding anniversary. |
| 2009\2646 | Joe Vander Beek, Sully – For celebrating his 80 <sup>th</sup> birthday.                                      |
| 2009\2647 | Vivian Vander Pol, Lynnville – For celebrating her 85 <sup>th</sup> birthday.                                |
| 2009\2648 | Stephen Molitor, Gilman – For being named a University of Iowa Presidential Scholar.                         |
| 2009\2649 | Laura Dawson, Clinton – For being named to the All Iowa Academic Team.                                       |

- 2009\2650 Holly Ricca, Clinton – For being named to the All Iowa Academic Team.
- 2009\2651 IKM-Manning Wolves Girls Basketball Team Coach Gene Rasmussen, Assistant Coaches Joy Gross and Cory McCartville, IKM-Manning Community Schools – For winning the 2009 Class 2A Girls State Basketball Championship.
- 2009\2652 Bradley Young, Eldora – For attaining the rank of Eagle Scout, the highest rank in the Boy Scouts of America
- 2009\2653 Brady Young, Eldora – For attaining the rank of Eagle Scout, the highest rank in the Boy Scouts of America
- 2009\2654 Travis Jeske, New Providence – For attaining the rank of Eagle Scout, the highest rank in the Boy Scouts of America
- 2009\2655 AGWSR Cougars Girls Basketball Team Coach Bruce Dall Assistant Coaches Dan Karsjens, Mike Viet, Rhandi Deters and Angie Risius, AGWSR Community Schools – For Winning the 2009 Class 1A Basketball Championship.
- 2009\2656 Joe Atwell, Panora – For receiving 2<sup>nd</sup> place in the 145 lb. weight class in the Class 1-A Division of the 2009 State Wrestling Tournament.
- 2009\2657 Blake Faucher, Greenfield – For receiving 2<sup>nd</sup> place in the 160 lb. weight class in the Class 1-A Division of the 2009 State Wrestling Tournament.

#### SUBCOMMITTEE ASSIGNMENTS

##### **House File 642**

Judiciary: Wessel-Kroeschell, Chair; Lensing and Schultz.

##### **House File 643**

Judiciary: T. Olson, Chair; Baudler and Lensing.

##### **House File 649**

Judiciary: Wessel-Kroeschell, Chair; Smith and Struyk.

##### **House File 655**

Veterans Affairs: Zirkelbach, Chair; Whitead and Windschitl.

##### **House File 660**

Judiciary: R. Olson, Chair; Helland and Willems.

**House File 662**

Judiciary: Smith, Chair; Kaufmann and Willems.

**House File 663**

Judiciary: Palmer, Chair; Kaufmann and Willems.

**House File 664**

Judiciary: R. Olson, Chair; Baudler and Wessel-Kroeschell.

**House File 679**

Economic Growth: Bailey, Chair; Anderson and Thede.

**House File 696**

Public Safety: Whitead, Chair; Lukan and Whitaker.

**Senate File 236**

Human Resources: Heddens, Chair; Hunter and L. Miller.

**Senate File 285**

Judiciary: Palmer, Chair; Schulte and Smith.

**Senate File 320**

Judiciary: Ford, Chair; Kaufmann and Willems.

**HOUSE STUDY BILL COMMITTEE ASSIGNMENTS****H.S.B. 271 Rebuild Iowa and Disaster Recovery**

Relating to natural disaster recovery, including by supporting projects and programs relating to persons and property affected by natural disaster or to prevent or mitigate the effects of a future natural disaster, and providing appropriations.

**H.S.B. 272 Ways and Means**

Excluding from the computation of net income capital gains realized from the sale of all or substantially all of the equity interests in certain businesses and including a retroactive applicability date provision.

## H.S.B. 273 Ways and Means

Relating to the forest reservation property tax exemption and including effective and applicability date provisions.

### COMMITTEE RECOMMENDATIONS

MR. SPEAKER: The Chief Clerk of the House respectfully reports that the following committee recommendations have been received and are on file in the office of the Chief Clerk.

MARK W. BRANDSGARD  
Chief Clerk of the House

#### COMMITTEE ON AGRICULTURE

**Committee Bill** (Formerly House File 445), relating to biodiesel fuel, by providing for labeling requirements, and providing for the extension of a tax credit.

Fiscal Note is not required.

Recommended **Amend and Do Pass** March 11, 2009.

**Committee Bill** (Formerly House File 574), regulating animal feeding operations, making penalties applicable, and providing for penalties.

Fiscal Note is not required.

Recommended **Amend and Do Pass** March 11, 2009.

**Committee Bill** (Formerly House File 606), relating to administrative costs to support the watershed improvement review board.

Fiscal Note is not required.

Recommended **Do Pass** March 11, 2009.

#### COMMITTEE ON ECONOMIC GROWTH

**Committee Bill** (Formerly House Study Bill 134), increasing the aggregate amount of tax credits that may be approved for property rehabilitation.

Fiscal Note is not required.

Recommended **Amend and Do Pass** March 11, 2009.

**Committee Bill** (Formerly House File 140), relating to providing sales, use, and property tax exemptions for certain data processing businesses.



Fiscal Note is not required.

Recommended **Amend and Do Pass** March 11, 2009.

#### COMMITTEE ON EDUCATION

**Committee Bill** (Formerly House File 265), providing for the establishment of a task force to study a renewed effort to reorganize school districts.

Fiscal Note is not required.

Recommended **Do Pass** March 11, 2009.

**Committee Bill** (Formerly House Study Bill 268), relating to articulation agreements between public postsecondary institutions.

Fiscal Note is not required.

Recommended **Amend and Do Pass** March 11, 2009.

**Committee Bill** (Formerly House File 565), providing for a state research and development prekindergarten through grade twelve school.

Fiscal Note is not required.

Recommended **Amend and Do Pass** March 11, 2009.

#### COMMITTEE ON ENVIRONMENTAL PROTECTION

**Committee Bill** (Formerly House Study Bill 194), providing a task force on regional watershed, land use, and floodplain management policies.

Fiscal Note is not required.

Recommended **Amend and Do Pass** March 11, 2009.

**Committee Bill** (Formerly House Study Bill 218), directing the Iowa climate change advisory council to conduct an assessment and prepare a report regarding the state's vulnerability to climatic change.

Fiscal Note is not required.

Recommended **Amend and Do Pass** March 12, 2009.

**Committee Bill** (Formerly House Study Bill 237), relating to the operation and purview of the office of energy independence, by transferring authority over specified energy-related measures and programs from the department of natural resources to the office of energy independence, and providing transition provisions relating to the transfer of authority.

Fiscal Note is not required.

Recommended **Amend and Do Pass** March 11, 2009.

**Committee Bill** (Formerly House Study Bill 254), relating to the regulation of junkyards.

Fiscal Note is not required.

Recommended **Amend and Do Pass** March 11, 2009..

**Committee Bill** (Formerly House Study Bill 260), relating to the comprehensive recycling planning task force.

Fiscal Note is not required.

Recommended **Amend and Do Pass** March 12, 2009.

**Committee Bill** (Formerly House Study Bill 267), relating to a waste tire stewardship and management fund and making appropriations.

Fiscal Note is not required.

Recommended **Do Pass** March 12, 2009.

**Committee Bill** (Formerly House File 422), relating to motor vehicle emission standards.

Fiscal Note is not required.

Recommended **Amend and Do Pass** March 11, 2009.

#### COMMITTEE ON HUMAN RESOURCES

**Senate File 236**, a bill for an act relating to psychiatric medical institution for children services and providing an effective date.

Fiscal Note is not required.

Recommended **Amend and Do Pass with Amendment H-1147** March 11, 2009.

**Committee Bill** (Formerly House Study Bill 259), relating to criteria under the medical assistance program for admission to a psychiatric medical institution for children.

Fiscal Note is not required.

Recommended **Amend and Do Pass** March 11, 2009.

**Committee Bill** (Formerly House File 501), relating to development of a plan for a home and community-based services autism waiver under the medical assistance program.

Fiscal Note is not required.

Recommended **Amend and Do Pass** March 11, 2009.

#### COMMITTEE ON LABOR

**Committee Bill** (Formerly House Study Bill 248), prohibiting employers from infringing on employees' political activities after work hours and if not using company resources.

Fiscal Note is not required.

Recommended **Do Pass** March 12, 2009.

**Committee Bill** (Formerly House Study Bill 269), concerning public employee collective bargaining.

Fiscal Note is not required.

Recommended **Amend and Do Pass** March 12, 2009.

**Committee Bill** (Formerly House File 615), concerning labor management committees.

Fiscal Note is not required.

Recommended **Do Pass** March 12, 2009.

#### COMMITTEE ON LOCAL GOVERNMENT

**Committee Bill** (Formerly House File 480), relating to the entry upon land by a surveyor for land survey purposes.

Fiscal Note is not required.

Recommended **Amend and Do Pass** March 11, 2009.

#### COMMITTEE ON PUBLIC SAFETY

**Committee Bill** (Formerly House Study Bill 44), relating to the criminal offense of enticing or attempting to entice a minor and providing penalties.

Fiscal Note is not required.

Recommended **Amend and Do Pass** March 11, 2009.

**Committee Bill** (Formerly House Study Bill 45), relating to financing agreements entered into on behalf of the department of corrections by the treasurer of state.

Fiscal Note is not required.

Recommended **Do Pass** March 11, 2009.

**Committee Bill** (Formerly House Study Bill 47), establishing custody and security levels for the institutions and facilities of the department of corrections.

Fiscal Note is not required.

Recommended **Amend and Do Pass** March 11, 2009.

**Committee Bill** (Formerly House Study Bill 96), relating to the possession, distribution, and reporting of obscene material and making penalties applicable.

Fiscal Note is not required.

Recommended **Do Pass** March 11, 2009.

#### COMMITTEE ON REBUILD IOWA AND DISASTER RECOVERY

**Committee Bill** (Formerly House Study Bill 253), providing for a lead containment and abatement equipment program and fund and making an appropriation.

Fiscal Note is not required.

Recommended **Do Pass** March 11, 2009.

**Committee Bill** (Formerly House Study Bill 265), requesting the legislative council to authorize a study of the county emergency management system for the 2009 interim.

Fiscal Note is not required.

Recommended **Do Pass** March 9, 2009.

**Committee Bill** (Formerly House Study Bill 271), relating to natural disaster recovery, including by supporting projects and programs relating to persons and property affected by natural disaster or to prevent or mitigate the effects of a future natural disaster, and providing appropriations.

Fiscal Note is not required.

Recommended **Amend and Do Pass** March 11, 2009.

#### COMMITTEE ON STATE GOVERNMENT

**Committee Bill** (Formerly House File 37), prohibiting the use of false caller identification for campaign purposes and providing penalties.

Fiscal Note is not required.

Recommended **Do Pass** March 11, 2009.

**Committee Bill** (Formerly House File 74), relating to the establishment of a searchable budget database website for the public to access the details of the

expenditure of state tax revenues and a searchable tax rate database for the public to access the details of each tax rate for all taxing districts in the state.

Fiscal Note is not required.

Recommended **Amend and Do Pass** March 11, 2009.

#### COMMITTEE ON TRANSPORTATION

**Committee Bill** (Formerly House File 431), providing for the operation of certain off-road vehicles on noninterstate highways and providing registration fees and a penalty.

Fiscal Note is not required.

Recommended **Do Pass** March 12, 2009.

**Committee Bill** (Formerly House File 654), relating to the surveying of unused highway right-of-way to be sold by the department of transportation.

Fiscal Note is not required.

Recommended **Do Pass** March 12, 2009.

#### RESOLUTIONS FILED

**HR 27**, by Ford and Murphy, a resolution urging the government of Turkey to grant the Ecumenical Patriarch appropriate international recognition, ecclesiastical succession, and the right to train clergy of all nationalities and to respect the property rights and human rights of the Ecumenical Patriarchate.

Laid over under **Rule 25**.

**HR 28**, by Ford, a resolution to honor Iowa's social workers.

Laid over under **Rule 25**.

#### AMENDMENTS FILED

H—1140	H.F.	677	Huser of Polk
H—1141	H.F.	687	Tymeson of Madison
H—1142	H.F.	684	Reasoner of Union
H—1143	H.F.	678	Quirk of Chickasaw
H—1144	H.F.	243	Huser of Polk Mascher of Johnson
H—1145	H.F.	712	Struyk of Pottawattamie

H—1146	H.F.	697	Swaim of Davis Anderson of Page
H—1147	S.F.	236	Committee on Human Resources
H—1148	H.F.	656	Soderberg of Plymouth
H—1149	H.F.	656	Cownie of Polk

On motion by McCarthy of Polk the House adjourned at 12:33 p.m., until 9:00 a.m., Friday, March 13, 2009.

# JOURNAL OF THE HOUSE

Sixty-first Calendar Day - Forty-first Session Day

Hall of the House of Representatives  
Des Moines, Iowa, Friday, March 13, 2009

The House met pursuant to adjournment at 9:08 a.m., Speaker Murphy in the chair.

Prayer was offered by Mark W. Brandsgard, Chief Clerk of the House.

## PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Mark W. Brandsgard, Chief Clerk of the House.

The Journal of Thursday, March 12, 2009 was approved.

## INTRODUCTION OF BILLS

**House Joint Resolution 6**, by Alons and Mertz, a House joint resolution proposing an amendment to the Constitution of the State of Iowa specifying marriage between one man and one woman as the only legal union that is valid or recognized in the state.

Read first time and referred to committee on **state government**.

**House File 716**, by Murphy, a bill for an act relating to tort liability of municipalities for damage to motor vehicles caused by towing or transporting.

Read first time and referred to committee on **ways and means**.

**House File 717**, by Beard, a bill for an act providing for a county groundwater pollution control program, and providing for penalties.

Read first time and referred to committee on **environmental protection**.

**House File 718**, by Helland, a bill for an act providing for a telework tax credit and including a retroactive applicability date provision.

Read first time and referred to committee on **ways and means**.

**House File 719**, by Schueller, a bill for an act relating to the crime of stalking and increasing penalties.

Read first time and referred to committee on **public safety**.

**House File 720**, by committee on labor, a bill for an act relating to boiler and pressure vessel inspections and the boiler and pressure vessel board that oversees the inspections.

Read first time and placed on the **calendar**.

**House File 721**, by committee on natural resources, a bill for an act relating to the carrying of a gun in or on a vehicle on a public highway and making penalties applicable.

Read first time and placed on the **calendar**.

**House File 722**, by committee on natural resources, a bill for an act relating to regulation of certain conservation and recreation activities under the jurisdiction of the department of natural resources, modifying fees, and making penalties applicable.

Read first time and placed on the **calendar**.

**House File 723**, by committee on commerce, a bill for an act relating to various matters under the purview of the insurance division of the department of commerce including the uniform securities act; insurance division; articles of incorporation filing requirements; viatical settlements contracts; life insurance companies and associations; long-term care insurance; long-term care asset disregard incentives; insurance other than life; insurance guaranty association; county mutual insurance associations; state mutual insurance associations; consolidation, merger, and reinsurance; and cemetery and funeral merchandise and funeral services; and



providing for an immediate effective date and retroactive applicability.

Read first time and placed on the **calendar**.

**House File 724**, by committee on commerce, a bill for an act relating to the regulation of the business of debt management and making penalties applicable.

Read first time and placed on the **calendar**.

**House File 725**, by committee on rebuild Iowa and disaster recovery, a bill for an act relating to disaster emergency assistance immunity.

Read first time and placed on the **calendar**.

**House File 726**, by committee on judiciary, a bill for an act providing for unincorporated nonprofit associations, and providing for fees and penalties.

Read first time and placed on the **calendar**.

**House File 727**, by committee on labor, a bill for an act relating to safe walkways for railroad workers and making penalties applicable.

Read first time and placed on the **calendar**.

**House File 728**, by committee on rebuild Iowa and disaster recovery, a bill for an act creating a disaster assistance loan and credit guarantee program and fund, making appropriations, and providing an effective date.

Read first time and referred to committee on **appropriations**.

#### SENATE MESSAGES CONSIDERED

**Senate Joint Resolution 5**, by committee on judiciary, senate joint resolution a joint resolution proposing an amendment to the Constitution of the State of Iowa eliminating a requirement that a criminal offense, where the maximum permissible penalty does not

exceed thirty days of imprisonment, be prosecuted on information under oath.

Read first time and referred to committee on **judiciary**.

**Senate File 152**, by committee on human resources, a bill for an act relating to administrative and planning requirements involving children for whom the department of human services has responsibility under state or federal law.

Read first time and referred to committee on **human resources**.

**Senate File 187**, by committee on natural resources, a bill for an act providing for the issuance of special deer hunting licenses to residents who are nonambulatory.

Read first time and referred to committee on **natural resources**.

**Senate File 266**, by committee on local government, a bill for an act relating to publication of property assessment equalization orders.

Read first time and **passed on file**.

**Senate File 304**, by committee on economic growth, a bill for an act relating to withholding agreements and local match requirements of the targeted jobs withholding tax credit program.

Read first time and referred to committee on **economic growth**.

**Senate File 338**, by committee on natural resources, a bill for an act establishing an upland game bird study advisory committee, establishing the deer study advisory committee, and providing an immediate effective date.

Read first time and referred to committee on **natural resources**.

**Senate File 342**, by committee on agriculture, a bill for an act relating to boards of directors associated with organizations promoting soybeans and corn.

Read first time and referred to committee on **agriculture**.

**Senate File 356**, by committee on transportation, a bill for an act relating to department of transportation administrative procedures by establishing a procedure to remove a conviction relating to the operation of a motor vehicle from a driving record based on identity theft and requiring verification of status in regards to the driver's license of a foreign national.

Read first time and referred to committee on **transportation**.

**Senate File 374**, by committee on commerce , a bill for an act concerning restrictions on the resale and use of motor vehicle operating records furnished by the department of transportation and making a penalty applicable.

Read first time and referred to committee on **commerce**.

**Senate File 376**, by committee on appropriations, a bill for an act relating to the issuance of bonds including the issuance of annual appropriation bonds, creating an annual appropriation bonds debt service fund and an appropriation bonds capitals fund, making and revising appropriations, and including effective date provisions.

Read first time and referred to committee on **appropriations**.

**Senate File 377**, by committee on rebuild Iowa and disaster recovery, a bill for an act relating to the prescription drug donation repository program.

Read first time and referred to committee on **rebuild Iowa and disaster recovery**.

#### BILL ENROLLED, SIGNED AND SENT TO GOVERNOR

The Chief Clerk of the House submitted the following report:

Mr. Speaker: The Chief Clerk of the House respectfully reports that the following bill has been examined and found correctly enrolled, signed by the Speaker of the House and the President of the Senate, and presented to the Governor for his approval on this 13<sup>th</sup> day of March, 2009: House File 414.

MARK W. BRANDSGARD  
Chief Clerk of the House

Report adopted.

## 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 ECONOMIC GROWTH

**Committee Bill** (Formerly House File 582), requiring a minority impact statement with each bid submitted for a contract with the department of transportation, and providing an applicability date.

Fiscal Note is not required.

Recommended **Amend and Do Pass** March 12, 2009.

**Committee Bill** (Formerly House File 587), relating to state agencies' procurement goals for purchases from certain targeted small businesses.

Fiscal Note is not required.

Recommended **Amend and Do Pass** March 12, 2009.

## COMMITTEE ON JUDICIARY

**Committee Bill** (Formerly House Study Bill 91), relating to judicial branch records and providing effective dates.

Fiscal Note is not required.

Recommended **Amend and Do Pass** March 12, 2009

**Committee Bill** (Formerly House Study Bill 172), relating to damages recoverable for the wrongful or negligent injury or death of a spouse or parent.

Fiscal Note is not required.

Recommended **Amend and Do Pass** March 12, 2009.

**Committee Bill** (Formerly House Study Bill 263), relating to statutory corrections which may adjust language to reflect current practices, insert earlier omissions, delete redundancies and inaccuracies, delete temporary language, resolve inconsistencies and conflicts, update ongoing provisions, or remove ambiguities, and including effective and applicability date provisions.

Fiscal Note is not required.

Recommended **Amend and Do Pass** March 12, 2009.

**Committee Bill** (Formerly House File 640), relating to indecent exposure and providing penalties.

Fiscal Note is not required.

Recommended **Amend and Do Pass** March 12, 2009.

#### COMMITTEE ON STATE GOVERNMENT

**Committee Bill** (Formerly House Study Bill 13), relating to the provision of services over certain Iowa communications network connection facilities under specified circumstances.

Fiscal Note is not required.

Recommended **Amend and Do Pass** March 12, 2009.

**Committee Bill** (Formerly House Study Bill 234), relating to public records and open meetings, including the creation of the public records, open meetings, and privacy advisory committee, and providing an effective date.

Fiscal Note is not required.

Recommended **Amend and Do Pass** March 12, 2009.

**Committee Bill** (Formerly House Study Bill 229), relating to the licensing of midwives under a title Act and providing for a fee and a penalty.

Fiscal Note is required.

Recommended **Amend and Do Pass** March 12, 2009.

**Committee Bill** (Formerly House File 458), prohibiting certain liquor control, wine, or beer licensees or permittees from knowingly permitting or engaging in criminal activity in areas adjacent to the licensed premises and making penalties applicable.

Fiscal Note is not required.

Recommended **Do Pass** March 12, 2009.

**Committee Bill** (Formerly House File 572), concerning the appointment of young adults to appointive boards, commissions, committees, and councils and including an applicability date provision.

Fiscal Note is not required.

Recommended **Do Pass** March 12, 2009.

**Committee Bill** (Formerly House File 599), expanding Iowa communications network access to include counties.

Fiscal Note is not required.

Recommended **Do Pass** March 12, 2009.

**Committee Bill** (Formerly House File 602), establishing an independent office of administrative hearings within the department of inspections and appeals.

Fiscal Note is not required.

Recommended **Do Pass** March 12, 2009.

#### COMMITTEE ON VETERANS AFFAIRS

**Committee Bill** (Formerly House File 575), concerning eligibility for the injured veterans grant program.

Fiscal Note is not required.

Recommended **Amend and Do Pass** March 12, 2009.

#### RESOLUTIONS FILED

**HR 29**, by Heaton, Heddens, Mascher, Hunter, Steckman, Thede, Wendt, Wessel-Kroeschell, Alons, Koester, Petersen, Soderberg, T. Olson, Baudler, Upmeyer and L. Miller, a resolution urging the United States Congress to take action to shorten the almost two-year delay in resolving claims for Social Security disability benefits.

Laid over under **Rule 25**.

**HR 30**, by committee on rebuild Iowa and disaster recovery, a resolution requesting the legislative council to authorize a study of the county emergency management system for the 2009 interim.

Laid over under **Rule 25**.

#### AMENDMENT FILED

H—1150      H.F.      712      Struyk of Pottawattamie

On motion by McCarthy of Polk the House adjourned at 9:16 a.m., until 1:00 p.m., Monday, March 16, 2009.

# JOURNAL OF THE HOUSE

Sixty-fourth Calendar Day - Forty-two Session Day

Hall of the House of Representatives  
Des Moines, Iowa, Monday, March 16, 2009

The House met pursuant to adjournment at 1:18 p.m., Speaker Murphy in the chair.

Prayer was offered by Reverend Michael De Boef, pastor of KC New Hope Church of the Nazarene. He is the son of Representative Betty De Boef of Keokuk County.

## PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by the grandchildren of Betty De Boef: Nathan Jaxon, Adelynn, Benjamin, Anna, Emma, Nolan, Byrson, Miles and Cael.

The Journal of Friday, March 13, 2009 was approved.

## INTRODUCTION OF BILLS

**House File 729**, by committee on judiciary, a bill for an act relating to charitable trusts by providing for filing documents with the attorney general and providing for the attorney general's investigative authority.

Read first time and placed on the **calendar**.

**House File 730**, by committee on public safety, a bill for an act concerning procurement of products manufactured by Iowa state prison industries.

Read first time and placed on the **calendar**.

**House File 731**, by Paulsen, a bill for an act relating to the exemption from the application of the smokefree air Act of certain residential treatment facilities.

Read first time and referred to committee on **commerce**.

**House File 732**, by committee on education, a bill for an act relating to the duties and operations of the department of education and local school boards.

Read first time and placed on the **calendar**.

#### LEAVE OF ABSENCE

Leave of absence was granted as follows:

Thede of Scott on request of McCarthy of Polk.

On motion by McCarthy of Polk, the House was recessed at 1:30 p.m., until 5:00 p.m.

#### EVENING SESSION

The House reconvened at 5:19 p.m., Speaker pro tempore Bukta in the chair.

#### INTRODUCTION OF BILLS

**House File 733**, by committee on judiciary, a bill for an act relating to nonsubstantive Code corrections and providing effective dates and for retroactive applicability.

Read first time and placed on the **calendar**.

**House File 734**, by committee on judiciary, a bill for an act relating to the uniform adult guardianship and protective proceedings Act relating to the establishment, transfer, and recognition of guardianships and conservatorships in multistate cases, and including effective date and applicability provisions.

Read first time and placed on the **calendar**.

**House File 735**, by committee on agriculture, a bill for an act providing for the stockpiling of dry manure originating from confinement feeding operations, making penalties applicable, and providing an effective date.

Read first time and placed on the **calendar**.



**House File 736**, by committee on rebuild Iowa and disaster recovery, a bill for an act providing for the award of local watershed improvement grants.

Read first time and placed on the **calendar**.

**House File 737**, by committee on rebuild Iowa and disaster recovery, a bill for an act allowing school districts affected by a presidentially declared major disaster or a state of disaster emergency to use the previous year's budget enrollments in certain current budget years after the disaster, and providing an effective date.

Read first time and referred to committee on **education**.

## CONSIDERATION OF BILLS Regular Calendar

**House File 257**, a bill for an act relating to the judicial branch including contested and uncontested parking violations, filing civil citations of municipal infractions with the clerk, records kept by the clerk, and service of original notice in a small claims action, was taken up for consideration.

Lukan of Dubuque offered amendment H-1119 filed by him as follows:

H-1119

- 1 Amend House File 257 as follows:
- 2 1. Page 1, by inserting before line 1 the
- 3 following:
- 4 "Section 1. Section 321.236, subsection 1,
- 5 unnumbered paragraph 1, Code 2009, is amended to read
- 6 as follows:
- 7 Regulating the standing or parking of vehicles
- 8 except as provided in section 321L.10."
- 9 2. Page 1, by inserting after line 31 the
- 10 following:
- 11 "Sec.     . **NEW SECTION.** 321L.10 METERED PARKING
- 12 EXEMPTION.
- 13 If a motor vehicle has a persons with disabilities
- 14 parking permit properly displayed as a placard,
- 15 sticker, or plate in or on such a vehicle, the
- 16 operator of such vehicle does not commit a parking

17 meter violation if the vehicle is operated by a person  
 18 with a disability or a person with a disability is a  
 19 passenger in the vehicle."  
 20 3. By renumbering as necessary.

T. Olson of Linn rose on a point of order that amendment H-1119 was not germane.

The Speaker ruled the point well taken and amendment H-1119 not germane.

Lukan of Dubuque moved to suspend the rules to consider amendment H-1119.

A non-record roll call was requested.

The ayes were 39, nays 52.

The motion to suspend the rules lost.

T. Olson of Linn offered amendment H-1022 filed by him as follows:

H-1022

1 Amend House File 257 as follows:  
 2 1. Page 1, line 23, by inserting after the word  
 3 "shall" the following: "not".  
 4 2. Page 1, by inserting after line 31 the  
 5 following:  
 6 "Sec.\_\_\_\_. Section 331.302, subsection 2, Code  
 7 2009, is amended to read as follows:  
 8 2. A For a violation of an ordinance a county  
 9 shall not provide a penalty in excess of a five  
 10 hundred dollar the maximum fine or in excess of thirty  
 11 days and term of imprisonment for the violation of an  
 12 ordinance a simple misdemeanor under section 903.1,  
 13 subsection 1, paragraph "a". The criminal penalty  
 14 surcharge required by section 911.1 shall be added to  
 15 a county fine and is not a part of the county's  
 16 penalty.  
 17 Sec.\_\_. Section 331.302, subsection 4A,  
 18 paragraph a, subparagraph (2), Code 2009, is amended  
 19 to read as follows:  
 20 (2) A portion of the Code of Iowa may be adopted  
 21 by reference only if the criminal penalty provided by  
 22 the law adopted does not exceed ~~thirty days~~ the

23 ~~maximum fine and term of imprisonment and a five~~  
 24 ~~hundred dollar fine for a simple misdemeanor under~~  
 25 ~~section 903.1, subsection 1, paragraph "a".~~

26 Sec.\_\_\_\_. Section 364.3, subsection 2, Code 2009,  
 27 is amended to read as follows:

28 2. A For a violation of an ordinance a city shall  
 29 not provide a penalty in excess of a five hundred  
 30 dollar the maximum fine or in excess of thirty days'  
 31 and term of imprisonment for the violation of an  
 32 ordinance a simple misdemeanor under section 903.1,  
 33 subsection 1, paragraph "a". An amount equal to ten  
 34 percent of all fines collected by cities shall be  
 35 deposited in the account established in section  
 36 602.8108. However, one hundred percent of all fines  
 37 collected by a city pursuant to section 321.236,  
 38 subsection 1, shall be retained by the city. The  
 39 criminal penalty surcharge required by section 911.1  
 40 shall be added to a city fine and is not a part of the  
 41 city's penalty."

42 3. Page 2, by inserting after line 12 the  
 43 following:

44 "Sec.\_\_\_\_. Section 380.10, subsection 2, Code  
 45 2009, is amended to read as follows:

46 2. A portion of the Code of Iowa may be adopted by  
 47 reference only if the criminal penalty provided by the  
 48 law adopted does not exceed ~~thirty days'~~ the maximum  
 49 fine and term of imprisonment and a five hundred  
 50 dollar fine for a simple misdemeanor under section

Page 2

1 903.1, subsection 1, paragraph "a"."

2 4. Title page, line 2, by inserting after the  
 3 word "violations," the following: "city and county  
 4 penalties,".

T. Olson of Linn asked and received unanimous consent to withdraw amendment H-1115, to amendment H-1022, filed by him on March 5, 2009.

On motion by T. Olson of Linn, amendment H-1022 was adopted.

SENATE FILE 118 SUBSTITUTED FOR HOUSE FILE 257

T. Olson of Linn asked and received unanimous consent to substitute Senate File 118 for House File 257, placing amendment H-1120 filed by Lukan of Dubuque on March 9, 2009 out of order.

**Senate File 118**, a bill for an act relating to the judicial branch including contested and uncontested parking violations, city and county penalties, filing civil citations of municipal infractions with the clerk, records kept by the clerk, and service of original notice in a small claims action, was taken up for consideration.

T. Olson of Linn moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 118)

The ayes were, 97:

Abdul-Samad	Alons	Anderson	Arnold
Bailey	Baudler	Beard	Bell
Berry	Burt	Cohoon	Cownie
De Boef	Deyoe	Dolecheck	Drake
Ficken	Ford	Forristall	Frevert
Gaskill	Gayman	Grassley	Hagenow
Heaton	Heddens	Helland	Horbach
Hunter	Huseman	Huser	Isenhart
Jacoby	Kaufmann	Kearns	Kelley
Koester	Kressig	Kuhn	Lensing
Lukan	Lykam	Marek	Mascher
May	McCarthy	Mertz	Miller, H.
Miller, L.	Murphy, Spkr.	Oldson	Olson, D.
Olson, R.	Olson, S.	Olson, T.	Palmer
Paulsen	Petersen	Pettengill	Raecker
Rants	Rayhons	Reasoner	Reichert
Roberts	Sands	Schueller	Schulte
Schultz	Shomshor	Smith	Soderberg
Sorenson	Steckman	Struyk	Swaim
Sweeney	Taylor, D.	Taylor, T.	Thomas
Tjepkes	Tymeson	Upmeyer	Van Engelenhoven
Wagner	Watts	Wendt	Wenthe
Wessel-Kroeschell	Whitaker	Whitead	Willems
Winckler	Windschitl	Worthan	Zirkelbach
Bukta,			
Presiding			

The nays were, none.

Absent or not voting, 3:

Chambers	Quirk	Thede
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The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

### HOUSE FILE 257 WITHDRAWN

T. Olson of Linn asked and received unanimous consent to withdraw House File 257 from further consideration by the House.

**House File 380**, a bill for an act relating to the administration of programs under the jurisdiction of the department of public health and increasing a penalty, was taken up for consideration.

Smith of Marshall offered the following amendment H-1111 filed by Smith, et al., and moved its adoption:

H-1111

- 1 Amend House File 380 as follows:
- 2 1. Page 1, by inserting after line 28 the
- 3 following:
- 4 "Sec. \_\_\_\_ Section 147A.1, Code 2009, is amended
- 5 by adding the following new subsection:
- 6 NEW SUBSECTION. 6A. "Emergency medical services
- 7 medical director" means a physician licensed under
- 8 chapter 148, who is responsible for overall medical
- 9 direction of an emergency medical services program and
- 10 who has completed a medical director workshop,
- 11 sponsored by the department, within one year of
- 12 assuming duties. An emergency medical services
- 13 medical director who receives no compensation for the
- 14 performance of the director's volunteer duties under
- 15 this chapter shall be considered a state volunteer as
- 16 provided in section 669.24 while performing volunteer
- 17 duties as an emergency medical services medical
- 18 director."
- 19 2. By renumbering as necessary.

Amendment H-1111 was adopted.

T. Olson of Linn offered the following amendment H-1122 filed by him and moved its adoption:

H-1122

- 1 Amend House File 380 as follows:
- 2 1. Page 2, by striking lines 24 through 34 and
- 3 inserting the following:

4 "Sec.\_\_\_\_. Section 153.13, Code 2009, is amended by  
 5 adding the following new subsection:  
 6 NEW SUBSECTION. 3. Persons who offer to perform,  
 7 perform, or assist with any phase of any operation  
 8 incident to tooth whitening, including the instruction  
 9 or application of tooth whitening materials or  
 10 procedures at any geographic location. For purposes  
 11 of this subsection, "tooth whitening" means any  
 12 process to whiten or lighten the appearance of human  
 13 teeth by the application of chemicals, whether or not  
 14 in conjunction with a light source."  
 15 2. Page 5, by inserting after line 26 the  
 16 following:  
 17 "Sec.\_\_\_\_. EFFECTIVE DATE. The section of this  
 18 Act amending section 153.13, being deemed of immediate  
 19 importance, takes effect upon enactment."  
 20 3. Title page, line 3, by inserting after the  
 21 word "penalty" the following: "and providing an  
 22 effective date".  
 23 4. By renumbering as necessary.

Amendment H-1122 was adopted.

T. Olson of Linn moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 380)

The ayes were, 97:

Abdul-Samad	Alons	Anderson	Arnold
Bailey	Baudler	Beard	Bell
Berry	Burt	Cphoon	Cownie
De Boef	Deyoe	Dolecheck	Drake
Ficken	Ford	Forristall	Frevert
Gaskill	Gayman	Grassley	Hagenow
Heaton	Heddens	Helland	Horbach
Hunter	Huseman	Huser	Isenhardt
Jacoby	Kaufmann	Kearns	Kelley
Koester	Kressig	Kuhn	Lensing
Lukan	Lykam	Marek	Mascher
May	McCarthy	Mertz	Miller, H.
Miller, L.	Murphy, Spkr.	Oldson	Olson, D.
Olson, R.	Olson, S.	Olson, T.	Palmer
Paulsen	Petersen	Pettengill	Raecker
Rants	Rayhons	Reasoner	Reichert
Roberts	Sands	Schueller	Schulte
Schultz	Shomshor	Smith	Soderberg
Sorenson	Steckman	Struyk	Swaim

Sweeney	Taylor, D.	Taylor, T.	Thomas
Tjepkes	Tymeson	Upmeyer	Van Engelenhoven
Wagner	Watts	Wendt	Wenthe
Wessel-Kroeschell	Whitaker	Whitead	Willems
Winckler	Windschitl	Worthan	Zirkelbach
Bukta, Presiding			

The nays were, none.

Absent or not voting, 3:

Chambers	Quirk	Thede
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The bill having received a constitutional majority was declared to have passed the House and the title, as amended, was agreed to.

**House File 571**, a bill for an act relating to public notice requirements for meetings of boards of township trustees, was taken up for consideration.

Tymeson of Madison offered the following amendment H-1123 filed by her and moved its adoption:

H-1123

1 Amend House File 571 as follows:  
 2 1. Page 1, by inserting before line 1 the  
 3 following:  
 4 "Section 1. Section 21.2, subsection 1, Code 2009,  
 5 is amended by adding the following new paragraph:  
 6 NEW PARAGRAPH. i. An advisory board, advisory  
 7 commission, advisory committee, task force, or other  
 8 body created by an entity organized under chapter 28E,  
 9 or by the administrator or joint board specified in a  
 10 chapter 28E agreement, to develop and make  
 11 recommendations on public policy issues."  
 12 2. Title page, line 1, by inserting after the  
 13 words "relating to" the following: "open meetings by  
 14 applying the open meetings law to advisory bodies  
 15 created by joint governmental entities and by  
 16 modifying".  
 17 3. By renumbering as necessary.

Amendment H-1123 was adopted.

Tymeson of Madison asked and received unanimous consent to withdraw amendment H-1121 filed by her on March 9, 2009.

Isenhart of Dubuque 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. 571)

The ayes were, 97:

Abdul-Samad	Alons	Anderson	Arnold
Bailey	Baudler	Beard	Bell
Berry	Burt	Cphoon	Cownie
De Boef	Deyoe	Dolecheck	Drake
Ficken	Ford	Forristall	Frevert
Gaskill	Gayman	Grassley	Hagenow
Heaton	Heddens	Helland	Horbach
Hunter	Huseman	Huser	Isenhart
Jacoby	Kaufmann	Kearns	Kelley
Koester	Kressig	Kuhn	Lensing
Lukan	Lykam	Marek	Mascher
May	McCarthy	Mertz	Miller, H.
Miller, L.	Murphy, Spkr.	Oldson	Olson, D.
Olson, R.	Olson, S.	Olson, T.	Palmer
Paulsen	Petersen	Pettengill	Raecker
Rants	Rayhons	Reasoner	Reichert
Roberts	Sands	Schueller	Schulte
Schultz	Shomshor	Smith	Soderberg
Sorenson	Steckman	Struyk	Swaim
Sweeney	Taylor, D.	Taylor, T.	Thomas
Tjepkes	Tymeson	Upmeyer	Van Engelenhoven
Wagner	Watts	Wendt	Wenthe
Wessel-Kroeschell	Whitaker	Whitead	Willems
Winckler	Windschitl	Worthan	Zirkelbach
Bukta, Presiding			

The nays were, none.

Absent or not voting, 3:

Chambers	Quirk	Thede
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The bill having received a constitutional majority was declared to have passed the House and the title, as amended, was agreed to.

**House File 331**, a bill for an act relating to the sale of a pseudoephedrine product by a pharmacy or retailer, and providing penalties and contingent applicability, was taken up for consideration.



Heddens of Story offered the following amendment H-1112 filed by her and moved its adoption:

H-1112

1 Amend House File 331 as follows:  
2 1. Page 3, by striking lines 1 through 4 and  
3 inserting the following:  
4 "2. The information collected in the central  
5 repository is confidential unless otherwise ordered by  
6 a court, or released by the lawful custodian of the  
7 records pursuant to state or federal law."  
8 2. Page 3, line 34, by inserting after the word  
9 "office" the following: "and the board".  
10 3. Page 4, line 16, by inserting after the figure  
11 "2." the following: "a."  
12 4. Page 4, by inserting after line 24 the  
13 following:  
14 "b. The council shall also consist of four members  
15 of the general assembly serving as ex officio,  
16 nonvoting members, one representative to be appointed  
17 by the speaker of the house of representatives, one  
18 representative to be appointed by the minority leader  
19 of the house of representatives, one senator to be  
20 appointed by the majority leader of the senate after  
21 consultation with the president of the senate, and one  
22 senator to be appointed by the minority leader of the  
23 senate."

Amendment H-1112 was adopted.

#### SENATE FILE 237 SUBSTITUTED FOR HOUSE FILE 331

Heddens of Story asked and received unanimous consent to substitute Senate File 237 for House File 331.

**Senate File 237**, a bill for an act relating to pseudoephedrine product sales by pharmacies and retailers, and providing penalties and contingent applicability, was taken up for consideration.

Heddens of Story 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. 237)

The ayes were, 97:

Abdul-Samad	Alons	Anderson	Arnold
Bailey	Baudler	Beard	Bell
Berry	Burt	Cphoon	Cownie
De Boef	Deyoe	Dolecheck	Drake
Ficken	Ford	Forristall	Frevert
Gaskill	Gayman	Grassley	Hagenow
Heaton	Heddens	Helland	Horbach
Hunter	Huseman	Huser	Isenhart
Jacoby	Kaufmann	Kearns	Kelley
Koester	Kressig	Kuhn	Lensing
Lukan	Lykam	Marek	Mascher
May	McCarthy	Mertz	Miller, H.
Miller, L.	Murphy, Spkr.	Oldson	Olson, D.
Olson, R.	Olson, S.	Olson, T.	Palmer
Paulsen	Petersen	Pettengill	Raecker
Rants	Rayhons	Reasoner	Reichert
Roberts	Sands	Schueller	Schulte
Schultz	Shomshor	Smith	Soderberg
Sorenson	Steckman	Struyk	Swaim
Sweeney	Taylor, D.	Taylor, T.	Thomas
Tjepkes	Tymeson	Upmeyer	Van Engelenhoven
Wagner	Watts	Wendt	Wenthe
Wessel-Kroeschell	Whitaker	Whitead	Willems
Winckler	Windschitl	Worthan	Zirkelbach
Bukta, Presiding			

The nays were, none.

Absent or not voting, 3:

Chambers	Quirk	Thede
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The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

### HOUSE FILE 331 WITHDRAWN

Heddens of Story asked and received unanimous consent to withdraw House File 331 from further consideration by the House.

### IMMEDIATE MESSAGES

McCarthy of Polk asked and received unanimous consent that the following bills be immediately messaged to the Senate: **House Files 380, 571** and **Senate Files 118** and **237**.

## HOUSE FILE 329 REFERRED

The Speaker announced that House File 329, previously placed on the **calendar** was referred to committee on **appropriations**.

## BILLS SIGNED BY THE GOVERNOR

A communication was received from the Governor announcing that on March 13, 2009, he approved and transmitted to the Secretary of State the following bills:

House File 233, an Act relating to the disposition of school property and providing an effective date.

House File 256, an Act relating to bidders at a property tax sale and owners of tax sale certificates and including effective and applicability date provisions.

## 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

- 2009\2658 Marie E. March, Atalissa – For celebrating her 90<sup>th</sup> birthday.
- 2009\2659 Ellsworth and Mary Ann Schut, Sioux Center – For celebrating their 60<sup>th</sup> wedding anniversary.
- 2009\2660 Verneice Pedersen, Rockwell – For celebrating her 85<sup>th</sup> birthday.
- 2009\2661 Christine Johnson, Clear Lake – For celebrating her 85<sup>th</sup> birthday.
- 2009\2662 Duane and Shirley Ballhagen, Rockwell – For celebrating their 53<sup>rd</sup> wedding anniversary.
- 2009\2663 Margie Kirschbaum, Clear Lake – For celebrating her 90<sup>th</sup> birthday.
- 2009\2664 Ben Welper, Clear Lake – For attaining the rank of Eagle Scout, the highest rank in the Boy Scouts of America.
- 2009\2665 Betty Rohn, Sheffield – For celebrating her 90<sup>th</sup> birthday.
- 2009\2666 Dorothy Caltrider, Adair – For celebrating her 80<sup>th</sup> birthday.

- 2009\2667 Earl and Sharon Carroll, Greenfield – For celebrating their 50<sup>th</sup> wedding anniversary.
- 2009\2668 Harold Roberts, Greenfield – For celebrating his 80<sup>th</sup> birthday.
- 2009\2669 Glee and Lil Huey, Audubon – For celebrating their 60<sup>th</sup> wedding anniversary.
- 2009\2670 Pete and Ardeth Brent, Stuart – For celebrating their 50<sup>th</sup> wedding anniversary.
- 2009\2671 Bob Wolfe, Stuart – For celebrating his 80<sup>th</sup> birthday.
- 2009\2672 Marie Moorman, Manchester – For celebrating her 100<sup>th</sup> birthday.
- 2009\2673 Ivel and Zonabelle Carroll, Panora – For celebrating their 70<sup>th</sup> wedding anniversary.
- 2009\2674 Rock Valley Rockets and Coach Heath Swanson, Rock Valley – For winning the 2009 Class 1-A State Boys Basketball Championship in a 64-42 victory over Northern University of Cedar Falls.

### 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 VETERANS AFFAIRS

**Senate File 112**, a bill for an act providing for presentation of flags flown at half-staff over the state capitol in recognition of the death of a member of the armed forces of the United States while serving on active duty.

Fiscal Note is not required.

Recommended **Do Pass** March 12, 2009.

**Senate File 203**, a bill for an act relating to the identification of the eligibility of tenants of an assisted living program for benefits through the United States department of veterans affairs.

Fiscal Note is not required.

Recommended **Do Pass** March 12, 2009.

## RESOLUTION FILED

**HR 31**, by Abdul-Samad, Ford, H. Miller, Berry, Burt and Thede, a resolution honoring Iowa's women military veterans.

Laid over under **Rule 25**.

## AMENDMENTS FILED

H—1151	H.F.	503	Thomas of Clayton
H—1152	H.F.	656	Paulsen of Linn
H—1153	H.F.	656	Upmeyer of Hancock
H—1154	H.F.	562	Petersen of Polk Upmeyer of Hancock
H—1155	H.F.	712	Upmeyer of Hancock
H—1156	H.F.	675	Rants of Woodbury
H—1157	H.F.	675	Rants of Woodbury
H—1158	H.F.	675	Rants of Woodbury
H—1159	H.F.	675	Rants of Woodbury
H—1160	H.F.	675	Rants of Woodbury
H—1161	H.F.	179	Berry of Black Hawk
H—1162	H.F.	656	Cownie of Polk
H—1163	H.F.	714	Lensing of Johnson
H—1164	H.F.	506	Gaskill of Wapello
H—1165	H.F.	506	Gaskill of Wapello
H—1166	H.F.	506	Gaskill of Wapello
H—1167	H.F.	561	Grassley of Butler
H—1168	H.F.	561	Kaufmann of Cedar
H—1169	H.F.	684	Soderberg of Plymouth
H—1170	H.F.	695	Willems of Linn
H—1171	H.F.	562	Petersen of Polk
H—1172	H.F.	520	Watts of Dallas Heaton of Henry
H—1173	H.F.	520	Watts of Dallas
H—1174	H.F.	520	Watts of Dallas
H—1175	H.F.	656	Kaufmann of Cedar

On motion by McCarthy of Polk the House adjourned at 5:59 p.m., until 9:00 a.m., Tuesday, March 17, 2009.

# JOURNAL OF THE HOUSE

Sixty-fifth Calendar Day - Forty-third Session Day

Hall of the House of Representatives  
Des Moines, Iowa, Tuesday, March 17, 2009

The House met pursuant to adjournment at 9:16 a.m., Kressig of Black Hawk in the chair.

Prayer was offered by Reverend Stan Johnson, pastor of the Evangelical Free Church, Britt. He was the guest of Representative Henry Rayhons from Hancock County.

## PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Madison DeWitt of Spencer. She is the granddaughter of Representative Mike May of Dickinson County.

The Journal of Monday, March 16, 2009 was approved.

## INTRODUCTION OF BILLS

**House File 738**, by Cownie, a bill for an act excluding from the computation of net income the interest and principal on student loans and including a retroactive applicability date provision.

Read first time and referred to committee on **ways and means**.

**House File 739**, by committee on education, a bill for an act providing for a state research and development prekindergarten through grade twelve school.

Read first time and referred to committee on **appropriations**.

**House File 740**, by committee on environmental protection, a bill for an act relating to motor vehicle emission standards.

Read first time and placed on the **calendar**.

**House File 741**, by committee on rebuild Iowa and disaster recovery, a bill for an act providing for a lead containment and abatement equipment program and fund and making an appropriation.

Read first time and referred to committee on **appropriations**.

**House File 742**, by Helland, a bill for an act relating to state taxation and regulation by coupling with certain bonus depreciation provisions in the Internal Revenue Code, increasing the amount of certain casualty loss deductions, providing for a disaster recovery wages tax credit, providing a sales tax exemption, and providing for certain gubernatorial powers and including effective and retroactive applicability date provisions.

Read first time and referred to committee on **ways and means**.

**House File 743**, by committee on local government, a bill for an act relating to the entry upon land by a surveyor for land survey purposes.

Read first time and placed on the **calendar**.

**House File 744**, by committee on public safety, a bill for an act relating to the criminal offense of enticing or attempting to entice a minor and providing penalties.

Read first time and placed on the **calendar**.

**House File 745**, by committee on public safety, a bill for an act relating to the institutions and facilities of the department of corrections.

Read first time and placed on the **calendar**.

**House File 746**, by committee on public safety, a bill for an act relating to the issuance of permits to carry weapons and providing an effective date.

Read first time and placed on the **calendar**.

**House File 747**, by committee on environmental protection, a bill for an act modifying provisions applicable to facilities qualifying for wind energy production and renewable energy tax credits and including effective and retroactive applicability provisions.

Read first time and referred to committee on **commerce**.

**House File 748**, by committee on commerce, a bill for an act providing for the establishment of small wind innovation zones, providing for the applicability of tax credits, and including effective and retroactive applicability date provisions.

Read first time and referred to committee on **ways and means**.

**House File 749**, by committee on public safety, a bill for an act relating to financing agreements entered into on behalf of the department of corrections by the treasurer of state.

Read first time and referred to committee on **appropriations**.

**House File 750**, by committee on economic growth, a bill for an act relating to providing sales, use, and property tax exemptions and sales tax refunds for certain data processing businesses and including an applicability date provision.

Read first time and referred to committee on **ways and means**.

**House File 751**, by committee on economic growth, a bill for an act relating to historic preservation and cultural and entertainment district tax credits by increasing the aggregate amount of credits that may be approved, changing the amounts allocated to various projects, and modifying certain administrative duties of the department of cultural affairs.

Read first time and referred to committee on **ways and means**.

**House File 752**, by committee on agriculture, a bill for an act relating to renewable fuel, by providing for labeling requirements, and providing for the extension of a tax credit.

Read first time and referred to committee on **ways and means**.



In honor of St. Patrick's Day, the honorable Dolores Mertz of Kossuth County gave a short eulogy of the honorable John Connors, former state representative from Polk County. Amanda Hynak, clerk of Representative Todd Taylor of Linn County sang "Danny Boy".

On motion by Gayman of Scott, the House was recessed at 9:32 a.m., until 4:00 p.m.

### AFTERNOON SESSION

The House reconvened at 4:05 p.m., Mascher of Johnson in the chair.

### INTRODUCTION OF BILLS

**House File 753**, by committee on agriculture, a bill for an act relating to boards of directors associated with organizations promoting soybeans and corn.

Read first time and placed on the **calendar**.

**House File 754**, by committee on human resources, a bill for an act relating to regulation of child care by the department of human services by providing for licensing of child development homes, establishing a regulatory fee and appropriating the fee proceeds, making penalties applicable, and providing effective and applicability date provisions.

Read first time and referred to committee on **appropriations**.

**House File 755**, by committee on veterans affairs, a bill for an act concerning eligibility for the injured veterans grant program.

Read first time and placed on the **calendar**.

**House File 756**, by committee on environmental protection, a bill for an act relating to regional watershed, land use, and floodplain management policies.

Read first time and placed on the **calendar**.

**House File 757**, by committee on environmental protection, a bill for an act relating to the regulation of scrap yards and salvage pools.

Read first time and placed on the **calendar**.

**House File 758**, by committee on judiciary, a bill for an act relating to damages recoverable for the wrongful or negligent injury or death of a person.

Read first time and placed on the **calendar**.

**House File 759**, by committee on rebuild Iowa and disaster recovery, a bill for an act requiring counties and cities with flood hazard areas within their boundaries to participate in the national flood insurance program.

Read first time and placed on the **calendar**.

**House File 760**, by committee on education, a bill for an act relating to articulation agreements between public postsecondary institutions.

Read first time and placed on the **calendar**.

**House File 761**, by committee on education, a bill for an act providing for the establishment of a task force to study a renewed effort to reorganize school districts.

Read first time and placed on the **calendar**.

**House File 762**, by committee on public safety, a bill for an act relating to reserve certified peace officers and training requirements.

Read first time and placed on the **calendar**.

**House File 763**, by committee on agriculture, a bill for an act relating to administrative costs to support the watershed improvement review board.

Read first time and placed on the **calendar**.

**House File 764**, by committee on environmental protection, a bill for an act relating to the comprehensive recycling planning task force.

Read first time and placed on the **calendar**.

**House File 765**, by committee on economic growth, a bill for an act relating to procurement goals for purchases from certain targeted small businesses.

Read first time and placed on the **calendar**.

**House File 766**, by committee on state government, a bill for an act relating to special elections by modifying the time period after which certain city or school district proposals defeated at election may be resubmitted to the voters and providing an effective date.

Read first time and placed on the **calendar**.

**House File 767**, by committee on public safety, a bill for an act relating to the possession, distribution, and reporting of obscene material and making penalties applicable.

Read first time and placed on the **calendar**.

**House File 768**, by committee on commerce, a bill for an act providing for an expedited review of denials of health benefit coverage for certain cancer treatments.

Read first time and placed on the **calendar**.

**House File 769**, by committee on environmental protection, a bill for an act directing the regents institutions to review and prepare a report regarding the state's vulnerability to climatic change.

Read first time and placed on the **calendar**.

**House File 770**, by committee on judiciary, a bill for an act relating to judicial branch records and providing effective dates.

Read first time and placed on the **calendar**.

**House File 771**, by committee on human resources, a bill for an act relating to the development of a plan to provide services to individuals with autism.

Read first time and placed on the **calendar**.

**House File 772**, by committee on judiciary, a bill for an act relating to public indecent exposure in certain establishments and making a penalty applicable.

Read first time and placed on the **calendar**.

**House File 773**, by committee on human resources, a bill for an act relating to criteria under the medical assistance program for admission to a psychiatric medical institution for children.

Read first time and placed on the **calendar**.

#### 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 17, 2009, passed the following bill in which the concurrence of the Senate was asked:

House File 214, a bill for an act establishing the interstate compact on educational opportunity for military children and providing an effective date.

Also: That the Senate has on March 17, 2009, passed the following bill in which the concurrence of the Senate was asked:

House File 281, a bill for an act relating to the administration of the Iowa water pollution control works and drinking water facilities financing program.

Also: That the Senate has on March 17, 2009, passed the following bill in which the concurrence of the House is asked:

Senate File 281, a bill for an act to require the department of veterans affairs to conduct a study concerning the restoration and maintenance of the medal of honor memorial for the state of Iowa.

Also: That the Senate has on March 17, 2009, passed the following bill in which the concurrence of the House is asked:

Senate File 286, a bill for an act establishing a recreational therapy board, requiring the licensure of recreational therapists, and providing for fees and penalties.

Also: That the Senate has on March 17, 2009, passed the following bill in which the concurrence of the House is asked:

Senate File 301, a bill for an act relating to bidding requirements for public improvement projects completed by certain state entities.

Also: That the Senate has on March 17, 2009, passed the following bill in which the concurrence of the House is asked:

Senate File 323, a bill for an act relating to the provision of health records of a child in foster care to the foster care provider.

Also: That the Senate has on March 17, 2009, passed the following bill in which the concurrence of the House is asked:

Senate File 334, a bill for an act relating to the legislative committees charged with providing government oversight.

Also: That the Senate has on March 17, 2009, passed the following bill in which the concurrence of the House is asked:

Senate File 341, a bill for an act requiring that a person assisting another person with a disability by controlling an assistive animal be allowed to accompany the person with the disability and the assistive animal.

Also: That the Senate has on March 17, 2009, passed the following bill in which the concurrence of the House is asked:

Senate File 355, a bill for an act relating to mortgage lending by establishing licensing requirements applicable to mortgage loan originators; making specified modifications to existing licensing provisions relating to mortgage bankers and brokers, regulated loans, and industrial loans; and providing penalties and effective dates.

Also: That the Senate has on March 17, 2009, passed the following bill in which the concurrence of the House is asked:

Senate File 358, a bill for an act relating to the recognition and enforcement of foreign-country money judgments and providing for the Act's applicability.

Also: That the Senate has on March 17, 2009, passed the following bill in which the concurrence of the House is asked:

Senate File 360, a bill for an act relating to the accreditation of school districts and nonpublic schools and the reorganization of school districts.

Also: that the Senate has on March 17, 2009, passed the following bill in which the concurrence of the House is asked:

Senate File 364, a bill for an act relating to civil actions including certain limitations on actions, judgments, and executions and including actions relating to the foreclosure of real estate mortgages, and providing effective date and applicability provisions.

Also: That the Senate has on March 17, 2009, passed the following bill in which the concurrence of the House is asked:

Senate File 365, a bill for an act relating to trusts and estates including the administration of small estates and including retroactive and other applicability provisions.

Also: That the Senate has on March 17, 2009, passed the following bill in which the concurrence of the House is asked:

Senate File 394, a bill for an act requiring a circulating nurse to be present in operating rooms during surgical procedures and providing an effective date.

MICHAEL E. MARSHALL, Secretary

### ADOPTION OF HOUSE RESOLUTION 31

Abdul-Samad of Polk, Ford of Polk, H. Miller of Webster, Thede of Scott, Berry of Black Hawk and Burt of Black Hawk called up for consideration **House Resolution 31**, a resolution honoring Iowa's women military veterans, and moved its adoption.

The motion prevailed and the resolution was adopted.

### MOTION TO RECONSIDER (House File 332)

McCarthy of Polk moved to reconsider **House File 332**, a bill for an act relating to the practices and procedures of the department of public safety and other law enforcement agencies, including building inspections, controlled substance detection training, and criminal history data storage, filed by him on March 10, 2009.

A non-record roll call was requested.

The ayes were 92, nays none.

The motion to reconsider prevailed.

The House resumed consideration of House File 332, found on pages 731-733 of the March 10, 2009 House Journal.

### SENATE FILE 209 SUBSTITUTED FOR HOUSE FILE 332

Heddens of Story asked and received unanimous consent to substitute Senate File 209 for House File 332.

**Senate File 209**, a bill for an act relating to the practices and procedures of the department of public safety and other law enforcement agencies, including building inspections, controlled substance detection training, and criminal history data storage, was taken up for consideration.

Heddens of Story 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. 209)

The ayes were, 97:

Abdul-Samad	Alons	Anderson	Arnold
Bailey	Baudler	Beard	Bell
Berry	Bukta	Burt	Cohoon
Cownie	De Boef	Deyoe	Dolecheck
Drake	Ford	Forristall	Frevert
Gaskill	Gayman	Grassley	Hagenow
Heaton	Heddens	Helland	Horbach
Hunter	Huseman	Huser	Isenhardt
Jacoby	Kaufmann	Kearns	Kelley
Koester	Kressig	Kuhn	Lensing
Lukan	Lykam	Marek	May
McCarthy	Mertz	Miller, H.	Miller, L.
Murphy, Spkr.	Olson	Olson, D.	Olson, R.
Olson, S.	Olson, T.	Palmer	Paulsen
Petersen	Pettengill	Quirk	Raecker
Rants	Rayhons	Reasoner	Roberts
Sands	Schueller	Schulte	Schultz
Shomshor	Smith	Soderberg	Sorenson
Steckman	Struyk	Swaim	Sweeney
Taylor, D.	Taylor, T.	Thede	Thomas
Tjepkes	Tymeson	Upmeyer	Van Engelenhoven
Wagner	Watts	Wendt	Wenthe
Wessel-Kroeschell	Whitaker	Whitead	Willems
Winckler	Windschitl	Worthan	Zirkelbach
Mascher, Presiding			

The nays were, none.

Absent or not voting, 3:

Chambers                      Ficken                      Reichert

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

### HOUSE FILE 332 WITHDRAWN

Heddens of Story asked and received unanimous consent to withdraw House File 332 from further consideration by the House.

### CONSIDERATION OF BILLS Regular Calendar

**Senate File 27**, a bill for an act relating to the crime of human trafficking, was taken up for consideration.

Ford 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. 27)

The ayes were, 97:

Abdul-Samad	Alons	Anderson	Arnold
Bailey	Baudler	Beard	Bell
Berry	Bukta	Burt	Cohoon
Cownie	De Boef	Deyoe	Dolecheck
Drake	Ford	Forristall	Frevert
Gaskill	Gayman	Grassley	Hagenow
Heaton	Heddens	Helland	Horbach
Hunter	Huseman	Huser	Isenhardt
Jacoby	Kaufmann	Kearns	Kelley
Koester	Kressig	Kuhn	Lensing
Lukan	Lykam	Marek	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	Rayhons	Reasoner	Roberts
Sands	Schueller	Schulte	Schultz
Shomshor	Smith	Soderberg	Sorenson
Steckman	Struyk	Swaim	Sweeney



Taylor, D.	Taylor, T.	Thede	Thomas
Tjepkes	Tymeson	Upmeyer	Van Engelenhoven
Wagner	Watts	Wendt	Wenthe
Wessel-Kroeschell	Whitaker	Whitead	Willems
Winckler	Windschitl	Worthan	Zirkelbach
Mascher, Presiding			

The nays were, none.

Absent or not voting, 3:

Chambers	Ficken	Reichert
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The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

**Senate File 49**, a bill for an act relating to the administration of campaign disclosure laws, was taken up for consideration.

Cohon of Des Moines 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. 49)

The ayes were, 97:

Abdul-Samad	Alons	Anderson	Arnold
Bailey	Baudler	Beard	Bell
Berry	Bukta	Burt	Cohon
Cownie	De Boef	Deyoe	Dolecheck
Drake	Ford	Forristall	Frevert
Gaskill	Gayman	Grassley	Hagenow
Heaton	Heddens	Helland	Horbach
Hunter	Huseman	Huser	Isenhart
Jacoby	Kaufmann	Kearns	Kelley
Koester	Kressig	Kuhn	Lensing
Lukan	Lykam	Marek	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	Rayhons	Reasoner	Roberts
Sands	Schueller	Schulte	Schultz
Shomshor	Smith	Soderberg	Sorenson
Steckman	Struyk	Swaim	Sweeney
Taylor, D.	Taylor, T.	Thede	Thomas
Tjepkes	Tymeson	Upmeyer	Van Engelenhoven

Wagner	Watts	Wendt	Wenthe
Wessel-Kroeschell	Whitaker	Whitead	Willems
Winckler	Windschitl	Worthan	Zirkelbach
Mascher, Presiding			

The nays were, none.

Absent or not voting, 3:

Chambers	Ficken	Reichert
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The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

### LEAVE OF ABSENCE

Leave of absence was granted as follows:

Ficken of Buchanan on request of McCarthy of Polk.

**House File 266**, a bill for an act relating to recording proceedings before a magistrate, with report of committee recommending passage, was taken up for consideration.

Palmer of Mahaska moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 266)

The ayes were, 98:

Abdul-Samad	Alons	Anderson	Arnold
Bailey	Baudler	Beard	Bell
Berry	Bukta	Burt	Cphoon
Cownie	De Boef	Deyoe	Dolecheck
Drake	Ford	Forristall	Frevert
Gaskill	Gayman	Grassley	Hagenow
Heaton	Heddens	Helland	Horbach
Hunter	Huseman	Huser	Isenhart
Jacoby	Kaufmann	Kearns	Kelley
Koester	Kressig	Kuhn	Lensing
Lukan	Lykam	Marek	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	Rayhons	Reasoner	Reichert
Roberts	Sands	Schueller	Schulte
Schultz	Shomshor	Smith	Soderberg
Sorenson	Steckman	Struyk	Swaim
Sweeney	Taylor, D.	Taylor, T.	Thede
Thomas	Tjepkes	Tymeson	Upmeyer
Van Engelenhoven	Wagner	Watts	Wendt
Wenthe	Wessel-Kroeschell	Whitaker	Whitead
Willems	Winckler	Windschitl	Worthan
Zirkelbach	Mascher, Presiding		

The nays were, none.

Absent or not voting, 2:

Chambers                      Ficken

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

**House File 488**, a bill for an act relating to including the maintenance of service animals as an eligible service reimbursable under the home and community-based services waivers, was taken up for consideration.

Heddens of Story 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. 488)

The ayes were, 98:

Abdul-Samad	Alons	Anderson	Arnold
Bailey	Baudler	Beard	Bell
Berry	Bukta	Burt	Cphoon
Cownie	De Boef	Deyoe	Dolecheck
Drake	Ford	Forristall	Frevert
Gaskill	Gayman	Grassley	Hagenow
Heaton	Heddens	Helland	Horbach
Hunter	Huseman	Huser	Isenhart
Jacoby	Kaufmann	Kearns	Kelley
Koester	Kressig	Kuhn	Lensing
Lukan	Lykam	Marek	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	Rayhons	Reasoner	Reichert
Roberts	Sands	Schueller	Schulte
Schultz	Shomshor	Smith	Soderberg
Sorenson	Steckman	Struyk	Swaim
Sweeney	Taylor, D.	Taylor, T.	Thede
Thomas	Tjepkes	Tymeson	Upmeyer
Van Engelenhoven	Wagner	Watts	Wendt
Wenthe	Wessel-Kroeschell	Whitaker	Whitead
Willems	Winckler	Windschitl	Worthan
Zirkelbach	Mascher,		
	Presiding		

The nays were, none.

Absent or not voting, 2:

Chambers                      Ficken

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

**House File 504**, a bill for an act correcting references in the Code relating to the United States department of veterans affairs, was taken up for consideration.

#### SENATE FILE 241 SUBSTITUTED FOR HOUSE FILE 504

Alons of Sioux asked and received unanimous consent to substitute Senate File 241 for House File 504.

**Senate File 241**, a bill for an act correcting references in the Code relating to the United States department of veterans affairs, was taken up for consideration.

Alons of Sioux 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. 241)

The ayes were, 98:

Abdul-Samad	Alons	Anderson	Arnold
Bailey	Baudler	Beard	Bell

Berry	Bukta	Burt	Cphoon
Cownie	De Boef	Deyoe	Dolecheck
Drake	Ford	Forristall	Frevert
Gaskill	Gayman	Grassley	Hagenow
Heaton	Heddens	Helland	Horbach
Hunter	Huseman	Huser	Isenhardt
Jacoby	Kaufmann	Kearns	Kelley
Koester	Kressig	Kuhn	Lensing
Lukan	Lykam	Marek	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	Rayhons	Reasoner	Reichert
Roberts	Sands	Schueller	Schulte
Schultz	Shomshor	Smith	Soderberg
Sorenson	Steckman	Struyk	Swaim
Sweeney	Taylor, D.	Taylor, T.	Thede
Thomas	Tjepkes	Tymeson	Upmeyer
Van Engelenhoven	Wagner	Watts	Wendt
Wenthe	Wessel-Kroeschell	Whitaker	Whitead
Willems	Winckler	Windschitl	Worthan
Zirkelbach	Mascher, Presiding		

The nays were, none.

Absent or not voting, 2:

Chambers                      Ficken

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

#### HOUSE FILE 504 WITHDRAWN

Alons of Sioux asked and received unanimous consent to withdraw House File 504 from further consideration by the House.

**House File 505**, a bill for an act requiring record checks for persons who are prospective or current volunteers for the Iowa veterans home, was taken up for consideration.

Thomas of Clayton 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. 505)

The ayes were, 98:

Abdul-Samad	Alons	Anderson	Arnold
Bailey	Baudler	Beard	Bell
Berry	Bukta	Burt	Cohoon
Cownie	De Boef	Deyoe	Dolecheck
Drake	Ford	Forristall	Frevert
Gaskill	Gayman	Grassley	Hagenow
Heaton	Heddens	Helland	Horbach
Hunter	Huseman	Huser	Isenhart
Jacoby	Kaufmann	Kearns	Kelley
Koester	Kressig	Kuhn	Lensing
Lukan	Lykam	Marek	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	Rayhons	Reasoner	Reichert
Roberts	Sands	Schueller	Schulte
Schultz	Shomshor	Smith	Soderberg
Sorenson	Steckman	Struyk	Swaim
Sweeney	Taylor, D.	Taylor, T.	Thede
Thomas	Tjepkes	Tymeson	Upmeyer
Van Engelenhoven	Wagner	Watts	Wendt
Wenthe	Wessel-Kroeschell	Whitaker	Whitead
Willems	Winckler	Windschitl	Worthan
Zirkelbach	Mascher, Presiding		

The nays were, none.

Absent or not voting, 2:

Chambers                      Ficken

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

### IMMEDIATE MESSAGES

McCarthy of Polk asked and received unanimous consent that the following bills be immediately messaged to the Senate: **House Files 266, 488, 505** and **Senate Files 27, 49, 209** and **241**.

**House File 590**, a bill for an act concerning the authority of the department of administrative services relative to existing leases on

real property acquired by the department, was taken up for consideration.

### SENATE FILE 295 SUBSTITUTED FOR HOUSE FILE 590

T. Taylor of Linn asked and received unanimous consent to substitute Senate File 295 for House File 590.

**Senate File 295**, a bill for an act concerning the authority of the department of administrative services relative to existing leases on real property acquired by the department, was taken up for consideration.

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.

On the question "Shall the bill pass?" (S.F. 295)

The ayes were, 98:

Abdul-Samad	Alons	Anderson	Arnold
Bailey	Baudler	Beard	Bell
Berry	Bukta	Burt	Cohoon
Cownie	De Boef	Deyoe	Dolecheck
Drake	Ford	Forristall	Frevert
Gaskill	Gayman	Grassley	Hagenow
Heaton	Heddens	Helland	Horbach
Hunter	Huseman	Huser	Isenhart
Jacoby	Kaufmann	Kearns	Kelley
Koester	Kressig	Kuhn	Lensing
Lukan	Lykam	Marek	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	Rayhons	Reasoner	Reichert
Roberts	Sands	Schueller	Schulte
Schultz	Shomshor	Smith	Soderberg
Sorenson	Steckman	Struyk	Swaim
Sweeney	Taylor, D.	Taylor, T.	Thede
Thomas	Tjepkes	Tymeson	Upmeyer
Van Engelenhoven	Wagner	Watts	Wendt
Wenthe	Wessel-Kroeschell	Whitaker	Whitead
Willems	Winckler	Windschitl	Worthan
Zirkelbach	Mascher,		
	Presiding		

The nays were, none.

Absent or not voting, 2:

Chambers                      Ficken

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

### HOUSE FILE 590 WITHDRAWN

T. Taylor of Linn asked and received unanimous consent to withdraw House File 590 from further consideration by the House.

**House File 614**, a bill for an act relating to county recorders by making changes to fees charged by the county recorder, information required to be endorsed on certain recorded documents and instruments, and standards for indexes maintained by the county recorder, was taken up for consideration.

### SENATE FILE 288 SUBSTITUTED FOR HOUSE FILE 614

Kressig of Black Hawk asked and received unanimous consent to substitute Senate File 288 for House File 614.

**Senate File 288**, a bill for an act relating to county recorders by making changes to fees charged by the county recorder, information required to be endorsed on certain recorded documents and instruments, and standards for indexes maintained by the county recorder, was taken up for consideration.

Kressig 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. 288)

The ayes were, 87:

Abdul-Samad	Alons	Anderson	Bailey
Baudler	Beard	Bell	Berry
Bukta	Burt	Cphoon	Cownie
De Boef	Deyoe	Dolecheck	Drake
Ford	Forristall	Frevert	Gaskill



Gayman	Grassley	Hagenow	Heaton
Heddens	Helland	Hunter	Huseman
Huser	Isenhardt	Jacoby	Kaufmann
Kearns	Kelley	Koester	Kressig
Kuhn	Lensing	Lukan	Lykam
Marek	May	McCarthy	Mertz
Miller, H.	Miller, L.	Murphy, Spkr.	Oldson
Olson, D.	Olson, R.	Olson, S.	Olson, T.
Palmer	Paulsen	Petersen	Pettengill
Quirk	Raecker	Reasoner	Reichert
Roberts	Schueller	Schulte	Schultz
Shomshor	Smith	Soderberg	Steckman
Swaim	Taylor, D.	Taylor, T.	Thede
Thomas	Tjepkes	Upmeyer	Wagner
Watts	Wendt	Wenthe	Wessel-Kroeschell
Whitaker	Whitead	Willems	Winckler
Worthan	Zirkelbach	Mascher,	
		Presiding	

The nays were, 11:

Arnold	Horbach	Rants	Rayhons
Sands	Sorenson	Struyk	Sweeney
Tymeson	Van Engelenhoven	Windschitl	

Absent or not voting and 2:

Chambers	Ficken
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The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

### HOUSE FILE 614 WITHDRAWN

Kressig of Black Hawk asked and received unanimous consent to withdraw House File 614 from further consideration by the House.

### IMMEDIATE MESSAGES

McCarthy of Polk asked and received unanimous consent that the following bills be immediately messaged to the Senate: **Senate Files 288 and 295.**

The House stood at ease at 5:12 p.m., until the fall of the gavel.

The House resumed session at 6:14 p.m., Kressig of Black Hawk in the chair.

## QUORUM CALL

A non-record roll call was requested to determine that a quorum was present. The vote revealed eighty-eight members present, twelve absent.

### Regular Calendar

**House File 670**, a bill for an act relating to absentee voting by requiring the counting of absentee ballots to begin the day before the general election, was taken up for consideration.

Gaskill of Wapello 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. 670)

The ayes were, 76:

Abdul-Samad	Anderson	Bailey	Beard
Bell	Berry	Bukta	Burt
Cohoon	Cownie	Deyoe	Dolecheck
Drake	Ford	Frevert	Gaskill
Gayman	Grassley	Heaton	Heddens
Hunter	Huseman	Huser	Isenhart
Jacoby	Kaufmann	Kearns	Kelley
Koester	Kuhn	Lensing	Lykam
Marek	Mascher	May	McCarthy
Mertz	Miller, H.	Murphy, Spkr.	Oldson
Olson, D.	Olson, R.	Olson, S.	Olson, T.
Palmer	Petersen	Pettengill	Quirk
Raecker	Rants	Reasoner	Reichert
Roberts	Schueller	Schulte	Shomshor
Smith	Soderberg	Steckman	Struyk
Swaim	Taylor, D.	Taylor, T.	Thede
Thomas	Tjepkes	Wendt	Wenthe
Wessel-Kroeschell	Whitaker	Whitead	Willems
Winckler	Worthan	Zirkelbach	Kressig, Presiding

The nays were, 22:

Alons	Arnold	Baudler	De Boef
Forristall	Hagenow	Helland	Horbach
Lukan	Miller, L.	Paulsen	Rayhons
Sands	Schultz	Sorenson	Sweeney

Tymeson                      Upmeyer                      Van Engelenhoven      Wagner  
 Watts                        Windschitl

Absent or not voting, 2:

Chambers                      Ficken

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

**House File 671**, a bill for an act providing volunteer emergency services providers protection from employment termination, was taken up for consideration.

Bukta of Clinton moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 671)

The ayes were, 98:

Abdul-Samad	Alons	Anderson	Arnold
Bailey	Baudler	Beard	Bell
Berry	Bukta	Burt	Cohoon
Cownie	De Boef	Deyoe	Dolecheck
Drake	Ford	Forristall	Frevert
Gaskill	Gayman	Grassley	Hagenow
Heaton	Heddens	Helland	Horbach
Hunter	Huseman	Huser	Isenhart
Jacoby	Kaufmann	Kearns	Kelley
Koester	Kuhn	Lensing	Lukan
Lykam	Marek	Mascher	May
McCarthy	Mertz	Miller, H.	Miller, L.
Murphy, Spkr.	Oldson	Olson, D.	Olson, R.
Olson, S.	Olson, T.	Palmer	Paulsen
Petersen	Pettengill	Quirk	Raecker
Rants	Rayhons	Reasoner	Reichert
Roberts	Sands	Schueller	Schulte
Schultz	Shomshor	Smith	Soderberg
Sorenson	Steckman	Struyk	Swaim
Sweeney	Taylor, D.	Taylor, T.	Thede
Thomas	Tjepkes	Tymeson	Upmeyer
Van Engelenhoven	Wagner	Watts	Wendt
Wenthe	Wessel-Kroeschell	Whitaker	Whitead
Willems	Winckler	Windschitl	Worthan
Zirkelbach	Kressig,		
	Presiding		

The nays were, none.

Absent or not voting, 2:

Chambers                      Ficken

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

**House File 676**, a bill for an act modifying provisions relating to a final hearing in a civil commitment proceeding for a sexually violent predator, was taken up for consideration.

Reichert of Muscatine 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. 676)

The ayes were, 98:

Abdul-Samad	Alons	Anderson	Arnold
Bailey	Baudler	Beard	Bell
Berry	Bukta	Burt	Cohoon
Cownie	De Boef	Deyoe	Dolecheck
Drake	Ford	Forristall	Frevert
Gaskill	Gayman	Grassley	Hagenow
Heaton	Heddens	Helland	Horbach
Hunter	Huseman	Huser	Isenhart
Jacoby	Kaufmann	Kearns	Kelley
Koester	Kuhn	Lensing	Lukan
Lykam	Marek	Mascher	May
McCarthy	Mertz	Miller, H.	Miller, L.
Murphy, Spkr.	Oldson	Olson, D.	Olson, R.
Olson, S.	Olson, T.	Palmer	Paulsen
Petersen	Pettengill	Quirk	Raecker
Rants	Rayhons	Reasoner	Reichert
Roberts	Sands	Schueller	Schulte
Schultz	Shomshor	Smith	Soderberg
Sorenson	Steckman	Struyk	Swaim
Sweeney	Taylor, D.	Taylor, T.	Thede
Thomas	Tjepkes	Tymeson	Upmeyer
Van Engelenhoven	Wagner	Watts	Wendt
Wenthe	Wessel-Kroeschell	Whitaker	Whitead
Willems	Winckler	Windschitl	Worthan
Zirkelbach	Kressig,		
	Presiding		

The nays were, none.

Absent or not voting, 2:

Chambers                      Ficken

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

### IMMEDIATE MESSAGES

McCarthy of Polk asked and received unanimous consent that the following bills be immediately messaged to the Senate: **House Files 670, 671 and 676.**

**House File 678**, a bill for an act concerning audits conducted by a licensee conducting pari-mutuel wagering and providing an effective date, was taken up for consideration.

Quirk of Chickasaw offered the following amendment H-1143 filed by him and moved its adoption:

H-1143

- 1 Amend House File 678 as follows:
- 2 1. Title page, line 2, by inserting after the
- 3 word "wagering" the following: "or gambling games".

Amendment H-1143 was adopted.

### SENATE FILE 305 SUBSTITUTED FOR HOUSE FILE 678

Quirk of Chickasaw asked and received unanimous consent to substitute Senate File 305 for House File 678.

**Senate File 305**, a bill for an act concerning audits conducted by a licensee conducting pari-mutuel wagering or gambling games and providing an effective date and was taken up for consideration.

Quirk of Chickasaw moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 305)

The ayes were, 97:

Abdul-Samad	Alons	Anderson	Arnold
Bailey	Baudler	Beard	Bell
Berry	Bukta	Burt	Cohoon
Cownie	De Boef	Deyoe	Dolecheck
Drake	Ford	Forristall	Frevert
Gaskill	Gayman	Grassley	Hagenow
Heaton	Heddens	Helland	Horbach
Hunter	Huseman	Huser	Isenhardt
Jacoby	Kaufmann	Kearns	Kelley
Koester	Kuhn	Lensing	Lukan
Lykam	Marek	Mascher	May
McCarthy	Mertz	Miller, H.	Miller, L.
Murphy, Spkr.	Oldson	Olson, D.	Olson, R.
Olson, S.	Olson, T.	Palmer	Paulsen
Petersen	Pettengill	Quirk	Raecker
Rants	Rayhons	Reasoner	Reichert
Roberts	Sands	Schueller	Schulte
Schultz	Shomshor	Smith	Soderberg
Sorenson	Steckman	Struyk	Swaim
Sweeney	Taylor, T.	Thede	Thomas
Tjepkes	Tymeson	Upmeyer	Van Engelenhoven
Wagner	Watts	Wendt	Wenthe
Wessel-Kroeschell	Whitaker	Whitead	Willems
Winckler	Windschitl	Worthan	Zirkelbach
Kressig, Presiding			

The nays were, none.

Absent or not voting, 3:

Chambers	Ficken	Taylor, D.
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The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

### HOUSE FILE 678 WITHDRAWN

Quirk of Chickasaw asked and received unanimous consent to withdraw House File 678 from further consideration by the House.

**House File 684**, a bill for an act relating to the membership and administration of the Iowa propane education and research council, increasing an assessment, and providing an effective date, was taken up for consideration.

Reasoner of Union offered the following amendment H-1142 filed by him and moved its adoption:

H-1142

1 Amend House File 684 as follows:

2 1. Page 1, by striking line 20 and inserting the  
3 following:

4 "Sec.\_\_\_\_. Section 101C.3, subsections 1, 4, and  
5 8, Code 2009,".

6 2. Page 2, by inserting after line 23 the  
7 following:

8 "8. a. The council shall develop programs and  
9 projects and enter into agreements for administering  
10 such programs and projects as provided in this  
11 chapter, including programs to enhance consumer and  
12 employee safety and training, provide for research and  
13 development of clean and efficient propane utilization  
14 equipment, inform and educate the public about safety  
15 and other issues associated with the use of propane,  
16 and develop programs and projects that provide  
17 assistance to persons who are eligible for the  
18 low-income home energy assistance program. The  
19 programs and projects shall be developed to attain  
20 equitable geographic distribution of their benefits to  
21 the fullest extent practicable. The costs of the  
22 programs and projects shall be paid with funds  
23 collected pursuant to section 101C.4. The council  
24 shall coordinate its programs and projects with  
25 propane industry trade associations and others as the  
26 council deems appropriate to provide efficient  
27 delivery of services and to avoid unnecessary  
28 duplication of activities. Issues concerning propane  
29 that are related to research and development, safety,  
30 education, and training shall be given priority by the  
31 council in the development of programs and projects.

32 b. The council may develop energy efficiency  
33 programs dedicated to weatherization, acquisition and  
34 installation of energy-efficient customer appliances  
35 that qualify for energy star certification,  
36 installation of low-flow faucets and showerheads, and  
37 energy efficiency education. The council may by rule  
38 establish quality standards in relation to  
39 weatherization and appliance installation."

40 3. By striking page 2, line 24, through page 3,  
41 line 2.

42 4. Page 3, by striking lines 12 through 14 and  
43 inserting the following: "of energy efficiency  
44 programs as specified in section 101C.3, subsection 8,  
45 if developed by the council."

46 5. Page 3, by striking lines 16 and 17.

- 47 6. Title page, by striking lines 2 and 3 and  
 48 inserting the following: "propane education and  
 49 research council."  
 50 7. By renumbering as necessary.

Amendment H-1142 was adopted.

Soderberg of Plymouth offered the following amendment H-1169 filed by him and moved its adoption:

H-1169

- 1 Amend House File 684 as follows:  
 2 1. Page 3, by striking line 15.

Amendment H-1169 was adopted.

Reichert of Muscatine 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. 684)

The ayes were, 69:

Abdul-Samad	Anderson	Bailey	Beard
Bell	Berry	Bukta	Burt
Cohoon	Cownie	Dolecheck	Drake
Ford	Forristall	Frevert	Gaskill
Gayman	Heaton	Heddens	Hunter
Huser	Isenhart	Jacoby	Kearns
Kelley	Kuhn	Lensing	Lykam
Marek	Mascher	McCarthy	Mertz
Miller, H.	Murphy, Spkr.	Oldson	Olson, D.
Olson, R.	Olson, T.	Palmer	Petersen
Pettengill	Quirk	Raecker	Rants
Reasoner	Reichert	Roberts	Schueller
Shomshor	Smith	Soderberg	Sorenson
Steckman	Struyk	Swaim	Taylor, D.
Taylor, T.	Thede	Thomas	Tjepkes
Wendt	Wenthe	Wessel-Kroeschell	Whitaker
Whitead	Willems	Winckler	Zirkelbach
Kressig, Presiding			



The nays were, 29:

Alons	Arnold	Baudler	De Boef
Deyoe	Grassley	Hagenow	Helland
Horbach	Huseman	Kaufmann	Koester
Lukan	May	Miller, L.	Olson, S.
Paulsen	Rayhons	Sands	Schulte
Schultz	Sweeney	Tymeson	Upmeyer
Van Engelenhoven	Wagner	Watts	Windschitl
Worthan			

Absent or not voting, 2:

Chambers                      Ficken

The bill having received a constitutional majority was declared to have passed the House and the title, as amended, 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 684** and **Senate File 305**.

#### HOUSE FILE 486 REFERRED

The Speaker announced that House File 486, previously referred to committee on **agriculture** was placed on the **calendar**.

#### HOUSE FILE 656 REFERRED

The Speaker announced that House File 656, previously placed on the **calendar** was referred to committee on **appropriations**.

#### HOUSE FILE 747 REREFERRED

The Speaker announced that House File 747, previously referred to committee on **commerce** was rereferred to committee on **ways and means**.

#### SENATE FILE 320 REREFERRED

The Speaker announced that Senate File 320, previously referred to committee on **judiciary** was **passed on file**.

**SENATE FILE 342 REREFERRED**

The Speaker announced that Senate File 342, previously referred to committee on **agriculture** was **passed on file**.

**BILL ENROLLED, SIGNED AND SENT TO GOVERNOR**

The Chief Clerk of the House submitted the following report:

Mr. Speaker: The Chief Clerk of the House respectfully reports that the following bill has been examined and found correctly enrolled, signed by the Speaker of the House and the President of the Senate, and presented to the Governor for his approval on this 17<sup>th</sup> day of March, 2009: House File 374.

**MARK W. BRANDSGARD**  
Chief Clerk of the House

Report adopted.

**BILLS SIGNED BY THE GOVERNOR**

A communication was received from the Governor announcing that on March 16, 2009, he approved and transmitted to the Secretary of State the following bills:

House File 414, an Act relating to public funding and regulatory matters and making, reducing, and transferring appropriations and revising fund amounts and including effective, retroactive, and other applicability date provisions.

Senate File 270, an Act transferring the authority to register postsecondary schools from the secretary of state to the college student aid commission and providing for related matters, and making penalties applicable.

**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

- 2009\2676 Tory Kalousek, Hampton-Dumont High School – For becoming a state champion at the State DECA Leadership Conference.
- 2009\2677 Grant Johnson, Burlington – For attaining the rank of Eagle Scout, the highest rank in the Boy Scouts of America.
- 2009\2678 Retta McCahan, Burlington – For celebrating her 105<sup>th</sup> birthday.
- 2009\2679 Dolores Schoene, West Burlington – For celebrating her 90<sup>th</sup> birthday.
- 2009\2680 Herbert “Herb” Murphy, Burlington – For celebrating his 90<sup>th</sup> birthday.
- 2009\2681 Kathleen “Kay” Beckman, Burlington – For celebrating her 90<sup>th</sup> birthday.
- 2009\2682 Donald Traman, Burlington – For celebrating his 80<sup>th</sup> birthday.
- 2009\2683 Donald and Lorraine Luksan, Le Mars – For celebrating their 50<sup>th</sup> wedding anniversary.
- 2009\2684 Lucille Richardson, Le Mars – For celebrating her 90<sup>th</sup> birthday.
- 2009\2685 Jerome Hansen, Le Mars – For celebrating his 80<sup>th</sup> birthday.
- 2009\2686 Dennis Hultgren, Akron – For celebrating his 80<sup>th</sup> birthday.
- 2009\2687 Joann Winterfeld, Ireton – For celebrating her 80<sup>th</sup> birthday.
- 2009\2688 Ethal Thomas, Luana – For celebrating her 90<sup>th</sup> birthday.
- 2009\2689 Jerry Gerard, Mason City – For celebrating his 96<sup>th</sup> birthday.
- 2009\2690 Bob and Barbara Hellyer, Chariton – For celebrating their 60<sup>th</sup> wedding anniversary.
- 2009\2691 Jim and Anita Snook, Derby – For celebrating their 50<sup>th</sup> wedding anniversary.
- 2009\2692 Matthew David Burnstedt, Libertyville – For attaining the rank of Eagle Scout, the highest rank in the Boy Scouts of America.
- 2009\2693 Regina Fitzpatrick, Dunlap – For celebrating her 90<sup>th</sup> birthday.
- 2009\2694 Richard R. Hansen, Ankeny – For celebrating his 80<sup>th</sup> birthday.
- 2009\2695 Bonard Christiansen, Schleswig – For celebrating his 80<sup>th</sup> birthday.

- 2009\2696 Myrta Anderson, Manilla – For celebrating her 85<sup>th</sup> birthday.
- 2009\2697 Guyla Cooper, Blencoe – For celebrating her 90<sup>th</sup> birthday.
- 2009\2698 Marion and Berneita Patience, Winterset – For celebrating their 60<sup>th</sup> wedding anniversary.

#### SUBCOMMITTEE ASSIGNMENTS

##### **House File 329**

Appropriations: Winckler, Chair; Dolecheck and Wenthe.

##### **House File 646**

Appropriations: Heddens, Chair; Heaton and Oldson.

##### **House File 647**

Appropriations: Wenthe, Chair; Cohoon, Cownie, Dolecheck and Winckler.

##### **House File 669**

Appropriations: Reichert, Chair; De Boef and Kuhn.

##### **House File 700**

Economic Growth: Jacoby, Chair; Cownie and Marek.

##### **House File 704**

Appropriations: Cohoon, Chair; Huseman and Oldson.

##### **House File 719**

Public Safety: Bukta, Chair; Heddens and Sands.

##### **House File 728**

Appropriations: Cohoon, Chair; Huseman and Oldson.

##### **Senate File 205**

Public Safety: Tjepkes, Chair; Kressig and Reichert.

##### **Senate File 291**

Human Resources: Wendt, Chair; Forristall and Thede.

## HOUSE STUDY BILL COMMITTEE ASSIGNMENT

**H.S.B. 274 Ways and Means**

Relating to a watercraft's eligibility for a class "D" liquor control license.

## COMMITTEE RECOMMENDATION

MR. SPEAKER: The Chief Clerk of the House respectfully reports that the following committee recommendation has been received and is on file in the office of the Chief Clerk.

MARK W. BRANDSGARD  
Chief Clerk of the House

## COMMITTEE ON WAYS AND MEANS

**House File 282**, a bill for an act relating to the funding of school district programs for returning dropouts and dropout prevention.

Fiscal Note is not required.

Recommended **Do Pass** March 17, 2009.

## RESOLUTION FILED

**HR 32**, by Raecker and Ford, a resolution to commemorate the 100<sup>th</sup> anniversary of the Drake Relays.

Laid over under **Rule 25**.

## AMENDMENTS FILED

H—1176	H.F.	213	Quirk of Chickasaw
H—1177	H.F.	520	Mascher of Johnson
H—1178	H.F.	234	Smith of Marshall
H—1179	H.F.	736	Swaim of Davis
H—1180	H.F.	589	Raecker of Polk
H—1181	H.F.	732	Tymeson of Madison
H—1182	H.F.	737	T. Taylor of Linn
H—1183	H.F.	561	Grassley of Butler
H—1184	H.F.	746	Schultz of Crawford

H—1185	H.F.	746	Sorenson of Warren
H—1186	H.F.	746	Schultz of Crawford
H—1187	H.F.	656	Koester of Polk
H—1188	H.F.	506	Gaskill of Wapello
H—1189	H.F.	675	Gaskill of Wapello
H—1190	H.F.	706	Gayman of Scott
H—1191	H.F.	705	Grassley of Butler
H—1192	H.F.	552	Kaufmann of Cedar
H—1193	S.F.	266	Huser of Polk

On motion by McCarthy of Polk the House adjourned at 7:05 p.m., until 9:00 a.m., Wednesday, March 18, 2009.

# JOURNAL OF THE HOUSE

Sixty-sixth Calendar Day - Forty-fourth Session Day

Hall of the House of Representatives  
Des Moines, Iowa, Wednesday, March 18, 2009

The House met pursuant to adjournment at 9:09 a.m., Speaker Murphy in the chair.

Prayer was offered by Reverend Timothy Bees, pastor of First Baptist Church, Dubuque. He was the guest of Representative Chuck Isenhart of Dubuque County and Speaker Murphy.

## PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by the West Des Moines Mariners baseball team, including Jake Chevalier, Mason Whitham, Parker Johnson, Jack Brandsgard and Nick Drucker. They are the three time AAU State Champions. They were the guests of the Chief Clerk, Mark Brandsgard.

The Journal of Tuesday, March 17, 2009 was approved.

## INTRODUCTION OF BILLS

**House File 774**, by committee on judiciary, a bill for an act relating to statutory corrections which may adjust language to reflect current practices, insert earlier omissions, delete redundancies and inaccuracies, delete temporary language, resolve inconsistencies and conflicts, update ongoing provisions, or remove ambiguities, and including effective and applicability date provisions.

Read first time and placed on the **calendar**.

**House File 775**, by committee on labor, a bill for an act requiring additional workers' compensation payments for scheduled injuries that result in a reduction in the injured employee's earning capacity.

Read first time and placed on the **calendar**.

**House File 776**, by committee on state government, a bill for an act prohibiting the use of false caller identification for campaign purposes and providing penalties.

Read first time and placed on the **calendar**.

**House File 777**, by committee on state government, a bill for an act relating to open records and public meetings, including creation of the Iowa public information board, and providing an effective date and making an appropriation.

Read first time and referred to committee on **state government**.

**House File 778**, by committee on state government, a bill for an act establishing a pilot program for alternative project delivery procedures for public projects undertaken by certain governmental entities.

Read first time and placed on the **calendar**.

**House File 779**, by committee on transportation, a bill for an act relating to matters under the purview of the department of transportation, including provisions for the administration of the department, driver licensing, vehicle regulation, the motor fuel tax formula, and the issuance of citations, establishing a cap on annual deposits to the TIME-21 fund, providing a penalty, and providing effective and retroactive applicability dates.

Read first time and referred to committee on **ways and means**.

**House File 780**, by committee on environmental protection, a bill for an act relating to the operation and purview of the office of energy independence, by transferring authority over specified energy-related measures and programs from the department of natural resources to the office of energy independence, and providing transition provisions relating to the transfer of authority.

Read first time and referred to committee on **appropriations**.



**House File 781**, by committee on state government, a bill for an act to establish a scope of practice review committee relating to the licensing of midwives.

Read first time and placed on the **calendar**.

**House File 782**, by committee on rebuild Iowa and disaster recovery, a bill for an act relating to natural disaster recovery, including by supporting projects and programs relating to persons and property affected by natural disaster or to prevent or mitigate the effects of a future natural disaster; providing for the compromise or abatement of penalties, interest, fees, and costs related to delinquent property taxes on real property located within a disaster area; providing appropriations; and including effective date and retroactive applicability date provisions.

Read first time and referred to committee on **appropriations**.

**House File 783**, by committee on economic growth, a bill for an act relating to small business concerns regarding contracts with the department of transportation, and providing an applicability date.

Read first time and referred to committee on **transportation**.

**House File 784**, by committee on transportation, a bill for an act relating to the surveying of unused highway right-of-way to be sold by the department of transportation.

Read first time and placed on the **calendar**.

**House File 785**, by committee on transportation, a bill for an act relating to lead wheel weights on state-owned motor vehicles.

Read first time and placed on the **calendar**.

**House File 786**, by committee on transportation, a bill for an act relating to hours-of-service requirements for certain commercial motor vehicle operators hauling agricultural crops or dry fertilizer.

Read first time and placed on the **calendar**.

**House File 787**, by committee on state government, a bill for an act establishing an independent office of administrative hearings within the department of inspections and appeals.

Read first time and placed on the **calendar**.

**House File 788**, by committee on state government, a bill for an act prohibiting certain liquor control, wine, or beer licensees or permittees from knowingly permitting or engaging in criminal activity in areas adjacent to the licensed premises and making penalties applicable.

Read first time and placed on the **calendar**.

**House File 789**, by committee on state government, a bill for an act concerning the appointment of young adults to appointive boards, commissions, committees, and councils and including an applicability date provision.

Read first time and placed on the **calendar**.

**House File 790**, by committee on agriculture, a bill for an act regulating animal feeding operations, making penalties applicable, and providing for penalties.

Read first time and referred to committee on **environmental protection**.

**House File 791**, by committee on labor, a bill for an act relating to the imposition of penalty benefits in workers' compensation cases.

Read first time and placed on the **calendar**.

**House File 792**, by committee on labor, a bill for an act concerning labor management committees.

Read first time and placed on the **calendar**.

**House File 793**, by committee on labor, a bill for an act prohibiting employers from infringing on employees' political activities after work hours and if not using company resources.

Read first time and placed on the **calendar**.

**House File 794**, by committee on labor, a bill for an act concerning public employee collective bargaining and decisions rendered by administrative law judges.

Read first time and placed on the **calendar**.

**House File 795**, by committee on labor, a bill for an act relating to the choice of doctor to treat an injured employee under workers' compensation laws and providing effective and applicability dates.

Read first time and placed on the **calendar**.

#### SENATE MESSAGES CONSIDERED

**Senate File 262**, by committee on labor and business relations , a bill for an act relating to the imposition of penalty benefits in workers' compensation cases.

Read first time and **passed on file**.

**Senate File 281**, by committee on veterans affairs, a bill for an act to require the department of veterans affairs to conduct a study concerning the restoration and maintenance of the medal of honor memorial for the state of Iowa.

Read first time and referred to committee on **veterans affairs**.

**Senate File 286**, by committee on state government, a bill for an act establishing a recreational therapy board, requiring the licensure of recreational therapists, and providing for fees and penalties.

Read first time and referred to committee on **human resources**.

**Senate File 301**, by committee on state government, a bill for an act relating to bidding requirements for public improvement projects completed by certain state entities.

Read first time and **passed on file**.

**Senate File 323**, by Soddors, a bill for an act relating to the provision of certain information regarding a child in foster care to the foster care provider.

Read first time and referred to committee on **human resources**.

**Senate File 334**, by Gronstal, a bill for an act relating to the legislative committees charged with providing government oversight.

Read first time and referred to committee on **administration and rules**.

**Senate File 341**, by committee on state government, a bill for an act requiring that a person assisting another person with a disability by controlling an assistive animal be allowed to accompany the person with the disability and the assistive animal.

Read first time and referred to committee on **human resources**.

**Senate File 355**, by committee on commerce, a bill for an act relating to mortgage lending by establishing licensing requirements applicable to mortgage loan originators; making specified modifications to existing licensing provisions relating to mortgage bankers and brokers, regulated loans, and industrial loans; and providing penalties and effective dates.

Read first time and referred to committee on **commerce**.

**Senate File 358**, by committee on judiciary, a bill for an act relating to the recognition and enforcement of foreign-country money judgments and providing for the Act's applicability.

Read first time and referred to committee on **judiciary**.

**Senate File 360**, by committee on education, a bill for an act relating to the accreditation of school districts and nonpublic schools and the reorganization of school districts.

Read first time and referred to committee on **education**.

**Senate File 364**, by committee on judiciary, a bill for an act relating to civil actions including certain limitations on actions, judgments, and executions and including actions relating to the foreclosure of real estate mortgages, and providing effective date and applicability provisions.

Read first time and **passed on file**.

**Senate File 365**, by committee on judiciary, a bill for an act relating to trusts and estates including the administration of small estates and including retroactive and other applicability provisions.

Read first time and **passed on file**.

**Senate File 394**, by committee on human resources, a bill for an act requiring a circulating nurse to be present in operating rooms during surgical procedures and providing an effective date.

Read first time and referred to committee on **human resources**.

The House stood at ease at 9:24 a.m., until the fall of the gavel.

The House resumed session at 10:46 a.m., Speaker pro tempore Bukta in the chair.

## CONSIDERATION OF BILLS Regular Calendar

**House File 697**, a bill for an act relating to interference with judicial acts, and providing a penalty, was taken up for consideration.

Swaim of Davis asked and received unanimous consent to withdraw amendment H-1146 filed by him and Anderson of Page on March 12, 2009.

Under the provision of Rule 31, related to the timely filing of amendments, amendment H-1194, filed from the floor, was placed out of order.

T. Olson of Linn moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

## On the question "Shall the bill pass?" (H.F. 697)

The ayes were, 71:

Abdul-Samad	Beard	Bell	Berry
Burt	Cohoon	Dolecheck	Drake
Ficken	Ford	Frevert	Gaskill
Gayman	Grassley	Heaton	Heddens
Hunter	Huser	Isenhart	Jacoby
Kaufmann	Kearns	Kelley	Kressig
Kuhn	Lensing	Lukan	Lykam
Marek	Mascher	McCarthy	Mertz
Miller, H.	Murphy, Spkr.	Oldson	Olson, D.
Olson, R.	Olson, T.	Palmer	Paulsen
Petersen	Rants	Reasoner	Reichert
Roberts	Schueller	Schulte	Schultz
Shomshor	Smith	Soderberg	Sorenson
Steckman	Struyk	Swaim	Taylor, D.
Taylor, T.	Thede	Thomas	Tjepkes
Tymeson	Wagner	Wendt	Wenthe
Wessel-Kroeschell	Whitaker	Whitead	Willems
Winckler	Zirkelbach	Bukta,	
		Presiding	

The nays were, 24:

Alons	Arnold	Baudler	Cownie
De Boef	Deyoe	Forristall	Hagenow
Helland	Horbach	Huseman	Koester
May	Miller, L.	Olson, S.	Pettengill
Raecker	Sands	Sweeney	Upmeyer
Van Engelenhoven	Watts	Windschitl	Worthan

Absent or not voting, 5:

Anderson	Bailey	Chambers	Quirk
Rayhons			

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

## LEAVE OF ABSENCE

Leave of absence was granted as follows:

Paulsen of Linn on request of Roberts of Carroll.

**House File 705**, a bill for an act concerning community safe rooms and storm shelters in newly constructed public buildings, was taken up for consideration.

Grassley of Butler offered the following amendment H-1191 filed by him and moved its adoption:

H-1191

- 1 Amend House File 705 as follows:
- 2 1. Page 1, by striking line 19 and inserting the
- 3 following: "statute or by a federal".

Amendment H-1191 was adopted.

Burt 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?" (H.F. 705)

The ayes were, 95:

Abdul-Samad	Alons	Anderson	Arnold
Baudler	Beard	Bell	Berry
Burt	Cohoon	Cownie	De Boef
Deyoe	Dolecheck	Drake	Ficken
Ford	Forristall	Frevert	Gaskill
Gayman	Grassley	Hagenow	Heaton
Heddens	Helland	Horbach	Hunter
Huseman	Huser	Isenhart	Jacoby
Kaufmann	Kearns	Kelley	Koester
Kressig	Kuhn	Lensing	Lukan
Lykam	Marek	Mascher	May
McCarthy	Mertz	Miller, H.	Miller, L.
Murphy, Spkr.	Oldson	Olson, D.	Olson, R.
Olson, S.	Olson, T.	Palmer	Petersen
Pettengill	Raecker	Rants	Rayhons
Reasoner	Reichert	Roberts	Sands
Schueller	Schulte	Shomshor	Smith
Soderberg	Sorenson	Steckman	Struyk
Swaim	Sweeney	Taylor, D.	Taylor, T.
Thede	Thomas	Tjepkes	Tymeson
Upmeyer	Van Engelenhoven	Wagner	Watts
Wendt	Wenthe	Wessel-Kroeschell	Whitaker
Whitead	Willems	Winckler	Windschitl
Worthan	Zirkelbach	Bukta,	
		Presiding	

The nays were, 1:

Schultz

Absent or not voting, 4:

Bailey

Chambers

Paulsen

Quirk

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

### LEAVE OF ABSENCE

Leave of absence was granted as follows:

Upmeyer of Hancock on request of Roberts of Carroll.

**House File 707**, a bill for an act relating to eligible beneficiaries for a line of duty death benefit under the statewide fire and police retirement system and providing an effective date, was taken up for consideration.

Frevert of Palo Alto 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. 707)

The ayes were, 95:

Abdul-Samad	Alons	Anderson	Arnold
Baudler	Beard	Bell	Berry
Burt	Cohoon	Cownie	De Boef
Deyoe	Dolecheck	Drake	Ficken
Ford	Forristall	Frevert	Gaskill
Gayman	Grassley	Hagenow	Heaton
Heddens	Helland	Horbach	Hunter
Huseman	Huser	Isenhardt	Jacoby
Kaufmann	Kearns	Kelley	Koester
Kressig	Kuhn	Lensing	Lukan
Lykam	Marek	Mascher	May
McCarthy	Mertz	Miller, H.	Miller, L.
Murphy, Spkr.	Oldson	Olson, D.	Olson, R.
Olson, S.	Olson, T.	Palmer	Petersen
Pettengill	Raecker	Rants	Rayhons
Reasoner	Reichert	Roberts	Sands
Schueller	Schulte	Schultz	Shomshor
Smith	Soderberg	Sorenson	Steckman



Struyk	Swaim	Sweeney	Taylor, D.
Taylor, T.	Thede	Thomas	Tjepkes
Tymeson	Van Engelenhoven	Wagner	Watts
Wendt	Wenthe	Wessel-Kroeschell	Whitaker
Whitead	Willems	Winckler	Windschitl
Worthan	Zirkelbach	Bukta, Presiding	

The nays were, none.

Absent or not voting, 5:

Bailey	Chambers	Paulsen	Quirk
Upmeyer			

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

### IMMEDIATE MESSAGES

McCarthy of Polk asked and received unanimous consent that the following bills be immediately messaged to the Senate: **House Files 697, 705 and 707.**

**House File 710**, a bill for an act relating to the agricultural development authority, by providing for the reporting of its operations, was taken up for consideration.

Mertz of Kossuth moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

Speaker Murphy in the chair at 11:13 a.m.

On the question "Shall the bill pass?" (H.F. 710)

The ayes were, 96:

Abdul-Samad	Alons	Anderson	Arnold
Baudler	Beard	Bell	Berry
Bukta	Burt	Cohoon	Cownie
De Boef	Deyoe	Dolecheck	Drake
Ficken	Ford	Forristall	Frevert
Gaskill	Gayman	Grassley	Hagenow
Heaton	Heddens	Helland	Horbach
Hunter	Huseman	Huser	Isenhart
Jacoby	Kaufmann	Kearns	Kelley
Koester	Kressig	Kuhn	Lensing

Lukan	Lykam	Marek	Mascher
May	McCarthy	Mertz	Miller, H.
Miller, L.	Oldson	Olson, D.	Olson, R.
Olson, S.	Olson, T.	Palmer	Paulsen
Petersen	Pettengill	Quirk	Raecker
Rants	Rayhons	Reasoner	Reichert
Roberts	Sands	Schueller	Schulte
Schultz	Shomshor	Smith	Soderberg
Sorenson	Steckman	Struyk	Swaim
Sweeney	Taylor, D.	Taylor, T.	Thede
Thomas	Tjepkes	Tymeson	Van Engelenhoven
Wagner	Watts	Wendt	Wenthe
Wessel-Kroeschell	Whitaker	Willems	Winckler
Windschitl	Worthan	Zirkelbach	Mr. Speaker Murphy

The nays were, 1:

Whitead

Absent or not voting, 3:

Bailey                      Chambers                      Upmeyer

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

**House File 713**, a bill for an act creating the uniform child abduction prevention Act, was taken up for consideration.

Willems of Linn moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question “Shall the bill pass?” (H.F. 713)

The ayes were, 95:

Abdul-Samad	Alons	Anderson	Arnold
Baudler	Beard	Bell	Berry
Bukta	Burt	Cohoon	Cownie
De Boef	Deyoe	Dolecheck	Drake
Ficken	Ford	Forristall	Frevert
Gaskill	Gayman	Grassley	Hagenow
Heaton	Heddens	Helland	Horbach
Hunter	Huseman	Huser	Isenhart
Jacoby	Kaufmann	Kearns	Kelley
Koester	Kressig	Kuhn	Lensing
Lukan	Lykam	Marek	Mascher

May	McCarthy	Mertz	Miller, H.
Miller, L.	Oldson	Olson, D.	Olson, S.
Olson, T.	Palmer	Petersen	Pettengill
Quirk	Raecker	Rants	Rayhons
Reasoner	Reichert	Roberts	Sands
Schueller	Schulte	Schultz	Shomshor
Smith	Soderberg	Sorenson	Steckman
Struyk	Swaim	Sweeney	Taylor, D.
Taylor, T.	Thede	Thomas	Tjepkes
Tymeson	Van Engelenhoven	Wagner	Watts
Wendt	Wenthe	Wessel-Kroeschell	Whitaker
Whitead	Willems	Winckler	Windschitl
Worthan	Zirkelbach	Mr. Speaker	
		Murphy	

The nays were, none.

Absent or not voting, 5:

Bailey	Chambers	Olson, R.	Paulsen
Upmeyer			

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

**Senate File 50**, a bill for an act relating to the payment of a salary or other compensation to a candidate's family member, and making a penalty applicable, with report of committee recommending passage, was taken up for consideration.

Cohon of Des Moines 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. 50)

The ayes were, 96:

Abdul-Samad	Alons	Anderson	Arnold
Baudler	Beard	Bell	Berry
Bukta	Burt	Cohon	Cownie
De Boef	Deyoe	Dolecheck	Drake
Ficken	Ford	Forristall	Frevert
Gaskill	Gayman	Grassley	Hagenow
Heaton	Heddens	Helland	Horbach
Hunter	Huseman	Huser	Isenhart
Jacoby	Kaufmann	Kearns	Kelley
Koester	Kressig	Kuhn	Lensing
Lukan	Lykam	Marek	Mascher
May	McCarthy	Mertz	Miller, H.

Miller, L.	Oldson	Olson, D.	Olson, S.
Olson, T.	Palmer	Paulsen	Petersen
Pettengill	Quirk	Raecker	Rants
Rayhons	Reasoner	Reichert	Roberts
Sands	Schueller	Schulte	Schultz
Shomshor	Smith	Soderberg	Sorenson
Steckman	Struyk	Swaim	Sweeney
Taylor, D.	Taylor, T.	Thede	Thomas
Tjepkes	Tymeson	Van Engelenhoven	Wagner
Watts	Wendt	Wenthe	Wessel-Kroeschell
Whitaker	Whitead	Willems	Winckler
Windschitl	Worthan	Zirkelbach	Mr. Speaker Murphy

The nays were, none.

Absent or not voting, 4:

Bailey	Chambers	Olson, R.	Upmeyer
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The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

### IMMEDIATE MESSAGES

McCarthy of Polk asked and received unanimous consent that the following bills be immediately messaged to the Senate: **House Files 710, 713** and **Senate File 50**.

**House File 720**, a bill for an act relating to boiler and pressure vessel inspections and the boiler and pressure vessel board that oversees the inspections, was taken up for consideration.

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.

On the question "Shall the bill pass?" (H.F. 720)

The ayes were, 96:

Abdul-Samad	Alons	Anderson	Arnold
Baudler	Beard	Bell	Berry
Bukta	Burt	Cphoon	Cownie
De Boef	Deyoe	Dolecheck	Drake
Ficken	Ford	Forristall	Frevert
Gaskill	Gayman	Grassley	Hagenow

Heaton	Heddens	Helland	Horbach
Hunter	Huseman	Huser	Isenhart
Jacoby	Kaufmann	Kearns	Kelley
Koester	Kressig	Kuhn	Lensing
Lukan	Lykam	Marek	Mascher
May	McCarthy	Mertz	Miller, H.
Miller, L.	Oldson	Olson, D.	Olson, S.
Olson, T.	Palmer	Paulsen	Petersen
Pettengill	Quirk	Raecker	Rants
Rayhons	Reasoner	Reichert	Roberts
Sands	Schueller	Schulte	Schultz
Shomshor	Smith	Soderberg	Sorenson
Steckman	Struyk	Swaim	Sweeney
Taylor, D.	Taylor, T.	Thede	Thomas
Tjepkes	Tymeson	Van Engelenhoven	Wagner
Watts	Wendt	Wenthe	Wessel-Kroeschell
Whitaker	Whitead	Willems	Winckler
Windschitl	Worthan	Zirkelbach	Mr. Speaker Murphy

The nays were, none.

Absent or not voting, 4:

Bailey	Chambers	Olson, R.	Upmeyer
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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 MESSAGE

McCarthy of Polk asked and received unanimous consent that **House File 720** be immediately messaged to the Senate.

On motion by McCarthy of Polk, the House was recessed at 11:35 a.m., until 1:00 p.m.

#### AFTERNOON SESSION

The House reconvened at 1:20 p.m., Speaker Murphy in the chair.

#### INTRODUCTION OF BILLS

**House File 796**, by committee on state government, a bill for an act relating to the provision of services over certain Iowa communications network connection facilities under specified circumstances.

Read first time and placed on the **calendar**.

**House File 797**, by committee on state government, a bill for an act expanding Iowa communications network access to include counties.

Read first time and referred to committee on **state government**.

**House File 798**, by committee on environmental protection, a bill for an act relating to a waste tire stewardship and management fund and making appropriations.

Read first time and referred to committee on **appropriations**.

**House File 799**, by committee on transportation, a bill for an act providing for the operation of certain off-road vehicles on noninterstate highways and providing registration fees and a penalty.

Read first time and placed on the **calendar**.

**House File 800**, by committee on transportation, a bill for an act relating to department of transportation administrative procedures by establishing a procedure to remove a conviction relating to the operation of a motor vehicle from a driving record based on identity theft and requiring verification of status in regards to the driver's license of a foreign national.

Read first time and placed on the **calendar**.

**House File 801**, by committee on state government, a bill for an act relating to the establishment of a searchable budget database website for the public to access the details of the expenditure of state tax revenues and a searchable tax rate database for the public to access the details of each tax rate for all taxing districts in the state.

Read first time and placed on the **calendar**.

The House stood at ease at 1:22 p.m., until the fall of the gavel.

The House resumed session at 2:34 p.m., Speaker Murphy in the chair.

## QUORUM CALL

A non-record roll call was requested to determine that a quorum was present. The vote revealed eighty-three members present, seventeen absent.

## CONSIDERATION OF BILLS Regular Calendar

**House File 243**, a bill for an act providing for gender balance on local boards, commissions, committees, and councils, and including an applicability provision, was taken up for consideration.

Horbach of Tama offered the following amendment H-1087 filed by him and moved its adoption:

H-1087

- 1 Amend House File 243 as follows:
- 2 1. By striking everything after the enacting
- 3 clause and inserting the following:
- 4 "Section 1. NEW SECTION. 69.16D LOCAL APPOINTIVE
- 5 BOARDS – MEMBERSHIP SELECTION.
- 6 Opportunities to serve on all appointive boards,
- 7 commissions, committees, and councils of a political
- 8 subdivision of the state that are established by the
- 9 Code shall be open to all members of the community on
- 10 the basis of their qualifications and without bias or
- 11 discrimination. Political subdivisions shall utilize
- 12 a fair and unbiased method of selecting the best
- 13 qualified applicants for such appointments. Political
- 14 subdivisions shall consciously and actively seek the
- 15 participation of and solicit applications for
- 16 appointment from all groups of the community so that
- 17 the appointment of a highly qualified applicant can be
- 18 made."
- 19 2. Title page, by striking lines 1 through 3 and
- 20 inserting the following: "An Act concerning the
- 21 appointment of members to local boards, commissions,
- 22 committees, and councils."

Roll call was requested by Horbach of Tama and Smith of Marshall.

On the question "Shall amendment H-1087 be adopted?" (H.F. 243)

The ayes were, 44:

Alons	Anderson	Arnold	Baudler
Cownie	De Boef	Deyoe	Dolecheck
Drake	Forristall	Grassley	Hagenow
Heaton	Helland	Horbach	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	Upmeyer	Van Engelenhoven
Wagner	Watts	Windschitl	Worthan

The nays were, 54:

Abdul-Samad	Bailey	Beard	Bell
Berry	Bukta	Burt	Cohoon
Ficken	Ford	Frevort	Gaskill
Gayman	Heddens	Hunter	Huser
Isenhardt	Jacoby	Kearns	Kelley
Kressig	Kuhn	Lensing	Lykam
Marek	Mascher	McCarthy	Miller, H.
Oldson	Olson, D.	Olson, T.	Palmer
Petersen	Quirk	Reasoner	Reichert
Schueller	Shomshor	Smith	Steckman
Swaim	Taylor, D.	Taylor, T.	Thede
Thomas	Wendt	Wenthe	Wessel-Kroeschell
Whitaker	Whitead	Willems	Winckler
Zirkelbach	Mr. Speaker Murphy		

Absent or not voting, 2:

Chambers                      Olson, R.

Amendment H-1087 lost.

Mascher of Johnson asked and received unanimous consent to withdraw amendment H-1018 filed by her and Raecker of Polk on February 11, 2009.

Mascher of Johnson offered amendment H-1077 filed by her as follows:

H-1077

- 1 Amend House File 243 as follows:
- 2 1. Page 1, line 22, by inserting before the words
- 3 "All appointive" the following: "a."



- 4 2. Page 1, by striking lines 26 through 32 and  
 5 inserting the following: "the political subdivision  
 6 has made a good faith effort".
- 7 3. Page 1, line 33, by inserting after the words  
 8 "appoint a" the following: "qualified".
- 9 4. Page 2, line 1, by inserting after the word  
 10 "appointment." the following: "In complying with the  
 11 requirements of this subsection, political  
 12 subdivisions shall utilize a fair and unbiased method  
 13 of selecting the best qualified applicants.  
 14 b. The governing body of a political subdivision  
 15 of the state, shall, during the first regularly  
 16 scheduled meeting of the governing body in 2012, and  
 17 every even-numbered year thereafter, approve a written  
 18 report including the total number of members and the  
 19 number of women and men members as of January 1 of  
 20 that year for each appointive board, commission,  
 21 committee, or council of the political subdivision  
 22 referred to in paragraph "a" and describing what steps  
 23 the political subdivision is taking to encourage  
 24 gender balance on these appointive bodies. The  
 25 political subdivision shall make copies of the report  
 26 available during the meeting, shall publish the report  
 27 with the minutes of that meeting, and shall otherwise  
 28 make the report readily available to the public."
- 29 5. By renumbering as necessary.

Mascher of Johnson offered the following amendment H-1144, to amendment H-1077, filed by her and Huser of Polk and moved its adoption:

H-1144

- 1 Amend the amendment, H-1077, to House File 243 as  
 2 follows:
- 3 1. Page 1, by striking lines 2 and 3.
- 4 2. Page 1, line 13, by inserting after the word  
 5 "applicants." the following: "This subsection shall  
 6 not prohibit an individual whose term expires prior to  
 7 January 1, 2012, from being reappointed even though  
 8 the reappointment continues an inequity in gender  
 9 balance."
- 10 3. Page 1, by striking lines 14 through 28.

Amendment H-1144 was adopted.

On motion by Mascher of Johnson, amendment H-1077, as amended, was adopted.

Pettengill of Benton offered the following amendment H-1106 filed by her and moved its adoption:

H-1106

1 Amend House File 243 as follows:

2 1. Page 1, line 22, by striking the word "All"  
3 and inserting the following: "A political subdivision  
4 of the state shall make a good faith effort to provide  
5 that all".

6 2. Page 1, line 23, by striking the words "a  
7 political subdivision of the state" and inserting the  
8 following: "the political subdivision".

9 3. By striking page 1, line 25, through page 2,  
10 line 1, and inserting the following: "be gender  
11 balanced."

Amendment H-1106 lost.

Mascher of Johnson asked and received unanimous consent to withdraw amendment H-1046 filed by her on February 17, 2009.

Pettengill of Benton offered the following amendment H-1105 filed by her and moved its adoption:

H-1105

1 Amend House File 243 as follows:

2 1. Page 1, line 35, by striking the words "three  
3 months" and inserting the following: "one month".

A non-record roll call was requested.

The ayes were 37, nays 54.

Amendment H-1105 lost.

Mascher of Johnson moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 243)

The ayes were, 71:

Abdul-Samad	Anderson	Bailey	Beard
Bell	Berry	Bukta	Burt
Cohoon	Cownie	Drake	Ficken
Ford	Frevert	Gaskill	Gayman
Grassley	Hagenow	Heaton	Heddens
Hunter	Huser	Isenhart	Jacoby
Kaufmann	Kearns	Kelley	Koester
Kressig	Kuhn	Lensing	Lykam
Marek	Mascher	McCarthy	Mertz
Miller, H.	Miller, L.	Oldson	Olson, D.
Olson, T.	Palmer	Petersen	Quirk
Raecker	Rants	Reasoner	Reichert
Roberts	Schueller	Schulte	Shomshor
Smith	Soderberg	Steckman	Struyk
Swaim	Taylor, D.	Taylor, T.	Thede
Thomas	Tjepkes	Wendt	Wenthe
Wessel-Kroeschell	Whitaker	Whitead	Willems
Winckler	Zirkelbach	Mr. Speaker	
		Murphy	

The nays were, 27:

Alons	Arnold	Baudler	De Boef
Deyoe	Dolecheck	Forristall	Helland
Horbach	Huseman	Lukan	May
Olson, S.	Paulsen	Pettengill	Rayhons
Sands	Schultz	Sorenson	Sweeney
Tymeson	Upmeyer	Van Engelenhoven	Wagner
Watts	Windschitl	Worthan	

Absent or not voting, 2:

Chambers	Olson, R.
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The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

**Senate File 137**, a bill for an act providing that wage discrimination is an unfair employment practice under the Iowa civil rights Act and providing an enhanced remedy, with report of committee recommending amendment and passage, was taken up for consideration.

Lensing of Johnson offered the following amendment H-1118 filed by the committee on state government and moved its adoption:

H-1118

1 Amend Senate File 137, as passed by the Senate, as  
2 follows:

3 1. Page 3, by striking lines 3 through 18 and  
4 inserting the following:  
5 "Sec. \_\_\_\_\_. Section 216.15, subsection 8, paragraph  
6 a, Code 2009, is amended by adding the following new  
7 subparagraph:

8 NEW SUBPARAGRAPH. (9) For an unfair or  
9 discriminatory practice relating to wage  
10 discrimination pursuant to section 216.6A, payment to  
11 the complainant of damages for an injury caused by the  
12 discriminatory or unfair practice which damages shall  
13 include but are not limited to court costs, reasonable  
14 attorney fees, and either of the following:

15 (a) An amount equal to two times the wage  
16 differential paid to another employee compared to the  
17 complainant for the period of time for which the  
18 complainant has been discriminated against.

19 (b) In instances of willful and wanton violation,  
20 an amount equal to three times the wage differential  
21 paid to another employee as compared to the  
22 complainant for the period of time for which the  
23 complainant has been discriminated against."

24 2. By renumbering as necessary.

The committee amendment H-1118 was adopted.

Lensing 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. 137)

The ayes were, 90:

Abdul-Samad	Anderson	Arnold	Bailey
Beard	Bell	Berry	Bukta
Burt	Cohoon	Cownie	Deyoe
Drake	Ficken	Ford	Forristall
Frevert	Gaskill	Gayman	Grassley
Hagenow	Heaton	Heddens	Helland
Horbach	Hunter	Huseman	Huser
Isenhart	Jacoby	Kaufmann	Kearns
Kelley	Koester	Kressig	Kuhn
Lensing	Lukan	Lykam	Marek
Mascher	May	McCarthy	Mertz
Miller, H.	Miller, L.	Oldson	Olson, D.
Olson, S.	Olson, T.	Palmer	Petersen

Pettengill	Quirk	Raecker	Rants
Rayhons	Reasoner	Reichert	Roberts
Sands	Schueller	Schulte	Shomshor
Smith	Soderberg	Sorenson	Steckman
Struyk	Swaim	Sweeney	Taylor, D.
Taylor, T.	Thede	Thomas	Tjepkes
Tymeson	Upmeyer	Van Engelenhoven	Wagner
Wendt	Wenthe	Wessel-Kroeschell	Whitaker
Whitead	Willems	Winckler	Windschitl
Zirkelbach	Mr. Speaker Murphy		

The nays were, 7:

Alons	De Boef	Dolecheck	Paulsen
Schultz	Watts	Worthan	

Absent or not voting, 3:

Baudler	Chambers	Olson, R.
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The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

## 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, 2009, passed the following bill in which the concurrence of the House is asked:

Senate File 263, a bill for an act relating to Iowa national pollutant discharge elimination system program signage and providing a penalty.

Also: That the Senate has on March 18, 2009, passed the following bill in which the concurrence of the House is asked:

Senate File 428, a bill for an act relating to permissible prizes for use of an electrical and mechanical amusement device.

Also: That the Senate has on March 18, 2009, passed the following bill in which the concurrence of the House is asked:

Senate File 437, a bill for an act relating to the affairs of the governing body of a drainage district by providing for public access to meetings and records.

Also: That the Senate has on March 18, 2009, passed the following bill in which the concurrence of the House is asked:

Senate File 438, a bill for an act relating to actions injurious to dependent adults and residents of health care facilities and providing penalties.

Also: That the Senate has on March 18, 2009, passed the following bill in which the concurrence of the House is asked:

Senate File 440, a bill for an act relating to prescription drug coverage for health care facility residents eligible for federal veterans affairs benefits.

Also: That the Senate has on March 18, 2009, passed the following bill in which the concurrence of the House is asked:

Senate File 441, a bill for an act relating to local emergency management by modifying provisions of the statewide mutual aid compact and by making changes to certain funding provisions.

MICHAEL E. MARSHALL, Secretary

**House File 706**, a bill for an act relating to and publicizing mortgage foreclosure and real estate obligation protections for members of the national guard, and the reserve or regular component of the armed forces of the United States in active duty service, and providing a penalty, was taken up for consideration.

Gayman of Scott offered the following amendment H-1190 filed by her and moved its adoption:

H-1190

- 1 Amend House File 706 as follows:
- 2 1. Page 1, by striking lines 13 through 18 and
- 3 inserting the following:
- 4 "1. Except as provided under chapter 29A, or the
- 5 federal Service members Civil Relief Act of 2003, 50
- 6 U.S.C. app. 532 and 533, a creditor shall not initiate
- 7 a proceeding to enforce an obligation payable under
- 8 its terms in installments under a contract for the
- 9 purchase of real estate, or secured by a mortgage or
- 10 other instrument in the nature of a mortgage upon real
- 11 estate, against a borrower, or a borrower's
- 12 dependents, who is a member of the national guard or a
- 13 member of the reserve or regular component of the
- 14 armed forces of the United States in active duty
- 15 service. Enforcement of an obligation shall not be
- 16 permitted under the following circumstances:"
- 17 2. Page 1, line 20, by striking the words
- 18 "entitled to" and inserting the following: "has been
- 19 afforded".
- 20 3. Page 1, by striking lines 22 through 24 and

21 inserting the following: "creditor who enforces an  
 22 obligation in violation of chapter 29A, subchapter VI,  
 23 is subject to applicable penalty".  
 24 4. Page 1, line 28, by striking the words  
 25 "entitled to" and inserting the following: "has been  
 26 afforded".  
 27 5. Page 1, by striking lines 30 through 32 and  
 28 inserting the following: "533. A creditor who  
 29 enforces an obligation in violation of the federal Act  
 30 is subject to applicable penalty".

Amendment H-1190 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?" (H.F. 706)

The ayes were, 98:

Abdul-Samad	Alons	Anderson	Arnold
Bailey	Baudler	Beard	Bell
Berry	Bukta	Burt	Cohoon
Cownie	De Boef	Deyoe	Dolecheck
Drake	Ficken	Ford	Forristall
Frevert	Gaskill	Gayman	Grassley
Hagenow	Heaton	Heddens	Helland
Horbach	Hunter	Huseman	Huser
Isenhart	Jacoby	Kaufmann	Kearns
Kelley	Koester	Kressig	Kuhn
Lensing	Lukan	Lykam	Marek
Mascher	May	McCarthy	Mertz
Miller, H.	Miller, L.	Oldson	Olson, D.
Olson, S.	Olson, T.	Palmer	Paulsen
Petersen	Pettengill	Quirk	Raecker
Rants	Rayhons	Reasoner	Reichert
Roberts	Sands	Schueller	Schulte
Schultz	Shomshor	Smith	Soderberg
Sorenson	Steckman	Struyk	Swaim
Sweeney	Taylor, D.	Taylor, T.	Thede
Thomas	Tjepkes	Tymeson	Upmeyer
Van Engelenhoven	Wagner	Watts	White
Wenthe	Wessel-Kroeschell	Whitaker	Whitead
Willems	Winckler	Windschitl	Worthan
Zirkelbach	Mr. Speaker		
	Murphy		

The nays were, none.

Absent or not voting, 2:

Chambers

Olson, R.

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

**House File 317**, a bill for an act relating to inclusion of assisted living services under the medical assistance home and community-based services waiver for the elderly, was taken up for consideration.

Wendt of Woodbury 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. 317)

The ayes were, 98:

Abdul-Samad	Alons	Anderson	Arnold
Bailey	Baudler	Beard	Bell
Berry	Bukta	Burt	Cohoon
Cownie	De Boef	Deyoe	Dolecheck
Drake	Ficken	Ford	Forristall
Frevert	Gaskill	Gayman	Grassley
Hagenow	Heaton	Heddens	Helland
Horbach	Hunter	Huseman	Huser
Isenhardt	Jacoby	Kaufmann	Kearns
Kelley	Koester	Kressig	Kuhn
Lensing	Lukan	Lykam	Marek
Mascher	May	McCarthy	Mertz
Miller, H.	Miller, L.	Oldson	Olson, D.
Olson, S.	Olson, T.	Palmer	Paulsen
Petersen	Pettengill	Quirk	Raecker
Rants	Rayhons	Reasoner	Reichert
Roberts	Sands	Schueller	Schulte
Schultz	Shomshor	Smith	Soderberg
Sorenson	Steckman	Struyk	Swaim
Sweeny	Taylor, D.	Taylor, T.	Thede
Thomas	Tjepkes	Tymeson	Upmeyer
Van Engelenhoven	Wagner	Watts	Wendt
Wenthe	Wessel-Kroeschell	Whitaker	Whitead
Willems	Winckler	Windschitl	Worthan
Zirkelbach	Mr. Speaker		
	Murphy		

The nays were, none.



Absent or not voting, 2:

Chambers                      Olson, R.

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

**House File 487**, a bill for an act requiring postsecondary institutions and schools to provide students with specific textbook information, was taken up for consideration.

### SPECIAL PRESENTATION

Speaker Murphy introduced to the House the honorable Rich Running, former state representative from Linn County.

The House rose and expressed its welcome.

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?" (H.F. 487)

The ayes were, 98:

Abdul-Samad	Alons	Anderson	Arnold
Bailey	Baudler	Beard	Bell
Berry	Bukta	Burt	Cohoon
Cownie	De Boef	Deyoe	Dolecheck
Drake	Ficken	Ford	Forristall
Frevert	Gaskill	Gayman	Grassley
Hagenow	Heaton	Heddens	Helland
Horbach	Hunter	Huseman	Huser
Isenhardt	Jacoby	Kaufmann	Kearns
Kelley	Koester	Kressig	Kuhn
Lensing	Lukan	Lykam	Marek
Mascher	May	McCarthy	Mertz
Miller, H.	Miller, L.	Oldson	Olson, D.
Olson, S.	Olson, T.	Palmer	Paulsen
Petersen	Pettengill	Quirk	Raecker
Rants	Rayhons	Reasoner	Reichert
Roberts	Sands	Schueller	Schulte
Schultz	Shomshor	Smith	Soderberg
Sorenson	Steckman	Struyk	Swaim
Sweeney	Taylor, D.	Taylor, T.	Thede
Thomas	Tjepkes	Tymeson	Upmeyer

Van Engelenhoven	Wagner	Watts	Wendt
Wenthe	Wessel-Kroeschell	Whitaker	Whitead
Willems	Winckler	Windschitl	Worthan
Zirkelbach	Mr. Speaker Murphy		

The nays were, none.

Absent or not voting, 2:

Chambers                      Olson, R.

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

**House File 723**, a bill for an act relating to various matters under the purview of the insurance division of the department of commerce including the uniform securities act; insurance division; articles of incorporation filing requirements; viatical settlements contracts; life insurance companies and associations; long-term care insurance; long-term care asset disregard incentives; insurance other than life; insurance guaranty association; county mutual insurance associations; state mutual insurance associations; consolidation, merger, and reinsurance; and cemetery and funeral merchandise and funeral services; and providing for an immediate effective date and retroactive applicability, 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?" (H.F. 723)

The ayes were, 98:

Abdul-Samad	Alons	Anderson	Arnold
Bailey	Baudler	Beard	Bell
Berry	Bukta	Burt	Cohoon
Cownie	De Boef	Deyoe	Dolecheck
Drake	Ficken	Ford	Forristall
Frevert	Gaskill	Gayman	Grassley
Hagenow	Heaton	Heddens	Helland
Horbach	Hunter	Huseman	Huser
Isenhardt	Jacoby	Kaufmann	Kearns
Kelley	Koester	Kressig	Kuhn
Lensing	Lukan	Lykam	Marek

Mascher	May	McCarthy	Mertz
Miller, H.	Miller, L.	Oldson	Olson, D.
Olson, S.	Olson, T.	Palmer	Paulsen
Petersen	Pettengill	Quirk	Raecker
Rants	Rayhons	Reasoner	Reichert
Roberts	Sands	Schueller	Schulte
Schultz	Shomshor	Smith	Soderberg
Sorenson	Steckman	Struyk	Swaim
Sweeney	Taylor, D.	Taylor, T.	Thede
Thomas	Tjepkes	Tymeson	Upmeyer
Van Engelenhoven	Wagner	Watts	Wendt
Wenthe	Wessel-Kroeschell	Whitaker	Whitead
Willems	Winckler	Windschitl	Worthan
Zirkelbach	Mr. Speaker Murphy		

The nays were, none.

Absent or not voting, 2:

Chambers                      Olson, R.

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

## 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, 2009, passed the following bill in which the concurrence of the House is asked:

Senate File 414, a bill for an act providing for a pilot project supporting high-quality child care for low-income children.

Also: That the Senate has on March 18, 2009, passed the following bill in which the concurrence of the House is asked:

Senate File 425, a bill for an act providing for certain witness information in the minutes of evidence filed with a trial information or indictment and providing an effective date.

Also: That the Senate has on March 18, 2009, passed the following bill in which the concurrence of the House is asked:

Senate File 436, a bill for an act relating to observers at satellite absentee voting stations.

MICHAEL E. MARSHALL, Secretary

**House File 677**, a bill for an act relating to trusts and estates including the administration of small estates and including retroactive and other applicability provisions, was taken up for consideration.

Huser of Polk offered the following amendment H-1140 filed by her and moved its adoption:

H-1140

- 1 Amend House File 677 as follows:
- 2 1. Page 1, by striking lines 13 through 15 and
- 3 inserting the following: "the notice is served unless
- 4 the court finds there is good cause shown to shorten
- 5 the time period to less than twenty days. The court
- 6 shall".
- 7 2. Page 4, by striking line 26 and inserting the
- 8 following: "trustee or the addition of a provision to
- 9 the trust instrument allowing a".
- 10 3. Page 4, line 27, by inserting after the word
- 11 "beneficiary" the following: "or a group of
- 12 beneficiaries".
- 13 4. Page 4, line 30, by inserting after the word
- 14 "provisions" the following: "for the purposes of this
- 15 section".

Amendment H-1140 was adopted.

#### SENATE FILE 365 SUBSTITUTED FOR HOUSE FILE 677

Huser of Polk asked and received unanimous consent to substitute Senate File 365 for House File 677.

**Senate File 365**, a bill for an act relating to trusts and estates including the administration of small estates and including retroactive and other applicability provisions, was taken up for consideration.

Huser of Polk moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 365)

The ayes were, 96:

Abdul-Samad	Alons	Anderson	Arnold
Bailey	Baudler	Beard	Bell
Berry	Bukta	Burt	Cohoon
Cownie	De Boef	Deyoe	Dolecheck
Drake	Ficken	Ford	Forristall
Frevert	Gaskill	Gayman	Grassley
Hagenow	Heaton	Heddens	Helland
Horbach	Hunter	Huseman	Huser
Isenhart	Jacoby	Kaufmann	Kearns
Kelley	Koester	Kressig	Kuhn
Lensing	Lykam	Marek	Mascher
May	McCarthy	Mertz	Miller, H.
Miller, L.	Oldson	Olson, D.	Olson, S.
Olson, T.	Palmer	Paulsen	Petersen
Pettengill	Quirk	Raecker	Rants
Rayhons	Reasoner	Reichert	Roberts
Sands	Schueller	Schulte	Schultz
Shomshor	Smith	Soderberg	Sorenson
Steckman	Struyk	Swaim	Sweeney
Taylor, T.	Thede	Thomas	Tjepkes
Tymeson	Upmeyer	Van Engelenhoven	Wagner
Watts	Wendt	Wenthe	Wessel-Kroeschell
Whitaker	Whitead	Willems	Winckler
Windschitl	Worthan	Zirkelbach	Mr. Speaker
			Murphy

The nays were, 1:

Taylor, D.

Absent or not voting, 3:

Chambers                      Lukan                      Olson, R.

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

### HOUSE FILE 677 WITHDRAWN

Huser of Polk asked and received unanimous consent to withdraw House File 677 from further consideration by the House.

**House File 695**, a bill for an act relating to civil actions including certain limitations on actions, judgments, and executions and including actions relating to the foreclosure of real estate mortgages, and providing effective date and applicability provisions, was taken up for consideration.

Willems of Linn offered the following amendment H-1170 filed by him and moved its adoption:

H-1170

- 1 Amend House File 695 as follows:
- 2 1. Page 3, line 28, by inserting after the word
- 3 "person" the following: "or the person's attorney".
- 4 2. Page 4, line 15, by striking the words
- 5 "commencing an action" and inserting the following:
- 6 "filing a petition".
- 7 3. Page 8, line 1, by inserting after the word
- 8 "filed." the following: "Except as otherwise provided
- 9 in this section, the filing of a rescission shall
- 10 operate as a setting aside of the decree of
- 11 foreclosure and a dismissal of the foreclosure without
- 12 prejudice, with costs assessed against the plaintiff."
- 13 4. Page 8, by striking lines 34 and 35 and
- 14 inserting the following: "lienholder's debt against
- 15 the mortgaged property, but, subject to the provisions
- 16 of chapter 615, shall not otherwise".
- 17 5. Page 10, by striking lines 12 and 13 and
- 18 inserting the following: "default. Unless, within
- 19 thirty days, the junior lienholder performs pursuant
- 20 to section 655A.5, the mortgagee may file a".
- 21 6. Page 10, by striking lines 29 and 30 and
- 22 inserting the following: "section 654.4B takes effect
- 23 May 1, 2009."
- 24 7. By renumbering as necessary.

Amendment H-1170 was adopted.

### SENATE FILE 364 SUBSTITUTED FOR HOUSE FILE 695

Willems of Linn asked and received unanimous consent to substitute Senate File 364 for House File 695.

**Senate File 364**, a bill for an act relating to civil actions including certain limitations on actions, judgments, and executions and including actions relating to the foreclosure of real estate mortgages, and providing effective date and applicability provisions, was taken up for consideration.

Willems of Linn moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 364)

The ayes were, 98:

Abdul-Samad	Alons	Anderson	Arnold
Bailey	Baudler	Beard	Bell
Berry	Bukta	Burt	Cohoon
Cownie	De Boef	Deyoe	Dolecheck
Drake	Ficken	Ford	Forristall
Frevert	Gaskill	Gayman	Grassley
Hagenow	Heaton	Heddens	Helland
Horbach	Hunter	Huseman	Huser
Isenhardt	Jacoby	Kaufmann	Kearns
Kelley	Koester	Kressig	Kuhn
Lensing	Lukan	Lykam	Marek
Mascher	May	McCarthy	Mertz
Miller, H.	Miller, L.	Oldson	Olson, D.
Olson, S.	Olson, T.	Palmer	Paulsen
Petersen	Pettengill	Quirk	Raecker
Rants	Rayhons	Reasoner	Reichert
Roberts	Sands	Schueller	Schulte
Schultz	Shomshor	Smith	Soderberg
Sorenson	Steckman	Struyk	Swaim
Sweeney	Taylor, D.	Taylor, T.	Thede
Thomas	Tjepkes	Tymeson	Upmeyer
Van Engelenhoven	Wagner	Watts	Wendt
Wenthe	Wessel-Kroeschell	Whitaker	Whitead
Willems	Winckler	Windschitl	Worthan
Zirkelbach	Mr. Speaker		
	Murphy		

The nays were, none.

Absent or not voting, 2:

Chambers                      Olson, R.

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

### IMMEDIATE MESSAGES

McCarthy of Polk asked and received unanimous consent that the following bills be immediately messaged to the Senate: **House Files 243, 317, 487, 706, 723** and **Senate Files 137, 364** and **365**.

## SENATE FILE 151 REFERRED

The Speaker announced that Senate File 151, previously placed on the **calendar** was referred to committee on **transportation**.

## 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

- |           |  |
|-----------|--|
| 2009\2699 | Leo and Jean Stancel, Marion – For celebrating their 50 <sup>th</sup> wedding anniversary.   |
| 2009\2700 | Arlo and Arlene Pelley, Marion – For celebrating their 60 <sup>th</sup> wedding anniversary.   |
| 2009\2701 | Everett and Glenda Mysak, Marion – For celebrating their 50 <sup>th</sup> wedding anniversary.   |
| 2009\2702 | Kiah Stokes, Linn-Mar High School – For being named to the Class 4A 2009 Iowa High School Girls' Basketball All-Tournament Team and Iowa Girls' Coaches Association Class 4A First-Team All-State. |
| 2009\2703 | Zach Bohannon, Linn-Mar High School – For being named to the Class 4A 2009 Iowa High School Boys' Basketball All-Tournament Team and Iowa Boys' Coaches Association Class 4A First-Team All-State. |
| 2009\2704 | Marcus Paige, Linn-Mar High School – For being named to the Class 4A 2009 Iowa High School Boys' Basketball All-Tournament Team.   |
| 2009\2705 | Linn-Mar Lions and Coach Chris Robertson, Linn-Mar High School – For winning 2 <sup>nd</sup> place in the 2009 Class 4A State Boys' Basketball Tournament.   |
| 2009\2706 | Jamie Printy, Linn-Mar High School – For being named to the Iowa Girls' Coaches Association All-State Basketball Team, Class 4A First-Team.  |
| 2009\2707 | Morgan Paige, Marion High School – For being named to the Iowa Girls' Coaches Association All-State Basketball Team, Class 3A First-Team.  |



- 2009\2708 Amry Shelby, Marion High School – For being named to the Iowa Boys’ Coaches Association All-State Basketball Team, Class 3A First-Team.
- 2009\2709 Harold Keninger, Ackley – For celebrating his 90<sup>th</sup> birthday.
- 2009\2710 Millie Neuendorf, Eldora – For celebrating her 80<sup>th</sup> birthday.
- 2009\2711 Verna Webber, Ames – For celebrating her 106<sup>th</sup> birthday.
- 2009\2712 Martha Heimbuch, Mason City – For celebrating her 90<sup>th</sup> birthday.
- 2009\2713 Trevor Alen Thein, Muscatine – For attaining the rank of Eagle Scout, the highest rank in the Boy Scouts of America.
- 2009\2714 Ajeet Singh, Clive – For being named a University of Iowa Presidential Scholar.
- 2009\2715 Hallie Schenkel, Muscatine – For celebrating her 98<sup>th</sup> birthday.
- 2009\2716 Dorothy Westerman, Muscatine – For celebrating her 90<sup>th</sup> birthday.

#### SUBCOMMITTEE ASSIGNMENTS

##### **House File 341**

Ways and Means: Bell, Chair; Sands and Steckman.

##### **House File 342**

Ways and Means: Bell, Chair; Steckman and Wagner.

##### **House File 397**

Ways and Means: Isenhart, Chair; Struyk and Thomas.

##### **House File 398**

Ways and Means: D. Olson, Chair; Kaufmann and Steckman.

##### **House File 444**

Ways and Means: Bell, Chair; Hagenow and Steckman.

##### **House File 451**

Ways and Means: T. Olson, Chair; Shomshor and Struyk.

##### **House File 528**

Ways and Means: D. Olson, Chair; Forristall and Steckman.

**House File 560**

Ways and Means: D. Olson, Chair; Grassley and Steckman.

**House File 581**

Ways and Means: Isenhart, Chair; Steckman and Windschitl.

**House File 588**

Ways and Means: Petersen, Chair; Helland and D. Olson.

**House File 595**

Ways and Means: Wagner, Chair; Frevert and Kelley.

**House File 613**

Ways and Means: Isenhart, Chair; Steckman and Struyk.

**House File 624**

Ways and Means: Thomas, Chair; Kaufmann and Steckman.

**House File 626**

Ways and Means: T. Olson, Chair; Isenhart and Struyk.

**House File 631**

Ways and Means: Thomas, Chair; Forristall and Steckman.

**House File 636**

Ways and Means: Sands, Chair; Bukta and Petersen.

**House File 637**

Ways and Means: Isenhart, Chair; L. Miller and Steckman.

**House File 639**

Ways and Means: Wagner, Chair; Frevert and Kelley.

**House File 661**

Ways and Means: D. Olson, Chair; Isenhart and Struyk.

**House File 668**

Ways and Means: T. Olson, Chair; Hagenow and Isenhart.

**House File 680**

Ways and Means: Sands, Chair; Bukta and Petersen.

**House File 690**

Ways and Means: Kaufmann, Chair; Bell and D. Olson.

**House File 702**

Ways and Means: Thomas, Chair; Forristall and Steckman.

**Senate Joint Resolution 5**

Judiciary: Swaim, Chair; Anderson and Palmer.

**Senate File 253**

Ways and Means: Windschitl, Chair; Bell and Grassley.

**Senate File 322**

Ways and Means: Willems, Chair; Helland and T. Olson.

## HOUSE STUDY BILL SUBCOMMITTEE ASSIGNMENTS

**House Study Bill 272**

Ways and Means: Helland, Chair; T. Olson and Willems.

**House Study Bill 273**

Ways and Means: Hagenow, Chair; Bell and Reasoner.

**House Study Bill 274**

Ways and Means: Bell, Chair; Frevert and Hagenow.

## HOUSE STUDY BILL COMMITTEE ASSIGNMENT

**H.S.B. 275 Ways and Means**

Providing a sales tax exemption from the sale of wastewater and effluent treatment service provided by certain public entities for use in a manufacturing process.

## AMENDMENTS FILED

H—1195      H.F.      732      Tymeson of Madison

H—1196	H.F.	732	Tymeson of Madison
H—1197	H.F.	732	Tymeson of Madison
H—1198	H.F.	732	Tymeson of Madison
H—1199	H.F.	732	De Boef of Keokuk
H—1200	H.F.	774	Committee on Judiciary
H—1201	H.F.	743	D. Olson of Boone
H—1202	H.F.	765	Horbach of Tama
H—1203	H.F.	783	Horbach of Tama
H—1204	H.F.	732	Alons of Sioux Soderberg of Plymouth Tymeson of Madison
H—1205	H.F.	769	Watts of Dallas
H—1206	H.F.	769	Watts of Dallas
H—1207	H.F.	780	Watts of Dallas
H—1208	H.F.	732	May of Dickinson
H—1209	H.F.	769	Watts of Dallas
H—1210	H.F.	769	Watts of Dallas
H—1211	H.F.	682	Gaskill of Wapello
H—1212	H.F.	732	Baudler of Adair
H—1213	H.F.	234	Upmeyer of Hancock
H—1214	H.F.	234	Soderberg of Plymouth
H—1215	H.F.	234	L. Miller of Scott
H—1216	H.F.	234	Pettengill of Benton
H—1217	H.F.	722	Bell of Jasper
H—1218	H.F.	769	Deyoe of Story
H—1219	H.F.	687	Sweeney of Hardin
H—1220	S.F.	266	Huser of Polk
H—1221	H.F.	234	Tymeson of Madison
H—1222	H.F.	735	Kuhn of Floyd

On motion by McCarthy of Polk the House adjourned at 5:14 p.m., until 9:00 a.m., Thursday, March 19, 2009.

# JOURNAL OF THE HOUSE

Sixty-seventh Calendar Day - Forty-fifth Session Day

Hall of the House of Representatives  
Des Moines, Iowa, Thursday, March 19, 2009

The House met pursuant to adjournment at 9:01 a.m., Speaker Murphy in the chair.

Prayer was offered by Reverend Tim Phillips, pastor of Gloria Dei Lutheran Church, Urbandale. He was the guest of Representative Scott Raecker of Polk County.

## PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Kelsey Patience, House Page from Earlham.

The Journal of Wednesday, March 18, 2009 was approved.

## INTRODUCTION OF BILLS

**House File 802**, by committee on environmental protection, a bill for an act providing for public comment regarding an application to construct a confinement feeding operation structure.

Read first time and placed on the **calendar**.

**House File 803**, by Ford, a bill for an act providing for a deduction from the individual and corporate income taxes for wages paid to certain newly hired workers and including a retroactive applicability date provision.

Read first time and referred to committee on **ways and means**.

## SENATE MESSAGES CONSIDERED

**Senate File 263**, by committee on environment and energy independence, a bill for an act relating to Iowa national pollutant discharge elimination system program signage and providing a penalty.

Read first time and referred to committee on **environmental protection**.

**Senate File 428**, by committee on state government, a bill for an act relating to permissible prizes for use of an electrical and mechanical amusement device.

Read first time and referred to committee on **state government**.

**Senate File 437**, by committee on local government, a bill for an act relating to the affairs of the governing body of a drainage district by providing for public access to meetings and records.

Read first time and referred to committee on **local government**.

**Senate File 438**, by committee on judiciary, a bill for an act relating to actions injurious to dependent adults and providing penalties.

Read first time and referred to committee on **judiciary**.

**Senate File 440**, by committee on veterans affairs, a bill for an act relating to prescription drug coverage for health care facility residents eligible for federal veterans affairs benefits.

Read first time and referred to committee on **veterans affairs**.

## 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, 2009, passed the following bill in which the concurrence of the House is asked:

Senate File 142, a bill for an act relating to economic development by providing for an innovation and commercialization development fund, making the department of revenue responsible for approving certain tax credits for third-party developers, making appropriations, and providing an effective date.

Also: That the Senate has on March 18, 2009, passed the following bill in which the concurrence of the House is asked:

Senate File 405, a bill for an act providing for the disposal of dead animal bodies by persons, including individuals practicing veterinary medicine.

Also: That the Senate has on March 18, 2009, passed the following bill in which the concurrence of the House is asked:

Senate File 423, a bill for an act providing for the dispensing of ethanol blended gasoline by authorizing the use of secondary containment, and providing an effective date.

Also: That the Senate has on March 18, 2009, passed the following bill in which the concurrence of the House is asked:

Senate File 429, a bill for an act authorizing local authorities to permit parking on the left side of a roadway.

Also: That the Senate has on March 18, 2009, passed the following bill in which the concurrence of the House is asked:

Senate File 430, a bill for an act relating to appointments by members of the general assembly to statutory boards, commissions, councils, and committees, and including effective date and applicability provisions.

Also: That the Senate has on March 18, 2009, passed the following bill in which the concurrence of the House is asked:

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.

MICHAEL E. MARSHALL, Secretary

On motion by Reasoner of Union, the House was recessed at 9:10 a.m., until 2:00 p.m.

### AFTERNOON SESSION

The House reconvened at 2:13 p.m., Speaker Murphy in the chair.

### SENATE MESSAGES CONSIDERED

**Senate File 405**, by committee on agriculture, a bill for an act providing for the disposal of dead animal bodies by persons, including individuals practicing veterinary medicine, and making penalties applicable.

Read first time and referred to committee on **agriculture**.

**Senate File 414**, by committee on human resources, a bill for an act providing for a pilot project supporting high-quality child care for low-income children.

Read first time and referred to committee on **human resources**.

**Senate File 423**, by committee on environment and energy independence, a bill for an act providing for the dispensing of ethanol blended gasoline by authorizing the use of secondary containment, and providing an effective date.

Read first time and referred to committee on **environmental protection**.

**Senate File 425**, by committee on judiciary, a bill for an act providing for certain witness information in the minutes of evidence filed with a trial information or indictment and providing an effective date.

Read first time and referred to committee on **judiciary**.

**Senate File 429**, by committee on local government, a bill for an act authorizing local authorities to permit parking on the left side of a roadway.

Read first time and **passed on file**.

**Senate File 430**, by committee on rules and administration, a bill for an act relating to appointments to statutory boards, commissions, councils, and committees that involve the general assembly, and including effective date and applicability provisions.

Read first time and referred to committee on **administration and rules**.

**Senate File 431**, by committee on judiciary, a bill for an act relating to the reorganization of operating-while-intoxicated criminal offenses, making related changes, and providing an effective date.

Read first time and referred to committee on **judiciary**.

**Senate File 436**, by committee on local government, a bill for an act relating to observers at satellite absentee voting stations.

Read first time and referred to committee on **state government**.



**Senate File 441**, by committee on local government, a bill for an act relating to local emergency management by modifying provisions of the statewide mutual aid compact and by making changes to certain funding provisions.

Read first time and referred to committee on **local government**.

### SPECIAL PRESENTATION

Van Engelenhoven of Marion introduced to the House, the honorable Harold Van Maanen former Speaker of the House from Marion County.

The House rose and expressed its welcome.

The House stood at ease at 2:19 p.m., until the fall of the gavel.

The House resumed session at 4:13 p.m., Speaker Murphy in the chair.

### LEAVE OF ABSENCE

Leave of absence was granted as follows:

Schultz of Crawford on request of Paulsen of Linn; Whitead of Woodbury and Zirkelbach of Jones on request of McCarthy of Polk..

### CONSIDERATION OF BILLS

#### Regular Calendar

**House File 672**, a bill for an act relating to individual development accounts available to certain persons with low income and providing effective and applicability date provisions, was taken up for consideration.

Mascher of Johnson moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 672)

The ayes were, 67:

Abdul-Samad	Anderson	Bailey	Beard
Bell	Berry	Bukta	Burt
Cohoon	Cownie	Ficken	Ford
Frevert	Gaskill	Gayman	Grassley
Heaton	Heddens	Hunter	Huser
Isenhart	Jacoby	Kaufmann	Kearns
Kelley	Koester	Kressig	Kuhn
Lensing	Lukan	Lykam	Marek
Mascher	McCarthy	Mertz	Miller, H.
Miller, L.	Oldson	Olson, D.	Olson, T.
Palmer	Paulsen	Petersen	Pettengill
Quirk	Reasoner	Reichert	Roberts
Schueller	Schulte	Shomshor	Smith
Steckman	Swaim	Taylor, D.	Taylor, T.
Thede	Thomas	Upmeyer	Wagner
Wendt	Wenthe	Wessel-Kroeschell	Whitaker
Willems	Winckler	Mr. Speaker	
		Murphy	

The nays were, 28:

Alons	Arnold	Baudler	De Boef
Deyoe	Dolecheck	Drake	Forristall
Hagenow	Helland	Horbach	Huseman
May	Olson, S.	Raecker	Rants
Rayhons	Sands	Soderberg	Sorenson
Struyk	Sweeney	Tjepkes	Tymeson
Van Engelenhoven	Watts	Windschitl	Worthan

Absent or not voting, 5:

Chambers	Olson, R.	Schultz	Whitead
Zirkelbach			

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

**House File 315**, a bill for an act creating an Iowa collaboration for youth development council and state of Iowa youth advisory council in the department of human rights, was taken up for consideration.

Baudler of Adair offered the following amendment H-1136 filed by him and moved its adoption:

H-1136

- 1 Amend House File 315 as follows:
- 2 1. Page 1, line 7, by striking the word
- 3 "twenty-one" and inserting the following: "eighteen".
- 4 2. Page 3, line 13, by striking the word "twenty"
- 5 and inserting the following: "eighteen".

A non-record roll call was requested.

The ayes were 42, nays 51.

Amendment H-1136 lost.

Mascher of Johnson moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 315)

The ayes were, 65:

Abdul-Samad	Anderson	Bailey	Beard
Bell	Berry	Bukta	Burt
Cohoon	Cownie	Dolecheck	Ficken
Ford	Frevert	Gaskill	Gayman
Heaton	Heddens	Hunter	Huser
Isenhardt	Jacoby	Kearns	Kelley
Koester	Kressig	Kuhn	Lensing
Lykam	Marek	Mascher	McCarthy
Mertz	Miller, H.	Oldson	Olson, D.
Olson, T.	Palmer	Petersen	Pettengill
Quirk	Raecker	Reasoner	Reichert
Roberts	Schueller	Schulte	Shomshor
Smith	Steckman	Swaim	Taylor, D.
Taylor, T.	Thede	Thomas	Tjepkes
Upmeyer	Wagner	Wendt	Wenthe
Wessel-Kroeschell	Whitaker	Willems	Winckler
Mr. Speaker			
Murphy			

The nays were, 30:

Alons	Arnold	Baudler	De Boef
Deyoe	Drake	Forristall	Grassley
Hagenow	Helland	Horbach	Huseman
Kaufmann	Lukan	May	Miller, L.
Olson, S.	Paulsen	Rants	Rayhons
Sands	Soderberg	Sorenson	Struyk

Sweeney                      Tymeson                      Van Engelenhoven      Watts  
Windschitl                  Worthan

Absent or not voting, 5:

Chambers                      Olson, R.                      Schultz                      Whitead  
Zirkelbach

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

**House File 735**, a bill for an act providing for the stockpiling of dry manure originating from confinement feeding operations, making penalties applicable, and providing an effective date, was taken up for consideration.

Kuhn of Floyd offered amendment H-1222 filed by him as follows:

H-1222

- 1 Amend House File 735 as follows:
- 2 1. Page 2, by striking line 7 and inserting the
- 3 following:
- 4 "A person shall not stockpile dry manure, unless
- 5 the dry manure originates from a confinement feeding
- 6 operation that includes a manure storage structure
- 7 constructed prior to May 31, 1995, and the person".
- 8 2. Page 2, by striking lines 29 through 32.
- 9 3. Page 3, by striking line 21 and inserting the
- 10 following:
- 11 "A person shall not stockpile dry manure, unless
- 12 the dry manure originates from a confinement feeding
- 13 operation that includes a manure storage structure
- 14 constructed prior to May 31, 1995, and the person".
- 15 4. Page 6, by striking lines 8 through 19.
- 16 5. By renumbering as necessary.

Kuhn of Floyd offered the following amendment H-1224, to amendment H-1222, filed by him from the floor and moved its adoption:

H-1224

- 1 Amend the amendment, H-1222, to House File 735, as
- 2 follows:
- 3 1. Page 1, by striking lines 2 through 15 and
- 4 inserting the following:
- 5 "\_\_\_\_. Page 2, line 31, by striking the word and

- 6 figures "January 1, 2006" and inserting the following:  
 7 "May 31, 1995".  
 8 \_\_\_\_\_. Page 6, line 13, by striking the word and  
 9 figures "January 1, 2006" and inserting the following:  
 10 "May 31, 1995".  
 11 2. By renumbering as necessary.

A non-record roll call was requested.

The ayes were 67, nays 6.

Amendment H-1224 was adopted.

Kuhn of Floyd moved the adoption of amendment H-1222, as amended.

A non-record roll call was requested.

The ayes were 30, nays 54.

Amendment H-1222, as amended, lost.

Mertz of Kossuth moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 735)

The ayes were, 87:

Abdul-Samad	Alons	Anderson	Arnold
Bailey	Baudler	Beard	Bell
Berry	Bukta	Burt	Cohoon
Cownie	De Boef	Deyoe	Dolecheck
Drake	Ficken	Forristall	Frevert
Gaskill	Gayman	Grassley	Hagenow
Heaton	Heddens	Helland	Horbach
Huseman	Huser	Isenhart	Jacoby
Kaufmann	Kearns	Kelley	Koester
Kressig	Lukan	Lykam	Marek
Mascher	May	McCarthy	Mertz
Miller, H.	Miller, L.	Oldson	Olson, D.
Olson, S.	Olson, T.	Palmer	Paulsen
Petersen	Pettengill	Quirk	Raecker
Rants	Rayhons	Reasoner	Reichert
Roberts	Sands	Schueller	Schulte

Shomshor	Smith	Soderberg	Sorenson
Steckman	Struyk	Swaim	Sweeney
Thede	Thomas	Tjepkes	Tymeson
Upmeyer	Van Engelenhoven	Wagner	Watts
Wendt	Wenthe	Wessel-Kroeschell	Willems
Windschitl	Worthan	Mr. Speaker	
		Murphy	

The nays were, 8:

Ford	Hunter	Kuhn	Lensing
Taylor, D.	Taylor, T.	Whitaker	Winckler

Absent or not voting, 5:

Chambers	Olson, R.	Schultz	Whitead
Zirkelbach			

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

**House File 477**, a bill for an act relating to declaration of value forms for the conveyance of real estate by making social security numbers and tax identification numbers confidential, was taken up for consideration.

Quirk of Chickasaw moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 477)

The ayes were, 94:

Abdul-Samad	Alons	Anderson	Arnold
Bailey	Baudler	Beard	Bell
Berry	Bukta	Burt	Cohoon
Cownie	De Boef	Deyoe	Dolecheck
Drake	Ficken	Ford	Forristall
Frevert	Gaskill	Gayman	Grassley
Hagenow	Heaton	Heddens	Helland
Horbach	Hunter	Huseman	Huser
Isenhardt	Jacoby	Kaufmann	Kearns
Kelley	Koester	Kressig	Kuhn
Lensing	Lukan	Lykam	Marek
Mascher	May	McCarthy	Mertz
Miller, H.	Miller, L.	Oldson	Olson, D.
Olson, S.	Olson, T.	Palmer	Paulsen

Petersen	Pettengill	Quirk	Raecker
Rants	Rayhons	Reasoner	Reichert
Roberts	Sands	Schueller	Schulte
Shomshor	Smith	Soderberg	Sorenson
Steckman	Struyk	Swaim	Sweeney
Taylor, D.	Thede	Thomas	Tjepkes
Tymeson	Upmeyer	Van Engelenhoven	Wagner
Watts	Wendt	Wenthe	Wessel-Kroeschell
Whitaker	Willems	Winckler	Windschitl
Worthan	Mr. Speaker Murphy		

The nays were, none.

Absent or not voting, 6:

Chambers	Olson, R.	Schultz	Taylor, T.
Whitead	Zirkelbach		

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

### IMMEDIATE MESSAGES

McCarthy of Polk asked and received unanimous consent that the following bills be immediately messaged to the Senate: **House Files 315, 477, 672 and 735.**

**House File 502**, a bill for an act providing for petition and election to approve the use of increased local sales and services tax revenues to fund urban renewal projects, was taken up for consideration.

Gaskill of Wapello 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. 502)

The ayes were, 95:

Abdul-Samad	Alons	Anderson	Arnold
Bailey	Baudler	Beard	Bell
Berry	Bukta	Burt	Cohoon
Cownie	De Boef	Deyoe	Dolecheck
Drake	Ficken	Ford	Forristall
Frevert	Gaskill	Gayman	Grassley
Hagenow	Heaton	Heddens	Helland

Horbach	Hunter	Huseman	Huser
Isenhardt	Jacoby	Kaufmann	Kearns
Kelley	Koester	Kressig	Kuhn
Lensing	Lukan	Lykam	Marek
Mascher	May	McCarthy	Mertz
Miller, H.	Miller, L.	Oldson	Olson, D.
Olson, S.	Olson, T.	Palmer	Paulsen
Petersen	Pettengill	Quirk	Raecker
Rants	Rayhons	Reasoner	Reichert
Roberts	Sands	Schueller	Schulte
Shomshor	Smith	Soderberg	Sorenson
Steckman	Struyk	Swaim	Sweeney
Taylor, D.	Taylor, T.	Thede	Thomas
Tjepkes	Tymeson	Upmeyer	Van Engelenhoven
Wagner	Watts	Wendt	Wenthe
Wessel-Kroeschell	Whitaker	Willems	Winckler
Windschitl	Worthan	Mr. Speaker	
		Murphy	

The nays were, none.

Absent or not voting, 5:

Chambers	Olson, R.	Schultz	Whitead
Zirkelbach			

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

**House File 562**, a bill for an act relating to the state child care advisory council, was taken up for consideration.

Petersen of Polk offered the following amendment H-1154 filed by her and Upmeyer of Hancock and moved its adoption:

H-1154

1 Amend House File 562 as follows:  
 2 1. Page 1, line 1, by striking the words  
 3 "unnumbered paragraph 3,".  
 4 2. Page 1, line 3, by striking the words "All  
 5 members" and inserting the following:  
 6 "217.2 COUNCIL ON HUMAN SERVICES.  
 7 1. a. There is created within the department of  
 8 human services a council on human services which shall  
 9 act in a ~~policy making~~ polycymaking and advisory  
 10 capacity on matters within the jurisdiction of the  
 11 department. The council shall consist of seven voting  
 12 members appointed by the governor subject to  
 13 confirmation by the senate. Appointments shall be



14 made on the basis of interest in public affairs, good  
 15 judgment, and knowledge and ability in the field of  
 16 human services. Appointments shall be made to provide  
 17 a diversity of interest and point of view in the  
 18 membership and without regard to religious opinions or  
 19 affiliations. ~~Members~~ The voting members of the  
 20 council shall serve for six-year staggered terms.

21 b. Each term of a voting member shall commence and  
 22 end as provided by section 69.19.

23 c. All voting members".

24 3. Page 1, by inserting after line 14 the  
 25 following:

26 "2. In addition to the voting members described in  
 27 subsection 1, the membership of the council shall  
 28 include four legislators as ex officio, nonvoting  
 29 members. The four legislators shall be appointed one  
 30 each by the majority leader of the senate, the  
 31 minority leader of the senate, the speaker of the  
 32 house of representatives, and the minority leader of  
 33 the house of representatives for terms as provided in  
 34 section 69.16B."

35 4. Page 1, line 27, by striking the word  
 36 "director" and inserting the following: "~~director~~  
 37 governor".

38 5. Page 2, line 4, by striking the word  
 39 "director" and inserting the following: "~~director~~  
 40 governor".

41 6. Page 2, by striking lines 11 through 13 and  
 42 inserting the following: "shall be appointed for  
 43 terms of three years ~~but no member shall be appointed~~  
 44 ~~to more than two consecutive terms.~~ The state council  
 45 shall develop its own operational".

46 7. Title page, line 1, by inserting before the  
 47 word "state" the following: "council on human  
 48 services and the".

49 8. By renumbering as necessary.

Amendment H-1154 was adopted.

Petersen of Polk offered the following amendment H-1171 filed by  
 her and moved its adoption:

H-1171

1 Amend House File 562 as follows:

2 1. Page 2, by inserting after line 35 the  
 3 following:

4 "NEW PARAGRAPH. r. One person who represents the  
 5 early childhood Iowa council created in section  
 6 135.173."

- 7 2. Page 3, by striking lines 33 and 34.  
 8 3. Page 4, line 8, by striking the words ", upon  
 9 request," and inserting the following: "~~upon~~  
 10 request,".  
 11 4. Page 5, by inserting after line 4 the  
 12 following:  
 13 "i. Advise and assist the early childhood Iowa  
 14 council in developing the strategic plan required  
 15 pursuant to section 135.173."  
 16 5. Page 5, line 22, by striking the word "report"  
 17 and inserting the following: "coordinate with the  
 18 early childhood Iowa council in reporting".

Amendment H-1171 was adopted.

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?" (H.F. 562)

The ayes were, 94:

Abdul-Samad	Alons	Anderson	Arnold
Bailey	Baudler	Beard	Bell
Berry	Bukta	Burt	Cohoon
Cownie	De Boef	Deyoe	Dolecheck
Drake	Ficken	Ford	Forristall
Frevert	Gaskill	Gayman	Grassley
Hagenow	Heaton	Heddens	Helland
Horbach	Hunter	Huseman	Huser
Isenhardt	Jacoby	Kaufmann	Kearns
Kelley	Koester	Kressig	Kuhn
Lensing	Lukan	Lykam	Marek
Mascher	May	McCarthy	Mertz
Miller, H.	Miller, L.	Oldson	Olson, D.
Olson, S.	Olson, T.	Palmer	Paulsen
Petersen	Pettengill	Quirk	Raecker
Rants	Rayhons	Reasoner	Reichert
Roberts	Sands	Schueller	Schulte
Shomshor	Smith	Soderberg	Sorenson
Steckman	Struyk	Swaim	Sweeney
Taylor, T.	Thede	Thomas	Tjepkes
Tymeson	Upmeyer	Van Engelenhoven	Wagner
Watts	Wendt	Wenthe	Wessel-Kroeschell
Whitaker	Willems	Winckler	Windschitl
Worthan	Mr. Speaker		
	Murphy		

The nays were, none.

Absent or not voting, 6:

Chambers  
Whitead

Olson, R.  
Zirkelbach

Schultz

Taylor, D.

The bill having received a constitutional majority was declared to have passed the House and the title, as amended, was agreed to.

### IMMEDIATE MESSAGES

McCarthy of Polk asked and received unanimous consent that the following bills be immediately messaged to the Senate: **House Files 502 and 562.**

### HOUSE FILE 693 REFERRED

The Speaker announced that House File 693, previously placed on the **calendar** was referred to committee on **ways and means.**

### HOUSE FILE 779 REREFERRED

The Speaker announced that House File 779, previously referred to committee on **ways and means** was placed on the **calendar.**

### BILLS SIGNED BY THE GOVERNOR

A communication was received from the Governor announcing that on March 19, 2009, he approved and transmitted to the Secretary of State the following bills:

House File 374, an Act relating to the grain depositors and sellers indemnity fund, and providing for an effective date and retroactive applicability.

Senate File 98, an Act establishing a lean enterprise office within the department of management.

Senate File 108, an Act relating to the membership of the public safety communications interoperability board and providing an effective and applicability date provision.

Senate File 319, an Act relating to child support enforcement including withholding of an employee's compensation by an employer for support of a child under a support order, protection of child support information, annual collections fees, and the potential charging of interest on overdue child support payments, and providing an effective date.

Senate File 328, an Act relating to reimbursement of hazardous substance cleanup costs.

## 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

- 2009\2717      Wava Meester, Aplington – For celebrating her 90<sup>th</sup> birthday.
- 2009\2718      Danielle Akers, Irving Elementary – For being a winner of this year's Iowa Energy Poster Contest.
- 2009\2719      Jerry and Karen Cranston, Deep River – For celebrating their 50<sup>th</sup> wedding anniversary.
- 2009\2720      Wilma Mohr, Denison – For celebrating her 82<sup>nd</sup> birthday.

## SUBCOMMITTEE ASSIGNMENTS

**House File 634**

Environmental Protection: Kearns, Chair; Deyoe and D. Olson.

**House File 652**

Environmental Protection: Kearns, Chair; D. Olson and Schultz.

**House File 656**

Appropriations: Jacoby, Chair; Cownie and Wenthe.

**House File 717**

Environmental Protection: Kearns, Chair; Hagenow and D. Olson.

**House File 739**

Appropriations: Cohoon, Chair; Huseman and Wenthe.

**House File 741**

Appropriations: Cohoon, Chair; Huseman and Oldson.

**House File 742**

Ways and Means: D. Olson, Chair; Bukta and Helland.

**House File 747**

Ways and Means: D. Olson, Chair; Hagenow and Steckman.

**House File 748**

Ways and Means: D. Olson, Chair; Petersen and Wagner.

**House File 749**

Appropriations: T. Taylor, Chair; Cohoon and Worthan.

**House File 750**

Ways and Means: Kelley, Chair; Forristall and Steckman.

**House File 752**

Ways and Means: Reasoner, Chair; Frevert and Struyk.

**House File 782**

Appropriations: Cohoon, Chair; Huseman and Oldson.

**House File 790**

Environmental Protection: Whitaker, Chair; D. Olson and S. Olson.

**Senate File 152**

Human Resources: Hunter, Chair; Heaton and Smith.

**Senate File 289**

Rebuild Iowa and Disaster Recovery: T. Olson, Chair; Sorenson and D. Taylor.

**Senate File 304**

Economic Growth: Jacoby, Chair; Kelley and Sorenson.

**Senate File 323**

Human Resources: Wessel-Kroeschell, Chair; Abdul-Samad and L. Miller.

**Senate File 341**

Human Resources: Wendt, Chair; Heaton and Steckman.

**Senate File 355**

Commerce: Kressig, Chair; Reichert and Sands.

**Senate File 360**

Education: Palmer, Chair; May and Wendt.

**Senate File 374**

Commerce: Reasoner, Chair; Jacoby and Sorenson.

**Senate File 376**

Appropriations: Cohoon, Chair; Huseman and Oldson.

**Senate File 377**

Rebuild Iowa and Disaster Recovery: Huser, Chair; Berry and De Boef.

**Senate File 394**

Human Resources: Berry, Chair; L. Miller and T. Olson.

**HOUSE STUDY BILL COMMITTEE ASSIGNMENT**

**H.S. B. 276 Judiciary**

Relating to offers of settlement in a civil case after a lawsuit has been filed.

**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 APPROPRIATIONS**

**Committee Bill** (Formerly House Study Bill 266), 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.

Fiscal Note is not required.

Recommended **Amend and Do Pass** March 19, 2009.

## COMMITTEE ON WAYS AND MEANS

**Senate File 253**, a bill for an act relating to the time allowed certain active duty military personnel to file a state income tax return and including a retroactive applicability date provision.

Fiscal Note is not required.

Recommended **Do Pass** March 19, 2009.

**Senate File 322**, a bill for an act relating to the technical administration of the tax and related laws by the department of revenue, including administration of income taxes, sales and use taxes, fees for new vehicle registrations, and property taxes and including a retroactive applicability date provision.

Fiscal Note is not required.

Recommended **Do Pass** March 19, 2009.

## RESOLUTIONS FILED

**HR 33**, by Upmeyer and Bell, a resolution to recognize the Iowa landmark the Surf Ballroom.

Laid over under **Rule 25**.

**HR 34**, by Watts, Paulsen, Windschitl, Alons, Deyoe, May, Baudler, Kaufmann, Tjepkes, Quirk, Huseman, Kelley, Drake, Tymeson, Schulte, Pettengill, Sorenson, Hagenow, Grassley, Cownie, Helland, De Boef, Forristall and Mertz, a resolution declaring that all laws, rules, policies, procedures, and regulations relating to the regulation and production of electric energy in this state should remain under the exclusive jurisdiction, control, and authority of this state.

Laid over under **Rule 25**.

**HR 35**, by Zirkelbach, Whitead, Windschitl, D. Taylor, Bailey, Ficken, Kearns, Bukta, Masher, Alons, Sweeney, Watts, Van Engelenhoven, Tymeson, Thomas, Gayman and Rants, a resolution to protect and preserve the battleship USS Iowa.

Laid over under **Rule 25**.

**HR 36**, by Ford, a resolution supporting the expansion of communication technologies that address the unique needs of

underserved and economically disadvantaged urban and rural communities.

Laid over under **Rule 25**.

#### AMENDMENTS FILED

H—1223	H.F.	400	Quirk of Chickasaw
H—1225	H.F.	486	Lukan of Dubuque
H—1226	H.F.	486	Lukan of Dubuque
H—1227	H.F.	486	Lukan of Dubuque
H—1228	H.F.	734	Swaim of Davis
H—1229	H.F.	691	Mascher of Johnson
H—1230	H.F.	722	Rayhons of Hancock Forristall of Pottawattamie Pettengill of Benton De Boef of Keokuk
H—1231	H.F.	768	Sweeney of Hardin
H—1232	H.F.	756	Gayman of Scott
H—1233	H.F.	486	Sands of Louisa
H—1234	H.F.	725	Schulte of Linn
H—1235	H.F.	725	Wagner of Linn

On motion by McCarthy of Polk the House adjourned at 5:35 p.m., until 9:00 a.m., Friday, March 20, 2009.



# JOURNAL OF THE HOUSE

Sixty-eighth Calendar Day - Forty-sixth Session Day

Hall of the House of Representatives  
Des Moines, Iowa, Friday, March 20, 2009

The House met pursuant to adjournment at 10:05 a.m., Reasoner of Union in the chair.

Prayer was offered by Mark W. Brandsgard, Chief Clerk of the House.

## PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Mark W. Brandsgard, Chief Clerk of the House.

The Journal of Thursday, March 19, 2009 was approved.

## INTRODUCTION OF BILLS

**House File 804**, by Ford, a bill for an act creating an insurance industry new jobs tax credit.

Read first time and referred to committee on **ways and means**.

**House File 805**, 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.

Read first time and placed on the **appropriations calendar**.

## 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, 2009, passed the following bill in which the concurrence of the Senate was asked:

House File 618, a bill for an act relating to the duties of the labor commissioner pursuant to wage payment collection and child labor law enforcement, and providing penalties.

Also: That the Senate has on March 19, 2009, passed the following bill in which the concurrence of the Senate was asked:

House File 735, a bill for an act providing for the stockpiling of dry manure originating from confinement feeding operations, making penalties applicable, and providing an effective date.

Also: That the Senate has on March 19, 2009, passed the following bill in which the concurrence of the House is asked:

Senate File 153, a bill for an act to allow medical or osteopathic physicians, physician assistants, nurse practitioners to form limited liability companies or professional corporations.

Also: That the Senate has on March 19, 2009, passed the following bill in which the concurrence of the House is asked:

Senate File 231, a bill for an act relating to reimbursing nonparticipating providers under the IowaCare program and creating a nonparticipating provider reimbursement fund.

Also: That the Senate has on March 19, 2009, passed the following bill in which the concurrence of the House is asked:

Senate File 279, a bill for an act providing for the establishment of an abbreviated electric transmission franchise process, and providing an effective date.

Also: That the Senate has on March 19, 2009, passed the following bill in which the concurrence of the House is asked:

Senate File 280, a bill for an act relating to disaster emergency assistance immunity.

Also: That the Senate has on March 19, 2009, passed the following bill in which the concurrence of the House is asked:

Senate File 311, a bill for an act relating to the regulation of the business of debt management and making penalties applicable.

Also: That the Senate has on March 19, 2009, passed the following bill in which the concurrence of the House is asked:

Senate File 336, a bill for an act providing for waivers of certain community attraction and tourism program requirements, and including an effective date provision.

Also: That the Senate has on March 19, 2009, passed the following bill in which the concurrence of the House is asked:

Senate File 339, a bill for an act relating to wastewater treatment and providing an effective date.

Also: That the Senate has on March 19, 2009, passed the following bill in which the concurrence of the House is asked:

Senate File 366, a bill for an act relating to the emancipation of a minor and family in need of assistance proceedings.

Also: That the Senate has on March 19, 2009, passed the following bill in which the concurrence of the House is asked:

Senate File 372, a bill for an act requesting the establishment of a statewide broadband policy development interim study committee.

Also: That the Senate has on March 19, 2009, passed the following bill in which the concurrence of the House is asked:

Senate File 379, a bill for an act relating to the use of insurance loss history in the issuance of dramshop liability insurance.

Also: That the Senate has on March 19, 2009, passed the following bill in which the concurrence of the House is asked:

Senate File 380, a bill for an act relating to the practices and procedures of the department of public safety including school inspections, gaming floor or wagering area restrictions, interception of communications, and peace officers acting with federal agents, and providing penalties.

Also: That the Senate has on March 19, 2009, passed the following bill in which the concurrence of the House is asked:

Senate File 389, a bill for an act relating to health care, health care providers, and health care coverage, providing penalties, and providing retroactive and other effective dates.

Also: That the Senate has on March 19, 2009, passed the following bill in which the concurrence of the House is asked:

Senate File 403, a bill for an act concerning the sale of beer by native wineries.

Also: That the Senate has on March 19, 2009, passed the following bill in which the concurrence of the House is asked:

Senate File 404, a bill for an act establishing a local food and farm task force, providing for a local food and farm plan, and providing for an effective date.

Also: That the Senate has on March 19, 2009, passed the following bill in which the concurrence of the House is asked:

Senate File 407, a bill for an act relating to the rights and responsibilities of Iowa veterans home members.

Also: That the Senate has on March 19, 2009, passed the following bill in which the concurrence of the House is asked:

Senate File 415, a bill for an act relating to the acquisition of title to abandoned property by cities.

Also: That the Senate has on March 19, 2009, passed the following bill in which the concurrence of the House is asked:

Senate File 419, a bill for an act relating to matters under the purview of the department of transportation, including provisions for the administration of the department, driver licensing, vehicle regulation, the motor fuel tax formula, and the issuance of citations, establishing a cap on annual deposits to the TIME-21 fund, providing a penalty, and providing effective and retroactive applicability dates.

Also: That the Senate has on March 19, 2009, passed the following bill in which the concurrence of the House is asked:

Senate File 420, a bill for an act concerning limitations on employment of persons employed by a wine permittee engaged in manufacturing and wholesaling native wine.

Also: That the Senate has on March 19, 2009, passed the following bill in which the concurrence of the House is asked:

Senate File 424, a bill for an act providing time off from work to attend presidential precinct caucuses and making penalties applicable.

Also: That the Senate has on March 19, 2009, passed the following bill in which the concurrence of the House is asked:

Senate File 443, a bill for an act requiring automated external defibrillators in all physical exercise clubs and clinical exercise centers, and providing an effective date.

Also: That the Senate has on March 19, 2009, passed the following bill in which the concurrence of the House is asked:

Senate File 445, a bill for an act relating to teacher compensation by requiring school corporations to incorporate teacher compensation into individual salary schedules and by eliminating the educational excellence program.

Also: That the Senate has on March 19, 2009, passed the following bill in which the concurrence of the House is asked:

Senate File 446, a bill for an act relating to nonsubstantive Code corrections and providing effective dates and for retroactive applicability.

Also: That the Senate has on March 19, 2009, passed the following bill in which the concurrence of the House is asked:

Senate File 447, a bill for an act concerning off-premises consumption of resealed bottles of wine.

Also: That the Senate has on March 19, 2009, passed the following bill in which the concurrence of the House is asked:

Senate File 449, a bill for an act relating to statutory corrections which may adjust language to reflect current practices, insert earlier omissions, delete redundancies and inaccuracies, delete temporary language, resolve inconsistencies and conflicts, update ongoing provisions, or remove ambiguities, and including effective and applicability date provisions.

Also: That the Senate has on March 19, 2009, passed the following bill in which the concurrence of the House is asked:

Senate File 451, a bill for an act relating to the definition of resident for purposes of tuition and fees for qualified veterans, and certain military persons, and their spouses and dependent children at Iowa's public universities and community colleges.

MICHAEL E. MARSHALL, Secretary

## SENATE MESSAGES CONSIDERED

**Senate File 142**, by committee on economic growth, a bill for an act relating to economic development by providing for an innovation and commercialization development fund, making the department of revenue responsible for approving certain tax credits for third-party developers, making appropriations, and providing an effective date.

Read first time and **passed on file**.

**Senate File 389**, by committee on human resources, a bill for an act relating to health care, health care providers, and health care coverage, providing penalties, and providing retroactive and other effective dates.

Read first time and referred to committee on **human resources**.

**Senate File 445**, by committee on education, a bill for an act relating to teacher compensation by requiring school corporations to incorporate teacher compensation into individual salary schedules and by eliminating the educational excellence program.

Read first time and referred to committee on **education**.

**Senate File 446**, by committee on judiciary, a bill for an act relating to nonsubstantive Code corrections and providing effective dates and for retroactive applicability.

Read first time and **passed on file**.

**Senate File 447**, by committee on commerce, a bill for an act concerning off-premises consumption of resealed bottles of wine.

Read first time and referred to committee on **state government**.

**Senate File 449**, by committee on judiciary, a bill for an act relating to statutory corrections which may adjust language to reflect current practices, insert earlier omissions, delete redundancies and inaccuracies, delete temporary language, resolve inconsistencies and conflicts, update ongoing provisions, or remove ambiguities, and including effective and applicability date provisions.

Read first time and **passed on file**.

**Senate File 451**, by committee on veterans affairs, a bill for an act relating to the definition of resident for purposes of tuition and fees for qualified veterans, and certain military persons, and their spouses and dependent children at Iowa's public universities and community colleges.

Read first time and **passed on file**.

#### 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

- 2009\2721 Thelma Pullin, Waterloo – For celebrating her 75<sup>th</sup> birthday.
- 2009\2722 Beverly Rustad, Waterloo – For celebrating her 75<sup>th</sup> birthday.
- 2009\2723 Agnes Sullivan, Waterloo – For celebrating her 90<sup>th</sup> birthday.
- 2009\2724 Donald Cunningham, Waterloo – For celebrating his 80<sup>th</sup> birthday.
- 2009\2725 Elizabeth Anderson, Waterloo – For celebrating her 90<sup>th</sup> birthday.

- 2009\2726 Robert Bradshaw, Waterloo – For celebrating his 85<sup>th</sup> birthday.
- 2009\2727 Albert Strubel, Waterloo – For celebrating his 85<sup>th</sup> birthday.
- 2009\2728 Mary Hafke, Waterloo – For celebrating her 90<sup>th</sup> birthday.
- 2009\2729 Leon Stoler, Waterloo – For celebrating his 85<sup>th</sup> birthday.
- 2009\2730 Lyle Holmstrom, Waterloo – For celebrating his 85<sup>th</sup> birthday.
- 2009\2731 Rosemary Armentrout, Waterloo – For celebrating her 85<sup>th</sup> birthday.
- 2009\2732 Agnes Ludwig, Waterloo – For celebrating her 90<sup>th</sup> birthday.
- 2009\2733 Jack Hummel, Waterloo – For celebrating his 85<sup>th</sup> birthday.
- 2009\2734 Florence Weisert, Waterloo – For celebrating her 95<sup>th</sup> birthday.
- 2009\2735 Elma Tyson, Waterloo – For celebrating her 80<sup>th</sup> birthday.
- 2009\2736 John Delamore, Waterloo – For celebrating his 75<sup>th</sup> birthday.
- 2009\2737 Walter Brockway, Waterloo – For celebrating his 80<sup>th</sup> birthday.
- 2009\2738 Robert Fraune, Waterloo – For celebrating his 80<sup>th</sup> birthday.
- 2009\2739 Irene Lawless, Waterloo – For celebrating her 90<sup>th</sup> birthday.
- 2009\2740 Wanda McQuilkin, Waterloo – For celebrating her 80<sup>th</sup> birthday.
- 2009\2741 Edward Peres, Waterloo – For celebrating his 90<sup>th</sup> birthday.
- 2009\2742 Theodore Wood, Waterloo – For celebrating his 90<sup>th</sup> birthday.
- 2009\2743 Mary Juhl, Waterloo – For celebrating her 75<sup>th</sup> birthday.
- 2009\2744 Donna Griffin, Waterloo – For celebrating her 80<sup>th</sup> birthday.
- 2009\2745 Louise Prugh, Waterloo – For celebrating her 85<sup>th</sup> birthday.
- 2009\2746 Frances Woodcock, Waterloo – For celebrating her 95<sup>th</sup> birthday.
- 2009\2747 Helen Moore, Waterloo – For celebrating her 90<sup>th</sup> birthday.
- 2009\2748 Margaret Hulse, Waterloo – For celebrating her 80<sup>th</sup> birthday.
- 2009\2749 Theresa Lovelady, Waterloo – For celebrating her 75<sup>th</sup> birthday.
- 2009\2750 Mildred Cree, Waterloo – For celebrating her 85<sup>th</sup> birthday.
- 2009\2751 Tunis Denhartog, Waterloo – For celebrating his 85<sup>th</sup> birthday.

- 2009\2752 Ramona Schmidt, Waterloo – For celebrating her 80<sup>th</sup> birthday.
- 2009\2753 Donald Jarosh, Waterloo – For celebrating his 75<sup>th</sup> birthday.
- 2009\2754 Betty Brown, Waterloo – For celebrating her 85<sup>th</sup> birthday.
- 2009\2755 Joel Biggs, Quasqueton – For celebrating his 85<sup>th</sup> birthday.
- 2009\2756 Cato Hoaglan, Independence – For celebrating his 75<sup>th</sup> birthday.
- 2009\2757 Maxine Manson, Independence – For celebrating her 85<sup>th</sup> birthday.
- 2009\2758 Clara Reece, Quasqueton – For celebrating her 90<sup>th</sup> birthday.
- 2009\2759 Charles Green, Independence – For celebrating his 75<sup>th</sup> birthday.
- 2009\2760 Vera Wulfekuhle, Independence – For celebrating her 85<sup>th</sup> birthday.
- 2009\2761 Donald Andrews, Winthrop – For celebrating his 90<sup>th</sup> birthday.
- 2009\2762 Kenneth Coulter, Independence – For celebrating his 75<sup>th</sup> birthday.
- 2009\2763 Bertha Gahring, Jesup – For celebrating her 80<sup>th</sup> birthday.
- 2009\2764 David Wood, Winthrop – For celebrating his 75<sup>th</sup> birthday.
- 2009\2765 Leroy Hammond, Lamont – For celebrating his 75<sup>th</sup> birthday.
- 2009\2766 Doris Butters, Independence – For celebrating her 80<sup>th</sup> birthday.
- 2009\2767 Betty Seamans, Waterloo – For celebrating her 75<sup>th</sup> birthday.
- 2009\2768 Mike Dirkes, Fairbank – For celebrating his 100<sup>th</sup> birthday.
- 2009\2769 Joan Rourke, Fairbank – For celebrating her 80<sup>th</sup> birthday.
- 2009\2770 Kathryn Burrows, La Porte City – For celebrating her 95<sup>th</sup> birthday.
- 2009\2771 Margaret Dilts, Independence – For celebrating her 75<sup>th</sup> birthday.
- 2009\2772 Ida Meythaler, Independence – For celebrating her 100<sup>th</sup> birthday.
- 2009\2773 Geraldine Tabor, Independence – For celebrating her 75<sup>th</sup> birthday.
- 2009\2774 Rita Weber, Gilbertville – For celebrating her 75<sup>th</sup> birthday.
- 2009\2775 Loren Dunkelberger, La Porte City – For celebrating his 85<sup>th</sup> birthday.
- 2009\2776 Bernice Even, Jesup – For celebrating her 80<sup>th</sup> birthday.



- 2009\2777 Betty Gaffney, Winthrop – For celebrating her 85<sup>th</sup> birthday.
- 2009\2778 Bonnie Kline, La Porte City – For celebrating her 80<sup>th</sup> birthday.
- 2009\2779 William Shafer, Winthrop – For celebrating his 80<sup>th</sup> birthday.
- 2009\2780 Rosemary Bogge, Independence – For celebrating her 85<sup>th</sup> birthday.
- 2009\2781 Florence Ives, Quasqueton – For celebrating her 75<sup>th</sup> birthday.
- 2009\2782 Helen Vawter, Hazleton – For celebrating her 85<sup>th</sup> birthday.
- 2009\2783 Bonnie Groesbeck, Independence – For celebrating her 80<sup>th</sup> birthday.
- 2009\2784 Evelyn Brockway, Brandon – For celebrating her 95<sup>th</sup> birthday.
- 2009\2785 Herbert Jones, Jesup – For celebrating his 85<sup>th</sup> birthday.
- 2009\2786 Dorothy Perry, La Porte City – For celebrating her 85<sup>th</sup> birthday.
- 2009\2787 Jean Even, Gilbertville – For celebrating her 75<sup>th</sup> birthday.
- 2009\2788 Eloise Kaltenbach, Hazleton – For celebrating her 85<sup>th</sup> birthday.
- 2009\2789 Jewel Storlie, Independence – For celebrating her 85<sup>th</sup> birthday.
- 2009\2790 Eileen Depaepe, Independence – For celebrating her 90<sup>th</sup> birthday.
- 2009\2791 Leonard Hedrington, La Porte City – For celebrating his 75<sup>th</sup> birthday.
- 2009\2792 Melvin Kaufman, Winthrop – For celebrating his 75<sup>th</sup> birthday.
- 2009\2793 Barbara Smith, Independence – For celebrating her 75<sup>th</sup> birthday.
- 2009\2794 Lavern Ladage, Jesup – For celebrating his 85<sup>th</sup> birthday.
- 2009\2795 Annabell Richardson, La Porte City – For celebrating her 75<sup>th</sup> birthday.
- 2009\2796 Margaret Hall, Independence – For celebrating her 80<sup>th</sup> birthday.
- 2009\2797 Vivian Gould, Emmetsburg – For celebrating her 85<sup>th</sup> birthday.
- 2009\2798 Richard Heyes, Lakota – For celebrating his 75<sup>th</sup> birthday.
- 2009\2799 Norma Swalve, Estherville – For celebrating her 80<sup>th</sup> birthday.
- 2009\2800 Harold Peter, Algona – For celebrating his 85<sup>th</sup> birthday.
- 2009\2801 Evelyn Fitzgibbons, Estherville – For celebrating her 85<sup>th</sup> birthday.

- 2009\2802 Raymond Jensen, Armstrong – For celebrating his 95<sup>th</sup> birthday.
- 2009\2803 Earle Cater, Emmetsburg – For celebrating his 75<sup>th</sup> birthday.
- 2009\2804 Irene Neppl, Estherville – For celebrating her 85<sup>th</sup> birthday.
- 2009\2805 Leon Firkins, Emmetsburg – For celebrating his 75<sup>th</sup> birthday.
- 2009\2806 Regina Leuer, Mallard – For celebrating her 75<sup>th</sup> birthday.
- 2009\2807 Irma Ritchart, Ruthven – For celebrating her 80<sup>th</sup> birthday.
- 2009\2808 Alvin Scheffel, Estherville – For celebrating his 85<sup>th</sup> birthday.
- 2009\2809 Rosanne Schmit, Algona – For celebrating her 75<sup>th</sup> birthday.
- 2009\2810 Alvena Phillips, Estherville – For celebrating her 95<sup>th</sup> birthday.
- 2009\2811 Doris Schultz, Lone Rock – For celebrating her 85<sup>th</sup> birthday.
- 2009\2812 Lois Snavely, Ruthven – For celebrating her 75<sup>th</sup> birthday.
- 2009\2813 Daniel Welsh, Emmetsburg – For celebrating his 85<sup>th</sup> birthday.
- 2009\2814 Thomas Brown, Graettinger – For celebrating his 85<sup>th</sup> birthday.
- 2009\2815 Elaine Tangen, Estherville – For celebrating her 75<sup>th</sup> birthday.
- 2009\2816 Dorothy Theesfeld, Estherville – For celebrating her 95<sup>th</sup> birthday.
- 2009\2817 Vercie Webb, Estherville – For celebrating her 80<sup>th</sup> birthday.
- 2009\2818 Alice Jurichko, Estherville – For celebrating her 90<sup>th</sup> birthday.
- 2009\2819 Robert Simacek, Estherville – For celebrating his 85<sup>th</sup> birthday.
- 2009\2820 Hugh Walsh, Bancroft – For celebrating his 90<sup>th</sup> birthday.
- 2009\2821 Robert Wuebker Sr., Emmetsburg – For celebrating his 75<sup>th</sup> birthday.
- 2009\2822 Charlotte Baumann, Burt – For celebrating her 85<sup>th</sup> birthday.
- 2009\2823 Juniece Beenken, Titonka – For celebrating her 80<sup>th</sup> birthday.
- 2009\2824 Donald Reimers, Burt – For celebrating his 75<sup>th</sup> birthday.
- 2009\2825 Muriel Smith, Estherville – For celebrating her 75<sup>th</sup> birthday.
- 2009\2826 Deette Graettinger, Graettinger – For celebrating her 80<sup>th</sup> birthday.
- 2009\2827 Shirley Jaren, Titonka – For celebrating her 80<sup>th</sup> birthday.

- 2009\2828 Lorraine Roalson, Swea City – For celebrating her 85<sup>th</sup> birthday.
- 2009\2829 Leona Schmidtke, Estherville – For celebrating her 80<sup>th</sup> birthday.
- 2009\2830 Marcella Schutter, Titonka – For celebrating her 75<sup>th</sup> birthday.
- 2009\2831 Clara Truog, Mallard – For celebrating her 85<sup>th</sup> birthday.
- 2009\2832 Myram Tunnicliff, Emmetsburg – For celebrating her 80<sup>th</sup> birthday.
- 2009\2833 Gleva Jacobson, Estherville – For celebrating her 85<sup>th</sup> birthday.
- 2009\2834 George Studer, Emmetsburg – For celebrating his 80<sup>th</sup> birthday.
- 2009\2835 Eleanor Davis, Estherville – For celebrating her 75<sup>th</sup> birthday.
- 2009\2836 Patrick Sullivan, Ledyard – For celebrating his 75<sup>th</sup> birthday.
- 2009\2837 Stella Birkland, Estherville – For celebrating her 80<sup>th</sup> birthday.
- 2009\2838 Shirley Kruse, Emmetsburg – For celebrating her 75<sup>th</sup> birthday.
- 2009\2839 Jerrie McKinney, Emmetsburg – For celebrating her 75<sup>th</sup> birthday.
- 2009\2840 Viola Triggs, Estherville – For celebrating her 90<sup>th</sup> birthday.
- 2009\2841 Donald Weber, Bancroft – For celebrating his 85<sup>th</sup> birthday.
- 2009\2842 John House, Estherville – For celebrating his 80<sup>th</sup> birthday.
- 2009\2843 Loren Johnson, Algona – For celebrating his 80<sup>th</sup> birthday.
- 2009\2844 Florence McGuire, Bancroft – For celebrating her 90<sup>th</sup> birthday.
- 2009\2845 Robert Mitchell, Ottumwa – For celebrating his 80<sup>th</sup> birthday.
- 2009\2846 Helen Thode, Ottumwa – For celebrating her 85<sup>th</sup> birthday.
- 2009\2847 Erma Palmer, Ottumwa – For celebrating her 75<sup>th</sup> birthday.
- 2009\2848 William Clark, Ottumwa – For celebrating his 90<sup>th</sup> birthday.
- 2009\2849 Marion Given, Ottumwa – For celebrating his 80<sup>th</sup> birthday.
- 2009\2850 Doris Cassillthompson, Ottumwa – For celebrating her 85<sup>th</sup> birthday.
- 2009\2851 Lois McVey, Ottumwa – For celebrating her 75<sup>th</sup> birthday.
- 2009\2852 Mary Axtell, Ottumwa – For celebrating her 85<sup>th</sup> birthday.
- 2009\2853 Richard Gilliland, Ottumwa – For celebrating his 85<sup>th</sup> birthday.

- 2009\2854 Eunice Smith, Ottumwa – For celebrating her 85<sup>th</sup> birthday.
- 2009\2855 Barbara Madsen, Ottumwa – For celebrating her 80<sup>th</sup> birthday.
- 2009\2856 Clara Eddy, Ottumwa – For celebrating her 95<sup>th</sup> birthday.
- 2009\2857 Francis Wilcox, Ottumwa – For celebrating his 75<sup>th</sup> birthday.
- 2009\2858 Genevieve Sandegren, Ottumwa – For celebrating her 80<sup>th</sup> birthday.
- 2009\2859 Calbert Clark, Ottumwa – For celebrating his 85<sup>th</sup> birthday.
- 2009\2860 Floyd Dickerson, Ottumwa – For celebrating his 85<sup>th</sup> birthday.
- 2009\2861 Helen Schmitt, Ottumwa – For celebrating her 85<sup>th</sup> birthday.
- 2009\2862 Luella Hutchings, Ottumwa – For celebrating her 90<sup>th</sup> birthday.
- 2009\2863 Gerald Bonner, Ottumwa – For celebrating his 80<sup>th</sup> birthday.
- 2009\2864 Merle Hood, Ottumwa – For celebrating his 80<sup>th</sup> birthday.
- 2009\2865 Milan Hall, Ottumwa – For celebrating his 80<sup>th</sup> birthday.
- 2009\2866 Emery Given, Ottumwa – For celebrating his 85<sup>th</sup> birthday.
- 2009\2867 Ruth Emery, Ottumwa – For celebrating her 90<sup>th</sup> birthday.
- 2009\2868 Norman Cropp, Ottumwa – For celebrating his 75<sup>th</sup> birthday.
- 2009\2869 Phyllis Luthi, Ottumwa – For celebrating her 75<sup>th</sup> birthday.
- 2009\2870 Kathryn Kosman, Ottumwa – For celebrating her 85<sup>th</sup> birthday.
- 2009\2871 Georgia Weieneth, Ottumwa – For celebrating her 85<sup>th</sup> birthday.
- 2009\2872 John Decet, Ottumwa – For celebrating his 85<sup>th</sup> birthday.
- 2009\2873 Edwin Hamm, Ottumwa – For celebrating his 75<sup>th</sup> birthday.
- 2009\2874 Arnold Glaser, Ottumwa – For celebrating his 95<sup>th</sup> birthday.
- 2009\2875 Mary Pedrick, Ottumwa – For celebrating her 75<sup>th</sup> birthday.
- 2009\2876 Carole Moore, Ottumwa – For celebrating her 75<sup>th</sup> birthday.
- 2009\2877 Patricia Millard, Blakesburg – For celebrating her 80<sup>th</sup> birthday.
- 2009\2878 Colleen Sanersprouse, Ottumwa – For celebrating her 75<sup>th</sup> birthday.

- 2009\2879 Waldo McBeth, Ottumwa – For celebrating his 85<sup>th</sup> birthday.
- 2009\2880 Carl Fisher, Blakesburg – For celebrating his 75<sup>th</sup> birthday.
- 2009\2881 Barbara Riedel, Ottumwa – For celebrating her 75<sup>th</sup> birthday.
- 2009\2882 Leolive Gail, Ottumwa – For celebrating her 80<sup>th</sup> birthday.
- 2009\2883 Roseetta Paulos, Ottumwa – For celebrating her 80<sup>th</sup> birthday.
- 2009\2884 Gretchen Price, Ottumwa – For celebrating her 75<sup>th</sup> birthday.
- 2009\2885 Norma Lewis, Ottumwa – For celebrating her 80<sup>th</sup> birthday.
- 2009\2886 Betty Peek, Ottumwa – For celebrating her 80<sup>th</sup> birthday.
- 2009\2887 Joy Walker, Ottumwa – For celebrating her 80<sup>th</sup> birthday.
- 2009\2888 Ruth Jackson, Ottumwa – For celebrating her 85<sup>th</sup> birthday.
- 2009\2889 Ione Besco, Ottumwa – For celebrating her 90<sup>th</sup> birthday.
- 2009\2890 Mary Hayes, Ottumwa – For celebrating her 75<sup>th</sup> birthday.
- 2009\2891 Ruby Merringer, Ottumwa – For celebrating her 80<sup>th</sup> birthday.
- 2009\2892 Cortie Rolison Jr., Ottumwa – For celebrating his 80<sup>th</sup> birthday.
- 2009\2893 Janice Sloan, Ottumwa – For celebrating her 85<sup>th</sup> birthday.
- 2009\2894 Carol Hammond, Ottumwa – For celebrating her 75<sup>th</sup> birthday.
- 2009\2895 Martha Martin, Ottumwa – For celebrating her 75<sup>th</sup> birthday.
- 2009\2896 Jack Darnielle, Ottumwa – For celebrating his 85<sup>th</sup> birthday.
- 2009\2897 Betty Darnielle, Ottumwa – For celebrating her 80<sup>th</sup> birthday.
- 2009\2898 Donald Sigman, Ottumwa – For celebrating his 85<sup>th</sup> birthday.
- 2009\2899 Evelyn Mobley, Ottumwa – For celebrating her 75<sup>th</sup> birthday.
- 2009\2900 Elaine De Kovic, Ames – For celebrating her 75<sup>th</sup> birthday.
- 2009\2901 Theodore Jensen, Madrid – For celebrating his 75<sup>th</sup> birthday.
- 2009\2902 Donald Hedding, Madrid – For celebrating his 80<sup>th</sup> birthday.
- 2009\2903 Marjorie Shreve, Luther – For celebrating her 75<sup>th</sup> birthday.
- 2009\2904 Herbert Fromm, Ames – For celebrating his 80<sup>th</sup> birthday.

- 2009\2905 Vaughn Speer, Ames – For celebrating his 85<sup>th</sup> birthday.
- 2009\2906 John Dowden, Ames – For celebrating his 75<sup>th</sup> birthday.
- 2009\2907 John Whitmer Jr., Ames – For celebrating his 75<sup>th</sup> birthday.
- 2009\2908 Helen Vardeman, Ames – For celebrating her 85<sup>th</sup> birthday.
- 2009\2909 Jane Herbold, Ames – For celebrating her 75<sup>th</sup> birthday.
- 2009\2910 Robert Egemo, Ames – For celebrating his 80<sup>th</sup> birthday.
- 2009\2911 Dorothy Hynd, Ames – For celebrating her 80<sup>th</sup> birthday.
- 2009\2912 Dorothy Schultz, Ames – For celebrating her 85<sup>th</sup> birthday.
- 2009\2913 Alyce Harlan, Ames – For celebrating her 85<sup>th</sup> birthday.
- 2009\2914 Vera Larson, Ames – For celebrating her 85<sup>th</sup> birthday.
- 2009\2915 Eva Nelson, Madrid – For celebrating her 90<sup>th</sup> birthday.
- 2009\2916 June Perrier, Madrid – For celebrating her 85<sup>th</sup> birthday.
- 2009\2917 Shyam Bahadur, Ames – For celebrating his 75<sup>th</sup> birthday.
- 2009\2918 William Cook, Ames – For celebrating his 80<sup>th</sup> birthday.
- 2009\2919 Kenneth Thompson, Gilbert – For celebrating his 75<sup>th</sup> birthday.
- 2009\2920 Kathryn Zytowski, Ames – For celebrating her 75<sup>th</sup> birthday.
- 2009\2921 Anita Germann, Ames – For celebrating her 85<sup>th</sup> birthday.
- 2009\2922 Alberta Richmond, Ames – For celebrating her 90<sup>th</sup> birthday.
- 2009\2923 Thomas Thompson, Ames – For celebrating his 85<sup>th</sup> birthday.
- 2009\2924 George Pugh Jr., Ames – For celebrating his 75<sup>th</sup> birthday.
- 2009\2925 Patricia Mathison, Ames – For celebrating her 85<sup>th</sup> birthday.
- 2009\2926 Darlene Nelson, Ames – For celebrating her 80<sup>th</sup> birthday.
- 2009\2927 Marie Olson, Madrid – For celebrating her 80<sup>th</sup> birthday.
- 2009\2928 H. Wallace Kinzler, Ames – For celebrating his 80<sup>th</sup> birthday.
- 2009\2929 Elinor Fujinaka, Ames – For celebrating her 85<sup>th</sup> birthday.
- 2009\2930 George Brown, Ames – For celebrating his 85<sup>th</sup> birthday.

- 2009\2931 Gwendolyn Sydnes, Madrid – For celebrating her 90<sup>th</sup> birthday.
- 2009\2932 Kenneth Lassila, Ames – For celebrating his 75<sup>th</sup> birthday.
- 2009\2933 Elma Schiel, Ames – For celebrating her 75<sup>th</sup> birthday.
- 2009\2934 Bernard Brown, Ames – For celebrating his 75<sup>th</sup> birthday.
- 2009\2935 Edgar McKamey, Ames – For celebrating his 75<sup>th</sup> birthday.
- 2009\2936 Rosemary Taylor, Ames – For celebrating her 80<sup>th</sup> birthday.
- 2009\2937 Madge Stillinger, Altoona – For celebrating her 80<sup>th</sup> birthday.
- 2009\2938 Donna Hay, Mitchellville – For celebrating her 80<sup>th</sup> birthday.
- 2009\2939 James Lee, Runnells – For celebrating his 75<sup>th</sup> birthday.
- 2009\2940 C. Dale Hoing, Altoona – For celebrating his 75<sup>th</sup> birthday.
- 2009\2941 Bobby Norris, Altoona – For celebrating his 80<sup>th</sup> birthday.
- 2009\2942 Patricia Albrecht, Runnells – For celebrating her 75<sup>th</sup> birthday.
- 2009\2943 Robert Battles, Runnells – For celebrating his 75<sup>th</sup> birthday.
- 2009\2944 Wilma Cave, Prairie City – For celebrating her 80<sup>th</sup> birthday.
- 2009\2945 Herbert Hansen, Prairie City – For celebrating his 80<sup>th</sup> birthday.
- 2009\2946 Darrold Hunter, Colfax – For celebrating his 85<sup>th</sup> birthday.
- 2009\2947 Betty Miller, Des Moines – For celebrating her 80<sup>th</sup> birthday.
- 2009\2948 Hazel Neagle, Berwick – For celebrating her 75<sup>th</sup> birthday.
- 2009\2949 James Thomas, Colfax – For celebrating his 85<sup>th</sup> birthday.
- 2009\2950 Gerald Wallace, Altoona – For celebrating his 85<sup>th</sup> birthday.
- 2009\2951 Lewis Workman, Pleasant Hill – For celebrating his 80<sup>th</sup> birthday.
- 2009\2952 Jennie Thrasher, Pleasant Hill – For celebrating her 90<sup>th</sup> birthday.
- 2009\2953 Mary Vermie, Altoona – For celebrating her 85<sup>th</sup> birthday.
- 2009\2954 Douglas Teuber, Altoona – For celebrating his 75<sup>th</sup> birthday.
- 2009\2955 Beverly Luing, Berwick – For celebrating her 75<sup>th</sup> birthday.
- 2009\2956 Wanda Pederson, Altoona – For celebrating her 75<sup>th</sup> birthday.

- 2009\2957 Shirley Rowley, Altoona – For celebrating her 75<sup>th</sup> birthday.
- 2009\2958 Shirley Wood, Altoona – For celebrating her 75<sup>th</sup> birthday.
- 2009\2959 Franklin Deitch, Altoona – For celebrating his 80<sup>th</sup> birthday.
- 2009\2960 Lloyd Havel, Bondurant – For celebrating his 80<sup>th</sup> birthday.
- 2009\2961 Allan Lindemoen, Prairie City – For celebrating his 75<sup>th</sup> birthday.
- 2009\2962 William McClannahan, Altoona – For celebrating his 75<sup>th</sup> birthday.
- 2009\2963 Elsie Anderson, Altoona – For celebrating her 90<sup>th</sup> birthday.
- 2009\2964 Beverly Gosselink, Runnells – For celebrating her 80<sup>th</sup> birthday.
- 2009\2965 John Grinstead, Runnells – For celebrating his 75<sup>th</sup> birthday.
- 2009\2966 Nancy Moore, Runnells – For celebrating her 75<sup>th</sup> birthday.
- 2009\2967 Dale Smith, Altoona – For celebrating his 80<sup>th</sup> birthday.
- 2009\2968 Mildred Wing, Colfax – For celebrating her 90<sup>th</sup> birthday.
- 2009\2969 Patricia Iseminger, Altoona – For celebrating her 75<sup>th</sup> birthday.
- 2009\2970 Jerome Oswald, Altoona – For celebrating his 75<sup>th</sup> birthday.
- 2009\2971 David Wagaman, Prairie City – For celebrating his 85<sup>th</sup> birthday.
- 2009\2972 Mary Anderson, Altoona – For celebrating her 85<sup>th</sup> birthday.
- 2009\2973 Charlotte Woollard, Altoona – For celebrating her 75<sup>th</sup> birthday.
- 2009\2974 Wayne Coursey, Dubuque – For celebrating his 75<sup>th</sup> birthday.
- 2009\2975 Rosemary Haas, Dubuque – For celebrating her 80<sup>th</sup> birthday.
- 2009\2976 Stella Tigges, Dubuque – For celebrating her 75<sup>th</sup> birthday.
- 2009\2977 Eldon Kramer, Dubuque – For celebrating his 90<sup>th</sup> birthday.
- 2009\2978 Robert Saeugling, Dubuque – For celebrating his 75<sup>th</sup> birthday.
- 2009\2979 Frieda Heim, Dubuque – For celebrating her 90<sup>th</sup> birthday.
- 2009\2980 William Malone, Dubuque – For celebrating his 75<sup>th</sup> birthday.
- 2009\2981 Mary Mess, Dubuque – For celebrating her 90<sup>th</sup> birthday.
- 2009\2982 Leo Theisen, Dubuque – For celebrating his 75<sup>th</sup> birthday.



- 2009\2983 Juliette Vogl, Dubuque – For celebrating her 90<sup>th</sup> birthday.
- 2009\2984 Dorothy Bechen, Dubuque – For celebrating her 85<sup>th</sup> birthday.
- 2009\2985 Imelda Bailey, Dubuque – For celebrating her 100<sup>th</sup> birthday.
- 2009\2986 Jean Mc Clain, Dubuque – For celebrating her 75<sup>th</sup> birthday.
- 2009\2987 Immogene Grant, Dubuque – For celebrating her 90<sup>th</sup> birthday.
- 2009\2988 Benjamin Maiden, Dubuque – For celebrating his 85<sup>th</sup> birthday.
- 2009\2989 Eileen Bresee, Dubuque – For celebrating her 85<sup>th</sup> birthday.
- 2009\2990 Irene Freking, Dubuque – For celebrating her 80<sup>th</sup> birthday.
- 2009\2991 Eugene Siegert, Dubuque – For celebrating his 80<sup>th</sup> birthday.
- 2009\2992 Ellen Schlueter, Dubuque – For celebrating her 80<sup>th</sup> birthday.
- 2009\2993 Bette Duehr, Dubuque – For celebrating her 85<sup>th</sup> birthday.
- 2009\2994 Marcella Esser, Dubuque – For celebrating her 95<sup>th</sup> birthday.
- 2009\2995 Marcella Travis, Dubuque – For celebrating her 80<sup>th</sup> birthday.
- 2009\2996 William Herber, Dubuque – For celebrating his 80<sup>th</sup> birthday.
- 2009\2997 Betty Morgan, Dubuque – For celebrating her 85<sup>th</sup> birthday.
- 2009\2998 Stanley Shireman, Dubuque – For celebrating his 80<sup>th</sup> birthday.
- 2009\2999 Alice Decker, Dubuque – For celebrating her 80<sup>th</sup> birthday.
- 2009\3000 Verna Gaul, Dubuque – For celebrating her 85<sup>th</sup> birthday.
- 2009\3001 Elroy Webb, Dubuque – For celebrating his 90<sup>th</sup> birthday.
- 2009\3002 Donald Neuhaus, Dubuque – For celebrating his 75<sup>th</sup> birthday.
- 2009\3003 Francis Apel, Dubuque – For celebrating his 75<sup>th</sup> birthday.
- 2009\3004 Odra Eberhardt, Dubuque – For celebrating her 80<sup>th</sup> birthday.
- 2009\3005 Coletta Tigges, Dubuque – For celebrating her 75<sup>th</sup> birthday.
- 2009\3006 Virginia Eudaley, Dubuque – For celebrating her 80<sup>th</sup> birthday.
- 2009\3007 Robert Decker, Dubuque – For celebrating his 80<sup>th</sup> birthday.
- 2009\3008 Ann Dietzel, Dubuque – For celebrating her 85<sup>th</sup> birthday.

- 2009\3009 Eunice Redding, Dubuque – For celebrating her 85<sup>th</sup> birthday.
- 2009\3010 Helen Schroeder, Dubuque – For celebrating her 85<sup>th</sup> birthday.
- 2009\3011 Margaret Koch, Dubuque – For celebrating her 75<sup>th</sup> birthday.
- 2009\3012 Eileen Leland, Dubuque – For celebrating her 75<sup>th</sup> birthday.
- 2009\3013 Carol Neff, Dubuque – For celebrating her 75<sup>th</sup> birthday.
- 2009\3014 David Willoughby, Dubuque – For celebrating his 85<sup>th</sup> birthday.
- 2009\3015 Marie Ambrosy, Dubuque – For celebrating her 75<sup>th</sup> birthday.
- 2009\3016 Dorothy Lester, Dubuque – For celebrating her 80<sup>th</sup> birthday.
- 2009\3017 Rex Reynolds, Dubuque – For celebrating his 80<sup>th</sup> birthday.
- 2009\3018 Darlene Weber, Dubuque – For celebrating her 85<sup>th</sup> birthday.
- 2009\3019 Doris Whelan, Dubuque – For celebrating her 85<sup>th</sup> birthday.
- 2009\3020 Patricia Spensley, Dubuque – For celebrating her 80<sup>th</sup> birthday.
- 2009\3021 Mary Kollasch Sr., Dubuque – For celebrating her 85<sup>th</sup> birthday.
- 2009\3022 Mary Link, Dubuque – For celebrating her 75<sup>th</sup> birthday.
- 2009\3023 Shirley Strub, Dubuque – For celebrating her 80<sup>th</sup> birthday.
- 2009\3024 Willie Bennett, Coralville – For celebrating her 80<sup>th</sup> birthday.
- 2009\3025 Ralph Castle, Coralville – For celebrating his 80<sup>th</sup> birthday.
- 2009\3026 David Gerlits, Coralville – For celebrating his 80<sup>th</sup> birthday.
- 2009\3027 Julie Russell, Iowa City – For celebrating her 90<sup>th</sup> birthday.
- 2009\3028 Rose McMenomy, Tiffin – For celebrating her 75<sup>th</sup> birthday.
- 2009\3029 Cyrus Cacioppo, North Liberty – For celebrating his 85<sup>th</sup> birthday.
- 2009\3030 William Gale, Coralville – For celebrating his 90<sup>th</sup> birthday.
- 2009\3031 Betty Schutter, Coralville – For celebrating her 90<sup>th</sup> birthday.
- 2009\3032 Madaline Gilliam, Coralville – For celebrating her 95<sup>th</sup> birthday.
- 2009\3033 Martha Zimmermann, Iowa City – For celebrating her 100<sup>th</sup> birthday.
- 2009\3034 Paul Rains, Tiffin – For celebrating his 80<sup>th</sup> birthday.

- 2009\3035 Elaine Boersma, Iowa City – For celebrating her 85<sup>th</sup> birthday.
- 2009\3036 G. Denny Hanson, Coralville – For celebrating his 75<sup>th</sup> birthday.
- 2009\3037 Wilma Harris, Coralville – For celebrating her 80<sup>th</sup> birthday.
- 2009\3038 Elsie Kloubec, North Liberty – For celebrating her 75<sup>th</sup> birthday.
- 2009\3039 Elaine Nicholson, Coralville – For celebrating her 80<sup>th</sup> birthday.
- 2009\3040 Richard Heisner, Coralville – For celebrating his 75<sup>th</sup> birthday.
- 2009\3041 Della Hartvigsen, Coralville – For celebrating her 75<sup>th</sup> birthday.
- 2009\3042 Clarence Coovert, Keokuk – For celebrating his 85<sup>th</sup> birthday.
- 2009\3043 Mary Harris, Fort Madison – For celebrating her 85<sup>th</sup> birthday.
- 2009\3044 Dorothy Rings, Fort Madison – For celebrating her 95<sup>th</sup> birthday.
- 2009\3045 Leroy Stepp, Keokuk – For celebrating his 90<sup>th</sup> birthday.
- 2009\3046 Robert Clemenson, Montrose – For celebrating his 75<sup>th</sup> birthday.
- 2009\3047 Mary Sherrill, Keokuk – For celebrating her 75<sup>th</sup> birthday.
- 2009\3048 Florence Graham, Keokuk – For celebrating her 75<sup>th</sup> birthday.
- 2009\3049 Mary Martin, Keokuk – For celebrating her 85<sup>th</sup> birthday.
- 2009\3050 Eula Belville, Fort Madison – For celebrating her 85<sup>th</sup> birthday.
- 2009\3051 Marcella Gorman, Fort Madison – For celebrating her 80<sup>th</sup> birthday.
- 2009\3052 Mary Kokjohn, Fort Madison – For celebrating her 85<sup>th</sup> birthday.
- 2009\3053 Calvin Elschlager, Keokuk – For celebrating his 80<sup>th</sup> birthday.
- 2009\3054 Patricia Smutzer, Fort Madison – For celebrating her 80<sup>th</sup> birthday.
- 2009\3055 Marie Hayden, Keokuk – For celebrating her 80<sup>th</sup> birthday.
- 2009\3056 C. Nadine Kelly, Keokuk – For celebrating her 75<sup>th</sup> birthday.
- 2009\3057 Nancy Lammering, Keokuk – For celebrating her 80<sup>th</sup> birthday.
- 2009\3058 Loa Vest, Keokuk – For celebrating her 75<sup>th</sup> birthday.
- 2009\3059 Arthur Neff, Keokuk – For celebrating his 75<sup>th</sup> birthday.
- 2009\3060 Russell Elliott, Fort Madison – For celebrating his 80<sup>th</sup> birthday.

- 2009\3061 Daniel McNamara, Keokuk – For celebrating his 75<sup>th</sup> birthday.
- 2009\3062 Harlan Sage, Keokuk – For celebrating his 85<sup>th</sup> birthday.
- 2009\3063 Kenneth Hoffmeister, Fort Madison – For celebrating his 75<sup>th</sup> birthday.
- 2009\3064 Shirley Wildrick, Keokuk – For celebrating her 75<sup>th</sup> birthday.
- 2009\3065 Maxine Franklin, Fort Madison – For celebrating her 75<sup>th</sup> birthday.
- 2009\3066 Gerald Powelson, Fort Madison – For celebrating his 75<sup>th</sup> birthday.
- 2009\3067 Marlys Sage, Keokuk – For celebrating her 85<sup>th</sup> birthday.
- 2009\3068 Marvin Kain, Keokuk – For celebrating his 90<sup>th</sup> birthday.
- 2009\3069 Walter McCracken, Fort Madison – For celebrating his 85<sup>th</sup> birthday.
- 2009\3070 Helen Wilhelm, Fort Madison – For celebrating her 90<sup>th</sup> birthday.
- 2009\3071 Jean Dressler, Fort Madison – For celebrating her 80<sup>th</sup> birthday.
- 2009\3072 Eugene Hall, Keokuk – For celebrating his 85<sup>th</sup> birthday.
- 2009\3073 Mabel Leight, Fort Madison – For celebrating her 75<sup>th</sup> birthday.
- 2009\3074 Orvillena West, Keokuk – For celebrating her 85<sup>th</sup> birthday.
- 2009\3075 Orpha Smith, Davenport – For celebrating her 80<sup>th</sup> birthday.
- 2009\3076 Virginia Petersen, Davenport – For celebrating her 90<sup>th</sup> birthday.
- 2009\3077 Dorothy Gripp, Davenport – For celebrating her 90<sup>th</sup> birthday.
- 2009\3078 Carl Johannsen, Davenport – For celebrating his 85<sup>th</sup> birthday.
- 2009\3079 Ralph Granados, Davenport – For celebrating his 80<sup>th</sup> birthday.
- 2009\3080 Thelma Jones, Davenport – For celebrating her 75<sup>th</sup> birthday.
- 2009\3081 Howard Mirfield, Davenport – For celebrating his 75<sup>th</sup> birthday.
- 2009\3082 Ralph Dodds, Davenport – For celebrating his 75<sup>th</sup> birthday.
- 2009\3083 Shirley Hazen, Davenport – For celebrating her 80<sup>th</sup> birthday.
- 2009\3084 Barbara Kendall, Davenport – For celebrating her 85<sup>th</sup> birthday.
- 2009\3085 Mary Mularz, Davenport – For celebrating her 75<sup>th</sup> birthday.

- 2009\3086 Mary Murphy, Davenport – For celebrating her 85<sup>th</sup> birthday.
- 2009\3087 Mildred Steen, Davenport – For celebrating her 75<sup>th</sup> birthday.
- 2009\3088 Margit Bassow, Davenport – For celebrating her 90<sup>th</sup> birthday.
- 2009\3089 Gordon Dexter, Davenport – For celebrating his 80<sup>th</sup> birthday.
- 2009\3090 Frederick Lorenzen, Davenport – For celebrating his 80<sup>th</sup> birthday.
- 2009\3091 Theodore Nacos, Davenport – For celebrating his 80<sup>th</sup> birthday.
- 2009\3092 William Sheridan, Davenport – For celebrating his 100<sup>th</sup> birthday.
- 2009\3093 James Coble, Davenport – For celebrating his 75<sup>th</sup> birthday.
- 2009\3094 Irene Huncke, Davenport – For celebrating her 90<sup>th</sup> birthday.
- 2009\3095 Alvin Korthaus, Davenport – For celebrating his 80<sup>th</sup> birthday.
- 2009\3096 Laura Ladehoff, Davenport – For celebrating her 95<sup>th</sup> birthday.
- 2009\3097 Arthur Hilmo, Davenport – For celebrating his 85<sup>th</sup> birthday.
- 2009\3098 Thomas Cochran Jr., Davenport – For celebrating his 80<sup>th</sup> birthday.
- 2009\3099 Fred Farnsworth, Davenport – For celebrating his 85<sup>th</sup> birthday.
- 2009\3100 Sally Grueber, Davenport – For celebrating her 75<sup>th</sup> birthday.
- 2009\3101 Ursula Kremer, Davenport – For celebrating her 90<sup>th</sup> birthday.
- 2009\3102 Kenneth Felton, Davenport – For celebrating his 85<sup>th</sup> birthday.
- 2009\3103 Rosie Pierce, Davenport – For celebrating her 75<sup>th</sup> birthday.
- 2009\3104 Gail Greenwood, Davenport – For celebrating his 85<sup>th</sup> birthday.
- 2009\3105 Louetta Slattery, Davenport – For celebrating her 80<sup>th</sup> birthday.
- 2009\3106 Rex Iske, Davenport – For celebrating his 85<sup>th</sup> birthday.
- 2009\3107 Oscar Scott Sr., Davenport – For celebrating his 80<sup>th</sup> birthday.
- 2009\3108 Margaret Douglas-Beck, Davenport – For celebrating her 75<sup>th</sup> birthday.
- 2009\3109 James Lakey, Davenport – For celebrating his 75<sup>th</sup> birthday.
- 2009\3110 Arlene Drumm, Davenport – For celebrating her 75<sup>th</sup> birthday.
- 2009\3111 Greta Iossi, Davenport – For celebrating her 75<sup>th</sup> birthday.

- 2009\3112 Ardis Clark, Davenport – For celebrating her 85<sup>th</sup> birthday.
- 2009\3113 Dorothy Patch, Davenport – For celebrating her 95<sup>th</sup> birthday.
- 2009\3114 Donna Green, Davenport – For celebrating her 75<sup>th</sup> birthday.
- 2009\3115 Kathryn Scott, Marshalltown – For celebrating her 80<sup>th</sup> birthday.
- 2009\3116 George Dunham, Marshalltown – For celebrating his 85<sup>th</sup> birthday.
- 2009\3117 Janet Hilsabeck, Liscomb – For celebrating her 75<sup>th</sup> birthday.
- 2009\3118 Mike Paglia, Albion – For celebrating his 90<sup>th</sup> birthday.
- 2009\3119 Hazel Bonham, Liscomb – For celebrating her 90<sup>th</sup> birthday.
- 2009\3120 Gerald Riggins, Marshalltown – For celebrating his 75<sup>th</sup> birthday.
- 2009\3121 Martha Shibe, Marshalltown – For celebrating her 95<sup>th</sup> birthday.
- 2009\3122 Jerry Winters, Marshalltown – For celebrating his 75<sup>th</sup> birthday.
- 2009\3123 Donald Irwin, Marshalltown – For celebrating his 80<sup>th</sup> birthday.
- 2009\3124 Anna Sherman, Marshalltown – For celebrating her 90<sup>th</sup> birthday.
- 2009\3125 Faye Smith, Beaman – For celebrating her 80<sup>th</sup> birthday.
- 2009\3126 Doris Connley, Marshalltown – For celebrating her 80<sup>th</sup> birthday.
- 2009\3127 Marjorie Wengert, Marshalltown – For celebrating her 90<sup>th</sup> birthday.
- 2009\3128 Russel Balmer, Green Mountain – For celebrating his 75<sup>th</sup> birthday.
- 2009\3129 Donna Holl, Conrad – For celebrating her 80<sup>th</sup> birthday.
- 2009\3130 Alfred Dittmar, Marshalltown – For celebrating his 85<sup>th</sup> birthday.
- 2009\3131 Viola Richardson, Marshalltown – For celebrating her 80<sup>th</sup> birthday.
- 2009\3132 Verle Luethje, Marshalltown – For celebrating his 75<sup>th</sup> birthday.
- 2009\3133 Christopher Daniel, Marshalltown – For celebrating his 80<sup>th</sup> birthday.
- 2009\3134 Barbara Day, Marshalltown – For celebrating her 85<sup>th</sup> birthday.
- 2009\3135 Mildred Ryan, Marshalltown – For celebrating her 90<sup>th</sup> birthday.

- 2009\3136 Marilyn Naughton, Marshalltown – For celebrating her 75<sup>th</sup> birthday.
- 2009\3137 Florence Renshaw, Marshalltown – For celebrating her 95<sup>th</sup> birthday.
- 2009\3138 Shirley Rohrs, Marshalltown – For celebrating her 80<sup>th</sup> birthday.
- 2009\3139 Paul Baker, Marshalltown – For celebrating his 75<sup>th</sup> birthday.
- 2009\3140 Netha Martin, Marshalltown – For celebrating her 85<sup>th</sup> birthday.
- 2009\3141 Leona Petermeier, Marshalltown – For celebrating her 100<sup>th</sup> birthday.
- 2009\3142 Mary Drury, Marshalltown – For celebrating her 90<sup>th</sup> birthday.
- 2009\3143 Bertha Giesenber, Marshalltown – For celebrating her 95<sup>th</sup> birthday.
- 2009\3144 Melvin Schuchmann, Marshalltown – For celebrating his 85<sup>th</sup> birthday.
- 2009\3145 Fred Yantis Jr., Marshalltown – For celebrating his 80<sup>th</sup> birthday.
- 2009\3146 Joan Gethmann, Marshalltown – For celebrating her 75<sup>th</sup> birthday.
- 2009\3147 Margaret Judge, Marshalltown – For celebrating her 75<sup>th</sup> birthday.
- 2009\3148 Emma Richards, Marshalltown – For celebrating her 75<sup>th</sup> birthday.
- 2009\3149 Lowell Keeler, Marshalltown – For celebrating his 85<sup>th</sup> birthday.
- 2009\3150 Clarence Balcom Jr., Marshalltown – For celebrating his 80<sup>th</sup> birthday.
- 2009\3151 Opal Funke, Marshalltown – For celebrating her 85<sup>th</sup> birthday.
- 2009\3152 Marlyne Bryant, Marshalltown – For celebrating her 75<sup>th</sup> birthday.
- 2009\3153 Wayne Conaway, Marshalltown – For celebrating his 80<sup>th</sup> birthday.
- 2009\3154 Wilma Funke, Marshalltown – For celebrating her 80<sup>th</sup> birthday.
- 2009\3155 Barbara Smith, Marshalltown – For celebrating her 75<sup>th</sup> birthday.
- 2009\3156 Barbara Bogard, Mason City – For celebrating her 85<sup>th</sup> birthday.
- 2009\3157 Donald Leake, Mason City – For celebrating his 90<sup>th</sup> birthday.
- 2009\3158 Alice Mulhern, Mason City – For celebrating her 85<sup>th</sup> birthday.

- 2009\3159 Mary Alverson, Mason City – For celebrating her 80<sup>th</sup> birthday.
- 2009\3160 Wintie Butler, Mason City – For celebrating his 80<sup>th</sup> birthday.
- 2009\3161 Joyce Evans, Mason City – For celebrating her 80<sup>th</sup> birthday.
- 2009\3162 Rose Stille, Mason City – For celebrating her 80<sup>th</sup> birthday.
- 2009\3163 Edward Tosel, Mason City – For celebrating his 90<sup>th</sup> birthday.
- 2009\3164 Dean Baumann, Mason City – For celebrating his 75<sup>th</sup> birthday.
- 2009\3165 Joanne Dass, Mason City – For celebrating her 75<sup>th</sup> birthday.
- 2009\3166 Lyle Murl Jr., Mason City – For celebrating his 75<sup>th</sup> birthday.
- 2009\3167 Catherine Stangl, Mason City – For celebrating her 85<sup>th</sup> birthday.
- 2009\3168 Barbara Baker, Mason City – For celebrating her 80<sup>th</sup> birthday.
- 2009\3169 Lawrence Kelly, Mason City – For celebrating his 75<sup>th</sup> birthday.
- 2009\3170 Erma Eygabroad, Mason City – For celebrating her 80<sup>th</sup> birthday.
- 2009\3171 Gene Kuehn, Mason City – For celebrating his 75<sup>th</sup> birthday.
- 2009\3172 Duane Fibelstad, Mason City – For celebrating his 75<sup>th</sup> birthday.
- 2009\3173 Lester Birkholz, Mason City – For celebrating his 100<sup>th</sup> birthday.
- 2009\3174 Bonnie Ogaard, Mason City – For celebrating her 75<sup>th</sup> birthday.
- 2009\3175 Darlene Cory, Mason City – For celebrating her 75<sup>th</sup> birthday.
- 2009\3176 Donna Hutchens, Mason City – For celebrating her 75<sup>th</sup> birthday.
- 2009\3177 Herdis Kittleson, Mason City – For celebrating her 85<sup>th</sup> birthday.
- 2009\3178 Harry Anderson, Mason City – For celebrating his 85<sup>th</sup> birthday.
- 2009\3179 Don Plagge, Mason City – For celebrating his 75<sup>th</sup> birthday.
- 2009\3180 Aletha Vaughn, Mason City – For celebrating her 80<sup>th</sup> birthday.
- 2009\3181 Santos Aguilera, Mason City – For celebrating his 85<sup>th</sup> birthday.
- 2009\3182 Barbara Davis, Mason City – For celebrating her 85<sup>th</sup> birthday.
- 2009\3183 Ardis Schwarck, Mason City – For celebrating her 75<sup>th</sup> birthday.
- 2009\3184 Judith Richards, Mason City – For celebrating her 80<sup>th</sup> birthday.



- 2009\3185 Sharlene Beenken, Mason City – For celebrating her 75<sup>th</sup> birthday.
- 2009\3186 Minnie Paulson, Mason City – For celebrating her 85<sup>th</sup> birthday.
- 2009\3187 Pearl White, Mason City – For celebrating her 95<sup>th</sup> birthday.
- 2009\3188 James Wilson, Mason City – For celebrating his 80<sup>th</sup> birthday.
- 2009\3189 Mildred Karabatsos, Mason City – For celebrating her 85<sup>th</sup> birthday.
- 2009\3190 Walter Muhlstein, Mason City – For celebrating his 80<sup>th</sup> birthday.
- 2009\3191 Flora Janssen, Mason City – For celebrating her 85<sup>th</sup> birthday.
- 2009\3192 Viola Fisk, Mason City – For celebrating her 80<sup>th</sup> birthday.
- 2009\3193 Gladys Huckins, Mason City – For celebrating her 95<sup>th</sup> birthday.
- 2009\3194 Ruth Boyenga, Mason City – For celebrating her 80<sup>th</sup> birthday.
- 2009\3195 Ila Fenchel, Mason City – For celebrating her 80<sup>th</sup> birthday.
- 2009\3196 Harold Gamble, Mason City – For celebrating his 80<sup>th</sup> birthday.
- 2009\3197 Deloris Johnson, Mason City – For celebrating her 90<sup>th</sup> birthday.
- 2009\3198 Deloris Hermann, Mason City – For celebrating her 75<sup>th</sup> birthday.
- 2009\3199 Richard Torkelson, Mason City – For celebrating his 85<sup>th</sup> birthday.
- 2009\3200 Mary Totten, Mason City – For celebrating her 85<sup>th</sup> birthday.
- 2009\3201 Maurice Heinrichs, Mason City – For celebrating his 75<sup>th</sup> birthday.
- 2009\3202 Gloria McCarthy, Cedar Rapids – For celebrating her 85<sup>th</sup> birthday.
- 2009\3203 Hortense Nerison, Cedar Rapids – For celebrating her 90<sup>th</sup> birthday.
- 2009\3204 Lucille Yanecek, Cedar Rapids – For celebrating her 80<sup>th</sup> birthday.
- 2009\3205 Mary Haas, Cedar Rapids – For celebrating her 80<sup>th</sup> birthday.
- 2009\3206 Edwin Armstrong, Cedar Rapids – For celebrating his 80<sup>th</sup> birthday.
- 2009\3207 Adelaide Kolek, Cedar Rapids – For celebrating her 90<sup>th</sup> birthday.
- 2009\3208 Virginia Abney, Cedar Rapids – For celebrating her 80<sup>th</sup> birthday.
- 2009\3209 Jeanette Schroeder, Cedar Rapids – For celebrating her 75<sup>th</sup> birthday.

- 2009\3210 Delores Jensen, Cedar Rapids – For celebrating her 80<sup>th</sup> birthday.
- 2009\3211 Margaret Earley, Cedar Rapids – For celebrating her 95<sup>th</sup> birthday.
- 2009\3212 Geraldine Stearns, Cedar Rapids – For celebrating her 75<sup>th</sup> birthday.
- 2009\3213 Nadyne Cofone, Cedar Rapids – For celebrating her 85<sup>th</sup> birthday.
- 2009\3214 Duane McLean, Cedar Rapids – For celebrating his 75<sup>th</sup> birthday.
- 2009\3215 George Halek, Cedar Rapids – For celebrating his 90<sup>th</sup> birthday.
- 2009\3216 Margrette Guetzko, Cedar Rapids – For celebrating her 85<sup>th</sup> birthday.
- 2009\3217 Dorothy Fiet, Cedar Rapids – For celebrating her 90<sup>th</sup> birthday.
- 2009\3218 Donald Dvorak, Cedar Rapids – For celebrating his 75<sup>th</sup> birthday.
- 2009\3219 George Golay, Cedar Rapids – For celebrating his 80<sup>th</sup> birthday.
- 2009\3220 Thelma Makinster, Cedar Rapids – For celebrating her 90<sup>th</sup> birthday.
- 2009\3221 Francis Meis, Cedar Rapids – For celebrating his 75<sup>th</sup> birthday.
- 2009\3222 Frances Sample, Cedar Rapids – For celebrating her 85<sup>th</sup> birthday.
- 2009\3223 Earl Christensen, Cedar Rapids – For celebrating his 80<sup>th</sup> birthday.
- 2009\3224 Barbara Krouse, Cedar Rapids – For celebrating her 75<sup>th</sup> birthday.
- 2009\3225 Marjorie Spicher, Cedar Rapids – For celebrating her 85<sup>th</sup> birthday.
- 2009\3226 Harold Blackledge, Cedar Rapids – For celebrating his 80<sup>th</sup> birthday.
- 2009\3227 Melvin Kropuenske, Cedar Rapids – For celebrating his 85<sup>th</sup> birthday.
- 2009\3228 Aldene Emerson, Cedar Rapids – For celebrating her 85<sup>th</sup> birthday.
- 2009\3229 Eunice Meyers, Cedar Rapids – For celebrating her 95<sup>th</sup> birthday.
- 2009\3230 Marjorie Andresen, Cedar Rapids – For celebrating her 75<sup>th</sup> birthday.
- 2009\3231 Wanda Rowray, Cedar Rapids – For celebrating her 75<sup>th</sup> birthday.
- 2009\3232 Isabelle Chadim, Cedar Rapids – For celebrating her 90<sup>th</sup> birthday.

- 2009\3233 Mary Bozaneck, Cedar Rapids – For celebrating her 90<sup>th</sup> birthday.
- 2009\3234 Maxine Jones, Cedar Rapids – For celebrating her 80<sup>th</sup> birthday.
- 2009\3235 Dorothy Ramsey, Cedar Rapids – For celebrating her 85<sup>th</sup> birthday.
- 2009\3236 Joan Reding, Cedar Rapids – For celebrating her 80<sup>th</sup> birthday.
- 2009\3237 Mary Gardner, Cedar Rapids – For celebrating her 75<sup>th</sup> birthday.
- 2009\3238 Viola Patten, Cedar Rapids – For celebrating her 85<sup>th</sup> birthday.
- 2009\3239 Karl Renter, Cedar Rapids – For celebrating his 85<sup>th</sup> birthday.
- 2009\3240 Donald Tomash, Cedar Rapids – For celebrating his 80<sup>th</sup> birthday.
- 2009\3241 Dorothy Beck, Elkader – For celebrating her 80<sup>th</sup> birthday.
- 2009\3242 Margaret Bissell, Guttenberg – For celebrating her 85<sup>th</sup> birthday.
- 2009\3243 Ursula Cordes, Arlington – For celebrating her 80<sup>th</sup> birthday.
- 2009\3244 Arthur Moellers, Fayette – For celebrating his 80<sup>th</sup> birthday.
- 2009\3245 Hazel Dailey, McGregor – For celebrating her 95<sup>th</sup> birthday.
- 2009\3246 Ruth Bird, Guttenberg – For celebrating her 80<sup>th</sup> birthday.
- 2009\3247 Jean Welsh, Elkader – For celebrating her 80<sup>th</sup> birthday.
- 2009\3248 Vila Schroeder, Monona – For celebrating her 85<sup>th</sup> birthday.
- 2009\3249 Leona Fischer, Garnavillo – For celebrating her 90<sup>th</sup> birthday.
- 2009\3250 Elizabeth Brownson, Monona – For celebrating her 80<sup>th</sup> birthday.
- 2009\3251 Patricia Cline, Elgin – For celebrating her 80<sup>th</sup> birthday.
- 2009\3252 Lucille Wagner, Elkader – For celebrating her 100<sup>th</sup> birthday.
- 2009\3253 Vernon Kuenster, Farmersburg – For celebrating his 80<sup>th</sup> birthday.
- 2009\3254 Leon Jacob, Elgin – For celebrating his 90<sup>th</sup> birthday.
- 2009\3255 Francis Meyer, Guttenberg – For celebrating his 90<sup>th</sup> birthday.
- 2009\3256 Addie Peake, Arlington – For celebrating her 95<sup>th</sup> birthday.
- 2009\3257 Jeannette Schuety, Elkader – For celebrating her 80<sup>th</sup> birthday.
- 2009\3258 Robert Hoffmann, Guttenberg – For celebrating his 80<sup>th</sup> birthday.

- 2009\3259 Elaine Schroeder, Guttenberg – For celebrating her 80<sup>th</sup> birthday.
- 2009\3260 Opal Sanders, Elgin – For celebrating her 85<sup>th</sup> birthday.
- 2009\3261 Alo Moser, Guttenberg – For celebrating her 90<sup>th</sup> birthday.
- 2009\3262 Lucille Goedken, Lamont – For celebrating her 80<sup>th</sup> birthday.
- 2009\3263 Robert Eggen, McGregor – For celebrating his 80<sup>th</sup> birthday.
- 2009\3264 Eleanor Loftsgard, Elgin – For celebrating her 85<sup>th</sup> birthday.
- 2009\3265 Jeanette Berns, Guttenberg – For celebrating her 90<sup>th</sup> birthday.
- 2009\3266 Ivanelle Kraus, Garnavillo – For celebrating her 80<sup>th</sup> birthday.
- 2009\3267 Lavon Roepke, Aurora – For celebrating her 85<sup>th</sup> birthday.
- 2009\3268 Mary Batterson, Wadena – For celebrating her 85<sup>th</sup> birthday.
- 2009\3269 Marvin Helmrichs, Manchester – For celebrating his 85<sup>th</sup> birthday.
- 2009\3270 Millard Christianson, Farmersburg – For celebrating his 85<sup>th</sup> birthday.
- 2009\3271 James Yoe, Edgewood – For celebrating his 85<sup>th</sup> birthday.
- 2009\3272 Margaret Faust, Edgewood – For celebrating her 80<sup>th</sup> birthday.
- 2009\3273 Emily Moody, McGregor – For celebrating her 95<sup>th</sup> birthday.
- 2009\3274 Larene Backhaus, Guttenberg – For celebrating her 90<sup>th</sup> birthday.
- 2009\3275 Lorna Arthur, Edgewood – For celebrating her 85<sup>th</sup> birthday.
- 2009\3276 Wallace Butler, Sioux City – For celebrating his 85<sup>th</sup> birthday.
- 2009\3277 Mary Goetsch, Sioux City – For celebrating her 75<sup>th</sup> birthday.
- 2009\3278 Robert Olsen, Sioux City – For celebrating his 85<sup>th</sup> birthday.
- 2009\3279 Gene Hancer, Sioux City – For celebrating his 75<sup>th</sup> birthday.
- 2009\3280 Marian Jacobson, Sioux City – For celebrating her 75<sup>th</sup> birthday.
- 2009\3281 Elizabeth Thomas, Sioux City – For celebrating her 80<sup>th</sup> birthday.
- 2009\3282 Wanda Hamel, Sioux City – For celebrating her 75<sup>th</sup> birthday.
- 2009\3283 William Yockey, Sioux City – For celebrating his 85<sup>th</sup> birthday.
- 2009\3284 Gloria Carnes, Sioux City – For celebrating her 75<sup>th</sup> birthday.

- 2009\3285 George Fairclough, Sioux City – For celebrating his 75<sup>th</sup> birthday.
- 2009\3286 Delores Freed, Sioux City – For celebrating her 80<sup>th</sup> birthday.
- 2009\3287 Betty Mc Laughlin, Sioux City – For celebrating her 80<sup>th</sup> birthday.
- 2009\3288 Norma Parker, Sioux City – For celebrating her 85<sup>th</sup> birthday.
- 2009\3289 Grace Hansen, Sioux City – For celebrating her 85<sup>th</sup> birthday.
- 2009\3290 Murna Taylor, Sioux City – For celebrating her 75<sup>th</sup> birthday.
- 2009\3291 Homer Musgrove, Sioux City – For celebrating his 85<sup>th</sup> birthday.
- 2009\3292 Jeanne Farrin, Sioux City – For celebrating her 75<sup>th</sup> birthday.
- 2009\3293 Jean Solomon, Sioux City – For celebrating her 80<sup>th</sup> birthday.
- 2009\3294 Frances Girard, Sioux City – For celebrating her 85<sup>th</sup> birthday.
- 2009\3295 Robert Bak, Sioux City – For celebrating his 75<sup>th</sup> birthday.
- 2009\3296 Robert Moritz, Sioux City – For celebrating his 85<sup>th</sup> birthday.
- 2009\3297 Gladys Mercer, Sioux City – For celebrating her 95<sup>th</sup> birthday.
- 2009\3298 Janet Sample, Sioux City – For celebrating her 80<sup>th</sup> birthday.
- 2009\3299 Afrodity Segos, Sioux City – For celebrating her 75<sup>th</sup> birthday.
- 2009\3300 Erma Severson, Sioux City – For celebrating her 80<sup>th</sup> birthday.
- 2009\3301 Rosemary Jenkins, Sioux City – For celebrating her 80<sup>th</sup> birthday.
- 2009\3302 Albert Buckingham, Sioux City – For celebrating his 95<sup>th</sup> birthday.
- 2009\3303 Lula Kutz, Sioux City – For celebrating her 85<sup>th</sup> birthday.
- 2009\3304 Margaret Hillman, Sioux City – For celebrating her 95<sup>th</sup> birthday.
- 2009\3305 Rubene Fromknecht, Sioux City – For celebrating her 95<sup>th</sup> birthday.
- 2009\3306 Erma Butler, Sioux City – For celebrating her 85<sup>th</sup> birthday.
- 2009\3307 Bonnie Adams, Sioux City – For celebrating her 90<sup>th</sup> birthday.
- 2009\3308 Mary Meyers, Sioux City – For celebrating her 80<sup>th</sup> birthday.
- 2009\3309 William Winterlin Jr., Sioux City – For celebrating his 85<sup>th</sup> birthday.
- 2009\3310 Arnold Brannan, Sioux City – For celebrating his 90<sup>th</sup> birthday.

- 2009\3311 Dixie Johnson, Sioux City – For celebrating her 75<sup>th</sup> birthday.
- 2009\3312 Florence Doran, Sioux City – For celebrating her 85<sup>th</sup> birthday.
- 2009\3313 Eva Riedesel, Sioux City – For celebrating her 85<sup>th</sup> birthday.
- 2009\3314 Yulanda Simon, Sioux City – For celebrating her 85<sup>th</sup> birthday.
- 2009\3315 Raynela Groves, Sioux City – For celebrating her 80<sup>th</sup> birthday.
- 2009\3316 Frances Iverson, Sioux City – For celebrating her 85<sup>th</sup> birthday.
- 2009\3317 Theresa Murphy, Sioux City – For celebrating her 85<sup>th</sup> birthday.
- 2009\3318 Mary Boise, Sioux City – For celebrating her 75<sup>th</sup> birthday.
- 2009\3319 Donald Phipps, Sioux City – For celebrating his 75<sup>th</sup> birthday.
- 2009\3320 Rose Magel, Sioux City – For celebrating her 80<sup>th</sup> birthday.
- 2009\3321 Juanita Skoglund, Sioux City – For celebrating her 80<sup>th</sup> birthday.
- 2009\3322 Eugene Blue, Sioux City – For celebrating his 75<sup>th</sup> birthday.
- 2009\3323 Sidney Kalin, Sioux City – For celebrating his 90<sup>th</sup> birthday.
- 2009\3324 Iola Grieve, Sioux City – For celebrating her 80<sup>th</sup> birthday.
- 2009\3325 Alta Quinlain, Sioux City – For celebrating her 85<sup>th</sup> birthday.
- 2009\3326 Robert Golliday, Sioux City – For celebrating his 80<sup>th</sup> birthday.
- 2009\3327 I. Thompson Kendall, Cedar Rapids – For celebrating her 85<sup>th</sup> birthday.
- 2009\3328 Lois Fisher, Mount Vernon – For celebrating her 90<sup>th</sup> birthday.
- 2009\3329 Odis Fossum, Mount Vernon – For celebrating her 75<sup>th</sup> birthday.
- 2009\3330 Ivan Lamparek, Swisher – For celebrating his 75<sup>th</sup> birthday.
- 2009\3331 Ella Neumann, Solon – For celebrating her 90<sup>th</sup> birthday.
- 2009\3332 Frances Melloh, Mount Vernon – For celebrating her 85<sup>th</sup> birthday.
- 2009\3333 Mary Fairlie, Swisher – For celebrating her 80<sup>th</sup> birthday.
- 2009\3334 Raymond Stephenson, Springville – For celebrating his 80<sup>th</sup> birthday.
- 2009\3335 Fern Kanellis, Cedar Rapids – For celebrating her 85<sup>th</sup> birthday.

- 2009\3336 Betty Johnson, Martelle – For celebrating her 85<sup>th</sup> birthday.
- 2009\3337 Marie Thomson, Mount Vernon – For celebrating her 85<sup>th</sup> birthday.
- 2009\3338 Mary Mulherin, Mount Vernon – For celebrating her 90<sup>th</sup> birthday.
- 2009\3339 Ruth Edgerly, Lisbon – For celebrating her 75<sup>th</sup> birthday.
- 2009\3340 Josephine Lowenberg, Mount Vernon – For celebrating her 80<sup>th</sup> birthday.
- 2009\3341 Robert Rose, Springville – For celebrating his 85<sup>th</sup> birthday.
- 2009\3342 Vincent Grabin, Oxford – For celebrating his 90<sup>th</sup> birthday.
- 2009\3343 Richard Lynch, Solon – For celebrating his 75<sup>th</sup> birthday.
- 2009\3344 Marilyn Mortensen, Mount Vernon – For celebrating her 75<sup>th</sup> birthday.
- 2009\3345 Rita Brannaman, Solon – For celebrating her 80<sup>th</sup> birthday.
- 2009\3346 Maxine Tomash, Oxford – For celebrating her 85<sup>th</sup> birthday.
- 2009\3347 Mary Brack, Iowa City – For celebrating her 90<sup>th</sup> birthday.
- 2009\3348 Mary Smith, Mount Vernon – For celebrating her 80<sup>th</sup> birthday.
- 2009\3349 Joseph Novotny, Swisher – For celebrating his 85<sup>th</sup> birthday.
- 2009\3350 Mildred Gilbaugh, Iowa City – For celebrating her 75<sup>th</sup> birthday.
- 2009\3351 Wilbur Nearad, Solon – For celebrating his 75<sup>th</sup> birthday.
- 2009\3352 Malinda Dittberner, Solon – For celebrating her 85<sup>th</sup> birthday.
- 2009\3353 Florence Randall, Swisher – For celebrating her 80<sup>th</sup> birthday.
- 2009\3354 Reta Bream, Oxford – For celebrating her 75<sup>th</sup> birthday.
- 2009\3355 Dorothy Krivanek, Cedar Rapids – For celebrating her 80<sup>th</sup> birthday.
- 2009\3356 Roma Pearl, Solon – For celebrating her 80<sup>th</sup> birthday.
- 2009\3357 Cameron Hill, Springville – For celebrating his 75<sup>th</sup> birthday.
- 2009\3358 Arland Bowdish, Central City – For celebrating his 90<sup>th</sup> birthday.
- 2009\3359 Aloysius Boeding, Ely – For celebrating his 75<sup>th</sup> birthday.
- 2009\3360 Paul Whitters, Cedar Rapids – For celebrating his 75<sup>th</sup> birthday.

- 2009\3361 Glenn Kurth, Lisbon – For celebrating his 80<sup>th</sup> birthday.
- 2009\3362 Lorraine Hamilton, Solon – For celebrating her 75<sup>th</sup> birthday.
- 2009\3363 Stanley Pedersen, Springville – For celebrating his 80<sup>th</sup> birthday.
- 2009\3364 Marie Carpenter, Springville – For celebrating her 90<sup>th</sup> birthday.
- 2009\3365 Harold Davis, Swisher – For celebrating his 85<sup>th</sup> birthday.

#### SUBCOMMITTEE ASSIGNMENTS

##### **House File 638**

Human Resources: T. Olson, Chair; Soderberg and Thede.

##### **House File 666**

Human Resources: Berry, Chair; Baudler and Wendt.

##### **House File 667**

Human Resources: Berry, Chair; L. Miller and Steckman.

##### **House File 688**

Human Resources: Abdul-Samad, Chair; L. Miller and T. Olson.

##### **Senate File 263**

Environmental Protection: Reichert, Chair; Drake and H. Miller.

##### **Senate File 286**

Human Resources: Hunter, Chair; L. Miller and Smith.

##### **Senate File 338**

Natural Resources: Bell, Chair; Deyoe and Lykam.

##### **Senate File 436**

State Government: Isenhart, Chair; Gaskill and Roberts.

##### **Senate File 437**

Local Government: Kressig, Chair; Burt and Deyoe.

On motion by McCarthy of Polk the House adjourned at 10:08 a.m., until 1:00 p.m., Monday, March 23, 2009.



# JOURNAL OF THE HOUSE

Seventy-first Calendar Day - Forty-seventh Session Day

Hall of the House of Representatives  
Des Moines, Iowa, Monday, March 23, 2009

The House met pursuant to adjournment at 1:05 p.m., Speaker Murphy in the chair.

Prayer was offered by Jeff Datisman, pastor of the First Methodist Church, Maquoketa. He was the guest of Representatives Jack Drake of Cass County and Tom Schueller of Jackson County.

## PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Blake Grotewold, House Page from Lake Mills.

The West Des Moines Valley High School A Capella choir sang “America the Beautiful”. They recently performed this song at an American Cemetery in Normandy, France. They were the guests of Representative Jo Oldson of Polk County.

The Journal of Friday, March 20, 2009 was approved.

## SENATE MESSAGES CONSIDERED

**Senate File 153**, by committee on human resources, a bill for an act to allow medical or osteopathic physicians, physician assistants, and advanced registered nurse practitioners to form limited liability companies or professional corporations.

Read first time and referred to committee on **human resources**.

**Senate File 231**, by committee on human resources, a bill for an act relating to reimbursing nonparticipating providers under the IowaCare program and creating a nonparticipating provider reimbursement fund.

Read first time and referred to committee on **human resources**.

**Senate File 279**, by committee on commerce, a bill for an act providing for the establishment of an abbreviated electric transmission franchise process, and providing an effective date.

Read first time and referred to committee on **commerce**.

**Senate File 280**, by committee on rebuild Iowa, a bill for an act relating to disaster emergency assistance immunity.

Read first time and **passed on file**.

**Senate File 311**, by committee on commerce, a bill for an act relating to the regulation of the business of debt management and making penalties applicable.

Read first time and **passed on file**.

**Senate File 336**, by committee on rebuild Iowa, a bill for an act providing for waivers of certain community attraction and tourism program requirements.

Read first time and **rebuild Iowa and disaster recovery**.

**Senate File 339**, by committee on environment and energy independence, a bill for an act relating to wastewater treatment and providing an effective date.

Read first time and referred to committee on **environmental protection**.

**Senate File 366**, by committee on judiciary, a bill for an act relating to the emancipation of a minor and family in need of assistance proceedings.

Read first time and referred to committee on **human resources**.

**Senate File 372**, by committee on commerce, a bill for an act requesting the establishment of a statewide broadband policy development interim study committee.

Read first time and referred to committee on **commerce**.

**Senate File 379**, by committee on commerce, a bill for an act relating to the use of insurance loss history in the issuance of dramshop liability insurance.

Read first time and referred to committee on **commerce**.

**Senate File 380**, by committee on judiciary, a bill for an act relating to the practices and procedures of the department of public safety including school inspections, gaming floor or wagering area restrictions, interception of communications, and peace officers acting with federal agents, and providing penalties.

Read first time and referred to committee on **public safety**.

**Senate File 403**, by committee on commerce, a bill for an act concerning the sale of beer by native wineries.

Read first time and referred to committee on **economic growth**

**Senate File 404**, by committee on commerce, a bill for an act establishing a local food and farm task force, providing for a local food and farm plan, and providing for an effective date.

Read first time and referred to committee on **agriculture**.

**Senate File 407**, by committee on veterans affairs, a bill for an act relating to the rights and responsibilities of Iowa veterans home members.

Read first time and referred to committee on **veterans affairs**.

**Senate File 415**, by committee on judiciary, a bill for an act relating to the acquisition of title to disaster-affected abandoned property by cities in certain years.

Read first time and referred to committee on **rebuild Iowa and disaster recovery**.

**Senate File 419**, by committee on transportation, a bill for an act relating to matters under the purview of the department of

transportation, including provisions for the administration of the department, driver licensing, vehicle regulation, the motor fuel tax formula, and the issuance of citations, establishing a cap on annual deposits to the TIME-21 fund, providing a penalty, and providing effective and retroactive applicability dates.

Read first time and **passed on file.**

**Senate File 420**, by committee on state government, a bill for an act concerning limitations on employment of persons employed by a wine permittee engaged in manufacturing and wholesaling native wine.

Read first time and referred to committee on **state government.**

**Senate File 424**, by committee on state government, a bill for an act providing time off from work to attend presidential precinct caucuses and making penalties applicable.

Read first time and **passed on file.**

**Senate File 443**, by committee on state government, a bill for an act requiring automated external defibrillators in all physical exercise clubs and clinical exercise centers, and providing an effective date.

Read first time and referred to committee on **human resources.**

#### ADOPTION OF HOUSE RESOLUTION 26

Wessel-Kroeschell and Heddens of Story called up for consideration **House Resolution 26**, a resolution honoring the 2008 Iowa State University Cyclones volleyball team for an outstanding 2008 season that culminated in the team's appearance in the National Collegiate Athletic Association Women's Volleyball Tournament and an unprecedented appearance in the regional final, and moved its adoption.

The motion prevailed and the resolution was adopted.

## SPECIAL PRESENTATION

Wessel-Kroeschell and Heddens of Story introduced to the House the Iowa State University Cyclones volleyball team.

The House rose and expressed its welcome.

## ADOPTION OF HOUSE RESOLUTION 27

Ford of Polk called up for consideration **House Resolution 27**, a resolution urging the government of Turkey to grant the Ecumenical Patriarch appropriate international recognition, ecclesiastical succession, and the right to train clergy of all nationalities and to respect the property rights and human rights of the Ecumenical Patriarchate, and moved its adoption.

The motion prevailed and the resolution was adopted.

## SPECIAL PRESENTATION

Ford of Polk introduced to the House, John Papajohn.

The House rose and expressed its welcome.

On motion by McCarthy of Polk, the House was recessed at 1:24 p.m., until 5:00 p.m.

## AFTERNOON SESSION

The House reconvened at 5:03 p.m., Zirkelbach of Jones in the chair.

The House stood at ease at 5:03 p.m., until the fall of the gavel.

The House resumed session at 7:05 p.m., Speaker Murphy in the chair.

Cownie of Polk in the chair at 7:07 p.m.

## LEAVE OF ABSENCE

Leave of absence was granted as follows:

Tymeson of Madison on request of Paulsen of Linn.

## QUORUM CALL

A non-record roll call was requested to determine that a quorum was present. The vote revealed ninety-eight members present, two absent.

## CONSIDERATION OF BILLS

## Regular Calendar

**House File 580**, a bill for an act relating to reimbursement of nonparticipating providers for eligible services provided to IowaCare program members, was taken up for consideration.

Abdul-Samad of Polk moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 580)

The ayes were, 98:

Abdul-Samad	Alons	Anderson	Arnold
Bailey	Baudler	Beard	Bell
Berry	Bukta	Burt	Cohoon
De Boef	Deyoe	Dolecheck	Drake
Ficken	Ford	Forristall	Frevert
Gaskill	Gayman	Grassley	Hagenow
Heaton	Heddens	Helland	Horbach
Hunter	Huseman	Huser	Isenhardt
Jacoby	Kaufmann	Kearns	Kelley
Koester	Kressig	Kuhn	Lensing
Lukan	Lykam	Marek	Mascher
May	McCarthy	Mertz	Miller, H.
Miller, L.	Murphy, Spkr.	Oldson	Olson, D.
Olson, R.	Olson, S.	Olson, T.	Palmer
Paulsen	Petersen	Pettengill	Quirk
Raecker	Rants	Rayhons	Reasoner
Reichert	Roberts	Sands	Schueller
Schulte	Schultz	Shomshor	Smith
Soderberg	Sorenson	Steckman	Struyk

Swaim	Sweeney	Taylor, D.	Taylor, T.
Thede	Thomas	Tjepkes	Upmeyer
Van Engelenhoven	Wagner	Watts	Wendt
Wenthe	Wessel-Kroeschell	Whitaker	Whitead
Willems	Winckler	Windschitl	Worthan
Zirkelbach	Cownie, Presiding		

The nays were, none.

Absent or not voting, 2:

Chambers                      Tymeson

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

**House File 682**, a bill for an act requiring a postelection audit after each general election and including effective and applicability date provisions, was taken up for consideration.

Gaskill of Wapello offered the following amendment H-1211 filed by her and moved its adoption:

H-1211

1 Amend House File 682 as follows:  
2 1. Page 5, by striking lines 15 through 18 and  
3 inserting the following: "registered voters, four  
4 precincts."  
5 2. Page 5, by inserting before line 19 the  
6 following:  
7 "c. Notwithstanding paragraph "b", in counties  
8 with seven or fewer precincts, one precinct shall be  
9 chosen for the postelection audit."  
10 3. Page 5, line 19, by striking the word "c." and  
11 inserting the following: "d."  
12 4. Page 5, line 22, by inserting after the word  
13 "audited" the following: "or chosen by the  
14 commissioner pursuant to paragraph "f".  
15 5. Page 5, by inserting after line 24 the  
16 following:  
17 "e. When a precinct other than the absentee and  
18 special voters precinct is chosen in which one  
19 thousand five hundred or more ballots were cast in the  
20 election, the chairperson shall, for each such  
21 precinct, choose one less precinct than the number  
22 required by paragraph "b". If such a precinct is  
23 chosen last among the number of precincts required by

24 paragraph "b", then that precinct shall be audited,  
 25 and the first precinct drawn that was not the absentee  
 26 and special voters precinct shall not be audited.  
 27 f. The commissioner may choose to include in the  
 28 audit additional precincts not chosen by lot under  
 29 this subsection."  
 30 6. Page 5, line 25, by striking the word "d." and  
 31 inserting the following: "g."  
 32 7. Page 5, line 29, by striking the word "e." and  
 33 inserting the following: "h."  
 34 8. Page 6, by striking lines 16 through 18 and  
 35 inserting the following: "is the subject of the  
 36 audit. Only votes marked in accordance with the  
 37 instructions that are printed on the ballot in a  
 38 precinct being audited shall be counted in the audit."

Amendment H-1211 was adopted.

Gaskill of Wapello 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. 682)

The ayes were, 98:

Abdul-Samad	Alons	Anderson	Arnold
Bailey	Baudler	Beard	Bell
Berry	Bukta	Burt	Cohoon
De Boef	Deyoe	Dolecheck	Drake
Ficken	Ford	Forristall	Frevert
Gaskill	Gayman	Grassley	Hagenow
Heaton	Heddens	Helland	Horbach
Hunter	Huseman	Huser	Isenhart
Jacoby	Kaufmann	Kearns	Kelley
Koester	Kressig	Kuhn	Lensing
Lukan	Lykam	Marek	Mascher
May	McCarthy	Mertz	Miller, H.
Miller, L.	Murphy, Spkr.	Oldson	Olson, D.
Olson, R.	Olson, S.	Olson, T.	Palmer
Paulsen	Petersen	Pettengill	Quirk
Raecker	Rants	Rayhons	Reasoner
Reichert	Roberts	Sands	Schueller
Schulte	Schultz	Shomshor	Smith
Soderberg	Sorenson	Steckman	Struyk
Swaim	Sweeney	Taylor, D.	Taylor, T.
Thede	Thomas	Tjepkes	Upmeyer
Van Engelenhoven	Wagner	Watts	Wendt
Wenthe	Wessel-Kroeschell	Whitaker	Windschitl



Whitead	Willems	Winckler	Worthan
Zirkelbach	Cownie, Presiding		

The nays were, none.

Absent or not voting, 2:

Chambers	Tymeson
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The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

**House File 708**, a bill for an act relating to absentee ballots delivered to applicants who are patients or residents of hospitals or health care facilities, was taken up for consideration.

Gaskill of Wapello 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. 708)

The ayes were, 98:

Abdul-Samad	Alons	Anderson	Arnold
Bailey	Baudler	Beard	Bell
Berry	Bukta	Burt	Cohoon
De Boef	Deyoe	Dolecheck	Drake
Ficken	Ford	Forristall	Frevert
Gaskill	Gayman	Grassley	Hagenow
Heaton	Heddens	Helland	Horbach
Hunter	Huseman	Huser	Isenhart
Jacoby	Kaufmann	Kearns	Kelley
Koester	Kressig	Kuhn	Lensing
Lukan	Lykam	Marek	Mascher
May	McCarthy	Mertz	Miller, H.
Miller, L.	Murphy, Spkr.	Oldson	Olson, D.
Olson, R.	Olson, S.	Olson, T.	Palmer
Paulsen	Petersen	Pettengill	Quirk
Raecker	Rants	Rayhons	Reasoner
Reichert	Roberts	Sands	Schueller
Schulte	Schultz	Shomshor	Smith
Soderberg	Sorenson	Steckman	Struyk
Swaim	Sweeney	Taylor, D.	Taylor, T.
Thede	Thomas	Tjepkes	Upmeyer
Van Engelenhoven	Wagner	Watts	Wendt
Wenthe	Wessel-Kroeschell	Whitaker	Whitead

Willems  
Zirkelbach

Winckler  
Cownie,  
Presiding

Windschitl

Worthan

The nays were, none.

Absent or not voting, 2:

Chambers

Tymeson

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

### 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 23, 2009, passed the following bill in which the concurrence of the Senate was asked:

House File 122, a bill for an act relating to requiring reports for certain precursor substances and extending an information program for drug prescribing and dispensing and providing an effective date.

Also: That the Senate has on March 23, 2009, passed the following bill in which the concurrence of the Senate was asked:

House File 314, 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 23, 2009, passed the following bill in which the concurrence of the House is asked:

Senate File 159, a bill for an act relating to electrician licensure by modifying existing provisions and specifying new classifications.

Also: That the Senate has on March 23, 2009, passed the following bill in which the concurrence of the House is asked:

Senate File 283, a bill for an act relating to the appointment of judicial officers, the appointment and retirement of senior judges, and providing for a future repeal.

MICHAEL E. MARSHALL, Secretary

**House File 714**, a bill for an act relating to the uniform athlete agents Act and providing remedies and penalties, was taken up for consideration.

Lensing of Johnson offered the following amendment H-1163 filed by her and moved its adoption:

H-1163

1 Amend House File 714 as follows:

2 1. Page 1, line 19, by inserting after the word  
3 "organization." the following: "'Athlete agent" does  
4 not include an individual licensed to practice as an  
5 attorney in this state when the individual is acting  
6 as a representative for a student athlete, unless the  
7 attorney also represents the student athlete in  
8 negotiations for an agent contract."

Amendment H-1163 was adopted.

#### SENATE FILE 199 SUBSTITUTED FOR HOUSE FILE 714

Lensing of Johnson asked and received unanimous consent to substitute Senate File 199 for House File 714.

**Senate File 199**, a bill for an act relating to the uniform athlete agents Act and providing remedies and penalties and was taken up for consideration.

Lensing 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. 199)

The ayes were, 98:

Abdul-Samad	Alons	Anderson	Arnold
Bailey	Baudler	Beard	Bell
Berry	Bukta	Burt	Cohoon
De Boef	Deyoe	Dolecheck	Drake
Ficken	Ford	Forristall	Frevert
Gaskill	Gayman	Grassley	Hagenow
Heaton	Heddens	Helland	Horbach
Hunter	Huseman	Huser	Isenhart
Jacoby	Kaufmann	Kearns	Kelley
Koester	Kressig	Kuhn	Lensing
Lukan	Lykam	Marek	Mascher
May	McCarthy	Mertz	Miller, H.
Miller, L.	Murphy, Spkr.	Oldson	Olson, D.
Olson, R.	Olson, S.	Olson, T.	Palmer

Paulsen	Petersen	Pettengill	Quirk
Raecker	Rants	Rayhons	Reasoner
Reichert	Roberts	Sands	Schueller
Schulte	Schultz	Shomshor	Smith
Soderberg	Sorenson	Steckman	Struyk
Swaim	Sweeney	Taylor, D.	Taylor, T.
Thede	Thomas	Tjepkes	Upmeyer
Van Engelenhoven	Wagner	Watts	Wendt
Wenthe	Wessel-Kroeschell	Whitaker	Whitead
Willems	Winckler	Windschitl	Worthan
Zirkelbach	Cownie, Presiding		

The nays were, none.

Absent or not voting, 2:

Chambers                      Tymeson

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

#### HOUSE FILE 714 WITHDRAWN

Lensing of Johnson asked and received unanimous consent to withdraw House File 714 from further consideration by the House.

**House File 552**, a bill for an act concerning the appointment of airport commissioners, was taken up for consideration.

Wenthe of Fayette offered the following amendment H-1116 filed by him and May of Dickinson and moved its adoption:

H-1116

1 Amend House File 552 as follows:  
 2 1. Page 1, line 9, by inserting after the word  
 3 "county" the following: "in this state".  
 4 2. Page 1, line 9, by inserting after the word  
 5 "airport." the following: "At least two of the  
 6 members of a three-member commission and at least  
 7 three of the members of a five-member commission shall  
 8 be residents of the city or county establishing the  
 9 commission."  
 10 3. Page 1, line 21, by inserting after the word  
 11 "clerk" the following: "of the city."

12 4. Page 1, line 22, by inserting after the word  
 13 "auditor" the following: "of the county, establishing  
 14 the commission".

Speaker Murphy in the chair at 8:02 p.m.

Amendment H-1116 was adopted.

Kaufmann of Cedar asked and received unanimous consent to withdraw amendment H-1192 filed by him on March 17, 2009.

Wenthe of Fayette 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. 552)

The ayes were, 77:

Abdul-Samad	Alons	Anderson	Bailey
Baudler	Beard	Bell	Berry
Bukta	Burt	Cphoon	Cownie
Dolecheck	Ficken	Ford	Forristall
Frevert	Gaskill	Gayman	Grassley
Hagenow	Heddens	Hunter	Huser
Isenhardt	Jacoby	Kearns	Kelley
Koester	Kressig	Kuhn	Lensing
Lykam	Marek	Mascher	May
McCarthy	Mertz	Miller, H.	Oldson
Olson, D.	Olson, R.	Olson, S.	Olson, T.
Palmer	Petersen	Quirk	Raecker
Rants	Rayhons	Reasoner	Reichert
Schuessler	Schulte	Shomshor	Smith
Soderberg	Sorenson	Steckman	Swaim
Taylor, D.	Taylor, T.	Thede	Thomas
Tjepkes	Wagner	Watts	Wendt
Wenthe	Wessel-Kroeschell	Whitaker	Whitead
Willems	Winckler	Worthan	Zirkelbach
Mr. Speaker			
Murphy			

The nays were, 21:

Arnold	De Boef	Deyoe	Drake
Heaton	Helland	Horbach	Huseman
Kaufmann	Lukan	Miller, L.	Paulsen
Pettengill	Roberts	Sands	Schultz

Struyk  
Windschitl

Sweeney

Upmeyer

Van Engelenhoven

Absent or not voting, 2:

Chambers

Tymeson

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

### IMMEDIATE MESSAGES

McCarthy of Polk asked and received unanimous consent that the following bills be immediately messaged to the Senate: **House Files 552, 580, 682, 708** and **Senate File 199**.

**House File 722**, a bill for an act relating to regulation of certain conservation and recreation activities under the jurisdiction of the department of natural resources, modifying fees, and making penalties applicable, was taken up for consideration.

Bell of Jasper offered amendment H-1217 filed by him as follows:

H-1217

1 Amend House File 722 as follows:  
 2 1. Page 4, by inserting after line 19, the  
 3 following:  
 4 "Sec.\_\_\_\_. Section 464A.11, subsection 2,  
 5 unnumbered paragraph 1, Code 2009, is amended to read  
 6 as follows:  
 7 In administering the water trails and low head dam  
 8 public hazard program, the department shall conduct a  
 9 study of waterways for recreational purposes and  
 10 develop a statewide plan by ~~January 1~~ March 31, 2010.  
 11 Elements of the plan shall include but not be limited  
 12 to:  
 13 Sec.\_\_\_\_. Section 481A.19, subsection 1, paragraph  
 14 b, Code 2009, is amended to read as follows:  
 15 b. Any person licensed by the authority of  
 16 Illinois, Minnesota, Missouri, Wisconsin, Nebraska, or  
 17 South Dakota to take fish, game, mussels, or  
 18 fur-bearing animals from or in lands under the  
 19 jurisdiction of any of those states may take such  
 20 fish, game, mussels, or fur-bearing animals from or in  
 21 lands under the jurisdiction of the commission when  
 22 such land is ~~wholly surrounded by adjacent to~~ that  
 23 respective state but is separated from other land in

24 Iowa by a body of water, without having procured a  
 25 license from the director of this state, in the same  
 26 manner that persons holding Iowa licenses may do, if  
 27 the laws of Illinois, Minnesota, Missouri, Wisconsin,  
 28 Nebraska, or South Dakota, respectively, extend a  
 29 similar privilege to persons so licensed under the  
 30 laws of Iowa.

31 Sec.\_\_\_\_. Section 481A.19, subsection 2, Code  
 32 2009, is amended to read as follows:

33 2. Any privileges conferred by this section shall  
 34 be subject to a reciprocal agreement as negotiated by  
 35 the commission and the authority of a state provided  
 36 in subsection 1 which confers upon a licensee of this  
 37 state reciprocal rights, privileges, and immunities as  
 38 provided in section 483A.31. Such agreements may  
 39 include determination of which state's seasons and  
 40 limits shall apply for specific geographical areas."

41 2. Page 22, lines 7 and 8, by striking the words  
 42 "based on the populations of deer using a  
 43 county-by-county system" and inserting the following:  
 44 "based on the populations of deer".

45 3. Page 24, by inserting after line 23 the  
 46 following:

47 "Sec.\_\_\_\_. NEW SECTION. 483A.9A COMBINATION  
 48 PACKAGES OF LICENSES.

49 1. The commission is authorized, pursuant to rules  
 50 adopted under chapter 17A, to develop combination

Page 2

1 packages of licenses in order to offer incentives to  
 2 residents to purchase additional licenses or for the  
 3 specific purpose of increasing sales of licenses that  
 4 will help to recruit or retain hunters, anglers, and  
 5 trappers in the state.

6 2. The total cost of each combination package of  
 7 licenses offered shall be less than the total cost of  
 8 the licenses if each was purchased separately."

9 4. Page 26, by inserting after line 13, the  
 10 following:

11 "Sec.\_\_\_\_. Section 484B.10, Code 2009, is amended  
 12 by adding the following new subsection:

13 NEW SUBSECTION. 3. A nonresident youth under  
 14 sixteen years of age may hunt game birds on a licensed  
 15 hunting preserve upon securing an annual hunting  
 16 preserve license restricted to hunting preserves only  
 17 for a license fee of five dollars and payment of the  
 18 wildlife habitat fee. A nonresident youth is not  
 19 required to complete the hunter safety and ethics  
 20 education course to obtain a hunting preserve license  
 21 pursuant to this subsection if the youth is  
 22 accompanied by a person who is at least eighteen years

23 of age, is qualified to hunt, and possesses a valid  
24 hunting license. During the hunt, the accompanying  
25 adult must be within arm's reach of the nonresident  
26 youth."

27 5. Page 27, by inserting after line 8 the  
28 following:

29 "Sec. \_\_\_\_\_. UPLAND GAME BIRD STUDY ADVISORY  
30 COMMITTEE. An upland game bird study advisory  
31 committee is established for the purpose of studying  
32 the best ways to restore sustainable and socially  
33 acceptable populations of pheasants and quail in the  
34 state to maximize the economic value of upland game  
35 bird hunting to Iowa's economy while balancing the  
36 needs of the agricultural industry.

37 1. The advisory committee shall be composed of the  
38 following members:

39 a. One representative from each of the following  
40 organizations or entities who, if possible, is  
41 involved with policy decisions for that organization  
42 or entity, to be appointed by the governor:

- 43 (1) Iowa association of county conservation  
44 boards.
- 45 (2) Iowa farm bureau federation.
- 46 (3) Iowa farmers union.
- 47 (4) Iowa conservation alliance.
- 48 (5) Pheasants forever.
- 49 (6) Quails forever.
- 50 (7) Iowa hospitality association.

Page 3

- 1 (8) Izaak Walton league.
- 2 (9) Iowa realtors association.
- 3 (10) The department of transportation.
- 4 (11) Iowa chapter of the sierra club.
- 5 (12) Iowa sportsmen's federation.
- 6 (13) Outdoor writer's association.
- 7 (14) A person who represents a farm land  
8 management company.
- 9 (15) Two persons who are farmers, one who farms in  
10 northern Iowa and one who farms in southern Iowa.
- 11 (16) Two persons who hunt upland game birds, one  
12 who resides in northern Iowa and one who resides in  
13 southern Iowa.
- 14 b. Two legislative staff members, one from the  
15 staff of United States Senator Tom Harkin and one from  
16 the staff of United States Senator Charles Grassley,  
17 or their designees.
- 18 c. The director of the department of natural  
19 resources, or a designee.
- 20 d. The secretary of agriculture, or a designee.
- 21 e. The director of the department of economic



22 development, or a designee.

23 f. A representative of the United States fish and  
24 wildlife service.

25 g. The executive director of the farm service  
26 agency, or a designee.

27 i. A member of the state soil conservation  
28 committee, or a designee.

29 j. A representative of the Iowa state university  
30 fisheries and wildlife cooperative unit.

31 k. Two members of the senate, one of whom is  
32 appointed by the majority leader of the senate and one  
33 of whom is appointed by the minority leader of the  
34 senate.

35 l. Two members of the house of representatives,  
36 one of whom is appointed by the speaker of the house  
37 of representatives and one of whom is appointed by the  
38 minority leader of the house of representatives.

39 2. The director of the department of natural  
40 resources or the director's designee shall serve as  
41 the chairperson of the advisory committee.

42 3. Legislative members of the committee are  
43 eligible for per diem and reimbursement of actual  
44 expenses as provided in section 2.10.

45 4. The committee shall review, analyze, and make  
46 recommendations on issues relating to the state's  
47 upland game bird population, including but not limited  
48 to the following:

49 a. The current status of Iowa's upland game bird  
50 populations and harvest and habitat management

Page 4

1 programs.

2 b. Current farm programs and their impact on  
3 upland game bird populations.

4 c. The economic impact and value of Iowa's upland  
5 game bird populations to Iowa.

6 d. Upland game bird population challenges and  
7 programs in other midwestern states.

8 e. New and innovative ways to restore sustainable  
9 populations of Iowa's upland game birds.

10 f. An assessment of public opinion concerning the  
11 impact and value of Iowa's upland game bird  
12 populations.

13 5. The advisory committee shall complete its  
14 deliberations in December 2009 and submit a final  
15 report to the governor and the general assembly  
16 summarizing the committee's activities, analyzing the  
17 issues studied, and including any other information or  
18 recommendations that the committee deems relevant and  
19 necessary by January 10, 2010. Copies of the final  
20 report shall be sent to the national resource

21 conservation service, the United States fish and  
22 wildlife service, and to members of Iowa's  
23 congressional delegation.  
24 Sec.\_\_\_\_. EFFECTIVE DATE. The section of this Act  
25 establishing the upland game bird study advisory  
26 committee, being deemed of immediate importance, takes  
27 effect upon enactment."  
28 6. Title page, line 3, by striking the words "  
29 fees, and" and inserting the following: "fees,  
30 establishing an upland game bird study advisory  
31 committee,".  
32 7. Title page, line 4, by inserting after the  
33 word "applicable" the following: ", and providing an  
34 immediate effective date".  
35 8. By renumbering as necessary.

May of Dickinson asked and received unanimous consent to withdraw amendment H-1259 to amendment H-1217 filed by him from the floor.

Bell of Jasper offered the following amendment H-1239, to amendment H-1217, filed by him from the floor and moved its adoption:

H-1239

1 Amend the amendment, H-1217, to House File 722 as  
2 follows:  
3 1. Page 1, by inserting after line 44 the  
4 following:  
5 "\_\_\_\_. Page 22, line 26, by striking the word  
6 "f" and inserting the following: "ee"."

Amendment H-1239 was adopted.

Baudler of Adair offered the following amendment H-1237, to amendment H-1217, filed by him from the floor and moved its adoption:

H-1237

1 Amend the amendment, H-1217, to House File 722, as  
2 follows:  
3 1. Page 2, by inserting after line 10 the  
4 following:  
5 "Sec.\_\_\_\_. Section 483A.36, Code 2009, is amended  
6 to read as follows:  
7 483A.36 MANNER OF CONVEYANCE.

8 ~~No~~ A person, except as permitted by law, shall not  
 9 have or carry a gun in or on a vehicle on a public  
 10 highway, unless the gun is taken down or totally  
 11 contained in a securely fastened case, and its barrels  
 12 and permanently attached magazines are unloaded."  
 13 2. By renumbering as necessary.

Amendment H-1237 lost.

On motion by Bell of Jasper, amendment H-1217, as amended, was adopted.

Rayhons of Hancock offered amendment H-1230 filed by Rayhons, et al., as follows:

H-1230

1 Amend House File 722 as follows:  
 2 1. Page 21, by striking line 15 and inserting the  
 3 following:  
 4 "Sec. 35. Section 483A.8, subsections 3 and 4,  
 5 Code".  
 6 2. Page 23, by striking lines 8 through 27 and  
 7 inserting the following:  
 8 "Sec. \_\_\_\_\_. Section 483A.8, subsection 5, Code  
 9 2009, is amended by striking the subsection and  
 10 inserting in lieu thereof the following:  
 11 5. a. Upon written application on forms furnished  
 12 by the department, the department shall issue annually  
 13 one any sex deer hunting license to a nonresident  
 14 owner of a farm unit or to a family member of the  
 15 nonresident owner, but not to both. The nonresident  
 16 owner or family member need not reside on the farm  
 17 unit to qualify for a license to hunt on that farm  
 18 unit pursuant to this subsection.  
 19 b. The deer hunting license issued shall be valid  
 20 only for hunting on the farm unit for which an  
 21 applicant qualifies pursuant to this subsection. A  
 22 deer hunting license issued pursuant to this  
 23 subsection shall be valid and may be used during any  
 24 shotgun deer hunting season.  
 25 c. A nonresident owner or family member who  
 26 receives a license pursuant to this subsection shall  
 27 purchase a hunting license, an any sex deer hunting  
 28 license, and an antlerless deer hunting license as  
 29 required in subsection 3, and shall pay the wildlife  
 30 habitat fee, all for the same fee that is charged to  
 31 other nonresident hunters. The person shall also pay  
 32 a one dollar fee that shall be used and is  
 33 appropriated for the purpose of deer herd population

34 management, including assisting with the cost of  
35 processing deer donated to the help us stop hunger  
36 program administered by the commission.  
37 d. If a farm unit has multiple nonresident owners,  
38 only one of the nonresident owners or family members  
39 is eligible to receive a deer hunting license pursuant  
40 to this subsection. If a nonresident landowner  
41 jointly owns land in this state with a resident, only  
42 one joint owner or family member of a joint owner  
43 shall receive a deer hunting license pursuant to this  
44 subsection, and preference shall be given to the  
45 resident owner or the resident owner's family member  
46 who applies for the license.  
47 e. (1) A deer hunting license issued pursuant to  
48 this subsection shall be attested by the signature of  
49 the person to whom the license is issued and shall  
50 contain a statement in substantially the following

Page 2

1 form:

2 By signing this license, I certify that I qualify  
3 as a nonresident owner or family member of a  
4 nonresident owner under Iowa Code section 483A.8,  
5 subsection 5.

6 (2) A person who makes a false attestation under  
7 this paragraph "e" is guilty of a simple misdemeanor.  
8 In addition, the person's hunting license and deer  
9 hunting license shall be revoked and the person shall  
10 not be issued a hunting license or a deer hunting  
11 license for a period of one year.

12 f. If a nonresident owner of a farm unit or a  
13 family member of the nonresident owner obtains a deer  
14 hunting license pursuant to this subsection that  
15 person is not eligible to purchase a deer hunting  
16 license for any other option offered to other  
17 nonresident deer hunting licensees.

18 g. The deer hunting licenses issued pursuant to  
19 this subsection to nonresidents who own farm units in  
20 this state or to family members of such nonresident  
21 owners are in addition to the licenses issued pursuant  
22 to license limitations and allocations specified in  
23 subsections 3 and 4.

24 h. As used in this section:

25 (1) "Family member" means a person who is not a  
26 resident of Iowa and who is the spouse or child of a  
27 nonresident owner and resides with the nonresident  
28 owner.

29 (2) "Farm unit" means all parcels of land  
30 comprised of not less than eighty acres, not  
31 necessarily contiguous, that have been under the  
32 lawful control of the nonresident owner since at least

33 March 1, 2004, are operated as a unit, and of which  
 34 not less than seventy-five percent of the land is  
 35 actively operated for farming purposes. "Farm unit"  
 36 does not include any land in a forest or fruit-tree  
 37 reservation for which a property tax exemption is  
 38 being received under chapter 427C.  
 39 (3) "Farming purposes" means the cultivation of  
 40 land for the production of agricultural crops, the  
 41 raising of poultry, the production of eggs, the  
 42 production of milk, the production of fruit or other  
 43 horticultural crops, or the grazing or production of  
 44 livestock. Farming does not include the production of  
 45 timber, forest products, nursery products, fruit  
 46 trees, or sod.  
 47 (4) "Nonresident owner" means an owner of a farm  
 48 unit who is not a resident of Iowa."  
 49 3. By renumbering as necessary.

Rayhons of Hancock offered the following amendment H-1254, to amendment H-1230, filed by him from the floor and moved its adoption:

H-1254

1 Amend the amendment, H-1230, to House File 722, as  
 2 follows:  
 3 1. Page 1, line 24, by striking the word  
 4 "shotgun".  
 5 2. Page 2, by striking lines 12 through 17.  
 6 3. Page 2, by striking lines 31 through 38 and  
 7 inserting the following: "necessarily contiguous,  
 8 that are under the lawful control of the nonresident  
 9 owner, are operated as a unit, and are actively  
 10 operated for farming purposes."  
 11 4. By renumbering, redesignating, and correcting  
 12 internal references as necessary.

Amendment H-1254 was adopted.

Rayhons of Hancock moved the adoption of amendment H-1230, as amended.

Roll call was requested by Smith of Marshall and Pettengill of Benton.

On the question "Shall amendment H-1230, as amended, be adopted? (H.F. 722)

The ayes were, 22:

Anderson	Cownie	De Boef	Dolecheck
Forristall	Frevert	Grassley	Hagenow
Helland	Huseman	Koester	Mertz
Paulsen	Pettengill	Raecker	Rants
Rayhons	Schulte	Struyk	Tjepkes
Watts	Windschitl		

The nays were, 76:

Abdul-Samad	Alons	Arnold	Bailey
Baudler	Beard	Bell	Berry
Bukta	Burt	Cohoon	Deyoe
Drake	Ficken	Ford	Gaskill
Gayman	Heaton	Heddens	Horbach
Hunter	Huser	Isenhardt	Jacoby
Kaufmann	Kearns	Kelley	Kressig
Kuhn	Lensing	Lukan	Lykam
Marek	Mascher	May	McCarthy
Miller, H.	Miller, L.	Oldson	Olson, D.
Olson, R.	Olson, S.	Olson, T.	Palmer
Petersen	Quirk	Reasoner	Reichert
Roberts	Sands	Schueller	Schultz
Shomshor	Smith	Soderberg	Sorenson
Steckman	Swaim	Sweeney	Taylor, D.
Taylor, T.	Thede	Thomas	Upmeyer
Van Engelenhoven	Wagner	Wendt	Wenthe
Wessel-Kroeschell	Whitaker	Whitead	Willems
Winckler	Worthan	Zirkelbach	Mr. Speaker Murphy

Absent or not voting, 2:

Chambers                      Tymeson

Amendment H-1230, as amended, lost.

Sands of Louisa invoked rule 32, related to any taxes or spending, requesting to send House File 722 to the committee on ways and means.

The Speaker ruled the point not well taken.

Under the provision of Rule 31, related to the timely filing of amendments, amendment H-1238 filed by Baudler of Adair from the floor, and amendment H-1260 filed by May of Dickinson from the floor were placed out of order.

Bell of Jasper 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. 722)

The ayes were, 59:

Abdul-Samad	Arnold	Bailey	Beard
Bell	Berry	Bukta	Burt
Cohoon	Deyoe	Ficken	Ford
Frevert	Gaskill	Gayman	Heddens
Hunter	Huser	Isenhardt	Jacoby
Kearns	Kelley	Kressig	Kuhn
Lensing	Lykam	Marek	Mascher
McCarthy	Mertz	Miller, H.	Oldson
Olson, D.	Olson, R.	Olson, T.	Palmer
Petersen	Quirk	Reasoner	Roberts
Schueller	Shomshor	Smith	Steckman
Swaim	Sweeney	Taylor, D.	Taylor, T.
Thede	Thomas	Wendt	Wenthe
Wessel-Kroeschell	Whitaker	Whitead	Willems
Winckler	Zirkelbach	Mr. Speaker	
		Murphy	

The nays were, 39:

Alons	Anderson	Baudler	Cownie
De Boef	Dolecheck	Drake	Forristall
Grassley	Hagenow	Heaton	Helland
Horbach	Huseman	Kaufmann	Koester
Lukan	May	Miller, L.	Olson, S.
Paulsen	Pettengill	Raecker	Rants
Rayhons	Reichert	Sands	Schulte
Schultz	Soderberg	Sorenson	Struyk
Tjepkes	Upmeyer	Van Engelenhoven	Wagner
Watts	Windschitl	Worthan	

Absent or not voting, 2:

Chambers                      Tymeson

The bill having received a constitutional majority was declared to have passed the House and the title, as amended, was agreed to.

#### 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 23, 2009, passed the following bill in which the concurrence of the House is asked:

Senate File 367, a bill for an act relating to flood damage prevention and insurance.

Also: That the Senate has on March 23, 2009, passed the following bill in which the concurrence of the House is asked:

Senate File 393, a bill for an act relating to access to obscene materials and child in need of assistance proceedings and child abuse reporting.

Also: That the Senate has on March 23, 2009, passed the following bill in which the concurrence of the House is asked:

Senate File 413, a bill for an act relating to wage payment collection issues arising between employers and individuals who provide services to employers, providing penalties, and including an effective date.

MICHAEL E. MARSHALL, Secretary

**House File 330**, a bill for an act relating to the authorized uses of local exchange service information by specified individuals and entities, was taken up for consideration.

#### SENATE FILE 154 SUBSTITUTED FOR HOUSE FILE 330

Whitead of Woodbury asked and received unanimous consent to substitute Senate File 154 for House File 330.

**Senate File 154**, a bill for an act relating to the authorized uses of local exchange service information by specified individuals and entities, was taken up for consideration.

Whitead of Woodbury 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. 154)

The ayes were, 98:

Abdul-Samad	Alons	Anderson	Arnold
Bailey	Baudler	Beard	Bell
Berry	Bukta	Burt	Cohoon
Cownie	De Boef	Deyoe	Dolecheck
Drake	Ficken	Ford	Forristall



Frevert	Gaskill	Gayman	Grassley
Hagenow	Heaton	Heddens	Helland
Horbach	Hunter	Huseman	Huser
Isenhardt	Jacoby	Kaufmann	Kearns
Kelley	Koester	Kressig	Kuhn
Lensing	Lukan	Lykam	Marek
Mascher	May	McCarthy	Mertz
Miller, H.	Miller, L.	Oldson	Olson, D.
Olson, R.	Olson, S.	Olson, T.	Palmer
Paulsen	Petersen	Pettengill	Quirk
Raecker	Rants	Rayhons	Reasoner
Reichert	Roberts	Sands	Schueller
Schulte	Schultz	Shomshor	Smith
Soderberg	Sorenson	Steckman	Struyk
Swaim	Sweeney	Taylor, D.	Taylor, T.
Thede	Thomas	Tjepkes	Upmeyer
Van Engelenhoven	Wagner	Watts	Wendt
Wenthe	Wessel-Kroeschell	Whitaker	Whitead
Willems	Winckler	Windschitl	Worthan
Zirkelbach	Mr. Speaker		
	Murphy		

The nays were, none.

Absent or not voting and 2:

Chambers                      Tymeson

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

### HOUSE FILE 330 WITHDRAWN

Whitead of Woodbury asked and received unanimous consent to withdraw House File 330 from further consideration by the House.

**House File 400**, a bill for an act relating to the licensing of persons installing fire protection systems, was taken up for consideration.

Quirk of Chickasaw offered the following amendment H-1223 filed by him and moved its adoption:

H-1223

- 1 Amend House File 400 as follows:
- 2 1. Page 3, line 8, by inserting after the word

3 "receives," the following: "However, an applicant  
 4 whose work on extinguishing systems will be restricted  
 5 to systems on property owned or controlled by the  
 6 applicant's employer may obtain a license if the  
 7 employer is not a certified contractor."  
 8 2. Page 3, line 35, by inserting after the word  
 9 "valid," the following: "This subsection does not  
 10 apply to a licensee whose work on extinguishing  
 11 systems is restricted to systems on property owned or  
 12 controlled by the licensee's employer."

Amendment H-1223 was adopted.

Quirk of Chickasaw moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 400)

The ayes were, 55:

Abdul-Samad	Bailey	Beard	Bell
Berry	Bukta	Burt	Cohoon
Ficken	Ford	Frevert	Gaskill
Gayman	Heddens	Hunter	Huser
Isenhardt	Jacoby	Kearns	Kelley
Koester	Kressig	Kuhn	Lensing
Lykam	Marek	Mascher	McCarthy
Mertz	Miller, H.	Oldson	Olson, D.
Olson, R.	Olson, T.	Palmer	Petersen
Quirk	Reasoner	Reichert	Shomshor
Smith	Steckman	Swaim	Taylor, D.
Taylor, T.	Thede	Wendt	Wenthe
Wessel-Kroeschell	Whitaker	Whitead	Willems
Winckler	Zirkelbach	Mr. Speaker	
		Murphy	

The nays were, 43:

Alons	Anderson	Arnold	Baudler
Cownie	De Boef	Deyoe	Dolecheck
Drake	Forristall	Grassley	Hagenow
Heaton	Helland	Horbach	Huseman
Kaufmann	Lukan	May	Miller, L.
Olson, S.	Paulsen	Pettengill	Raecker
Rants	Rayhons	Roberts	Sands
Schueller	Schulte	Schultz	Soderberg
Sorenson	Struyk	Sweeney	Thomas
Tjepkes	Upmeyer	Van Engelenhoven	Wagner
Watts	Windschitl	Worthan	

Absent or not voting, 2:

Chambers

Tymeson

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

**House File 628**, a bill for an act relating to publication of property assessment equalization orders, was taken up for consideration.

### SENATE FILE 266 SUBSTITUTED FOR HOUSE FILE 628

Huser of Polk asked and received unanimous consent to substitute Senate File 266 for House File 628.

**Senate File 266**, a bill for an act relating to publication of property assessment equalization orders, was taken up for consideration.

Huser of Polk asked and received unanimous consent to withdraw amendment H-1193 filed by her on March 17, 2009.

Huser of Polk offered amendment H-1220 filed by her as follows:

H-1220

1 Amend Senate File 266, as passed by the Senate, as  
 2 follows:  
 3 1. Page 1, by inserting before line 1 the  
 4 following:  
 5 "Section 1. Section 428.4, unnumbered paragraph 1,  
 6 Code 2009, is amended to read as follows:  
 7 Property shall be assessed for taxation each year.  
 8 Real estate shall be listed and assessed in 1981 and  
 9 every two years thereafter. The assessment of real  
 10 estate shall be the value of the real estate as of  
 11 January 1 of the year of the assessment. The year  
 12 1981 and each odd-numbered year thereafter shall be a  
 13 reassessment year. In any year, after the year in  
 14 which an assessment has been made of all the real  
 15 estate in an assessing jurisdiction, the assessor  
 16 shall value and assess or revalue and reassess, as the  
 17 case may require, any real estate that the assessor  
 18 finds was incorrectly valued or assessed, or was not  
 19 listed, valued, and assessed, in the assessment year  
 20 immediately preceding, also any real estate the  
 21 assessor finds has changed in value subsequent to

22 January 1 of the preceding real estate assessment  
 23 year. However, a percentage increase on a class of  
 24 property shall not be made in a year not subject to an  
 25 equalization order unless ordered by the department of  
 26 revenue. The assessor shall determine the actual  
 27 value and compute the taxable value thereof as of  
 28 January 1 of the year of the revaluation and  
 29 reassessment. The assessment shall be completed as  
 30 specified in section 441.28, but no reduction or  
 31 increase in actual value shall be made for prior  
 32 years. If an assessor makes a change in the valuation  
 33 of the real estate as provided for, sections ~~441.23,~~  
 34 441.37, 441.37A, 441.38, and 441.39 apply.  
 35 Sec.\_\_\_\_. Section 441.23, Code 2009, is amended to  
 36 read as follows:

37 441.23 NOTICE OF VALUATION.

38 ~~1. If there has been an increase or decrease in~~  
 39 ~~the valuation of the property, or upon the written~~  
 40 ~~request of the person assessed, the~~ The assessor  
 41 shall, at the time of making the assessment, inform  
 42 the person assessed, in writing, of ~~the~~ all of the  
 43 following:  
 44 a. The valuation put upon the taxpayer's property;  
 45 ~~and notify the person, that if~~  
 46 b. That if the person feels aggrieved, ~~to appear~~  
 47 ~~before the board of review and show why the assessment~~  
 48 ~~should be changed~~ the person may file a protest  
 49 against such assessment with the board of review on or  
 50 after April 16, to and including May 15 of the year of

Page 2

1 the assessment.  
 2 c. That the valuation of the property may be  
 3 adjusted by an equalization order issued by the  
 4 director of revenue. The notice shall include a  
 5 preliminary equalization estimate provided to the  
 6 assessor by the department under section 441.47A.  
 7 d. That the person may appeal an equalization  
 8 order to the board of review between October 15 and  
 9 November 15 of the year the equalization order is  
 10 issued.  
 11 2. However, if the valuation of a class of  
 12 property is uniformly decreased, the assessor may  
 13 notify the affected property owners by publication in  
 14 the official newspapers of the county. The owners of  
 15 real property shall be notified not later than April  
 16 15 of ~~any adjustment of the real property assessment~~  
 17 each year.  
 18 Sec.\_\_\_\_. Section 441.26, unnumbered paragraphs 1  
 19 through 4, Code 2009, are amended to read as follows:  
 20 The director of revenue shall each year prescribe

21 the form of assessment roll to be used by all  
 22 assessors in assessing property, in this state, also  
 23 the form of pages of the assessor's assessment book.  
 24 The assessment rolls shall be in a form that will  
 25 permit entering, separately, the names of all persons  
 26 assessed, and shall also contain a notice ~~in~~  
 27 ~~substantially the following form:~~  
 28 ~~If you are not satisfied that the foregoing~~  
 29 ~~assessment is correct, you may file a protest against~~  
 30 ~~such assessment with the board of review on or after~~  
 31 ~~April 16, to and including May 5, of the year of the~~  
 32 ~~assessment, such protest to be confined to the grounds~~  
 33 ~~specified in section 441.37.~~  
 34 ~~Dated: ..... day of ..... (month), ..... (year)~~  
 35 ~~.....~~  
 36 ~~..... County/City Assessor~~  
 37 ~~that includes the information required in section~~  
 38 ~~441.23.~~  
 39 The notice in 1981 and each odd-numbered year  
 40 thereafter shall contain a preliminary equalization  
 41 estimate pursuant to section 441.46A, a statement that  
 42 the assessments are subject to equalization pursuant  
 43 to an order issued by the director of revenue, that  
 44 the county auditor shall give notice on or before  
 45 October 15 by publication in an official newspaper of  
 46 general circulation to any class of property affected  
 47 by the equalization order, and that the board of  
 48 review shall be in session from October 15 to November  
 49 15 to hear protests of affected property owners or  
 50 taxpayers whose valuations have been adjusted by the

Page 3

1 equalization order.  
 2 The assessment rolls shall be used in listing the  
 3 property and showing the values affixed to the  
 4 property of all persons assessed. The rolls shall be  
 5 made in duplicate. The duplicate roll shall be signed  
 6 by the assessor, detached from the original and  
 7 delivered to the person assessed ~~if there has been an~~  
 8 ~~increase or decrease in the valuation of the property.~~  
 9 ~~If there has been no change in the valuation, the~~  
 10 ~~information on the roll may be printed on computer~~  
 11 ~~stock paper and preserved as required by this chapter.~~  
 12 If the person assessed requests in writing a copy of  
 13 the roll, the copy shall be provided to the person.  
 14 The pages of the assessor's assessment book shall  
 15 contain columns ruled and headed for the information  
 16 required by this chapter and that which the director  
 17 of revenue deems essential in the equalization work of  
 18 the director. The assessor shall return all  
 19 assessment rolls and schedules to the county auditor,

20 along with the completed assessment book, as provided  
 21 in this chapter, and the county auditor shall  
 22 carefully keep and preserve the rolls, schedules, and  
 23 book for a period of five years from the time of its  
 24 filing in the county auditor's office.  
 25 Sec.\_\_\_\_. Section 441.37, subsection 1, unnumbered  
 26 paragraph 1, Code 2009, is amended to read as follows:  
 27 Any property owner or aggrieved taxpayer who is  
 28 dissatisfied with the owner's or taxpayer's assessment  
 29 may file a protest against such assessment with the  
 30 board of review on or after April 16, to and including  
 31 May ~~5~~ 15, of the year of the assessment. In any  
 32 county which has been declared to be a disaster area  
 33 by proper federal authorities after March 1 and prior  
 34 to May 20 of said year of assessment, the board of  
 35 review shall be authorized to remain in session until  
 36 June 15 and the time for filing a protest shall be  
 37 extended to and include the period from May 25 to June  
 38 5 of such year. Said protest shall be in writing and  
 39 signed by the one protesting or by the protester's  
 40 duly authorized agent. The taxpayer may have an oral  
 41 hearing thereon if request therefor in writing is made  
 42 at the time of filing the protest. Said protest must  
 43 be confined to one or more of the following grounds:  
 44 Sec.\_\_\_\_. **NEW SECTION.** 441.47A PRELIMINARY  
 45 EQUALIZATION ESTIMATE.  
 46 The director of revenue on or before February 20,  
 47 2011, and every two years thereafter shall provide  
 48 preliminary equalization estimates to each assessor in  
 49 the state for each class of property within the  
 50 assessing jurisdiction. The preliminary equalization

Page 4

1 estimate shall be determined by the director based on  
 2 previous sales of property and on previous  
 3 productivity and net earning capacity of agricultural  
 4 property."  
 5 2. Page 1, by inserting after line 17 the  
 6 following:  
 7 "Sec.\_\_\_\_. **INDIVIDUAL EQUALIZATION NOTICES.** For  
 8 the assessment year beginning January 1, 2009, the  
 9 county auditor, with the cooperation and assistance of  
 10 the county assessor and the city assessor, if  
 11 applicable, shall in writing notify each property  
 12 owner or taxpayer affected by an equalization order  
 13 issued by the director if the owner or taxpayer did  
 14 not receive a notice of valuation under section  
 15 441.23. Notices shall be sent on or before October  
 16 15, 2009.  
 17 Sec.\_\_\_\_. **APPLICABILITY DATE.** The sections of  
 18 this Act amending sections 428.4, 441.23, 441.26, and

19 441.37, and enacting section 441.46A apply to  
 20 assessment years beginning on or after January 1,  
 21 2010."  
 22 3. Title page, by striking lines 1 and 2 and  
 23 inserting the following: "An Act relating to property  
 24 assessment for purposes of property taxation by  
 25 modifying provisions relating to assessment notices,  
 26 modifying provisions relating to the protest of  
 27 assessments, requiring individual notices for property  
 28 assessment equalization orders in a certain assessment  
 29 year, and providing an applicability date."  
 30 4. By renumbering as necessary.

Huser of Polk offered the following amendment H-1262, to amendment H-1220, filed by her from the floor and moved its adoption:

H-1262

1 Amend the amendment, H-1220, to Senate File 266, as  
 2 passed by the Senate, as follows:  
 3 1. Page 2, by striking lines 7 through 9 and  
 4 inserting the following:  
 5 "d. That the person may protest the application of  
 6 an equalization order to the board of review by filing  
 7 an appeal between October 16 and October 25 of the  
 8 year the equalization order is".

Amendment H-1262 was adopted.

Huser of Polk offered the following amendment H-1263, to amendment H-1220, filed by her from the floor and moved its adoption:

H-1263

1 Amend the amendment, H-1220, to Senate File 266, as  
 2 passed by the Senate, as follows:  
 3 1. Page 2, line 41, by striking the figure  
 4 "441.46A" and inserting the following: "441.47A".  
 5 2. Page 4, line 19, by striking the figure  
 6 "441.46A" and inserting the following: "441.47A".

Amendment H-1263 was adopted.

On motion by Huser of Polk, amendment H-1220, as amended, was adopted.

Huser of Polk moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 266)

The ayes were, 97:

Abdul-Samad	Alons	Anderson	Arnold
Bailey	Baudler	Beard	Bell
Berry	Bukta	Burt	Cohoon
Cownie	De Boef	Deyoe	Dolecheck
Drake	Ficken	Ford	Forristall
Frevert	Gaskill	Gayman	Grassley
Hagenow	Heaton	Heddens	Helland
Horbach	Hunter	Huseman	Huser
Isenhart	Jacoby	Kaufmann	Kearns
Kelley	Koester	Kressig	Kuhn
Lensing	Lukan	Lykam	Marek
Mascher	May	McCarthy	Mertz
Miller, H.	Miller, L.	Oldson	Olson, D.
Olson, R.	Olson, S.	Olson, T.	Palmer
Paulsen	Petersen	Pettengill	Quirk
Raecker	Rants	Rayhons	Reasoner
Reichert	Roberts	Sands	Schueller
Schulte	Schultz	Shomshor	Smith
Soderberg	Sorenson	Steckman	Struyk
Swaim	Sweeney	Taylor, T.	Thede
Thomas	Tjepkes	Upmeyer	Van Engelenhoven
Wagner	Watts	Wendt	Wenthe
Wessel-Kroeschell	Whitaker	Whitead	Willems
Winckler	Windschitl	Worthan	Zirkelbach
Mr. Speaker			
Murphy			

The nays were, 1:

Taylor, D.

Absent or not voting, 2:

Chambers                      Tymeson

The bill having received a constitutional majority was declared to have passed the House and the title, as amended, was agreed to.



## HOUSE FILE 628 WITHDRAWN

Huser of Polk asked and received unanimous consent to withdraw House File 628 from further consideration by the House.

## MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on March 23, 2009, passed the following bill in which the concurrence of the House is asked:

Senate File 344, a bill for an act relating to the requirements of certain financial assistance programs administered by the department of economic development including a reorganization of the grow Iowa values fund and creating a grow Iowa values financial assistance program.

Also: That the Senate has on March 23, 2009, passed the following bill in which the concurrence of the House is asked:

Senate File 416, a bill for an act providing for the removal of the requirement that two or more public school districts be contiguous in order to utilize financial, administrative, merger and dissolution, open enrollment, and sharing incentives and policies.

Also: That the Senate has on March 23, 2009, passed the following bill in which the concurrence of the House is asked:

Senate File 433, a bill for an act relating to the classification and assessment of violations in health care facilities and assisted living programs and providing penalties.

Also: That the Senate has on March 23, 2009, passed the following bill in which the concurrence of the House is asked:

Senate File 434, a bill for an act relating to nuisance properties by requiring the indexing of certain municipal citations and petitions affecting real property.

MICHAEL E. MARSHALL, Secretary

**House File 375**, a bill for an act specifying a duty of agency applicable to licensed mortgage brokers and making penalties applicable, was taken up for consideration.

Under the provision of Rule 31, related to the timely filing of amendments, the following amendments were placed out of order:

Amendment H-1255 filed by Sands of Louisa from the floor.  
 Amendment H-1261 filed by Sands of Louisa from the floor.

Shomshor of Pottawattamie 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. 375)

The ayes were, 89:

Abdul-Samad	Alons	Anderson	Arnold
Bailey	Baudler	Beard	Bell
Berry	Bukta	Burt	Cohoon
Cownie	Deyoe	Dolecheck	Drake
Ficken	Ford	Frevert	Gaskill
Gayman	Grassley	Hagenow	Heaton
Heddens	Hunter	Huseman	Huser
Isenhardt	Jacoby	Kaufmann	Kearns
Kelley	Koester	Kressig	Kuhn
Lensing	Lukan	Lykam	Marek
Mascher	May	McCarthy	Mertz
Miller, H.	Miller, L.	Oldson	Olson, D.
Olson, R.	Olson, S.	Olson, T.	Palmer
Paulsen	Petersen	Quirk	Rants
Reasoner	Reichert	Roberts	Schueller
Schulte	Shomshor	Smith	Soderberg
Sorenson	Steckman	Struyk	Swaim
Sweeney	Taylor, D.	Taylor, T.	Thede
Thomas	Tjepkes	Upmeyer	Van Engelenhoven
Wagner	Watts	Wendt	Wenthe
Wessel-Kroeschell	Whitaker	Whitead	Willems
Winckler	Windschitl	Worthan	Zirkelbach
Mr. Speaker			
Murphy			

The nays were, 9:

De Boef	Forristall	Helland	Horbach
Pettengill	Raecker	Rayhons	Sands
Schultz			

Absent or not voting, 2:

Chambers	Tymeson
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The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

## IMMEDIATE MESSAGES

McCarthy of Polk asked and received unanimous consent that the following bills be immediately messaged to the Senate: **House Files 375, 400, 722** and **Senate Files 154** and **266**.

**House File 724**, a bill for an act relating to the regulation of the business of debt management and making penalties applicable, was taken up for consideration.

## SENATE FILE 311 SUBSTITUTED FOR HOUSE FILE 724

Reasoner of Union asked and received unanimous consent to substitute Senate File 311 for House File 724.

**Senate File 311**, a bill for an act relating to the regulation of the business of debt management and making penalties applicable, was taken up for consideration.

Reasoner of Union 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. 311)

The ayes were, 98:

Abdul-Samad	Alons	Anderson	Arnold
Bailey	Baudler	Beard	Bell
Berry	Bukta	Burt	Cohoon
Cownie	De Boef	Deyoe	Dolecheck
Drake	Ficken	Ford	Forristall
Frevert	Gaskill	Gayman	Grassley
Hagenow	Heaton	Heddens	Helland
Horbach	Hunter	Huseman	Huser
Isenhart	Jacoby	Kaufmann	Kearns
Kelley	Koester	Kressig	Kuhn
Lensing	Lukan	Lykam	Marek
Mascher	May	McCarthy	Mertz
Miller, H.	Miller, L.	Oldson	Olson, D.
Olson, R.	Olson, S.	Olson, T.	Palmer
Paulsen	Petersen	Pettengill	Quirk
Raecker	Rants	Rayhons	Reasoner
Reichert	Roberts	Sands	Schueller
Schulte	Schultz	Shomshor	Smith
Soderberg	Sorenson	Steckman	Struyk

Swaim	Sweeney	Taylor, D.	Taylor, T.
Thede	Thomas	Tjepkes	Upmeyer
Van Engelenhoven	Wagner	Watts	Wendt
Wenthe	Wessel-Kroeschell	Whitaker	Whitead
Willems	Winckler	Windschitl	Worthan
Zirkelbach	Mr. Speaker		
	Murphy		

The nays were, none.

Absent or not voting, 2:

Chambers                      Tymeson

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

### HOUSE FILE 724 WITHDRAWN

Reasoner of Union asked and received unanimous consent to withdraw House File 724 from further consideration by the House.

**House File 725**, a bill for an act relating to disaster emergency assistance immunity, was taken up for consideration.

Schulte of Linn offered amendment H-1234 filed by her as follows:

H-1234

1 Amend House File 725 as follows:  
2 1. Page 1, by inserting before line 1 the  
3 following:  
4 "Section 1. Section 423.3, Code 2009, is amended  
5 by adding the following new subsection:  
6 NEW SUBSECTION. 38A. The sales price from the  
7 sale of building materials, supplies, or equipment  
8 sold for use in reconstructing, restoring, or  
9 remodeling disaster-damaged buildings in an area  
10 declared a disaster area by the governor."  
11 2. Page 1, by inserting after line 14 the  
12 following:  
13 "Sec. \_\_\_\_ REFUNDS. Refunds of taxes, interest,  
14 or penalties which arise from claims resulting from  
15 the enactment of section 423.3, subsection 38A, in  
16 this Act, for sales occurring between July 1, 2008,  
17 and the effective date of this Act, shall not be  
18 allowed unless refund claims are filed with the  
19 department of revenue on or before June 30, 2009,  
20 notwithstanding any other provision of law.

21 Sec. \_\_\_\_ EFFECTIVE AND RETROACTIVE APPLICABILITY  
 22 DATES. The sections of this Act amending section  
 23 423.3 and providing for refunds of taxes, interest,  
 24 and penalties, being deemed of immediate importance,  
 25 take effect upon enactment and applies retroactively  
 26 to July 1, 2008."  
 27 3. Title page, line 1, by striking the word  
 28 "immunity" and inserting the following: "and tax  
 29 exemptions and providing effective and retroactive  
 30 applicability dates".  
 31 4. By renumbering as necessary.

Thomas of Clayton rose on a point of order that amendment H-1234 was not germane.

The Speaker ruled the point well taken and amendment H-1234 not germane.

Schulte of Linn moved to suspend the rules to consider amendment H-1234.

Roll call was requested by Paulsen of Linn and L. Miller of Scott.

On the question "Shall the rules be suspended to consider amendment H-1234?" (H.F. 725)

The ayes were, 42:

Alons	Anderson	Arnold	Baudler
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
Upmeyer	Van Engelenhoven	Wagner	Watts
Windschitl	Worthan		

The nays were, 54:

Abdul-Samad	Bailey	Beard	Bell
Berry	Bukta	Burt	Ficken
Ford	Frevert	Gaskill	Gayman
Heddens	Hunter	Huser	Isenhardt
Jacoby	Kearns	Kelley	Kressig
Kuhn	Lensing	Lykam	Marek

Mascher	McCarthy	Mertz	Miller, H.
Oldson	Olson, D.	Olson, R.	Olson, T.
Palmer	Quirk	Reasoner	Reichert
Schueller	Shomshor	Smith	Steckman
Swaim	Taylor, D.	Taylor, T.	Thede
Thomas	Wendt	Wenthe	Wessel-Kroeschell
Whitaker	Whitead	Willems	Winckler
Zirkelbach	Mr. Speaker Murphy		

Absent or not voting, 4:

Chambers	Cohon	Petersen	Tymeson
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The motion to suspend the rules lost.

Wagner of Linn offered amendment H-1235 filed by him as follows:

H-1235

1 Amend House File 725 as follows:  
 2 1. Page 1, by inserting before line 1 the  
 3 following:  
 4 "Section 1. Section 422.7, Code 2009, is amended  
 5 by adding the following new subsection:  
 6 NEW SUBSECTION. 54. Subtract, to the extent not  
 7 otherwise deducted, the amount of costs directly  
 8 attributable to a residential relocation of the  
 9 taxpayer made necessary due to a natural disaster for  
 10 which the president of the United States declares a  
 11 disaster."  
 12 2. Page 1, by inserting after line 14 the  
 13 following:  
 14 "Sec.\_\_\_\_. EFFECTIVE AND RETROACTIVE APPLICABILITY  
 15 DATES. The section of this Act amending section  
 16 422.7, being deemed of immediate importance, takes  
 17 effect upon enactment and applies retroactively to  
 18 January 1, 2008, for tax years beginning on or after  
 19 that date."  
 20 3. Title page, line 1, by striking the words  
 21 "emergency assistance immunity" and inserting the  
 22 following: "assistance and tax exemptions and  
 23 providing effective and retroactive applicability  
 24 dates".  
 25 4. By renumbering as necessary.

Thomas of Clayton rose on a point of order that amendment H-1235 was not germane.

The Speaker ruled the point well taken and amendment H-1235 not germane.

Wagner of Linn moved to suspend the rules to consider amendment H-1235.

Roll call was requested by Paulsen of Linn and Baudler of Adair.

On the question "Shall the rules be suspended to consider amendment H-1235?" (H.F. 725)

The ayes were, 42:

Alons	Arnold	Baudler	Cownie
De Boef	Deyoe	Dolecheck	Drake
Forristall	Grassley	Hagenow	Heaton
Helland	Horbach	Huseman	Kaufmann
Koester	Lukan	May	Miller, L.
Olson, S.	Paulsen	Pettengill	Quirk
Raecker	Rants	Rayhons	Roberts
Sands	Schulte	Schultz	Soderberg
Sorenson	Struyk	Sweeney	Tjepkes
Upmeyer	Van Engelenhoven	Wagner	Watts
Windschitl	Worthan		

The nays were, 55:

Abdul-Samad	Bailey	Beard	Bell
Berry	Bukta	Burt	Cphoon
Ficken	Ford	Frevrt	Gaskill
Gayman	Heddens	Hunter	Huser
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	Schueller	Shomshor	Smith
Steckman	Swaim	Taylor, D.	Taylor, T.
Thede	Thomas	Wendt	Wenthe
Wessel-Kroeschell	Whitaker	Whitead	Willems
Winckler	Zirkelbach	Mr. Speaker	
		Murphy	

Absent or not voting, 3:

Anderson	Chambers	Tymeson
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The motion to suspend the rules lost.

## SENATE FILE 280 SUBSTITUTED FOR HOUSE FILE 725

Thomas of Clayton asked and received unanimous consent to substitute Senate File 280 for House File 725.

**Senate File 280**, a bill for an act relating to disaster emergency assistance immunity, was taken up for consideration.

Thomas of Clayton 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. 280)

The ayes were, 98:

Abdul-Samad	Alons	Anderson	Arnold
Bailey	Baudler	Beard	Bell
Berry	Bukta	Burt	Cohoon
Cownie	De Boef	Deyoe	Dolecheck
Drake	Ficken	Ford	Forristall
Frevert	Gaskill	Gayman	Grassley
Hagenow	Heaton	Heddens	Helland
Horbach	Hunter	Huseman	Huser
Isenhart	Jacoby	Kaufmann	Kearns
Kelley	Koester	Kressig	Kuhn
Lensing	Lukan	Lykam	Marek
Mascher	May	McCarthy	Mertz
Miller, H.	Miller, L.	Oldson	Olson, D.
Olson, R.	Olson, S.	Olson, T.	Palmer
Paulsen	Petersen	Pettengill	Quirk
Raecker	Rants	Rayhons	Reasoner
Reichert	Roberts	Sands	Schueller
Schulte	Schultz	Shomshor	Smith
Soderberg	Sorenson	Steckman	Struyk
Swaim	Sweeney	Taylor, D.	Taylor, T.
Thede	Thomas	Tjepkes	Upmeyer
Van Engelenhoven	Wagner	Watts	Wendt
Wenthe	Wessel-Kroeschell	Whitaker	Whitead
Willems	Winckler	Windschitl	Worthan
Zirkelbach	Mr. Speaker		
	Murphy		

The nays were, none.

Absent or not voting, 2:

Chambers

Tymeson



The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

### HOUSE FILE 725 WITHDRAWN

Thomas of Clayton asked and received unanimous consent to withdraw House File 725 from further consideration by the House.

**House File 733**, a bill for an act relating to nonsubstantive Code corrections and providing effective dates and for retroactive applicability, was taken up for consideration.

### SENATE FILE 446 SUBSTITUTED FOR HOUSE FILE 733

Wessel-Kroeschell of Story asked and received unanimous consent to substitute Senate File 446 for House File 733.

**Senate File 446**, a bill for an act relating to nonsubstantive Code corrections and providing effective dates and for retroactive applicability, was taken up for consideration.

Wessel-Kroeschell of Story 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. 446)

The ayes were, 98:

Abdul-Samad	Alons	Anderson	Arnold
Bailey	Baudler	Beard	Bell
Berry	Bukta	Burt	Cohoon
Cownie	De Boef	Deyoe	Dolecheck
Drake	Ficken	Ford	Forristall
Frevert	Gaskill	Gayman	Grassley
Hagenow	Heaton	Heddens	Helland
Horbach	Hunter	Huseman	Huser
Isenhart	Jacoby	Kaufmann	Kearns
Kelley	Koester	Kressig	Kuhn
Lensing	Lukan	Lykam	Marek
Mascher	May	McCarthy	Mertz
Miller, H.	Miller, L.	Oldson	Olson, D.
Olson, R.	Olson, S.	Olson, T.	Palmer
Paulsen	Petersen	Pettengill	Quirk
Raecker	Rants	Rayhons	Reasoner

Reichert	Roberts	Sands	Schueller
Schulte	Schultz	Shomshor	Smith
Soderberg	Sorenson	Steckman	Struyk
Swaim	Sweeney	Taylor, D.	Taylor, T.
Thede	Thomas	Tjepkes	Upmeyer
Van Engelenhoven	Wagner	Watts	Wendt
Wenthe	Wessel-Kroeschell	Whitaker	Whitead
Willems	Winckler	Windschitl	Worthan
Zirkelbach	Mr. Speaker		
	Murphy		

The nays were, none.

Absent or not voting and 2:

Chambers                      Tymeson

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

#### HOUSE FILE 733 WITHDRAWN

Wessel-Kroeschell of Story asked and received unanimous consent to withdraw House File 733 from further consideration by the House.

#### IMMEDIATE MESSAGES

McCarthy of Polk asked and received unanimous consent that the following bills be immediately messaged to the Senate: **Senate Files 280, 311 and 446.**

**House File 736**, a bill for an act providing for the award of local watershed improvement grants, was taken up for consideration.

Swaim of Davis asked and received unanimous consent to withdraw amendment H-1179 filed by him on March 17, 2009.

#### SENATE FILE 268 SUBSTITUTED FOR HOUSE FILE 736

Schueller of Jackson asked and received unanimous consent to substitute Senate File 268 for House File 736.

**Senate File 268**, a bill for an act providing for the award of local watershed improvement grants, was taken up for consideration.

Schueller of Jackson 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. 268)

The ayes were, 98:

Abdul-Samad	Alons	Anderson	Arnold
Bailey	Baudler	Beard	Bell
Berry	Bukta	Burt	Cohoon
Cownie	De Boef	Deyoe	Dolecheck
Drake	Ficken	Ford	Forristall
Frevert	Gaskill	Gayman	Grassley
Hagenow	Heaton	Heddens	Helland
Horbach	Hunter	Huseman	Huser
Isenhart	Jacoby	Kaufmann	Kearns
Kelley	Koester	Kressig	Kuhn
Lensing	Lukan	Lykam	Marek
Mascher	May	McCarthy	Mertz
Miller, H.	Miller, L.	Oldson	Olson, D.
Olson, R.	Olson, S.	Olson, T.	Palmer
Paulsen	Petersen	Pettengill	Quirk
Raecker	Rants	Rayhons	Reasoner
Reichert	Roberts	Sands	Schueller
Schulte	Schultz	Shomshor	Smith
Soderberg	Sorenson	Steckman	Struyk
Swaim	Sweeney	Taylor, D.	Taylor, T.
Thede	Thomas	Tjepkes	Upmeyer
Van Engelenhoven	Wagner	Watts	Wendt
Wenthe	Wessel-Kroeschell	Whitaker	Whitead
Willems	Winckler	Windschitl	Worthan
Zirkelbach	Mr. Speaker		
	Murphy		

The nays were, none.

Absent or not voting and 2:

Chambers                      Tymeson

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

#### HOUSE FILE 736 WITHDRAWN

Schueller of Jackson asked and received unanimous consent to withdraw House File 736 from further consideration by the House.

**House File 729**, a bill for an act relating to charitable trusts by providing for filing documents with the attorney general and providing for the attorney general's investigative authority, was taken up for consideration.

SENATE FILE 320 SUBSTITUTED FOR HOUSE FILE 729

Ford of Polk asked and received unanimous consent to substitute Senate File 320 for House File 729.

**Senate File 320**, a bill for an act relating to charitable trusts by providing for filing documents with the attorney general and providing for the attorney general's investigative authority, was taken up for consideration.

Ford 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. 320)

The ayes were, 97:

Abdul-Samad	Alons	Anderson	Arnold
Bailey	Beard	Bell	Berry
Bukta	Burt	Cohoon	Cownie
De Boef	Deyoe	Dolecheck	Drake
Ficken	Ford	Forristall	Frevert
Gaskill	Gayman	Grassley	Hagenow
Heaton	Heddens	Helland	Horbach
Hunter	Huseman	Huser	Isenhart
Jacoby	Kaufmann	Kearns	Kelley
Koester	Kressig	Kuhn	Lensing
Lukan	Lykam	Marek	Mascher
May	McCarthy	Mertz	Miller, H.
Miller, L.	Oldson	Olson, D.	Olson, R.
Olson, S.	Olson, T.	Palmer	Paulsen
Petersen	Pettengill	Quirk	Raecker
Rants	Rayhons	Reasoner	Reichert
Roberts	Sands	Schueller	Schulte
Schultz	Shomshor	Smith	Soderberg
Sorenson	Steckman	Struyk	Swaim
Sweeney	Taylor, D.	Taylor, T.	Thede
Thomas	Tjepkes	Upmeyer	Van Engelenhoven
Wagner	Watts	Wendt	Wenthe
Wessel-Kroeschell	Whitaker	Whitead	Willems

Winckler	Windschitl	Worthan	Zirkelbach
Mr. Speaker			
Murphy			

The nays were, none.

Absent or not voting, 3:

Baudler	Chambers	Tymeson
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The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

### HOUSE FILE 729 WITHDRAWN

Ford of Polk asked and received unanimous consent to withdraw House File 729 from further consideration by the House.

**House File 726**, a bill for an act providing for unincorporated nonprofit associations, and providing for fees and penalties, was taken up for consideration.

T. Olson of Linn moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 726)

The ayes were, 98:

Abdul-Samad	Alons	Anderson	Arnold
Bailey	Baudler	Beard	Bell
Berry	Bukta	Burt	Cohoon
Cownie	De Boef	Deyoe	Dolecheck
Drake	Ficken	Ford	Forristall
Frevert	Gaskill	Gayman	Grassley
Hagenow	Heaton	Heddens	Helland
Horbach	Hunter	Huseman	Huser
Isenhardt	Jacoby	Kaufmann	Kearns
Kelley	Koester	Kressig	Kuhn
Lensing	Lukan	Lykam	Marek
Mascher	May	McCarthy	Mertz
Miller, H.	Miller, L.	Oldson	Olson, D.
Olson, R.	Olson, S.	Olson, T.	Palmer
Paulsen	Petersen	Pettengill	Quirk
Raecker	Rants	Rayhons	Reasoner
Reichert	Roberts	Sands	Schueller

Schulte	Schultz	Shomshor	Smith
Soderberg	Sorenson	Steckman	Struyk
Swaim	Sweeney	Taylor, D.	Taylor, T.
Thede	Thomas	Tjepkes	Upmeyer
Van Engelenhoven	Wagner	Watts	Wendt
Wenthe	Wessel-Kroeschell	Whitaker	Whitead
Willems	Winckler	Windschitl	Worthan
Zirkelbach	Mr. Speaker		
	Murphy		

The nays were, none.

Absent or not voting, 2:

Chambers                      Tymeson

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

#### SENATE MESSAGES CONSIDERED

**Senate File 159**, by committee on state government, a bill for an act relating to electrician licensure by modifying existing provisions and specifying new classifications.

Read first time and **passed on file**.

**Senate File 283**, by committee on judiciary, a bill for an act relating to the appointment of judicial officers, the appointment and retirement of senior judges, and providing for a future repeal.

Read first time and referred to committee on **judiciary**.

#### IMMEDIATE MESSAGES

McCarthy of Polk asked and received unanimous consent that the following bills be immediately messaged to the Senate: **House File 726** and **Senate Files 268** and **320**.

#### HOUSE FILE 506 REFERRED

The Speaker announced that House File 506, previously placed on the **calendar** was referred to committee on **ways and means**.

## HOUSE FILE 744 REFERRED

The Speaker announced that House File 744, previously placed on the **calendar** was referred to committee on **judiciary**.

## HOUSE FILE 767 REFERRED

The Speaker announced that House File 767, previously placed on the **calendar** was referred to committee on **judiciary**.

## HOUSE FILE 790 REFERRED

The Speaker announced that House File 790, previously referred to committee on **environmental protection** was placed on the **calendar**.

## SENATE FILE 117 REREFERRED

The Speaker announced that Senate File 117, previously referred to committee on **transportation** was rereferred to committee on **human resources**.

## BILL ENROLLED, SIGNED AND SENT TO GOVERNOR

The Chief Clerk of the House submitted the following report:

Mr. Speaker: The Chief Clerk of the House respectfully reports that the following bill has been examined and found correctly enrolled, signed by the Speaker of the House and the President of the Senate, and presented to the Governor for his approval on this 23 day of March, 2009: House File 281.

MARK W. BRANDSGARD  
Chief Clerk of the House

Report adopted.

## 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

- 2009\3366 Dick Weitz, Dubuque – For his 46 years of commitment to education in Dubuque and for being inducted into the Iowa High School Athletic Directors Hall of Fame.
- 2009\3367 Mathilda “Tille” Reuter, Dubuque – For celebrating her 100<sup>th</sup> birthday.
- 2009\3368 Donald and Marilyn Tubbesing, Mason City – For celebrating their 60<sup>th</sup> wedding anniversary.
- 2009\3369 Ray and Mabel Welch, Norwood – For celebrating their 70<sup>th</sup> wedding anniversary.
- 2009\3370 Johanna Klaassen, George – For celebrating her 90<sup>th</sup> birthday.
- 2009\3371 Orville and Vera Elmshaeuser, Wilton – For celebrating their 50<sup>th</sup> wedding anniversary.
- 2009\3372 Mr. and Mrs. E. Leroy Reedy, Davenport – For celebrating their 60<sup>th</sup> wedding anniversary.
- 2009\3373 Vincent Archer, Avoca – For celebrating his 80<sup>th</sup> birthday.
- 2009\3374 Helen Langenfeld, Westphalia – For celebrating her 90<sup>th</sup> birthday.
- 2009\3375 Roger and Jan Van Egdome, Sanborn – For celebrating their 50<sup>th</sup> wedding anniversary.
- 2009\3376 Erv and Gladys Bolkema, Sheldon – For celebrating their 50<sup>th</sup> wedding anniversary.
- 2009\3377 Harold Roberts, Greenfield – For celebrating his 80<sup>th</sup> birthday.
- 2009\3378 Frank Sevier, Greenfield – For celebrating his 100<sup>th</sup> birthday.
- 2009\3379 Dorothy Caltrider, Adair – For celebrating her 80<sup>th</sup> birthday.
- 2009\3380 Evelyn Steenhard, Mason City – For celebrating her 80<sup>th</sup> birthday.
- 2009\3381 Winifred Dickinson, Mason City – For celebrating her 80<sup>th</sup> birthday.
- 2009\3382 Steffanie Frank, Panorama – For receiving All-State honors in Radio News at the state speech contest.
- 2009\3383 Molly Nelson, Panorama – For receiving All-State honors in Acting at the state speech contest.
- 2009\3384 Darlene Schroeder, Clinton – For celebrating her 80<sup>th</sup> birthday.
- 2009\3385 Richard and Marlene Walker, DeWitt – For celebrating their 50<sup>th</sup> wedding anniversary.



## SUBCOMMITTEE ASSIGNMENTS

**House File 783**

Transportation: Quirk, Chair; Kelley and May.

**Senate File 151**

Transportation: Bell, Chair; D. Olson and Roberts.

**Senate File 356**

Transportation: Quirk, Chair; Huseman and Kelley.

## 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 EDUCATION

**Senate File 360**, a bill for an act relating to the accreditation of school districts and nonpublic schools and the reorganization of school districts.

Fiscal Note is not required.

Recommended **Do Pass** March 23, 2009.

## COMMITTEE ON HUMAN RESOURCES

**Senate File 152**, a bill for an act relating to administrative and planning requirements involving children for whom the department of human services has responsibility under state or federal law.

Fiscal Note is not required.

Recommended **Do Pass** March 23, 2009.

## COMMITTEE ON LOCAL GOVERNMENT

**Senate File 437**, a bill for an act relating to the affairs of the governing body of a drainage district by providing for public access to meetings and records.

Fiscal Note is not required.

Recommended **Do Pass** March 23, 2009.

## COMMITTEE ON REBUILD IOWA AND DISASTER RECOVERY

**Senate File 289**, a bill for an act relating to loan forgiveness under the jumpstart housing assistance program and providing effective and retroactive applicability dates.

Fiscal Note is not required.

Recommended **Do Pass** March 23, 2009.

**Senate File 377**, a bill for an act relating to the prescription drug donation repository program.

Fiscal Note is not required.

Recommended **Do Pass** March 23, 2009.

## RESOLUTIONS FILED

**HR 37**, by Raecker, Ford and Helland, a resolution commemorating the 100<sup>th</sup> anniversary of the Drake Relays.

Laid over under **Rule 25**.

**HR 38**, by Zirkelbach, Whitead, Windschitl, D. Taylor, Bailey, Ficken, Kearns, Bukta, Mascher, Alons, Sweeney, Watts, Van Engelenhoven, Tymeson, Thomas, Gayman and Rants, a resolution to protect and preserve the battleship USS Iowa.

Laid over under **Rule 25**.

**HR 39**, by Alons, Jacoby, Smith, Schueller, Wendt, Thomas, Quirk, Kelley, Ficken, Wenthe, Palmer, Huser, Abdul-Samad, Reasoner, T. Olson, R. Olson, Marek, Swaim, Bailey, Gayman, Zirkelbach, Petersen, D. Olson, Oldson, Shomshor, Bukta, Whitaker, Whitead, Gaskill, Frevert, Mascher, Reichert, Cohoon, Bell, Lykam, Thede, Berry, H. Miller, Kressig, Heddens, T. Taylor, D. Taylor, Schultz, Rayhons, Drake, Tymeson, Soderberg, Pettengill, Baudler, Raecker, Hagenow, Grassley, Cownie, Windschitl, Sorenson, Horbach, Arnold, Huseman, Sweeney, Koester, De Boef, Paulsen, Roberts, Worthan, Helland, Tjepkes, Watts, L. Miller, Deyoe, Forristall, Rants, Dolecheck, Sands, Lukan, S. Olson, Schulte, Heaton, May, Van Engelenhoven, Upmeyer, Wagner, Kaufmann and Struyk, a resolution honoring those Iowans who volunteered their time and efforts providing aid and assistance during the June 2008 flood.

Laid over under **Rule 25**.

**HR 40**, by Alons, Anderson, Arnold, Baudler, Cownie, De Boef, Deyoe, Dolecheck, Drake, Forristall, Grassley, Hagenow, Heaton, Helland, Horbach, Huseman, Kaufmann, Koester, Lukan, May, L. Miller, S. Olson, Paulsen, Pettengill, Raecker, Rants, Rayhons, Roberts, Sands, Schulte, Schultz, Soderberg, Sorenson, Struyk, Sweeney, Tjepkes, Tymeson, Upmeyer, Van Engelenhoven, Wagner, Watts, Windschitl and Worthan, a resolution urging Iowa's congressional delegation to oppose legislation that disenfranchises workers by removing their right to a private ballot union election.

Laid over under **Rule 25**.

#### AMENDMENTS FILED

H—1236	H.F.	675	Rants of Woodbury
H—1240	H.F.	759	T. Olson of Linn
H—1241	S.F.	424	Rants of Woodbury
H—1242	S.F.	424	Rants of Woodbury
H—1243	S.F.	424	Rants of Woodbury
H—1244	S.F.	424	Rants of Woodbury
H—1245	S.F.	424	Rants of Woodbury
H—1246	S.F.	424	Rants of Woodbury
H—1247	S.F.	424	Rants of Woodbury
H—1248	H.F.	756	Gayman of Scott
H—1249	H.F.	675	Gaskill of Wapello
H—1250	H.F.	627	Smith of Marshall
H—1251	S.F.	424	Gaskill of Wapello
H—1252	H.F.	772	Anderson of Page
H—1253	H.F.	762	Whitaker of Van Buren
H—1256	S.F.	151	Kaufman of Cedar
H—1257	S.F.	151	Grassley of Butler
H—1258	S.F.	151	Grassley of Butler
H—1264	S.F.	377	Huser of Polk
H—1265	H.F.	801	Pettengill of Benton
H—1266	H.F.	801	Watts of Dallas
H—1267	H.F.	213	Sands of Louisa
H—1268	H.F.	801	Raecker of Polk
H—1269	H.F.	801	Pettengill of Benton
H—1270	H.F.	801	Struyk of Pottawattamie
H—1271	H.F.	801	Struyk of Pottawattamie
H—1272	H.F.	801	Raecker of Polk
H—1273	H.F.	801	Rants of Woodbury

H—1274	H.F.	213	Quirk of Chickasaw
H—1275	H.F.	732	Cohon of Des Moines Dolecheck of Ringgold
H—1276	S.F.	437	Huser of Polk
H—1277	S.F.	159	Sands of Louisa

On motion by McCarthy of Polk the House adjourned at 10:32 p.m., until 9:00 a.m., Tuesday, March 24, 2009.

# JOURNAL OF THE HOUSE

Seventy-second Calendar Day - Forty-eighth Session Day

Hall of the House of Representatives  
Des Moines, Iowa, Tuesday, March 24, 2009

The House met pursuant to adjournment at 9:08 a.m., Speaker Murphy in the chair.

Prayer was offered by Reverend Allan Wiese, pastor of First Methodist Church, Chariton. He was the guest of Representative Rich Arnold of Lucas County and Representative Jim Van Engelenhoven of Marion County.

## PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Katie Pauk, House Page from Carroll.

The Journal of Monday, March 23, 2009 was approved.

## SENATE MESSAGES CONSIDERED

**Senate File 367**, by committee on rebuild Iowa, a bill for an act relating to storm water management standards.

Read first time and referred to committee on **environmental protection**.

**Senate File 393**, by committee on human resources, a bill for an act relating to access to obscene materials and child in need of assistance proceedings and child abuse reporting.

Read first time and **passed on file**.

**Senate File 413**, by committee on labor and business relations, a bill for an act relating to wage payment collection issues arising between employers and individuals who provide services to employers, providing penalties, and including an effective date.

Read first time and referred to committee on **labor**.

**Senate File 416**, by committee on education, a bill for an act providing for the removal of the requirement that two or more public school districts be contiguous in order to utilize financial, administrative, merger and dissolution, open enrollment, and sharing incentives and policies.

Read first time and referred to committee on **education**.

**Senate File 433**, by committee on human resources, a bill for an act relating to the classification and assessment of violations in health care facilities and assisted living programs and providing penalties.

Read first time and referred to committee on **human resources**.

**Senate File 434**, by committee on local government, a bill for an act relating to nuisance properties by requiring the indexing of certain municipal citations and petitions affecting real property.

Read first time and referred to committee on **local government**.

#### ADOPTION OF HOUSE RESOLUTION 10

Smith of Marshall and Raecker of Polk called up for consideration **House Resolution 10**, a resolution recognizing the Uncommon Public Service Award, and moved its adoption.

The motion prevailed and the resolution was adopted.

On motion by McCarthy of Polk, the House was recessed at 9:17 a.m., until 3:00 p.m.

#### AFTERNOON SESSION

The House reconvened at 3:18 p.m., Heddens of Story in the chair.

The House stood at ease at 3:18 p.m., until the fall of the gavel.

The House resumed session at 5:29 p.m., T. Olson of Linn 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 24, 2009, passed the following bill in which the concurrence of the Senate is asked:

House File 180, a bill for an act providing for the development of a complaint response process by the superintendent of credit unions and relating to the confidentiality of information obtained during the course of that process.

Also: That the Senate has on March 24, 2009, passed the following bill in which the concurrence of the House is asked:

Senate File 119, a bill for an act relating to domestic abuse protective orders and animals owned or held by a petitioner, respondent, or minor child of the petitioner or respondent in domestic abuse cases.

Also: That the Senate has on March 24, 2009, passed the following bill in which the concurrence of the House is asked:

Senate File 343, a bill for an act relating to local regulation of certain lawn applications.

Also: That the Senate has on March 24, 2009, passed the following bill in which the concurrence of the House is asked:

Senate File 435, a bill for an act relating to the entry upon land by a surveyor for land survey purposes.

Also: That the Senate has on March 24, 2009, passed the following bill in which the concurrence of the House is asked:

Senate File 452, a bill for an act directing the office of energy independence to establish a community grant program for energy efficiency projects, and allocating appropriated amounts for purposes of funding the program.

MICHAEL E. MARSHALL, Secretary

## CONSIDERATION OF BILLS

### Regular Calendar

**House File 687**, a bill for an act relating to certain reporting requirements or actions required of the department of education, school districts, accredited nonpublic schools, and community colleges, was taken up for consideration.

Tymeson of Madison offered the following amendment H-1141 filed by her and moved its adoption:

H-1141

- 1 Amend House File 687 as follows:
- 2 1. Page 1, by striking lines 15 through 24 and
- 3 inserting the following: "students who drop out of
- 4 school; the number of students pursuing a high school
- 5 equivalency diploma pursuant to chapter 259A; the
- 6 number of students who were enrolled in the district
- 7 within the past five years and who received a high
- 8 school equivalency diploma; the percentage of students
- 9 who receive a high school diploma and who were not
- 10 proficient in reading, mathematics, and science in
- 11 grade eleven; the number of students in the prior year
- 12 who were enrolled as high school juniors who are
- 13 within four units of meeting the district's graduation
- 14 requirements; the number of students who are tested".
- 15 2. Page 3, by striking lines 26 and 27.
- 16 3. Title page, by striking line 3 and inserting
- 17 the following: "and accredited nonpublic schools."
- 18 4. By renumbering as necessary.

Roll call was requested by Tymeson of Madison and Paulsen of Linn.

On the question "Shall amendment H-1141 be adopted?" (H.F. 687)

The ayes were, 44:

Alons	Anderson	Arnold	Baudler
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	Taylor, D.
Tjepkes	Tymeson	Upmeyer	Van Engelenhoven
Wagner	Watts	Windschitl	Worthan

The nays were, 55:

Abdul-Samad	Bailey	Beard	Bell
Berry	Bukta	Burt	Cphoon
Ficken	Ford	Frevert	Gaskill



Gayman	Heddens	Hunter	Huser
Isenhardt	Jacoby	Kearns	Kelley
Kressig	Kuhn	Lensing	Lykam
Marek	Mascher	McCarthy	Mertz
Miller, H.	Murphy, Spkr.	Oldson	Olson, D.
Olson, R.	Palmer	Petersen	Quirk
Reasoner	Reichert	Schueller	Shomshor
Smith	Steckman	Swaim	Taylor, T.
Thede	Thomas	Wendt	Wenthe
Wessel-Kroeschell	Whitaker	Whitead	Willems
Winckler	Zirkelbach	Olson, T., Presiding	

Absent or not voting, 1:

Chambers

Amendment H-1141 lost.

Sweeney of Hardin offered amendment H-1219 filed by her and requested division as follows:

H-1219

1 Amend House File 687 as follows:

H-1219A

2 1. Page 2, by striking lines 14 through 20 and  
 3 inserting the following: "child's skills. If the  
 4 diagnostic assessments administered in accordance with  
 5 this subsection indicate that a child is reading below  
 6 grade level, the school district shall submit a report  
 7 of the assessment results to the parent, which the  
 8 parent shall sign and return to the school district.  
 9 If the parent does not sign or return the report, the  
 10 school district shall note in the student's record the  
 11 inaction on the part of the parent."  
 12 2. Page 2, line 21, by striking the words "~~the~~  
 13 ~~parent.~~"

H-1219B

14 3. Page 2, line 21, by inserting before the words  
 15 "The board" the following: "If the parent does not  
 16 sign or return the report, the school district shall  
 17 also attempt to contact the parent at least three  
 18 times or until the school district successfully  
 19 communicates with the parent regarding the report of  
 20 the child's assessment results, whichever occurs  
 21 first. Each attempt to contact the parent shall be  
 22 noted in the student's record."

Sweeney of Hardin moved the adoption of amendment H-1219A.

Roll call was requested by Sweeney of Hardin and Paulsen of Linn.

On the question "Shall amendment H-1219A be adopted?" (H.F. 687)

The ayes were, 44:

Alons	Anderson	Arnold	Baudler
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	Taylor, D.
Tjepkes	Tymeson	Upmeyer	Van Engelenhoven
Wagner	Watts	Windschitl	Worthan

The nays were, 55:

Abdul-Samad	Bailey	Beard	Bell
Berry	Bukta	Burt	Cohoon
Ficken	Ford	Frevert	Gaskill
Gayman	Heddens	Hunter	Huser
Isenhardt	Jacoby	Kearns	Kelley
Kressig	Kuhn	Lensing	Lykam
Marek	Mascher	McCarthy	Mertz
Miller, H.	Murphy, Spkr.	Oldson	Olson, D.
Olson, R.	Palmer	Petersen	Quirk
Reasoner	Reichert	Schueller	Shomshor
Smith	Steckman	Swaim	Taylor, T.
Thede	Thomas	Wendt	Wenthe
Wessel-Kroeschell	Whitaker	Whitead	Willems
Winckler	Zirkelbach	Olson, T., Presiding	

Absent or not voting, 1:

Chambers

Amendment H-1219A lost.

Sweeney of Hardin asked and received unanimous consent to withdraw amendment H-1219B filed by her on March 18, 2009.

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?" (H.F. 687)

The ayes were, 59:

Abdul-Samad	Bailey	Beard	Bell
Berry	Bukta	Burt	Cohoon
Dolecheck	Ficken	Ford	Frevert
Gaskill	Gayman	Hunter	Huser
Isenhardt	Jacoby	Kaufmann	Kearns
Kelley	Kressig	Kuhn	Lensing
Lukan	Lykam	Marek	Mascher
May	McCarthy	Mertz	Miller, H.
Murphy, Spkr.	Oldson	Olson, D.	Olson, R.
Palmer	Petersen	Pettengill	Quirk
Reasoner	Reichert	Schueller	Shomshor
Smith	Steckman	Swaim	Taylor, T.
Thede	Thomas	Wendt	Wenthe
Wessel-Kroeschell	Whitaker	Whitead	Willems
Winckler	Zirkelbach	Olson, T., Presiding	

The nays were, 39:

Alons	Anderson	Arnold	Baudler
Cownie	De Boef	Deyoe	Drake
Forristall	Grassley	Hagenow	Heaton
Helland	Horbach	Huseman	Koester
Miller, L.	Olson, S.	Paulsen	Raecker
Rants	Rayhons	Roberts	Sands
Schulte	Schultz	Soderberg	Sorenson
Struyk	Sweeney	Taylor, D.	Tjepkes
Tymeson	Upmeyer	Van Engelenhoven	Wagner
Watts	Windschitl	Worthan	

Absent or not voting, 2:

Chambers                      Heddens

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

**House File 278**, a bill for an act requiring notification of occupancy rates for certain premises licensed to permit on-premises consumption of alcohol, with report of committee recommending passage, was taken up for consideration.

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.

On the question "Shall the bill pass?" (H.F. 278)

The ayes were, 99:

Abdul-Samad	Alons	Anderson	Arnold
Bailey	Baudler	Beard	Bell
Berry	Bukta	Burt	Cohoon
Cownie	De Boef	Deyoe	Dolecheck
Drake	Ficken	Ford	Forristall
Frevert	Gaskill	Gayman	Grassley
Hagenow	Heaton	Heddens	Helland
Horbach	Hunter	Huseman	Huser
Isenhart	Jacoby	Kaufmann	Kearns
Kelley	Koester	Kressig	Kuhn
Lensing	Lukan	Lykam	Marek
Mascher	May	McCarthy	Mertz
Miller, H.	Miller, L.	Murphy, Spkr.	Oldson
Olson, D.	Olson, R.	Olson, S.	Palmer
Paulsen	Petersen	Pettengill	Quirk
Raecker	Rants	Rayhons	Reasoner
Reichert	Roberts	Sands	Schueller
Schulte	Schultz	Shomshor	Smith
Soderberg	Sorenson	Steckman	Struyk
Swaim	Sweeney	Taylor, D.	Taylor, T.
Thede	Thomas	Tjepkes	Tymeson
Upmeyer	Van Engelenhoven	Wagner	Watts
Wendt	Wenthe	Wessel-Kroeschell	Whitaker
Whitead	Willems	Winckler	Windschitl
Worthan	Zirkelbach	Olson, T., Presiding	

The nays were, none.

Absent or not voting, 1:

Chambers

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

**House File 503**, a bill for an act concerning the definition of veteran, was taken up for consideration.

Thomas of Clayton offered the following amendment H-1151 filed by him and moved its adoption:

H-1151

- 1 Amend House File 503 as follows:
- 2 1. Page 4, by inserting after line 27 the
- 3 following:
- 4 "Sec. \_\_\_\_ EFFECTIVE DATE. This Act takes effect
- 5 July 1, 2010."
- 6 2. Title page, line 1, by inserting after the
- 7 word "veteran" the following: "and providing an
- 8 effective date".
- 9 3. By renumbering as necessary.

Amendment H-1151 was adopted.

Thomas of Clayton 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. 503)

The ayes were, 99:

Abdul-Samad	Alons	Anderson	Arnold
Bailey	Baudler	Beard	Bell
Berry	Bukta	Burt	Cohoon
Cownie	De Boef	Deyoe	Dolecheck
Drake	Ficken	Ford	Forristall
Frevert	Gaskill	Gayman	Grassley
Hagenow	Heaton	Heddens	Helland
Horbach	Hunter	Huseman	Huser
Isenhardt	Jacoby	Kaufmann	Kearns
Kelley	Koester	Kressig	Kuhn
Lensing	Lukan	Lykam	Marek
Mascher	May	McCarthy	Mertz
Miller, H.	Miller, L.	Murphy, Spkr.	Oldson
Olson, D.	Olson, R.	Olson, S.	Palmer
Paulsen	Petersen	Pettengill	Quirk
Raecker	Rants	Rayhons	Reasoner
Reichert	Roberts	Sands	Schueller
Schulte	Schultz	Shomshor	Smith
Soderberg	Sorenson	Steckman	Struyk
Swaim	Sweeney	Taylor, D.	Taylor, T.
Thede	Thomas	Tjepkes	Tymeson
Upmeyer	Van Engelenhoven	Wagner	Watts
Wendt	Wenthe	Wessel-Kroeschell	Whitaker

Whitead	Willems	Winckler	Windschitl
Worthan	Zirkelbach	Olson, T., Presiding	

The nays were, none.

Absent or not voting, 1:

Chambers

The bill having received a constitutional majority was declared to have passed the House and the title, as amended, was agreed to.

### IMMEDIATE MESSAGES

McCarthy of Polk asked and received unanimous consent that the following bills be immediately messaged to the Senate: **House Files 278, 503 and 687.**

**House File 703**, a bill for an act relating to the indicators used to assess the effectiveness of school ready children grants under the community empowerment initiative, was taken up for consideration.

Steckman of Cerro Gordo 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. 703)

The ayes were, 99:

Abdul-Samad	Alons	Anderson	Arnold
Bailey	Baudler	Beard	Bell
Berry	Bukta	Burt	Cohoon
Cownie	De Boef	Deyoe	Dolecheck
Drake	Ficken	Ford	Forristall
Frevert	Gaskill	Gayman	Grassley
Hagenow	Heaton	Heddens	Helland
Horbach	Hunter	Huseman	Huser
Isenhardt	Jacoby	Kaufmann	Kearns
Kelley	Koester	Kressig	Kuhn
Lensing	Lukan	Lykam	Marek
Mascher	May	McCarthy	Mertz
Miller, H.	Miller, L.	Murphy, Spkr.	Oldson
Olson, D.	Olson, R.	Olson, S.	Palmer
Paulsen	Petersen	Pettengill	Quirk
Raecker	Rants	Rayhons	Reasoner

Reichert	Roberts	Sands	Schueller
Schulte	Schultz	Shomshor	Smith
Soderberg	Sorenson	Steckman	Struyk
Swaim	Sweeney	Taylor, D.	Taylor, T.
Thede	Thomas	Tjepkes	Tymeson
Upmeyer	Van Engelenhoven	Wagner	Watts
Wendt	Wenthe	Wessel-Kroeschell	Whitaker
Whitead	Willems	Winckler	Windschitl
Worthan	Zirkelbach	Olson, T., Presiding	

The nays were, none.

Absent or not voting, 1:

Chambers

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

**House File 758**, a bill for an act relating to damages recoverable for the wrongful or negligent injury or death of a person, was taken up for consideration.

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.

Mascher of Johnson in the chair at 6:53 p.m.

On the question "Shall the bill pass?" (H.F. 758)

The ayes were, 58:

Abdul-Samad	Bailey	Beard	Bell
Berry	Bukta	Burt	Cohoon
Ficken	Ford	Frevert	Gaskill
Gayman	Heaton	Heddens	Hunter
Huser	Isenhardt	Jacoby	Kaufmann
Kearns	Kelley	Kressig	Kuhn
Lensing	Lykam	McCarthy	Mertz
Miller, H.	Murphy, Spkr.	Oldson	Olson, D.
Olson, R.	Olson, T.	Palmer	Petersen
Quirk	Reasoner	Reichert	Schueller
Shomshor	Smith	Steckman	Struyk
Swaim	Taylor, D.	Taylor, T.	Thede
Thomas	Wendt	Wenthe	Wessel-Kroeschell

Whitaker	Whitead	Willems	Winckler
Zirkelbach	Mascher, Presiding		

The nays were, 41:

Alons	Anderson	Arnold	Baudler
Cownie	De Boef	Deyoe	Dolecheck
Drake	Forristall	Grassley	Hagenow
Helland	Horbach	Huseman	Koester
Lukan	Marek	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			

Absent or not voting, 1:

Chambers

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

**House File 759**, a bill for an act requiring counties and cities with flood hazard areas within their boundaries to participate in the national flood insurance program, was taken up for consideration.

T. Olson of Linn offered amendment H-1240 filed by him as follows:

H-1240

- 1 Amend House File 759 as follows:
- 2 1. Page 1, line 16, by striking the word "twenty"
- 3 and inserting the following: "sixty".

Sands of Louisa offered the following amendment H-1289, to amendment H-1240, filed by him from the floor and moved its adoption:

H-1289

- 1 Amend the amendment, H-1240, to House File 759, as
- 2 follows:
- 3 1. Page 1, by striking lines 2 and 3, and
- 4 inserting the following:



5 " 1. By striking everything after the enacting  
6 clause and inserting the following:  
7 "Section 1. NEW SECTION. 455B.262A NATIONAL  
8 FLOOD INSURANCE PROGRAM – PARTICIPATION REQUIRED.  
9 1. All counties and cities in this state that have  
10 an effective flood insurance rate map or flood hazard  
11 boundary map published by the federal emergency  
12 management agency that identifies a special flood  
13 hazard area within the political boundaries of the  
14 county or city shall meet the requirements for  
15 participation in the national flood insurance program  
16 administered by the federal emergency management  
17 agency on or before July 30, 2013.  
18 2. If a county or city does not currently have an  
19 effective flood insurance rate map or flood hazard  
20 boundary map published by the federal emergency  
21 management agency that identifies a special flood  
22 hazard area within the political boundaries of the  
23 county or city, the county or city shall have sixty  
24 months from the effective date of any future flood  
25 insurance rate map or flood hazard boundary map  
26 published by the federal emergency management agency  
27 to meet the requirements for participation in the  
28 national flood insurance program.  
29 3. Each county or city shall agree to manage flood  
30 hazard areas within its jurisdiction by adopting  
31 regulatory standards that meet or exceed statewide  
32 floodplain management standards and the minimum  
33 requirements of the national flood insurance program.  
34 4. State participation in funding financial  
35 assistance under section 29C.6, subsection 17,  
36 paragraph "a", is contingent upon the county or city  
37 participating in the national flood insurance program  
38 pursuant to this section.  
39 Sec. 2. IMPLEMENTATION OF ACT. Section 25B.2,  
40 subsection 3, shall not apply to this Act."

Amendment H-1289 was adopted.

T. Olson of Linn moved the adoption of amendment H-1240, as amended.

Amendment H-1240, as amended, was adopted.

T. Olson of Linn moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 759)

The ayes were, 99:

Abdul-Samad	Alons	Anderson	Arnold
Bailey	Baudler	Beard	Bell
Berry	Bukta	Burt	Cohoon
Cownie	De Boef	Deyoe	Dolecheck
Drake	Ficken	Ford	Forristall
Frevert	Gaskill	Gayman	Grassley
Hagenow	Heaton	Heddens	Helland
Horbach	Hunter	Huseman	Huser
Isenhardt	Jacoby	Kaufmann	Kearns
Kelley	Koester	Kressig	Kuhn
Lensing	Lukan	Lykam	Marek
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	Rayhons	Reasoner
Reichert	Roberts	Sands	Schueller
Schulte	Schultz	Shomshor	Smith
Soderberg	Sorenson	Steckman	Struyk
Swaim	Sweeney	Taylor, D.	Taylor, T.
Thede	Thomas	Tjepkes	Tymeson
Upmeyer	Van Engelenhoven	Wagner	Watts
Wendt	Wenthe	Wessel-Kroeschell	Whitaker
Whitead	Willems	Winckler	Windschitl
Worthan	Zirkelbach	Mascher, Presiding	

The nays were, none.

Absent or not voting, 1:

Chambers

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

## 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 24, 2009, passed the following bill in which the concurrence of the Senate is asked:

House File 475, a bill for an act making technical changes to the laws relating to elections and voter registration, making a penalty applicable, and including effective date and applicability date provisions.

Also: That the Senate has on March 24, 2009, passed the following bill in which the concurrence of the House is asked:

Senate File 224, a bill for an act relating to the licensing and regulation of plumbers, mechanical professionals, and contractors, and including an applicability provision.

MICHAEL E. MARSHALL, Secretary

### IMMEDIATE MESSAGES

McCarthy of Polk asked and received unanimous consent that the following bills be immediately messaged to the Senate: **House Files 703, 758 and 759.**

**House File 776**, a bill for an act prohibiting the use of false caller identification for campaign purposes and providing penalties, was taken up for consideration.

Cohoon of Des Moines 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. 776)

The ayes were, 99:

Abdul-Samad	Alons	Anderson	Arnold
Bailey	Baudler	Beard	Bell
Berry	Bukta	Burt	Cohoon
Cownie	De Boef	Deyoe	Dolecheck
Drake	Ficken	Ford	Forristall
Frevert	Gaskill	Gayman	Grassley
Hagenow	Heaton	Heddens	Helland
Horbach	Hunter	Huseman	Huser
Isenhardt	Jacoby	Kaufmann	Kearns
Kelley	Koester	Kressig	Kuhn
Lensing	Lukan	Lykam	Marek
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	Rayhons	Reasoner
Reichert	Roberts	Sands	Schueller
Schulte	Schultz	Shomshor	Smith
Soderberg	Sorenson	Steckman	Struyk
Swaim	Sweeney	Taylor, D.	Taylor, T.
Thede	Thomas	Tjepkes	Tymeson

Upmeyer	Van Engelenhoven	Wagner	Watts
Wendt	Wenthe	Wessel-Kroeschell	Whitaker
Whitead	Willems	Winckler	Windschitl
Worthan	Zirkelbach	Mascher, Presiding	

The nays were, none.

Absent or not voting, 1:

Chambers

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

**House File 801**, a bill for an act relating to the establishment of a searchable budget database website for the public to access the details of the expenditure of state tax revenues and a searchable tax rate database for the public to access the details of each tax rate for all taxing districts in the state, was taken up for consideration.

Struyk of Pottawattamie asked and received unanimous consent that amendment H-1271 be deferred.

Struyk of Pottawattamie offered the following amendment H-1270 filed by him and moved its adoption:

H-1270

- 1 Amend House File 801 as follows:
- 2 1. Page 2, line 32, by striking the figure "2011"
- 3 and inserting the following: "2010".
- 4 2. Page 5, line 2, by striking the figure "2011"
- 5 and inserting the following: "2010".
- 6 3. Page 5, line 5, by striking the figure "2011"
- 7 and inserting the following: "2010".
- 8 4. Page 5, line 16, by striking the figure "2012"
- 9 and inserting the following: "2011".

Roll call was requested by Struyk of Pottawattamie and Paulsen of Linn.

On the question "Shall amendment H-1270 be adopted?" (H.F. 801)

The ayes were, 47:

Alons	Anderson	Arnold	Baudler
Cownie	De Boef	Deyoe	Dolecheck
Drake	Forristall	Grassley	Hagenow
Heaton	Helland	Horbach	Huseman
Huser	Kaufmann	Kelley	Koester
Lukan	May	Mertz	Miller, L.
Olson, S.	Paulsen	Pettengill	Quirk
Raecker	Rants	Rayhons	Roberts
Sands	Schulte	Schultz	Soderberg
Sorenson	Struyk	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	Heddens	Hunter	Isenhardt
Jacoby	Kearns	Kressig	Kuhn
Lensing	Lykam	Marek	McCarthy
Miller, H.	Murphy, Spkr.	Oldson	Olson, D.
Olson, R.	Olson, T.	Palmer	Petersen
Reasoner	Reichert	Schueller	Shomshor
Smith	Steckman	Swaim	Taylor, D.
Taylor, T.	Thede	Thomas	Wendt
Wenthe	Wessel-Kroeschell	Whitaker	Whitead
Willems	Winckler	Zirkelbach	Mascher, Presiding

Absent or not voting, 1:

Chambers

Amendment H-1270 lost.

Pettengill of Benton asked and received unanimous consent to withdraw amendment H-1269 filed by her on March 23, 2009.

Watts of Dallas offered the following amendment H-1266 filed by him and moved its adoption:

H-1266

- 1 Amend House File 801 as follows:
- 2 1. Page 4, by inserting after line 10 the
- 3 following:
- 4 "3A. In addition to the information to be provided

5 pursuant to subsection 2, there shall be provided on  
6 the searchable website within ninety days of the  
7 completion of a collective bargaining agreement  
8 entered into pursuant to chapter 20 with an agency all  
9 of the following:  
10 a. The number of employees covered by the  
11 agreement.  
12 b. The estimated cost of implementing each wage,  
13 benefit, and other provision of the agreement having  
14 an economic impact and the estimated percentage  
15 increase in cost for each item compared to the prior  
16 agreement  
17 c. The estimated total cost of implementing the  
18 agreement for the entire term of the agreement.  
19 d. Any other information relating to the agreement  
20 deemed appropriate by the department."  
21 2. By renumbering as necessary.

Roll call was requested by Watts of Dallas and May of Dickinson.

On the question "Shall amendment H-1266 be adopted?" (H.F. 801)

The ayes were, 43:

Alons	Anderson	Arnold	Baudler
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, 56:

Abdul-Samad	Bailey	Beard	Bell
Berry	Bukta	Burt	Cohoon
Ficken	Ford	Frevert	Gaskill
Gayman	Heddens	Hunter	Huser
Isenhardt	Jacoby	Kearns	Kelley
Kressig	Kuhn	Lensing	Lykam
Marek	McCarthy	Mertz	Miller, H.
Murphy, Spkr.	Oldson	Olson, D.	Olson, R.
Olson, T.	Palmer	Petersen	Quirk
Reasoner	Reichert	Schueller	Shomshor
Smith	Steckman	Swaim	Taylor, D.

Taylor, T.	Thede	Thomas	Wendt
Wenthe	Wessel-Kroeschell	Whitaker	Whitead
Willems	Winckler	Zirkelbach	Mascher, Presiding

Absent or not voting, 1:

Chambers

Amendment H-1266 lost.

Speaker Murphy in the chair at 8:22 p.m.

Pettengill of Benton offered amendment H-1265 filed by her and requested division as follows:

H-1265

1 Amend House File 801 as follows:

H-1265A

2 1. Page 4, line 12, by inserting after the figure  
3 "15G.108," the following: "or the Iowa power fund  
4 created in section 469.9,".

H-1265B

5 2. Page 4, by inserting after line 28 the  
6 following:  
7 "d. Any other expenditures from the grow Iowa  
8 values fund and the Iowa power fund since the creation  
9 of the funds."

On motion by Pettengill of Benton amendment H-1265A was adopted.

Pettengill of Benton asked and received unanimous consent to withdraw amendment H-1265B filed by her on March 23, 2009.

Raecker of Polk offered amendment H-1268 filed by him as follows:

H-1268

1 Amend House File 801 as follows:

2 1. Page 4, by inserting after line 28 the  
3 following:

4 "4A. The director shall provide information on the  
5 searchable website database that lists  
6 interdepartmental transfers of appropriations. This  
7 information shall be provided in a manner that will be  
8 easily understood by the public."

Raecker of Polk offered the following amendment H-1287, to amendment H-1268, filed by him and Frevert of Palo Alto from the floor and moved its adoption:

H-1287

1 Amend the amendment, H-1268, to House File 801, as  
2 follows:  
3 1. Page 1, by inserting after line 8 the  
4 following:  
5 "\_\_\_\_. Page 4, by inserting before line 29 the  
6 following:  
7 "4B. The director shall provide information on the  
8 searchable website database that lists the transfers  
9 of appropriations made from one agency to another or  
10 within an agency pursuant to section 8.39. This  
11 information shall be provided in a manner that will be  
12 easily understood by the public."  
13 2. By renumbering as necessary.

Amendment H-1287 was adopted.

On motion by Raecker of Polk, amendment H-1268, as amended, was adopted, placing out of order amendment H-1272 filed by Raecker of Polk on March 23, 2009.

Rants of Woodbury offered the following amendment H-1273 filed by him and moved its adoption:

H-1273

1 Amend House File 801 as follows:  
2 1. By striking page 1, line 11, through page 5,  
3 line 34, and inserting the following:  
4 "Sec.\_\_\_\_. NEW SECTION. 8G.1 SEARCHABLE INTERNET  
5 WEBSITE.  
6 1. Effective July 1, 2009, the director of the  
7 department of administrative services shall make  
8 available on a searchable internet website data  
9 related to any state-issued warrant, or its  
10 equivalent, exceeding ten thousand dollars. The  
11 requirement of this section does not apply to



12 warrants, or the equivalent thereof, issued with  
 13 respect to a state employee's compensation or state  
 14 retiree's retirement or pension allowance.  
 15 2. The following data shall be included on the  
 16 searchable internet website pursuant to subsection 1:  
 17 a. The recipient's name.  
 18 b. The recipient's address.  
 19 c. The purpose for which the warrant or its  
 20 equivalent was issued.  
 21 3. The data to be made available on the searchable  
 22 internet website shall be posted within twenty-four  
 23 hours of the date of the issuance of the warrant or  
 24 its equivalent.  
 25 4. This section shall not be construed to require  
 26 the disclosure of information that is confidential  
 27 under state or federal law."  
 28 2. Page 7, lines 19 and 20, by striking the words  
 29 and figures "sections 8G.1 through 8G.7" and inserting  
 30 the following: "section 8G.1"  
 31 3. Page 7, by inserting before line 23 the  
 32 following:  
 33 "Sec. \_\_\_\_\_. EFFECTIVE DATE. This section of this  
 34 Act enacting section 8G.1, being deemed of immediate  
 35 importance, takes effect upon enactment."  
 36 4. Title page, line 5, by inserting after the  
 37 word "state" the following: "and including an  
 38 effective date provision".

Roll call was requested by Rants of Woodbury and Raecker of Polk.

On the question "Shall amendment H-1273 be adopted?" (H.F.  
 801)

The ayes were, 43:

Alons	Anderson	Arnold	Baudler
Cownie	De Boef	Deyoe	Dolecheck
Drake	Forristall	Grassley	Hagenow
Heaton	Helland	Horbach	Huseman
Kaufmann	Koester	Lukan	May
Mertz	Miller, L.	Olson, S.	Paulsen
Raecker	Rants	Rayhons	Roberts
Sands	Schulte	Schultz	Soderberg
Sorenson	Struyk	Sweeney	Tjepkes
Tymeson	Upmeyer	Van Engelenhoven	Wagner
Watts	Windschitl	Worthan	

The nays were, 56:

Abdul-Samad	Bailey	Beard	Bell
Berry	Bukta	Burt	Cohoon
Ficken	Ford	Frevert	Gaskill
Gayman	Heddens	Hunter	Huser
Isenhardt	Jacoby	Kearns	Kelley
Kressig	Kuhn	Lensing	Lykam
Marek	Mascher	McCarthy	Miller, H.
Oldson	Olson, D.	Olson, R.	Olson, T.
Palmer	Petersen	Pettengill	Quirk
Reasoner	Reichert	Schueller	Shomshor
Smith	Steckman	Swaim	Taylor, D.
Taylor, T.	Thede	Thomas	Wendt
Wenthe	Wessel-Kroeschell	Whitaker	Whitead
Willems	Winckler	Zirkelbach	Mr. Speaker Murphy

Absent or not voting, 1:

Chambers

Amendment H-1273 lost.

Struyk of Pottawattamie offered the following amendment H-1271, previously deferred, filed by him and moved its adoption:

H-1271

1 Amend House File 801 as follows:  
 2 1. Page 2, by inserting after line 27 the  
 3 following:  
 4 "5A. "Schedule 6 document" means the document  
 5 referred to as schedule 6 used for the fiscal year  
 6 beginning July 1, 2009, and previous fiscal years that  
 7 listed for each agency the resources available or  
 8 estimated to be available to it as well as a listing  
 9 of the disposition or proposed disposition of those  
 10 resources and includes the governor's recommendation,  
 11 if any, for that fiscal year. "Schedule 6 document"  
 12 includes any successor schedule that provides similar  
 13 information. An electronic link to the schedule 6  
 14 document shall be provided in a format that is a  
 15 searchable document."  
 16 2. Page 3, line 16, by inserting after the word  
 17 "funds." the following: "To the extent available, a  
 18 schedule 6 document shall be provided or be available  
 19 by means of an electronic link."

Amendment H-1271 was adopted.

Under the provision of Rule 31, related to the timely filing of amendments, amendment H-1279 filed by Frevert of Palo Alto, from the floor, and amendment H-1283 filed by Raecker of Polk, from the floor, were placed out of order.

Frevert of Palo Alto 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. 801)

The ayes were, 96:

Abdul-Samad	Alons	Anderson	Arnold
Bailey	Baudler	Beard	Bell
Berry	Bukta	Burt	Cohoon
Cownie	De Boef	Deyoe	Dolecheck
Drake	Ficken	Ford	Forristall
Frevert	Gaskill	Gayman	Grassley
Hagenow	Heaton	Heddens	Helland
Horbach	Hunter	Huseman	Huser
Isenhart	Jacoby	Kaufmann	Kearns
Kelley	Koester	Kressig	Kuhn
Lensing	Lukan	Lykam	Marek
Mascher	May	McCarthy	Mertz
Miller, H.	Miller, L.	Oldson	Olson, D.
Olson, R.	Olson, S.	Olson, T.	Palmer
Paulsen	Petersen	Pettengill	Quirk
Rayhons	Reasoner	Reichert	Roberts
Sands	Schueller	Schulte	Schultz
Shomshor	Smith	Soderberg	Sorenson
Steckman	Struyk	Swaim	Sweeney
Taylor, D.	Taylor, T.	Thede	Thomas
Tjepkes	Tymeson	Upmeyer	Van Engelenhoven
Wagner	Wendt	Wenthe	Wessel-Kroeschell
Whitaker	Whithead	Willems	Winckler
Windschitl	Worthan	Zirkelbach	Mr. Speaker
			Murphy

The nays were, 3:

Raecker	Rants	Watts
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Absent or not voting, 1:

Chambers

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

## LEAVE OF ABSENCE

Leave of absence was granted as follows:

Tymeson of Madison on request of Roberts of Carroll.

**House File 213**, a bill for an act relating to electrician licensure by modifying existing provisions and specifying new classifications, was taken up for consideration.

Quirk of Chickasaw offered the following amendment H-1176 filed by him and moved its adoption:

H-1176

- 1 Amend House File 213 as follows:
- 2 1. Page 4, by inserting after line 3 the
- 3 following:
- 4 "Sec. \_\_\_\_\_. Section 103.22, Code 2009, is amended
- 5 by adding the following new subsection:
- 6 NEW SUBSECTION. 13. Apply to a person otherwise
- 7 licensed pursuant to this chapter who is engaged in
- 8 the wiring or installation of electrical wiring,
- 9 apparatus, or equipment while presenting a course of
- 10 instruction relating to home construction technology,
- 11 or a similar course of instruction, offered to
- 12 students enrolled in a community college established
- 13 under chapter 260C or an institution under the control
- 14 of the state board of regents. A student enrolled in
- 15 such a course of instruction shall not be considered
- 16 an apprentice electrician or unclassified person, and
- 17 supervision ratios as provided in section 103.15,
- 18 subsection 3, shall not be applicable. The board
- 19 shall by rule establish inspection procedures in the
- 20 event that the home constructed pursuant to the course
- 21 is intended for eventual occupation as a residence."
- 22 2. Page 4, line 15, by striking the words "can
- 23 by" and inserting the following: "can ~~by~~ be".
- 24 3. By renumbering as necessary.

Amendment H-1176 was adopted.

Sands of Louisa asked and received unanimous consent to withdraw amendment H-1267 filed by him on March 23, 2009.

Quirk of Chickasaw asked and received unanimous consent to reconsider the vote by which amendment H-1176 passed the house.

Quirk of Chickasaw asked and received unanimous consent to withdraw amendment H-1176 filed by him on March 17, 2009.

Quirk of Chickasaw offered the following amendment H-1274 filed by him and moved its adoption:

H-1274

1 Amend House File 213 as follows:  
2 1. Page 4, by inserting after line 3 the  
3 following:  
4 "Sec. \_\_\_\_ Section 103.22, Code 2009, is amended  
5 by adding the following new subsections:  
6 NEW SUBSECTION. 13. Apply to a person otherwise  
7 licensed pursuant to this chapter who is engaged in  
8 the wiring or installation of electrical wiring,  
9 apparatus, or equipment while presenting a course of  
10 instruction relating to home construction technology,  
11 or a similar course of instruction, offered to  
12 students enrolled in a community college established  
13 under chapter 260C, an institution under the control  
14 of the state board of regents, or a school  
15 corporation. A student enrolled in such a course of  
16 instruction shall not be considered an apprentice  
17 electrician or unclassified person, and supervision  
18 ratios as provided in section 103.15, subsection 3,  
19 shall not be applicable. The board shall by rule  
20 establish inspection procedures in the event that the  
21 home constructed pursuant to the course is intended  
22 for eventual occupation as a residence.  
23 NEW SUBSECTION. 14. Prohibit a person from  
24 performing work on an emergency basis as determined by  
25 the board."  
26 2. Page 4, line 15, by striking the words "can  
27 by" and inserting the following: "can ~~by~~ be".  
28 3. By renumbering as necessary.

Amendment H-1274 was adopted.

### SENATE FILE 159 SUBSTITUTED FOR HOUSE FILE 213

Quirk of Chickasaw asked and received unanimous consent to substitute Senate File 159 for House File 213.

**Senate File 159**, a bill for an act relating to electrician licensure by modifying existing provisions and specifying new classifications, was taken up for consideration.

Sands of Louisa offered amendment H-1277 filed by him as follows:

H-1277

1 Amend Senate File 159 as follows:  
2 1. Page 4, by inserting after line 3 the  
3 following:  
4 "Sec.\_\_\_\_. Section 103.22, subsection 7, Code  
5 2009, is amended to read as follows:  
6 7. Prohibit an owner of property from performing  
7 work on the owner's principal residence, if such  
8 residence is an existing dwelling rather than new  
9 construction and is not an apartment that is attached  
10 to any other apartment or building, as those terms are  
11 defined in section 499B.2, and is not larger than a  
12 single-family dwelling, ~~or farm property~~, excluding  
13 commercial or industrial installations or  
14 installations in public use buildings or facilities,  
15 or require such owner to be licensed under this  
16 chapter. In order to qualify for inapplicability  
17 pursuant to this subsection, a residence shall qualify  
18 for the homestead tax exemption.  
19 Sec.\_\_\_\_. Section 103.22, Code 2009, is amended by  
20 adding the following new subsection:  
21 NEW SUBSECTION. 13. Prohibit an owner of farm  
22 property from performing work on that farm property.  
23 For purposes of this subsection, "farm property"  
24 includes but is not limited to existing or newly  
25 constructed outbuildings and livestock buildings."  
26 2. By renumbering as necessary.

Sands of Louisa offered the following amendment H-1280, to amendment H-1277, filed by him from the floor and moved its adoption:

H-1280

1 Amend the amendment, H-1277, to Senate File 159, as  
2 amended, passed, and reprinted by the Senate, as  
3 follows:  
4 1. Page 1, by striking lines 18 through 26 and  
5 inserting the following: ""for the homestead tax  
6 exemption."  
7 \_\_\_\_\_. Page 4, by inserting after line 21 the  
8 following:  
9 "NEW SUBSECTION. 15. Prohibit an owner of farm  
10 property from performing work on that farm property.  
11 For purposes of this subsection, "farm property"  
12 includes but is not limited to existing or newly

13 constructed outbuildings and livestock buildings."

14 \_\_\_\_\_. By renumbering as necessary."

Amendment H-1280 to amendment H-1277 was adopted.

Sands of Louisa moved the adoption of amendment H-1277, as amended.

Roll call was requested by Sands of Louisa and Schultz of Crawford.

On the question "Shall amendment H-1277 be adopted?" (S.F. 159)

The ayes were, 46:

Alons	Anderson	Arnold	Baudler
Bell	Cownie	De Boef	Deyoe
Dolecheck	Drake	Forristall	Grassley
Hagenow	Heaton	Helland	Horbach
Huseman	Kaufmann	Koester	Kuhn
Lukan	May	Mertz	Miller, L.
Olson, S.	Paulsen	Pettengill	Raecker
Rants	Rayhons	Roberts	Sands
Schulte	Schultz	Soderberg	Sorenson
Struyk	Sweeney	Thomas	Tjepkes
Upmeyer	Van Engelenhoven	Wagner	Watts
Windschitl	Worthan		

The nays were, 52:

Abdul-Samad	Bailey	Beard	Berry
Bukta	Burt	Cohoon	Ficken
Ford	Frevert	Gaskill	Gayman
Heddens	Hunter	Huser	Isenhart
Jacoby	Kearns	Kelley	Kressig
Lensing	Lykam	Marek	Mascher
McCarthy	Miller, H.	Oldson	Olson, D.
Olson, R.	Olson, T.	Palmer	Petersen
Quirk	Reasoner	Reichert	Schueller
Shomshor	Smith	Steckman	Swaim
Taylor, D.	Taylor, T.	Thede	Wendt
Wenthe	Wessel-Kroeschell	Whitaker	Whitead
Willems	Winckler	Zirkelbach	Mr. Speaker Murphy

Absent or not voting and 2:

Chambers                      Tymeson

Amendment H-1277, as amended, lost.

Quirk of Chickasaw moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 159)

The ayes were, 88:

Abdul-Samad	Alons	Anderson	Bailey
Beard	Bell	Berry	Bukta
Burt	Cohoon	Cownie	De Boef
Dolecheck	Drake	Ficken	Ford
Forristall	Frevert	Gaskill	Gayman
Hagenow	Heaton	Heddens	Helland
Hunter	Huseman	Huser	Isenhart
Jacoby	Kearns	Kelley	Koester
Kressig	Kuhn	Lensing	Lukan
Lykam	Marek	Mascher	McCarthy
Mertz	Miller, H.	Miller, L.	Oldson
Olson, D.	Olson, R.	Olson, S.	Olson, T.
Palmer	Paulsen	Petersen	Pettengill
Quirk	Raecker	Rants	Rayhons
Reasoner	Reichert	Roberts	Sands
Schueller	Schulte	Schultz	Shomshor
Smith	Soderberg	Sorenson	Steckman
Struyk	Swaim	Taylor, D.	Taylor, T.
Thede	Thomas	Tjepkes	Upmeyer
Wagner	Watts	Wendt	Wenthe
Wessel-Kroeschell	Whitaker	Whitead	Willems
Winckler	Windschitl	Zirkelbach	Mr. Speaker Murphy

The nays were, 10:

Arnold	Baudler	Deyoe	Grassley
Horbach	Kaufmann	May	Sweeney
Van Engelenhoven	Worthan		

Absent or not voting, 2:

Chambers	Tymeson
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The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

### HOUSE FILE 213 WITHDRAWN

Quirk of Chickasaw asked and received unanimous consent to withdraw House File 213 from further consideration by the House.



## SENATE MESSAGES CONSIDERED

**Senate File 119**, by committee on judiciary, a bill for an act relating to domestic abuse protective orders and animals owned or held by a petitioner, respondent, or minor child of the petitioner or respondent in domestic abuse cases.

Read first time and referred to committee on **judiciary**.

**Senate File 224**, by committee on state government, a bill for an act relating to the licensing and regulation of plumbers, mechanical professionals, and contractors, and including an applicability provision.

Read first time and referred to committee on **state government**.

**Senate File 343**, by committee on local government, a bill for an act relating to local regulation of certain lawn applications.

Read first time and referred to committee on **local government**.

**Senate File 344**, by committee on economic growth, a bill for an act relating to the requirements of certain financial assistance programs administered by the department of economic development including a reorganization of the grow Iowa values fund and creating a grow Iowa values financial assistance program.

Read first time and **passed on file**.

**Senate File 435**, by committee on local government, a bill for an act relating to the entry upon land by a surveyor for land survey purposes.

Read first time and **passed on file**.

**Senate File 452**, by committee on appropriations, a bill for an act directing the office of energy independence to establish a community grant program for energy efficiency projects, and allocating appropriated amounts for purposes of funding the program.

Read first time and referred to committee on **appropriations**.

## IMMEDIATE MESSAGES

McCarthy of Polk asked and received unanimous consent that the following bills be immediately messaged to the Senate: **House Files 776, 801 and Senate File 159.**

SPONSOR WITHDRAWN  
(House File 588)

Petersen of Polk requested to be withdrawn as a sponsor of House File 588.

## BILL ENROLLED, SIGNED AND SENT TO GOVERNOR

The Chief Clerk of the House submitted the following report:

Mr. Speaker: The Chief Clerk of the House respectfully reports that the following bill has been examined and found correctly enrolled, signed by the Speaker of the House and the President of the Senate, and presented to the Governor for his approval on this 24 day of March 2009: House File 214.

MARK W. BRANDSGARD  
Chief Clerk of the House

Report adopted.

## BILL SIGNED BY THE GOVERNOR

A communication was received from the Governor announcing that on March 23, 2009, he approved and transmitted to the Secretary of State the following bill:

Senate File 177, an Act relating to requirements for school districts providing transportation to students participating in open enrollment.

## 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

- 2009\3386 Joseph R. Houseman, Burlington – For celebrating his 91<sup>st</sup> birthday
- 2009\3387 Dorothy Klaus, Burlington – For celebrating her 100<sup>th</sup> birthday.
- 2009\3388 Viola Johnson, Burlington – For celebrating her 90<sup>th</sup> birthday.
- 2009\3389 Charles and Sylvia Orndoff, Burlington – For celebrating their 60<sup>th</sup> wedding anniversary.
- 2009\3390 Junior and Evelyn Gipple, Morning Sun – For celebrating their 60<sup>th</sup> wedding anniversary.
- 2009\3391 James and Bernadette BeVier, Muscatine – For celebrating their 50<sup>th</sup> wedding anniversary.
- 2009\3392 Josh Harris, Adair-Casey High School – For being named to the All-State Iowa Newspaper Association's Third Team.
- 2009\3393 Zack Leeper, Adair-Casey High School – For being named to the All-State Iowa Newspaper Association's First Team.
- 2009\3394 Clifford and Marilee Hicks, Indianola – For celebrating their 60<sup>th</sup> wedding anniversary.
- 2009\3395 Doris Barlow, Clear Lake – For celebrating her 94<sup>th</sup> birthday.
- 2009\3396 Floyd W. Bochmann, Sheffield – For celebrating his 96<sup>th</sup> birthday.
- 2009\3397 Oscar Sundblad, Spencer – For celebrating his 100<sup>th</sup> birthday.
- 2009\3398 Irma Gano, Milford – For celebrating her 95<sup>th</sup> birthday.
- 2009\3399 David and Idella Shrope, Marion – For celebrating their 50<sup>th</sup> wedding anniversary.
- 2009\3400 Nellie Petersen, Denison – For celebrating her 95<sup>th</sup> birthday.
- 2009\3401 Arlene TenEyck, Dow City – For celebrating her 80<sup>th</sup> birthday.
- 2009\3402 Homer Bienfang, Mason City – For celebrating his 80<sup>th</sup> birthday.
- 2009\3403 Irene Lettow, Iowa Falls – For celebrating her 98<sup>th</sup> birthday.
- 2009\3404 Larry Balvanz, New Providence – For celebrating his 70<sup>th</sup> birthday
- 2009\3405 United States Coast Guard Auxiliary 085-33-04 (Flotilla 4), Des Moines – For its voluntary service, staff support and assistance to the United States Coast Guard, the Iowa National Guard and the Iowa Homeland Security Emergency Management Division at the State Emergency Operations Center during the Floods of 2008.

2009\3406 Jack Thomas Goodlaxson, Spirit Lake – For attaining the rank of Eagle Scout, the highest rank in the Boy Scouts of America.

**SUBCOMMITTEE ASSIGNMENTS**

**Senate File 153**

Human Resources: Hunter, Chair; L. Miller and Smith.

**Senate File 231**

Human Resources: Wendt, Chair; Mascher and Soderberg.

**Senate File 279**

Commerce: Reichert, Chair; Petersen and Wagner.

**Senate File 281**

Veterans Affairs: Kearns, Chair; D. Taylor and Watts.

**Senate File 318**

Labor: Willems, Chair; Anderson and Kearns.

**Senate File 336**

Rebuild Iowa and Disaster Recovery: Thomas, Chair; Burt and Helland.

**Senate File 339**

Environmental Protection: Kressig, Chair; Gaskill and Schultz.

**Senate File 358**

Judiciary: T. Olson, Chair; Helland and Willems.

**Senate File 366**

Human Resources: T. Olson, Chair; Baudler and Steckman.

**Senate File 367**

Environmental Protection: Whitead, Chair; H. Miller and Schulte.

**Senate File 372**

Commerce: Kelley, Chair; Quirk and Struyk.

**Senate File 379**

Commerce: Kressig, Chair; Pettengill and Reasoner.

**Senate File 380**

Public Safety: Reichert, Chair; Burt and Tjepkes.

**Senate File 389**

Human Resources: Smith, Chair; Heddens and Upmeyer.

**Senate File 403**

Economic Growth: H. Miller, Chair; Jacoby and Sorenson.

**Senate File 404**

Agriculture: Drake, Chair; Beard and Bukta.

**Senate File 405**

Agriculture: Struyk, Chair; Frevert and Wenthe.

**Senate File 407**

Veterans Affairs: Mascher, Chair; Bukta and Windschitl.

**Senate File 413**

Labor: Abdul-Samad, Chair; Cownie and Kearns.

**Senate File 414**

Human Resources: Mascher, Chair; Alons and Berry.

**Senate File 415**

Rebuild Iowa and Disaster Recovery: T. Taylor, Chair; Jacoby and Kaufmann.

**Senate File 420**

State Government: Lensing, Chair; Struyk and T. Taylor.

**Senate File 423**

Environmental Protection: Hagenow, Chair; Frevert and H. Miller.

**Senate File 425**

Judiciary: Wessel-Kroeschell, Chair; Mertz and Schultz.

**Senate File 428**

State Government: Quirk, Chair; Shomshor and Struyk.

**Senate File 431**

Judiciary: R. Olson, Chair; Baudler and Palmer.

**Senate File 434**

Labor: Huser, Chair; Isenhardt and Tjepkes.

**Senate File 438**

Judiciary: Smith, Chair; Schultz and Willems.

**Senate File 440**

Veterans Affairs: Ficken, Chair; Alons and Whitead.

**Senate File 441**

Local Government: Schueller, Chair; D. Olson and Windschitl.

**Senate File 443**

Human Resources: Smith, Chair; Berry and L. Miller.

**Senate File 445**

Education: Wendt, Chair; Dolecheck and Steckman.

**Senate File 447**

State Government: Lensing, Chair; Frevert and Struyk.

HOUSE STUDY BILL SUBCOMMITTEE ASSIGNMENT

**House Study Bill 276**

Judiciary: T. Olson, Chair; Helland and Willems.

COMMITTEE RECOMMENDATIONS

MR. SPEAKER: The Chief Clerk of the House respectfully reports that the following committee recommendations have been received and are on file in the office of the Chief Clerk.

MARK W. BRANDSGARD  
Chief Clerk of the House

## COMMITTEE ON COMMERCE

**Senate File 176**, a bill for an act allowing the waiver of certain administrative penalties for late annual reports concerning cemetery and funeral merchandise, and funeral services, upon a showing of good cause or financial hardship and providing an immediate effective date.

Fiscal Note is not required.

Recommended **Do Pass** March 24, 2009.

## COMMITTEE ON HUMAN RESOURCES

**Senate File 291**, a bill for an act providing for the recognition and promotion of certified retirement communities.

Fiscal Note is not required.

Recommended **Do Pass** March 23, 2009.

## COMMITTEE ON JUDICIARY

**Senate Joint Resolution 5**, a joint resolution proposing an amendment to the Constitution of the State of Iowa eliminating a requirement that a criminal offense, where the maximum permissible penalty does not exceed thirty days of imprisonment, be prosecuted on information under oath.

Fiscal Note is not required.

Recommended **Do Pass** March 24, 2009.

**Senate File 150**, a bill for an act relating to notice of claims and the statute of limitation period in an action involving a claim against a special charter city.

Fiscal Note is not required.

Recommended **Do Pass** March 24, 2009.

## COMMITTEE ON NATURAL RESOURCES

**Senate File 187**, a bill for an act providing for the issuance of special deer hunting licenses to residents who are nonambulatory.

Fiscal Note is not required.

Recommended **Do Pass** March 24, 2009.

## RESOLUTION FILED

**HR 41**, by Alons, Anderson, Arnold, Baudler, Cownie, De Boef, Deyoe, Dolecheck, Drake, Forristall, Grassley, Hagenow, Heaton,

Helland, Horbach, Huseman, Kaufmann, Koester, Lukan, May, L. Miller, S. Olson, Paulsen, Pettengill, Raecker, Rayhons, Roberts, Sands, Schulte, Schultz, Soderberg, Sorenson, Struyk, Sweeney, Tjepkes, Tymeson, Upmeyer, Van Engelenhoven, Wagner, Watts, Windschitl and Worthan, a resolution in support of state-based regulation of the property and casualty insurance industry.

Laid over under **Rule 25**.

#### AMENDMENTS FILED

H—1278	H.F.	802	Frevort of Palo Alto
H—1281	H.F.	763	Swaim of Davis
H—1282	S.F.	424	Gaskill of Wapello
H—1284	S.J.R.	5	Swaim of Davis
H—1285	H.F.	779	Roberts of Carroll
H—1286	S.F.	419	Roberts of Carroll
H—1288	H.F.	486	Sands of Louisa
H—1290	H.F.	234	Tymeson of Madison
H—1291	S.F.	291	Wendt of Woodbury
H—1292	H.F.	234	Tymeson of Madison
H—1293	H.F.	420	Hunter of Polk
H—1294	H.F.	799	May of Dickinson
H—1295	H.F.	259	Tymeson of Madison

On motion by McCarthy of Polk the House adjourned at 9:55 p.m., until 9:00 a.m., Wednesday, March 25, 2009.



# JOURNAL OF THE HOUSE

Seventy-third Calendar Day - Forty-ninth Session Day

Hall of the House of Representatives  
Des Moines, Iowa, Wednesday, March 25, 2009

The House met pursuant to adjournment at 9:30 a.m., Speaker Murphy in the chair.

Prayer was offered by Reverend Ken Stuber of the First Presbyterian Church, Des Moines. He was the guest of Representative Rick Olson of Polk County.

## PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Nicole Pratt, House Page from Cedar Rapids.

The Journal of Tuesday, March 24, 2009 was approved.

On motion by McCarthy of Polk, the House was recessed at 9:41 a.m., until 4:00 p.m.

## AFTERNOON SESSION

The House reconvened at 4:25 p.m., Bukta of Clinton in the chair.

## CONSIDERATION OF BILLS

### Regular Calendar

**House File 762**, a bill for an act relating to reserve certified peace officers and training requirements, was taken up for consideration.

Whitaker of Van Buren offered the following amendment H-1253 filed by him and moved its adoption:

H-1253

- 1 Amend House File 762 as follows:
- 2 1. By striking everything after the enacting
- 3 clause and inserting the following:
- 4 "Section 1. Section 80D.3, subsections 3 and 5,
- 5 Code 2009, are amended to read as follows:

6 3. a. A person appointed to serve as a reserve  
7 peace officer who has received basic training as a  
8 peace officer and has been certified by the academy  
9 pursuant to chapter 80B and rules adopted pursuant to  
10 chapter 80B may be exempted from completing the  
11 minimum training course at the discretion of the  
12 appointing authority. However, such a person  
13 appointed to serve as a reserve peace officer shall  
14 meet mandatory in-service training requirements  
15 established by academy rules if the person has not  
16 served as an active peace officer within one hundred  
17 eighty days of appointment as a reserve peace officer.

18 b. A person appointed to serve as a reserve peace  
19 officer who has met the one-hundred-fifty-hour  
20 training requirement obtained at a community college  
21 or other facility selected by the individual and  
22 approved by the law enforcement agency prior to July  
23 1, 2007, shall be exempted from completing the minimum  
24 training course at the discretion of the appointing  
25 authority and shall continue to hold certification  
26 with the appointing authority.

27 5. A person is eligible for state certification as  
28 a reserve peace officer upon satisfactory completion  
29 of the training and testing requirements specified by  
30 academy rules. ~~A reserve peace officer enrolled in an~~  
31 ~~academy approved minimum course of training prior to~~  
32 ~~July 1, 2007, shall obtain state certification by July~~  
33 ~~1, 2012."~~

Amendment H-1253 was adopted.

Whitaker of Van Buren 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. 762)

The ayes were, 99:

Abdul-Samad	Alons	Anderson	Arnold
Bailey	Baudler	Beard	Bell
Berry	Burt	Cphoon	Cownie
De Boef	Deyoe	Dolecheck	Drake
Ficken	Ford	Forristall	Frevort
Gaskill	Gayman	Grassley	Hagenow
Heaton	Heddens	Helland	Horbach
Hunter	Huseman	Huser	Isenhardt
Jacoby	Kaufmann	Kearns	Kelley
Koester	Kressig	Kuhn	Lensing
Lukan	Lykam	Marek	Mascher

May	McCarthy	Mertz	Miller, H.
Miller, L.	Murphy, Spkr.	Oldson	Olson, D.
Olson, R.	Olson, S.	Olson, T.	Palmer
Paulsen	Petersen	Pettengill	Quirk
Raecker	Rants	Rayhons	Reasoner
Reichert	Roberts	Sands	Schueller
Schulte	Schultz	Shomshor	Smith
Soderberg	Sorenson	Steckman	Struyk
Swaim	Sweeney	Taylor, D.	Taylor, T.
Thede	Thomas	Tjepkes	Tymeson
Upmeyer	Van Engelenhoven	Wagner	Watts
Wendt	Wenthe	Wessel-Kroeschell	Whitaker
Whitead	Willems	Winckler	Windschitl
Worthan	Zirkelbach	Bukta,	
		Presiding	

The nays were, none.

Absent or not voting, 1:

Chambers

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

### IMMEDIATE MESSAGE

McCarthy of Polk asked and received unanimous consent that **House File 762** be immediately messaged to the Senate.

The House stood at ease at 4:36 p.m., until the fall of the gavel.

The House resumed session at 6:50 p.m., Bukta of Clinton in the chair.

### MESSAGE 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 25, 2009, passed the following bill in which the concurrence of the House is asked:

Senate File 226, a bill for an act concerning the statewide fire and police retirement system by establishing a presumption that cancer is work-related for purposes of disability and death benefits for fire fighters and by increasing the contribution rate for fire fighters.

MICHAEL E. MARSHALL, Secretary

## SENATE MESSAGE CONSIDERED

**Senate File 226**, by committee on state government, a bill for an act concerning the statewide fire and police retirement system by establishing a presumption that cancer is work-related for purposes of disability and death benefits for fire fighters and by increasing the contribution rate for fire fighters.

Read first time and referred to committee on **state government**.

## BILLS SIGNED BY THE GOVERNOR

A communication was received from the Governor announcing that on March 25, 2009, he approved and transmitted to the Secretary of State the following bills:

House File 281, an Act relating to the administration of the Iowa water pollution control works and drinking water facilities financing program.

Senate File 27, an Act relating to the crime of human trafficking.

Senate File 50, an Act relating to the payment of a salary or other compensation to a candidate's family member, and making a penalty applicable.

Senate File 118, an Act relating to the judicial branch including contested and uncontested parking violations, city and county penalties, filing civil citations of municipal infractions with the clerk, records kept by the clerk, and service of original notice in a small claims action.

Senate File 197, an Act relating to unemployment insurance benefits and compliance with federal law regarding and in order to qualify for funding, and including effective and applicability dates.

Senate File 204, an Act relating to the department of elder affairs and services provided to older Iowans.

Senate File 209, an Act relating to the practices and procedures of the department of public safety and other law enforcement agencies, including building inspections, controlled substance detection training, and criminal history data storage.

Senate File 237, an Act relating to pseudoephedrine product sales by pharmacies and retailers, and providing penalties and contingent applicability.

Senate File 241, an Act correcting references in the Code relating to the United States department of veterans affairs.

Senate File 288, an Act relating to county recorders by making changes to fees charged by the county recorder, information required to be endorsed on certain

recorded documents and instruments, and standards for indexes maintained by the county recorder.

Senate File 295, an Act concerning the authority of the department of administrative services relative to existing leases on real property acquired by the department.

Senate File 305, an Act concerning audits conducted by a licensee conducting pari-mutuel wagering or gambling games and providing an effective date.

### 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

- 2009\3407 Dale Martinson, Radcliffe – For his 40 years of service on the Radcliffe Fire Department.
- 2009\3408 Mike and Gladys Olson, Iowa Falls – For celebrating their 60<sup>th</sup> wedding anniversary.
- 2009\3409 Madison Noble, Ankeny – For receiving 2<sup>nd</sup> place in the 6-7 Grade category in the Write Women Back Into History Essay Contest.
- 2009\3410 Gaylord and Colleen Henryson, Story City – For celebrating their 60<sup>th</sup> wedding anniversary.
- 2009\3411 Rena Van Dyke, Orange City – For celebrating her 80<sup>th</sup> birthday.
- 2009\3412 Evelyn Dena Claesson, Akron – For celebrating her 90<sup>th</sup> birthday.
- 2009\3413 Dorothy Siebke, Wilton – For celebrating her her 80<sup>th</sup> birthday.
- 2009\3414 Marjorie Carle, Durant – For celebrating her her 80<sup>th</sup> birthday.
- 2009\3415 Margaret Thurston, Wilton – For celebrating her 80<sup>th</sup> birthday.
- 2009\3416 Pearl Batchelor, Wilton – For celebrating her 80<sup>th</sup> birthday.
- 2009\3417 Robert Gregory, Tipton – For celebrating his 80<sup>th</sup> birthday.
- 2009\3418 Beverly Weber, Mechanicsville – For celebrating her 80<sup>th</sup> birthday.
- 2009\3419 Monica Droll, Tipton – For celebrating her 80<sup>th</sup> birthday.
- 2009\3420 Ralph Tomlinson, Wilton – For celebrating his 80<sup>th</sup> birthday.

- 2009\3421 Eugene McCaw, Clarence – For celebrating his 80<sup>th</sup> birthday.
- 2009\3422 Lenora Ball, Wilton – For celebrating her 80<sup>th</sup> birthday.
- 2009\3423 Lavada Castillo, West Branch – For celebrating her 80<sup>th</sup> birthday.
- 2009\3424 Eloise Sessler, Wilton – For celebrating her 80<sup>th</sup> birthday.
- 2009\3425 Paul Wright, Tipton – For celebrating his 80<sup>th</sup> birthday.
- 2009\3426 Wilfred Ruchotzke, Clarence – For celebrating his 80<sup>th</sup> birthday.
- 2009\3427 Albert Henkel, New Liberty – For celebrating his 80<sup>th</sup> birthday.
- 2009\3428 Ramona Denkman, Muscatine – For celebrating her 80<sup>th</sup> birthday.
- 2009\3430 Leah Anderson, Muscatine – For celebrating her 80<sup>th</sup> birthday.
- 2009\3431 Francis Helfrich, Wilton – For celebrating his 80<sup>th</sup> birthday.
- 2009\3432 Elizabeth Martz, Wilton – For celebrating her 80<sup>th</sup> birthday.
- 2009\3433 Patricia Frankhauser, Tipton – For celebrating her 80<sup>th</sup> birthday.
- 2009\3434 James Barnhart, West Branch – For celebrating his 80<sup>th</sup> birthday.
- 2009\3435 Alvin Licht, Lowden – For celebrating his 80<sup>th</sup> birthday.
- 2009\3436 Geraldine Kaalberg, West Liberty – For celebrating her 80<sup>th</sup> birthday.
- 2009\3437 Clifford Bell, West Liberty – For celebrating his 80<sup>th</sup> birthday.
- 2009\3438 Leona Mae Schroeder, Wilton – For celebrating her 80<sup>th</sup> birthday.
- 2009\3439 Alfred Carter, Jr., West Liberty – For celebrating his 80<sup>th</sup> birthday.
- 2009\3440 Wilbert Spengler, Wilton – For celebrating his 80<sup>th</sup> birthday.
- 2009\3441 Bonnie Agne, Stanwood – For celebrating her 80<sup>th</sup> birthday.
- 2009\3442 James Whiteley, Wilton – For celebrating his 80<sup>th</sup> birthday.
- 2009\3443 Marilyn Henderson, West Liberty – For celebrating her 80<sup>th</sup> birthday.
- 2009\3444 Grace Davis, West Branch – For celebrating her 80<sup>th</sup> birthday.
- 2009\3445 Marilyn Mays, Lisbon – For celebrating her 80<sup>th</sup> birthday.
- 2009\3446 Mitchell De Fauw, Davenport – For celebrating attaining the rank of Eagle Scout, the highest rank in the Boy Scouts of America.

- 2009\3447 Donald Postma, Rock Valley – For celebrating his 75<sup>th</sup> birthday.
- 2009\3448 Ernest Moss, Hull – For celebrating his 75<sup>th</sup> birthday.
- 2009\3449 Ralph Kahl, Rock Rapids – For celebrating his 80<sup>th</sup> birthday.
- 2009\3450 Harold Hoekstra, Doon – For celebrating his 80<sup>th</sup> birthday.
- 2009\3451 Marie De Ruiter, Rock Valley – For celebrating her 80<sup>th</sup> birthday.
- 2009\3452 Dorothy Van Berkum, Rock Valley – For celebrating her 85<sup>th</sup> birthday.
- 2009\3453 Jennie De Koning, Rock Rapids – For celebrating her 85<sup>th</sup> birthday.
- 2009\3454 Gertrude Mulder, Sioux Center – For celebrating her 85<sup>th</sup> birthday.
- 2009\3455 Grace Kiezer, Doon – For celebrating her 85<sup>th</sup> birthday.
- 2009\3456 Larry and Betty Keese, Dysart – For celebrating their 50<sup>th</sup> wedding anniversary.
- 2009\3457 Stan Tweeten, Manly – For celebrating his 80<sup>th</sup> birthday.
- 2009\3458 Red Baker, Garner – For celebrating his 80<sup>th</sup> birthday.

#### SUBCOMMITTEE ASSIGNMENT

##### Senate File 343

Local Government: D. Olson, Chair; Whitead and Windschitl.

#### 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 AGRICULTURE

**Senate File 404**, a bill for an act establishing a local food and farm task force, providing for a local food and farm plan, and providing for an effective date.

Fiscal Note is not required.

Recommended **Do Pass** March 25, 2009.

## COMMITTEE ON ECONOMIC GROWTH

**Senate File 207**, a bill for an act relating to the Iowa finance authority by providing immunity for board members, providing administrative authority for the executive director, eliminating duties of the council on homelessness, defining projects under the bond bank program, and defining assets in, and providing for the use of moneys in, the housing trust fund.

Fiscal Note is not required.

Recommended **Do Pass** March 25, 2009.

## COMMITTEE ON EDUCATION

**Senate File 445**, a bill for an act relating to teacher compensation by requiring school corporations to incorporate teacher compensation into individual salary schedules and by eliminating the educational excellence program.

Fiscal Note is not required.

Recommended **Do Pass** March 25, 2009.

## COMMITTEE ON ENVIRONMENTAL PROTECTION

**Senate File 339**, a bill for an act relating to wastewater treatment and providing an effective date.

Fiscal Note is not required.

Recommended **Amend and Do Pass with Amendment H-1300** March 25, 2009.

**Senate File 423**, A bill for an act providing for the dispensing of ethanol blended gasoline by authorizing the use of secondary containment, and providing an effective date.

Fiscal Note is not required.

Recommended **Amend and Do Pass with Amendment H-1299** March 25, 2009.

## COMMITTEE ON LOCAL GOVERNMENT

**Senate File 434**, a bill for an act relating to nuisance properties by requiring the indexing of certain municipal citations and petitions affecting real property.

Fiscal Note is not required.

Recommended **Amend and Do Pass with Amendment H-1303** March 25, 2009.

**Senate File 441**, a bill for an act relating to local emergency management by modifying provisions of the statewide mutual aid compact and by making changes to certain funding provisions.



Fiscal Note is not required.

Recommended **Amend and Do Pass with Amendment H-1302** March 25, 2009.

#### COMMITTEE ON PUBLIC SAFETY

**Senate File 380**, a bill for an act relating to the practices and procedures of the department of public safety including school inspections, gaming floor or wagering area restrictions, interception of communications, and peace officers acting with federal agents, and providing penalties.

Fiscal Note is not required.

Recommended **Amend and Do Pass with Amendment H-1304** March 25, 2009.

#### COMMITTEE ON STATE GOVERNMENT

**Senate File 436**, a bill for an act relating to observers at satellite absentee voting stations.

Fiscal Note is not required.

Recommended **Amend and Do Pass with Amendment H-1305** March 25, 2009.

#### COMMITTEE ON VETERANS AFFAIRS

**Senate File 254**, a bill for an act requiring the preparation of a report by the department of veterans affairs relating to the activities of county commissions of veteran affairs.

Fiscal Note is not required.

Recommended **Amend and Do Pass with Amendment H-1296** March 24, 2009.

#### AMENDMENTS FILED

H—1296	S.F.	254	Committee on Veterans Affairs
H—1297	H.F.	486	Lukan of Dubuque
H—1298	S.F.	152	H. Miller of Webster
H—1299	S.F.	423	Committee on Environmental Protection
H—1300	S.F.	339	Committee on Environmental Protection
H—1301	H.F.	732	Cownie of Polk Raecker of Polk
H—1302	S.F.	441	Committee on Local Government
H—1303	S.F.	434	Committee on Local Government
H—1304	S.F.	380	Committee on Public Safety

H—1305	S.F.	436	Committee on State Government
H—1306	H.F.	781	Mascher of Johnson
H—1307	H.F.	790	Zirkelbach of Jones

On motion by Reasoner of Union the House adjourned at 6:51 p.m., until 9:00 a.m., Thursday, March 26, 2009.

# JOURNAL OF THE HOUSE

Seventy-fourth Calendar Day - Fiftieth Session Day

Hall of the House of Representatives  
Des Moines, Iowa, Thursday, March 26, 2009

The House met pursuant to adjournment at 9:23 a.m., Speaker Murphy in the chair.

Prayer was offered by Reverend Michael Crawford, pastor of Faith Baptist Church, Fort Dodge. He is an Army Chaplain with the rank of Captain in the Iowa Army National Guard and the guest of Representative Helen Miller of Webster County.

## PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Josie Schultz, she is the daughter of Representative Jason Schultz of Crawford County.

The Journal of Wednesday, March 25, 2009 was approved.

## LEAVE OF ABSENCE

Leave of absence was granted as follows:

Arnold of Lucas and Horbach of Tama on request of Paulsen of Linn.

## ADOPTION OF HOUSE RESOLUTION 23

Winckler of Scott and L. Miller of Scott called up for consideration **House Resolution 23**, a resolution designating March 2009 as Iowa Women's History Month, and moved its adoption.

The motion prevailed and the resolution was adopted.

## SPECIAL PRESENTATION

In celebration of "March Women's History Month", the Iowa Commission on the Status of Women, the Iowa Department of Education and the State Historical Society of Iowa sponsored a "Write Women Back Into History" essay contest. Winckler of Scott and L. Miller of Scott presented the following winners of the contest:

### Sixth and Seventh Grade Category Essays

First Place — Brandon Farr, Prairie Middle School, Cedar Rapids.

Second Place — Madison Noble, Parkview Middle School, Ankeny.

Third Place — Maddie Fields, Prairie Middle School, Cedar Rapids.

### Eighth and Ninth Grade Category Essay

First Place — Kelsiann Halbloom, West Marshall Middle School, State Center.

### Best Essays On Women In Science And Engineering Sixth and Seventh Grades

First Place — Aaron Christensen, Prairie Middle School, Cedar Rapids.

Second Place — Morgan Exline, Prairie Middle School, Cedar Rapids.

## CONSIDERATION OF BILLS Regular Calendar

**House File 481**, a bill for an act providing an excess weight allowance for special trucks hauling distillers grains, was taken up for consideration.

Worthan of Buena Vista moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question “Shall the bill pass?” (H.F. 481)

The ayes were, 92:

Abdul-Samad	Alons	Anderson	Baudler
Beard	Bell	Berry	Bukta
Burt	Cohoon	Cownie	De Boef
Deyoe	Dolecheck	Drake	Ficken
Forristall	Frevert	Gaskill	Gayman

Grassley	Hagenow	Heaton	Heddens
Helland	Hunter	Huseman	Jacoby
Kaufmann	Kearns	Kelley	Koester
Kressig	Kuhn	Lensing	Lukan
Lykam	Marek	Mascher	May
McCarthy	Mertz	Miller, H.	Miller, L.
Oldson	Olson, D.	Olson, S.	Olson, T.
Palmer	Paulsen	Petersen	Pettengill
Quirk	Raecker	Rants	Rayhons
Reasoner	Reichert	Roberts	Sands
Schueller	Schulte	Schultz	Shomshor
Smith	Soderberg	Sorenson	Steckman
Struyk	Swaim	Sweeney	Taylor, D.
Taylor, T.	Thede	Thomas	Tjepkes
Tymeson	Upmeyer	Van Engelenhoven	Wagner
Watts	Wendt	Wenthe	Wessel-Kroeschell
Whitaker	Whitead	Willems	Winckler
Windschitl	Worthan	Zirkelbach	Mr. Speaker Murphy

The nays were, 2:

Huser	Isenhardt
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Absent or not voting, 6:

Arnold	Bailey	Chambers	Ford
Horbach	Olson, R.		

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

### IMMEDIATE MESSAGE

McCarthy of Polk asked and received unanimous consent that **House File 481** be immediately messaged to the Senate.

The House stood at ease at 9:41 a.m., until the fall of the gavel.

The House resumed session at 10:34 a.m., Reasoner of Union in the chair.

On motion by Abdul-Samad of Polk, the House was recessed at 10:35 a.m., until 4:00 p.m.

The House resumed session at 4:42 p.m., Speaker Murphy in the chair.

## LEAVE OF ABSENCE

Leave of absence was granted as follows:

Alons of Sioux, Dolecheck of Ringgold, L. Miller of Scott, Rayhons of Hancock and Tymeson of Madison, on request of Roberts of Carroll.

## 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 26, 2009, passed the following bill in which the concurrence of the House is asked:

Senate File 432, a bill for an act regulating animal feeding operations, making penalties applicable, and providing for penalties.

Also: That the Senate has on March 26, 2009, passed the following bill in which the concurrence of the House is asked:

Senate File 456, a bill for an act modifying provisions applicable to facilities qualifying for wind energy production and renewable energy tax credits and including effective and retroactive applicability date provisions.

MICHAEL E. MARSHALL, Secretary

## INTRODUCTION OF BILL

**House File 806**, by May, a bill for an act requiring the department of education to create two one-year pilot programs to fund special education support services, media services, and education services through individual school districts or school district consortiums instead of the respective area education agencies.

Read first time and referred to committee on **education**.

## SENATE MESSAGE CONSIDERED

**Senate File 432**, by committee on agriculture, a bill for an act regulating animal feeding operations, making penalties applicable, and providing for penalties and effective dates.

Read first time and **passed on file**.

CONSIDERATION OF BILLS  
Regular Calendar

**House File 420**, a bill for an act concerning civil service commissions, disciplinary procedures, and residency requirements for civil service employees, was taken up for consideration.

Hunter of Polk offered amendment H-1293 filed by him as follows:

H-1293

1 Amend House File 420 as follows:  
2 1. Page 3, by striking lines 9 through 12 and  
3 inserting the following: "city in which they are  
4 employed, but they shall become a resident of the  
5 state at the time such appointment or employment  
6 begins and shall remain a resident of the state during  
7 employment. ~~Cities~~ However, cities may set a".

Struyk of Pottawattamie asked and received unanimous consent that amendment H-1320 to amendment H-1293 be deferred.

Struyk of Pottawattamie offered the following amendment H-1321, to amendment H-1293, filed by him from the floor and moved its adoption:

H-1321

1 Amend the amendment, H-1293, to House File 420, as  
2 follows:  
3 1. Page 1, by striking lines 5 and 6 and  
4 inserting the following: "state ~~at the time~~ within  
5 two years of such appointment or the date employment  
6 begins and shall remain a resident of the state during  
7 the remainder of".  
8 2. Page 1, by inserting after line 7 the  
9 following:  
10 " \_\_\_\_\_. Page 3, line 16, by inserting after the  
11 word "employment." the following: "Each employee  
12 residing outside the state on the date of appointment  
13 or on the date employment begins shall take reasonable  
14 steps to become a resident of the state as soon as  
15 practicable following appointment or beginning of  
16 employment.""

Amendment H-1321 was adopted.

On motion by Hunter of Polk, amendment H-1293, as amended, was adopted, placing out of order amendment H-1320, (previously deferred), filed by Struyk from the floor.

Watts of Dallas offered the following amendment H-1090 filed by him and moved its adoption:

H-1090

- 1 Amend House File 420 as follows:
- 2 1. Page 3, line 17, by inserting after the word
- 3 "appointed," the following: "denied appointment."

Amendment H-1090 was adopted.

Hunter of Polk moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 420)

The ayes were, 90:

Abdul-Samad	Anderson	Bailey	Baudler
Beard	Bell	Berry	Bukta
Burt	Cohoon	Cownie	De Boef
Deyoe	Drake	Ficken	Forristall
Frevert	Gaskill	Gayman	Grassley
Hagenow	Heaton	Heddens	Helland
Hunter	Huseman	Huser	Isenhardt
Jacoby	Kaufmann	Kearns	Kelley
Koester	Kressig	Kuhn	Lensing
Lukan	Lykam	Marek	Mascher
May	McCarthy	Mertz	Miller, H.
Oldson	Olson, D.	Olson, R.	Olson, S.
Olson, T.	Palmer	Paulsen	Petersen
Pettengill	Raecker	Rants	Reasoner
Reichert	Roberts	Sands	Schueller
Schulte	Schultz	Shomshor	Smith
Soderberg	Sorenson	Steckman	Struyk
Swaim	Sweeney	Taylor, D.	Taylor, T.
Thede	Thomas	Tjepkes	Upmeyer
Van Engelenhoven	Wagner	Watts	Wendt
Wenthe	Wessel-Kroeschell	Whitaker	Whitehead
Willems	Winckler	Windschitl	Worthan
Zirkelbach	Mr. Speaker		
	Murphy		



The nays were, none.

Absent or not voting, 10:

Alons	Arnold	Chambers	Dolecheck
Ford	Horbach	Miller, L.	Quirk
Rayhons	Tymeson		

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

### IMMEDIATE MESSAGE

McCarthy of Polk asked and received unanimous consent that **House File 420** be immediately messaged to the Senate.

### HOUSE FILE 627 REFERRED

The Speaker announced that House File 627, previously placed on the **calendar** was referred to committee on **ways and means**.

### HOUSE FILE 764 REFERRED

The Speaker announced that House File 764, previously placed on the **calendar** was referred to committee on **ways and means**.

### HOUSE FILE 769 REFERRED

The Speaker announced that House File 769, previously placed on the **calendar** was referred to committee on **ways and means**.

### 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

- 2009\3459 Matthew Webb, Norwalk – For attaining the rank of Eagle Scout, the highest rank in the Boy Scouts of America.
- 2009\3460 Zelda Tanke, Deep River – For celebrating her 80<sup>th</sup> birthday.

SUBCOMMITTEE ASSIGNMENTS

**House File 744**

Judiciary: T. Olson, Chair; Heaton and Willems.

**House File 767**

Judiciary: T. Olson, Chair; Heaton and Willems.

**Senate File 117**

Human Resources: Smith, Chair; Baudler and T. Olson.

**Senate File 119**

Judiciary: Huser, Chair; Smith and Struyk.

**Senate File 226**

State Government: Frevert, Chair; Beard and Struyk.

**Senate File 283**

Judiciary: R. Olson, Chair; Palmer and Struyk.

**Senate File 433**

Human Resources: Berry, Chair; L. Miller and Thede.

HOUSE STUDY BILL COMMITTEE ASSIGNMENTS

**H.S.B. 277 Ways and Means**

Allowing the department of revenue to subpoena certain customer records of individuals owing taxes, penalties, or interest.

**H.S.B. 278 Ways and Means**

Relating to local government revenues by modifying provisions related to city franchise fees and authorizing cities and counties to impose certain local taxes and fees and including effective date provisions.

**H.S.B. 279 Ways and Means**

Directing the director of revenue to negotiate reciprocal income tax agreements with other states.

**H.S.B. 280 Ways and Means**

Modifying provisions relating to the regulation of delayed deposit service businesses, making penalties applicable, and providing an effective date.

**H.S.B. 281 Ways and Means**

Relating to renewable energy by establishing an energy independence renewable energy transmission franchise process which may be used under specified circumstances, providing for an annual transmission line surcharge, and providing for renewable energy job training grants.

**H.S.B. 282 Ways and Means**

Creating a new construction housing assistance program and fund.

**H.S.B. 283 Ways and Means**

Relating to residential property and property taxation within a self-supported municipal improvement district, providing a property tax exemption, and providing for mail delivery of notices.

**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 AGRICULTURE

**Senate File 405**, a bill for an act providing for the disposal of dead animal bodies by persons, including individuals practicing veterinary medicine, and making penalties applicable.

Fiscal Note is not required.

Recommended **Do Pass** March 25, 2009.

## COMMITTEE ON ECONOMIC GROWTH

**Senate File 304**, a bill for an act relating to withholding agreements and local match requirements of the targeted jobs withholding tax credit program.

Fiscal Note is not required.

Recommended **Do Pass** March 25, 2009

**Pursuant to Rule 31, Senate File 304 was referred to the committee on ways and means.**

**Senate File 403**, a bill for an act concerning the sale of beer by native wineries.

Fiscal Note is not required.

Recommended **Amend and Do Pass with Amendment H-1312** March 25, 2009.

## COMMITTEE ON PUBLIC SAFETY

**Senate File 3**, a bill for an act relating to a .08 blood alcohol limit for motorboat or sailboat operating while intoxicated offenses.

Fiscal Note is not required.

Recommended **Amend and Do Pass with Amendment H-1308** March 25, 2009.

## COMMITTEE ON REBUILD IOWA AND DISASTER RECOVERY

**Senate File 336**, a bill for an act providing for waivers of certain community attraction and tourism program requirements.

Fiscal Note is not required.

Recommended **Do Pass** March 25, 2009.

**Senate File 415**, a bill for an act relating to the acquisition of title to disaster-affected abandoned property by cities in certain years.

Fiscal Note is not required.

Recommended **Do Pass** March 25, 2009.

## COMMITTEE ON STATE GOVERNMENT

**Senate File 224**, a bill for an act relating to the licensing and regulation of plumbers, mechanical professionals, and contractors, and including an applicability provision.

Fiscal Note is not required.

Recommended **Do Pass** March 26, 2009.

**Senate File 420**, a bill for an act concerning limitations on employment of persons employed by a wine permittee engaged in manufacturing and wholesaling native wine.

Fiscal Note is not required.

Recommended **Do Pass** March 26, 2009.

**Senate File 447**, a bill for an act concerning off-premises consumption of resealed bottles of wine.

Fiscal Note is not required.

Recommended **Do Pass** March 26, 2009.

## COMMITTEE ON TRANSPORTATION

**House File 783**, a bill for an act relating to small business concerns regarding contracts with the department of transportation, and providing an applicability date.

Fiscal Note is not required.

Recommended **Amend and Do Pass with Amendment H-1311** March 24, 2009.

**Senate File 151**, a bill for an act relating to railway assistance and passenger rail service, including provisions for the administration of the railway revolving loan and grant fund, the elimination of the railway finance authority, and the administration of the passenger rail service revolving fund.

Fiscal Note is not required.

Recommended **Amend and Do Pass with Amendment H-1310** March 24, 2009.

**Senate File 356**, a bill for an act relating to department of transportation administrative procedures by establishing a procedure to remove a conviction relating to the operation of a motor vehicle from a driving record based on identity theft and requiring verification of status in regards to the driver's license of a foreign national.

Fiscal Note is not required.

Recommended **Amend and Do Pass with Amendment H-1309** March 24, 2009.

## COMMITTEE ON VETERANS AFFAIRS

**Senate File 407**, a bill for an act relating to the rights and responsibilities of Iowa veterans home members.

Fiscal Note is not required.

Recommended **Do Pass** March 26, 2009.

**Senate File 440**, a bill for an act relating to prescription drug coverage for health care facility residents eligible for federal veterans affairs benefits.

Fiscal Note is not required.

Recommended **Do Pass** March 26, 2009.

## AMENDMENTS FILED

H—1308	S.F.	3	Committee on Public Safety
H—1309	S.F.	356	Committee on Transportation
H—1310	S.F.	151	Committee on Transportation
H—1311	H.F.	783	Committee on Transportation
H—1312	S.F.	403	Committee on Economic Growth
H—1313	S.F.	187	Whitaker of Van Buren
H—1314	H.F.	486	Kuhn of Floyd Lykam of Scott
H—1315	S.F.	419	Lykam of Scott
H—1316	S.F.	344	Kaufmann of Cedar
H—1317	S.F.	344	Koester of Polk
H—1318	S.F.	419	Huser of Polk Petersen of Polk
H—1319	S.F.	404	De Boef of Keokuk Sweeney of Hardin
H—1322	S.F.	152	Heaton of Henry Tjepkes of Webster Schulte of Linn
H—1323	H.F.	732	Baudler of Adair

On motion by McCarthy of Polk the House adjourned at 5:04 p.m., until 9:00 a.m., Friday, March 27, 2009.

# JOURNAL OF THE HOUSE

Seventy-fifth Calendar Day - Fifty-first Session Day

Hall of the House of Representatives  
Des Moines, Iowa, Friday, March 27, 2009

The House met pursuant to adjournment at 9:18 a.m., Reasoner of Union in the chair.

Prayer was offered by Brad Clark. He was the guest of Representative Mike Reasoner of Union County.

## PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Brad Clark.

The Journal of Thursday, March 26, 2009 was approved.

## HOUSE FILE 285 REREFERRED

The Speaker announced that House File 285, previously referred to committee on **rebuild Iowa and disaster recovery** was rereferred to committee on **ways and means**.

## HOUSE FILE 730 REFERRED

The Speaker announced that House File 730, previously placed on the **calendar** was referred to committee on **appropriations**.

## BILL SIGNED BY THE GOVERNOR

A communication was received from the Governor announcing that on March 26, 2009, he approved and transmitted to the Secretary of State the following bill:

House File 214, an Act establishing the interstate compact on educational opportunity for military children and providing an effective date.

## COMMUNICATIONS RECEIVED

The following communications were received and filed in the office of the Chief Clerk:

BOARD OF REGENTS

Annual reports including information from the University of Iowa Hospitals and Clinics, pursuant to Chapter 263A.13, Code of Iowa.

DEPARTMENT OF HUMAN SERVICES

2009-3 nursing facility accountability measures, pursuant to Chapter 217, Code of Iowa.

DEPARTMENT OF INSPECTIONS AND APPEALS

Child Advisory Board Annual Report, pursuant to Chapter 237.18(8), Code of Iowa.

DEPARTMENT OF REVENUE

Annual report for the Industrial Processing Exemption Study Committee, pursuant to Chapter 421, Code of Iowa.

SUBCOMMITTEE ASSIGNMENTS

**House File 506**

Ways and Means: Isenhart, Chair; D. Olson and Windschitl.

**House File 693**

Ways and Means: Thomas, Chair; Wagner and Willems.

**House File 716**

Ways and Means: Isenhart, Chair; Helland and D. Olson.

**Senate File 416**

Education: Wendt, Chair; Ficken and May.

HOUSE STUDY BILL SUBCOMMITTEE ASSIGNMENTS

**House Study Bill 277**

Ways and Means: Petersen, Chair; Frevert and L. Miller.

**House Study Bill 278**

Ways and Means: T. Olson, Chair; Sands and Shomshor.

**House Study Bill 280**

Ways and Means: T. Olson, Chair; Helland and Petersen.



**House Study Bill 281**

Ways and Means: Petersen, Chair; Grassley and Isenhart.

**House Study Bill 282**

Ways and Means: Kelley, Chair; Pettengill and Steckman.

**House Study Bill 283**

Ways and Means: T. Olson, Chair; Petersen and Wagner.

**HOUSE STUDY BILL COMMITTEE ASSIGNMENT****H.S.B. 284 Ways and Means**

Relating to the individual income tax by providing for reduced tax rates, the elimination of federal deductibility, increasing the credits for elderly and blind individuals, increasing the amount of the earned income tax credit, and adjusting the eligibility for the child and dependent care tax credit and early childhood development tax credit and including a retroactive applicability date provision.

**COMMITTEE RECOMMENDATIONS**

**MR. SPEAKER:** The Chief Clerk of the House respectfully reports that the following committee recommendations have been received and are on file in the office of the Chief Clerk.

**MARK W. BRANDSGARD**  
Chief Clerk of the House

**COMMITTEE ON COMMERCE**

**Senate File 279**, a bill for an act providing for the establishment of an abbreviated electric transmission franchise process, and providing an effective date.

Fiscal Note is not required.

Recommended **Amend and Do Pass with Amendment H-1325** March 26, 2009.

**Senate File 355**, a bill for an act relating to mortgage lending by establishing licensing requirements applicable to mortgage loan originators; making specified modifications to existing licensing provisions relating to mortgage bankers and brokers, regulated loans, and industrial loans; and providing penalties and effective dates.

Fiscal Note is not required.

Recommended **Do Pass** March 26, 2009.

**Senate File 372**, a bill for an act requesting the establishment of a statewide broadband policy development interim study committee.

Fiscal Note is not required.

Recommended **Do Pass** March 26, 2009.

**Senate File 374**, a bill for an act concerning restrictions on the resale and use of motor vehicle operating records furnished by the department of transportation and making a penalty applicable.

Fiscal Note is not required.

Recommended **Amend and Do Pass with Amendment H-1328** March 26, 2009.

**Senate File 379**, a bill for an act relating to the use of insurance loss history in the issuance of dramshop liability insurance.

Fiscal Note is not required.

Recommended **Amend and Do Pass with Amendment H-1326** March 26, 2009.

#### COMMITTEE ON HUMAN RESOURCES

**Senate File 231**, a bill for an act relating to reimbursing nonparticipating providers under the IowaCare program and creating a nonparticipating provider reimbursement fund.

Fiscal Note is not required.

Recommended **Do Pass** March 25, 2009.

**Pursuant to Rule 31, Senate File 231 was referred to the committee on appropriations.**

**Senate File 323**, a bill for an act relating to the provision of certain information regarding a child in foster care to the foster care provider.

Fiscal Note is not required.

Recommended **Amend and Do Pass with Amendment H-1327** March 25, 2009.

**Senate File 366**, a bill for an act relating to the emancipation of a minor and family in need of assistance proceedings.

Fiscal Note is not required.

Recommended **Do Pass** March 25, 2009.

**Senate File 389**, a bill for an act relating to health care, health care providers, and health care coverage, providing penalties, and providing retroactive and other effective dates.

Fiscal Note is not required.

Recommended **Amend and Do Pass with Amendment H-1324** March 25, 2009.

**Senate File 414**, a bill for an act providing for a pilot project supporting high-quality child care for low-income children.

Fiscal Note is not required.

Recommended **Do Pass** March 25, 2009.

**Senate File 433**, a bill for an act relating to the classification and assessment of violations in health care facilities and assisted living programs and providing penalties.

Fiscal Note is not required.

Recommended **Do Pass** March 25, 2009.

#### AMENDMENTS FILED

H—1324	S.F.	389	Committee on Human Resources
H—1325	S.F.	279	Committee on Commerce
H—1326	S.F.	379	Committee on Commerce
H—1327	S.F.	323	Committee on Human Resources
H—1328	S.F.	374	Committee on Commerce

On motion by McCarthy of Polk the House adjourned at 9:20 a.m., until 1:00 p.m., Monday, March 30, 2009.

# JOURNAL OF THE HOUSE

Seventy-eighth Calendar Day - Fifty-second Session Day

Hall of the House of Representatives  
Des Moines, Iowa, Monday, March 30, 2009

The House met pursuant to adjournment at 1:13 p.m., Speaker Murphy in the chair.

Prayer was offered by Reverend Kevin Glessner, Chaplain for Vermeer Corporation, Pella. He was the guest of Representative Rod Roberts from Carroll County and Representative Jim Van Engelenhoven of Marion County.

## PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by a class of 5<sup>th</sup> and 6<sup>th</sup> grade students from Weber Elementary, Iowa City. They were accompanied by Tova Natwick the semester substitute teacher and were the guests and students of Representative Mary Mascher of Johnson County.

The Journal of Friday, March 27, 2009 was approved.

## MEMORIAL COMMITTEE APPOINTED

Speaker Murphy announced the appointment of the following members to serve on the memorial committee: The honorable Vicki Lensing of Johnson, Chair; the honorable Dave Deyoe of Story County; the honorable Dolores Mertz of Kossuth County and the honorable Nick Wagner of Linn County.

## ADOPTION OF HOUSE MEMORIAL RESOLUTION 1

Heaton of Henry offered the following **House Memorial Resolution 1** and moved its adoption:

### HOUSE MEMORIAL RESOLUTION 1

*Whereas*, The Honorable Clyde J. Rex, of Polk County, Iowa, who was a member of the Sixty-third and Sixty-fourth General Assemblies, passed away November 2, 2008; *Now Therefore*,

*Be It Resolved By The House Of Representatives,* That a committee of three be appointed by the Speaker of the House to prepare suitable resolutions commemorating his life, character and service to the state.

The motion prevailed and the Speaker appointed as such committee: Heaton of Henry, Bailey of Hamilton and Deyoe of Story.

## ADOPTION OF HOUSE MEMORIAL RESOLUTION 2

Deyoe of Story offered the following **House Memorial Resolution 2** and moved its adoption:

### HOUSE MEMORIAL RESOLUTION 2

*Whereas,* The Honorable Norman P. Dunlap, of Silver Springs, Arizona, formerly of Story County, Iowa, who was a member of the Sixty-fifth General Assembly, passed away May 21, 2008; *Now Therefore,*

*Be It Resolved By The House Of Representatives,* That a committee of three be appointed by the Speaker of the House to prepare suitable resolutions commemorating his life, character and service to the state.

The motion prevailed and the Speaker appoints as such committee: Deyoe of Story, Wessel-Kroeschell of Story and Heddens of Story.

## ADOPTION OF HOUSE MEMORIAL RESOLUTION 3

Sands of Louisa offered the following **House Memorial Resolution 3** and moved its adoption:

### HOUSE MEMORIAL RESOLUTION 3

*Whereas,* The Honorable Virgil Edwin Corey, of Muscatine County, Iowa, who was a member of the Sixty-eighth, Sixty-ninth, Sixty-ninth Extra, Sixty-ninth Second Extra, Seventieth, Seventy-first, Seventy-second, Seventy-second Extra, and Seventy-second Second Extra General Assemblies, passed away July 17, 2008; *Now Therefore,*

*Be It Resolved By The House Of Representatives,* That a committee of three be appointed by the Speaker of the House to prepare suitable resolutions commemorating his life, character and service to the state.

The motion prevailed and the Speaker appointed as such committee: Sands of Louisa, Kaufmann of Cedar and Reichert of Muscatine.

## ADOPTION OF HOUSE MEMORIAL RESOLUTION 4

Lykam of Scott offered the following **House Memorial Resolution 4** and moved its adoption:

## HOUSE MEMORIAL RESOLUTION 4

*Whereas*, The Honorable Daniel L. Nagle, of Scott County, Iowa, who was a member of the Sixty-first General Assembly, passed away March 2, 2007; *Now Therefore*,

*Be It Resolved By The House Of Representatives*, That a committee of three be appointed by the Speaker of the House to prepare suitable resolutions commemorating his life, character and service to the state.

The motion prevailed and the Speaker appointed as such committee: Lykam of Scott, Gayman of Scott and Winckler of Scott.

## ADOPTION OF HOUSE MEMORIAL RESOLUTION 5

Cohoon of Des Moines offered the following **House Memorial Resolution 5** and moved its adoption:

## HOUSE MEMORIAL RESOLUTION 5

*Whereas*, The Honorable Blythe Charles Conn, of Des Moines County, Iowa, who was a member of the Fifty-sixth General Assembly, passed away July 4, 2007; *Now Therefore*,

*Be It Resolved By The House Of Representatives*, That a committee of three be appointed by the Speaker of the House to prepare suitable resolutions commemorating his life, character and service to the state.

The motion prevailed and the Speaker appointed as such committee: Cohoon of Des Moines, Sands of Louisa and Heaton of Henry.

## ADOPTION OF HOUSE MEMORIAL RESOLUTION 6

Grassley of Butler offered the following **House Memorial Resolution 6** and moved its adoption:

## HOUSE MEMORIAL RESOLUTION 6

*Whereas*, The Honorable Raymond Arthur Lageschulte, of Bremer County, Iowa, who was a member of the Sixty-sixth, Sixty-seventh, Sixty-seventh

Extra, Sixty-eighth, Sixty-ninth, Sixty-ninth Extra, Sixty-ninth Second-extra, Seventieth, Seventy-first, Seventy-second, Seventy-third, Seventy-fourth and Seventy-fifth General Assemblies, passed away September 1, 2007; *Now Therefore,*

*Be It Resolved By The House Of Representatives,* That a committee of three be appointed by the Speaker of the House to prepare suitable resolutions commemorating his life, character and service to the state.

The motion prevailed and the Speaker appointed as such committee: Grassley of Butler, Horbach of Tama and Wenthe of Fayette.

#### ADOPTION OF HOUSE MEMORIAL RESOLUTION 7

Ford of Polk offered the following **House Memorial Resolution 7** and moved its adoption:

##### HOUSE MEMORIAL RESOLUTION 7

*Whereas,* The Honorable Raymond Joseph Hanrahan, of Polk County, Iowa, who was a member of the Fifty-ninth General Assembly, passed away November 18, 2007; *Now Therefore,*

*Be It Resolved By The House Of Representatives,* That a committee of three be appointed by the Speaker of the House to prepare suitable resolutions commemorating his life, character and service to the state.

The motion prevailed and the Speaker appointed as such committee: Ford of Polk, Huser of Polk and R. Olson of Polk.

#### ADOPTION OF HOUSE MEMORIAL RESOLUTION 8

R. Olson of Polk offered the following **House Memorial Resolution 8** and moved its adoption:

##### HOUSE MEMORIAL RESOLUTION 8

*Whereas,* The Honorable Vernon Bennett, of Polk County, Iowa, who was a member of the Sixty-second, Sixty-third, and Sixty-fourth General Assemblies, passed away November 30, 2008; *Now Therefore,*

*Be It Resolved By The House Of Representatives,* That a committee of three be appointed by the Speaker of the House to prepare suitable resolutions commemorating his life, character and service to the state.

The motion prevailed and the Speaker appointed as such committee: R. Olson of Polk, Hunter of Polk and McCarthy of Polk.

#### ADOPTION OF HOUSE MEMORIAL RESOLUTION 9

Deyoe of Story offered the following **House Memorial Resolution 9** and moved its adoption:

##### HOUSE MEMORIAL RESOLUTION 9

*Whereas*, The Honorable Barbara Ann Finch, of Story County, Iowa, who was a member of the Seventy-ninth, Seventy-ninth Extra and Seventy-ninth Second Extra General Assemblies, passed away December 17, 2008; *Now Therefore*,

*Be It Resolved By The House Of Representatives*, That a committee of three be appointed by the Speaker of the House to prepare suitable resolutions commemorating her life, character and service to the state.

The motion prevailed and the Speaker appointed as such committee: Deyoe of Story, Heddens of Story and Wessel-Kroeschell of Story.

#### ADOPTION OF HOUSE MEMORIAL RESOLUTION 10

Wagner of Linn offered the following **House Memorial Resolution 10** and moved its adoption:

##### HOUSE MEMORIAL RESOLUTION 10

*Whereas*, The Honorable Rosemary Thomson, of Linn County, Iowa, who was a member of the Seventy-sixth, Seventy-seventh and Seventy-eighth General Assemblies, passed away January 19, 2009; *Now Therefore*,

*Be It Resolved By The House Of Representatives*, That a committee of three be appointed by the Speaker of the House to prepare suitable resolutions commemorating her life, character and service to the state.

The motion prevailed and the Speaker appointed as such committee: Wagner of Linn, Paulsen of Linn and Schulte of Linn.

#### ADOPTION OF HOUSE MEMORIAL RESOLUTION 11

R. Olson of Polk offered the following **House Memorial Resolution 11** and moved its adoption:



## HOUSE MEMORIAL RESOLUTION 11

*Whereas*, The Honorable John Connors, of Polk County, Iowa, who was a member of the Sixty-fifth, Sixty-sixth, Sixty-seventh, Sixty-seventh Extra, Sixty-eighth, Sixty-ninth, Sixty-ninth Extra, Sixty-ninth Second-extra, Seventieth, Seventy-first, Seventy-second, Seventy-second Extra, Seventy-second Second-extra, Seventy-third, Seventy-fourth, Seventy-fourth Extra, Seventy-fourth Second-extra, Seventy-fifth, Seventy-sixth, Seventy-seventh, Seventy-eighth, Seventy-ninth, Seventy-ninth Extra, Seventy-ninth Second-extra, Eightieth, Eightieth Extra and Eightieth Second-extra General Assemblies, passed away on March 7, 2009; *Now Therefore*,

*Be It Resolved By the House Of Representatives*, That a committee of three be appointed by the Speaker of the House to prepare suitable resolutions commemorating his life, character and service to the state.

The motion prevailed and the Speaker appointed as such committee: R. Olson of Polk, McCarthy of Polk and Hunter of Polk.

## ADOPTION OF HOUSE MEMORIAL RESOLUTION 12

Zirkelbach of Jones offered the following **House Memorial Resolution 12** and moved its adoption:

## HOUSE MEMORIAL RESOLUTION 12

*Whereas*, The Honorable John A. Holmes, of Jones County, Iowa, who was a member of the Sixty-first General Assembly, passed away March 14, 2009; *Now Therefore*,

*Be It Resolved By the House Of Representatives*, That a committee of three be appointed by the Speaker of the House to prepare suitable resolutions commemorating his life, character and service to the state.

The motion prevailed and the Speaker appointed as such committee: Zirkelbach of Jones, Schueller of Jackson and Willems of Linn.

## SPECIAL PRESENTATIONS

Jacoby of Johnson introduced to the House a delegation from Panama.

The House rose and expressed it welcome.

Reichert of Muscatine introduced to the House the honorable Walter Conlon, former state representative from Muscatine County.

The House rose and expressed its welcome.

#### ADOPTION OF HOUSE CONCURRENT RESOLUTION 7

Cohoon of Des Moines called up for consideration **House Concurrent Resolution 7**, a concurrent resolution relating to Pioneer Lawmakers, and moved its adoption.

The motion prevailed and the resolution was adopted.

On motion by McCarthy of Polk, the House was recessed at 1:30 p.m., until 2:30 p.m.

#### AFTERNOON SESSION

The House reconvened at 2:41 p.m., Cownie of Polk in the chair.

#### IMMEDIATE MESSAGE

McCarthy of Polk asked and received unanimous consent that **House Concurrent Resolution 7** be immediately messaged to the Senate.

#### LEAVE OF ABSENCE

Leave of absence was granted as follows:

Arnold of Lucas on request of Tymeson of Madison.

#### CONSIDERATION OF BILLS

##### Regular Calendar

**Senate File 112**, a bill for an act providing for presentation of flags flown at half-staff over the state capitol in recognition of the death of a member of the armed forces of the United States while serving on active duty, with report of committee recommending passage, was taken up for consideration.

Kearns of Lee 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. 112)

The ayes were, 98

Abdul-Samad	Alons	Anderson	Bailey
Baudler	Beard	Bell	Berry
Bukta	Burt	Cphoon	De Boef
Deyoe	Dolecheck	Drake	Ficken
Ford	Forristall	Frevert	Gaskill
Gayman	Grassley	Hagenow	Heaton
Heddens	Helland	Horbach	Hunter
Huseman	Huser	Isenhart	Jacoby
Kaufmann	Kearns	Kelley	Koester
Kressig	Kuhn	Lensing	Lukan
Lykam	Marek	Mascher	May
McCarthy	Mertz	Miller, H.	Miller, L.
Murphy, Spkr.	Oldson	Olson, D.	Olson, R.
Olson, S.	Olson, T.	Palmer	Paulsen
Petersen	Pettengill	Quirk	Raecker
Rants	Rayhons	Reasoner	Reichert
Roberts	Sands	Schueller	Schulte
Schultz	Shomshor	Smith	Soderberg
Sorenson	Steckman	Struyk	Swaim
Sweeney	Taylor, D.	Taylor, T.	Thede
Thomas	Tjepkes	Tymeson	Upmeyer
Van Engelenhoven	Wagner	Watts	Wendt
Wenthe	Wessel-Kroeschell	Whitaker	Whitead
Willems	Winckler	Windschitl	Worthan
Zirkelbach	Cownie, Presiding		

The nays were, none.

Absent or not voting, 2:

Arnold                      Chambers

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

**Senate File 150**, a bill for an act relating to notice of claims and the statute of limitation period in an action involving a claim against a special charter city, with report of committee recommending passage, was taken up for consideration.

Willems of Linn moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 150)

The ayes were, 97:

Abdul-Samad	Alons	Anderson	Bailey
Baudler	Beard	Bell	Berry
Bukta	Burt	Cphoon	De Boef
Deyoe	Dolecheck	Drake	Ficken
Ford	Forristall	Frevert	Gaskill
Gayman	Grassley	Hagenow	Heaton
Heddens	Helland	Horbach	Hunter
Huseman	Huser	Isenhart	Jacoby
Kaufmann	Kearns	Kelley	Koester
Kressig	Kuhn	Lensing	Lukan
Lykam	Marek	Mascher	May
McCarthy	Mertz	Miller, L.	Murphy, Spkr.
Oldson	Olson, D.	Olson, R.	Olson, S.
Olson, T.	Palmer	Paulsen	Petersen
Pettengill	Quirk	Raecker	Rants
Rayhons	Reasoner	Reichert	Roberts
Sands	Schueller	Schulte	Schultz
Shomshor	Smith	Soderberg	Sorenson
Steckman	Struyk	Swaim	Sweeney
Taylor, D.	Taylor, T.	Thede	Thomas
Tjepkes	Tymeson	Upmeyer	Van Engelenhoven
Wagner	Watts	Wendt	Wenthe
Wessel-Kroeschell	Whitaker	Whitead	Willems
Winckler	Windschitl	Worthan	Zirkelbach
Cownie, Presiding			

The nays were, none.

Absent or not voting, 3:

Arnold	Chambers	Miller, H.
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The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

**Senate File 187**, a bill for an act providing for the issuance of special deer hunting licenses to residents who are nonambulatory, with report of committee recommending passage, was taken up for consideration.

Whitaker of Van Buren offered the following amendment H-1313 filed by him and moved its adoption:

H-1313

- 1 Amend Senate File 187, as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 1, line 5, by striking the words
- 4 "muzzleloading shotgun" and inserting the following:
- 5 "muzzleloading rifle".

Amendment H-1313 was adopted.

Beard of Winneshiek 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. 187)

The ayes were, 98:

Abdul-Samad	Alons	Anderson	Bailey
Baudler	Beard	Bell	Berry
Bukta	Burt	Cphoon	De Boef
Deyoe	Dolecheck	Drake	Ficken
Ford	Forristall	Frevert	Gaskill
Gayman	Grassley	Hagenow	Heaton
Heddens	Helland	Horbach	Hunter
Huseman	Huser	Isenhart	Jacoby
Kaufmann	Kearns	Kelley	Koester
Kressig	Kuhn	Lensing	Lukan
Lykam	Marek	Mascher	May
McCarthy	Mertz	Miller, H.	Miller, L.
Murphy, Spkr.	Oldson	Olson, D.	Olson, R.
Olson, S.	Olson, T.	Palmer	Paulsen
Petersen	Pettengill	Quirk	Raecker
Rants	Rayhons	Reasoner	Reichert
Roberts	Sands	Schueller	Schulte
Schultz	Shomshor	Smith	Soderberg
Sorenson	Steckman	Struyk	Swaim
Sweeney	Taylor, D.	Taylor, T.	Thede
Thomas	Tjepkes	Tymeson	Upmeyer
Van Engelenhoven	Wagner	Watts	Wendt
Wenthe	Wessel-Kroeschell	Whitaker	Whitead
Willems	Winckler	Windschitl	Worthan
Zirkelbach	Cownie, Presiding		

The nays were, none.

Absent or not voting, 2:

Arnold                      Chambers

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

**Senate File 207**, a bill for an act relating to the Iowa finance authority by providing immunity for board members, providing administrative authority for the executive director, eliminating duties of the council on homelessness, defining projects under the bond bank program, and defining assets in, and providing for the use of moneys in, the housing trust fund, with report of committee recommending passage, was taken up for consideration.

Thede 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. 207)

The ayes were, 97:

Abdul-Samad	Alons	Anderson	Bailey
Baudler	Beard	Bell	Berry
Bukta	Burt	Cphoon	De Boef
Deyoe	Dolecheck	Drake	Ficken
Ford	Forristall	Frevert	Gaskill
Gayman	Grassley	Hagenow	Heaton
Heddens	Helland	Horbach	Hunter
Huseman	Huser	Isenhart	Jacoby
Kaufmann	Kearns	Kelley	Koester
Kressig	Lensing	Lukan	Lykam
Marek	Mascher	May	McCarthy
Mertz	Miller, H.	Miller, L.	Murphy, Spkr.
Oldson	Olson, D.	Olson, R.	Olson, S.
Olson, T.	Palmer	Paulsen	Petersen
Pettengill	Quirk	Raecker	Rants
Rayhons	Reasoner	Reichert	Roberts
Sands	Schueller	Schulte	Schultz
Shomshor	Smith	Soderberg	Sorenson
Steckman	Struyk	Swaim	Sweeney
Taylor, D.	Taylor, T.	Thede	Thomas
Tjepkes	Tymeson	Upmeyer	Van Engelenhoven
Wagner	Watts	Wendt	Wenthe
Wessel-Kroeschell	Whitaker	Whitead	Willems
Winckler	Windschitl	Worthan	Zirkelbach
Cownie, Presiding			

The nays were, none.

Absent or not voting, 3:

Arnold                      Chambers                      Kuhn

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

**Senate File 253**, a bill for an act relating to the time allowed certain active duty military personnel to file a state income tax return and including a retroactive applicability date provision, with report of committee recommending passage, was taken up for consideration.

Windschitl of Harrison 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. 253)

The ayes were, 98:

Abdul-Samad	Alons	Anderson	Bailey
Baudler	Beard	Bell	Berry
Bukta	Burt	Cohoon	De Boef
Deyoe	Dolecheck	Drake	Ficken
Ford	Forristall	Frevert	Gaskill
Gayman	Grassley	Hagenow	Heaton
Heddens	Helland	Horbach	Hunter
Huseman	Huser	Isenhart	Jacoby
Kaufmann	Kearns	Kelley	Koester
Kressig	Kuhn	Lensing	Lukan
Lykam	Marek	Mascher	May
McCarthy	Mertz	Miller, H.	Miller, L.
Murphy, Spkr.	Oldson	Olson, D.	Olson, R.
Olson, S.	Olson, T.	Palmer	Paulsen
Petersen	Pettengill	Quirk	Raecker
Rants	Rayhons	Reasoner	Reichert
Roberts	Sands	Schueller	Schulte
Schultz	Shomshor	Smith	Soderberg
Sorenson	Steckman	Struyk	Swaim
Sweeney	Taylor, D.	Taylor, T.	Thede
Thomas	Tjepkes	Tymeson	Upmeyer
Van Engelenhoven	Wagner	Watts	Wendt
Wenthe	Wessel-Kroeschell	Whitaker	Whitead
Willems	Winckler	Windschitl	Worthan
Zirkelbach	Cownie, Presiding		

The nays were, none.

Absent or not voting, 2:

Arnold

Chambers

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

**Senate File 380**, a bill for an act relating to the practices and procedures of the department of public safety including school inspections, gaming floor or wagering area restrictions, interception of communications, and peace officers acting with federal agents, and providing penalties, with report of committee recommending amendment and passage, was taken up for consideration.

Reichert of Muscatine offered the following amendment H-1304 filed by the committee on public safety and moved its adoption:

H-1304

- 1 Amend Senate File 380, as passed by the Senate, as
- 2 follows:
- 3 1. By striking page 1, line 1, through page 2,
- 4 line 19.
- 5 2. Title page, line 2, by striking the words
- 6 "school inspections,".
- 7 3. By renumbering as necessary.

The committee amendment H-1304 was adopted.

Reichert of Muscatine 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. 380)

The ayes were, 97:

Abdul-Samad	Alons	Anderson	Bailey
Baudler	Beard	Bell	Berry
Bukta	Burt	Cphoon	De Boef
Deyoe	Dolecheck	Drake	Ficken
Ford	Forristall	Frevert	Gaskill
Gayman	Grassley	Hagenow	Heaton
Heddens	Helland	Horbach	Huseman
Huser	Isenhardt	Jacoby	Kaufmann
Kearns	Kelley	Koester	Kressig



Kuhn	Lensing	Lukan	Lykam
Marek	Mascher	May	McCarthy
Mertz	Miller, H.	Miller, L.	Murphy, Spkr.
Oldson	Olson, D.	Olson, R.	Olson, S.
Olson, T.	Palmer	Paulsen	Petersen
Pettengill	Quirk	Raecker	Rants
Rayhons	Reasoner	Reichert	Roberts
Sands	Schueller	Schulte	Schultz
Shomshor	Smith	Soderberg	Sorenson
Steckman	Struyk	Swaim	Sweeney
Taylor, D.	Taylor, T.	Thede	Thomas
Tjepkes	Tymeson	Upmeyer	Van Engelenhoven
Wagner	Watts	Wendt	Wenthe
Wessel-Kroeschell	Whitaker	Whitead	Willems
Winckler	Windschitl	Worthan	Zirkelbach
Cownie, Presiding			

The nays were, 1:

Hunter

Absent or not voting, 2:

Arnold

Chambers

The bill having received a constitutional majority was declared to have passed the House and the title, as amended, 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 112, 150, 187, 207, 253 and 380.**

On motion by McCarthy of Polk, the House was recessed at 3:14 p.m., until conclusion of the committee on ways and means meeting.

### EVENING SESSION

The House reconvened at 9:17 p.m., Speaker Murphy in the chair.

### INTRODUCTION OF BILL

**House File 807**, by committee on ways and means, a bill for an act relating to the individual income tax by providing for reduced tax rates, the elimination of federal deductibility increasing the credits

for elderly and blind individuals, increasing the amount of the earned income tax credit and adjusting the eligibility for the child and dependent care tax credit and early childhood development tax credit and including a retroactive applicability date provision.

Read first time and placed on the **ways and means calendar**.

**BILL ENROLLED, SIGNED AND SENT TO GOVERNOR**

The Chief Clerk of the House submitted the following report:

Mr. Speaker: The Chief Clerk of the House respectfully reports that the following bill has been examined and found correctly enrolled, signed by the Speaker of the House and the President of the Senate, and presented to the Governor for his approval on this 30<sup>th</sup> day of March, 2009: House File 735.

**MARK W. BRANDSGARD**  
Chief Clerk of the House

Report adopted.

#### 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

- 2009\3461 Kermit L. Hinshaw, Richard – For celebrating his 90<sup>th</sup> birthday.
- 2009\3462 John Uhal, Dubuque – For attaining the rank of Eagle Scout, the highest rank in the Boy Scouts of America.
- 2009\3463 Bob Draisey, Sioux City – For celebrating his 80<sup>th</sup> birthday.
- 2009\3464 Rubene Fromknecht, Sioux City – For celebrating her 95<sup>th</sup> birthday.
- 2009\3465 Larry and Dorothy Janice Clausen, Sioux City – For celebrating their 50<sup>th</sup> wedding anniversary.
- 2009\3466 Roger and Julia Schemmel, Davenport – For celebrating their 50<sup>th</sup> wedding anniversary.
- 2009\3467 Dorothy Gravert, Davenport – For celebrating her 90<sup>th</sup> birthday.

- 2009\3468 Roger and Marilyn VanderPloeg, Mason City – For celebrating their 50<sup>th</sup> wedding anniversary.
- 2009\3469 Jack J. and Mary Jo Fisher, Mason City – For celebrating their 50<sup>th</sup> wedding anniversary.
- 2009\3470 Bill De Yager, Steen – For celebrating his 75<sup>th</sup> birthday.
- 2009\3471 Ila Cleveringa, Sioux Center – For celebrating her 75<sup>th</sup> birthday.
- 2009\3472 James Horstman, Sioux Center – For celebrating his 75<sup>th</sup> birthday.
- 2009\3473 James Berg, Inwood – For celebrating his 75<sup>th</sup> birthday.
- 2009\3473 William Kooiman, Rock Valley – For celebrating his 75<sup>th</sup> birthday.
- 2009\3475 Harlin Doorenbos, Sioux Center – For celebrating his 75<sup>th</sup> birthday.
- 2009\3476 Patrick Waters, Rock Rapids – For celebrating his 80<sup>th</sup> birthday.
- 2009\3477 Johanna Van Der Brink, Rock Valley – For celebrating her 85<sup>th</sup> birthday.
- 2009\3478 Alfred Vanbriesen, George – For celebrating his 90<sup>th</sup> birthday.

#### SUBCOMMITTEE ASSIGNMENTS

##### **House File 656 Reassigned**

Appropriations: Wenthe, Chair; Cownie and Jacoby.

##### **Senate File 334**

Administration and Rules: Wessel-Kroeschell, Chair; Abdul-Samad and Roberts.

##### **Senate File 430**

Administration and Rules: Wessel-Kroeschell, Chair; Abdul-Samad and Lukan.

#### HOUSE STUDY BILL SUBCOMMITTEE ASSIGNMENT

##### **House Study Bill 284**

Ways and Means: Shomshor, Chair; T. Olson and Sands.

#### HOUSE STUDY BILL COMMITTEE ASSIGNMENTS

##### **H.S.B. 285 Appropriations**

Making appropriations to certain state departments, agencies, funds, and certain other entities, providing for regulatory authority, and

other properly related matters, and providing effective and retroactive applicability dates.

### **H.S.B. 286 Ways and Means**

Relating to articulation agreements between public postsecondary 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 JUDICIARY

**Senate File 119**, a bill for an act relating to domestic abuse protective orders and animals owned or held by a petitioner, respondent, or minor child of the petitioner or respondent in domestic abuse cases.

Fiscal Note is not required.

Recommended **Amend and Do Pass with Amendment H-1334** March 26, 2009.

**Senate File 283**, A bill for an act relating to the appointment of judicial officers, the appointment and retirement of senior judges, and providing for a future repeal.

Fiscal Note is not required.

Recommended **Amend and Do Pass with Amendment H-1335** March 26, 2009.

**Senate File 285**, a bill for an act relating to magistrate jurisdiction, specifying certain traffic-related offenses as simple misdemeanors, making other related changes to simple misdemeanor offenses, and providing a penalty.

Fiscal Note is not required.

Recommended **Amend and Do Pass with Amendment H-1333** March 26, 2009.

**Senate File 358**, a bill for an act relating to the recognition and enforcement of foreign-country money judgments and providing for the Act's applicability.

Fiscal Note is not required.

Recommended **Do Pass** March 26, 2009.

**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.

Fiscal Note is not required.

Recommended **Do Pass** March 26, 2009.

**Senate File 438**, a bill for an act relating to actions injurious to dependent adults and providing penalties.

Fiscal Note is not required.

Recommended **Do Pass** March 26, 2009.

#### COMMITTEE ON LABOR

**Senate File 318**, a bill for an act pertaining to the duties and regulations under the purview of the labor commissioner.

Fiscal Note is not required.

Recommended **Do Pass** March 26, 2009.

**Senate File 413**, a bill for an act relating to wage payment collection issues arising between employers and individuals who provide services to employers, providing penalties, and including an effective date.

Fiscal Note is not required.

Recommended **Do Pass** March 26, 2009.

#### COMMITTEE ON STATE GOVERNMENT

**House File 777**, a bill for an act relating to open records and public meetings, including creation of the Iowa public information board, and providing an effective date and making an appropriation.

Fiscal Note is not required.

Recommended **Amend and Do Pass with Amendment H-1337** March 26, 2009.

**Pursuant to Rule 31, House File 777 was referred to the committee on appropriations.**

**Senate File 225**, a bill for an act allowing the purchase of service credit under the statewide fire and police retirement system for prior service under the retirement system.

Fiscal Note is not required.

Recommended **Do Pass** March 26, 2009.

**Senate File 226**, a bill for an act concerning the statewide fire and police retirement system by establishing a presumption that cancer and infectious diseases are work-related for purposes of disability and death benefits and by increasing the contribution rate.

Fiscal Note is not required.

Recommended **Do Pass** March 26, 2009.

#### COMMITTEE ON VETERANS AFFAIRS

**Senate File 281**, a bill for an act providing for the establishment of the state percent of growth for purposes of the state school foundation program, and providing an applicability date.

Fiscal Note is not required.

Recommended **Amend and Do Pass with Amendment H-1338** March 26, 2009.

#### COMMITTEE ON WAYS AND MEANS

**Committee Bill** (Formerly House Study Bill 284), relating to the individual income tax by providing for reduced tax rates, the elimination of federal deductibility, increasing the credits for elderly and blind individuals, increasing the amount of the earned income tax credit, and adjusting the eligibility for the child and dependent care tax credit and early childhood development tax credit and including a retroactive applicability date provision.

Fiscal Note is not required.

Recommended **Amend and Do Pass** March 30, 2009.

#### AMENDMENTS FILED

H—1329	S.F.	419	Lykam of Scott
H—1330	H.F.	779	Lykam of Scott
H—1331	S.F.	389	Wessel-Kroeschell of Story
H—1332	S.F.	445	Dolecheck of Ringgold
H—1333	S.F.	285	Committee on Judiciary
H—1334	S.F.	119	Committee on Judiciary
H—1335	S.F.	283	Committee on Judiciary
H—1336	S.F.	419	May of Dickinson Quirk of Chickasaw
H—1337	H.F.	777	Committee on State Government

H—1338	S.F.	281	Committee on Veterans Affairs
H—1339	S.F.	419	Worthan of Buena Vista
H—1340	S.F.	419	Deyoe of Story Bailey of Hamilton

On motion by Reasoner of Union the House adjourned at 9:18 p.m., until 9:00 a.m., Tuesday, March 31, 2009.

# JOURNAL OF THE HOUSE

Seventy-ninth Calendar Day - Fifty-third Session Day

Hall of the House of Representatives  
Des Moines, Iowa, Tuesday, March 31, 2009

The House met pursuant to adjournment at 9:12 a.m., Speaker pro tempore Bukta in the chair.

Prayer was offered by Reverend Mike Van Hamersveld, pastor of the First Reformed Church, Rock Valley. He was the guest of Representative Dwayne Alons from Sioux County.

## PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Allison Adams, House Page from Red Oak.

The Journal of Monday, March 30, 2009 was approved.

## INTRODUCTION OF BILL

**House File 808**, by Paulsen, Worthan, Dolecheck, Sands, Lukan, May, Huseman, Cownie, Helland, Deyoe, Soderberg, Windschitl, Tymeson, Arnold, S. Olson, Horbach, Drake, Heaton, Rayhons, Pettengill, Rants, L. Miller, Baudler, Raecker, Upmeyer, Alons, Kaufmann, Anderson, Wagner, Schultz, Forristall, De Boef, Struyk, Hagenow, Schulte, Sorenson, Roberts, Tjepkes, Grassley, Koester, Van Engelenhoven, Watts and Sweeney, a bill for an act updating the Code references to the Internet Revenue Code and including effective date and retroactive applicability provisions.

Read first time and referred to committee on **ways and means**.

On motion by Gayman of Scott, the House was recessed at 9:19 a.m., until 5:30 p.m.

## EVENING SESSION

The House reconvened at 5:38 p.m., Speaker pro tempore Bukta in the chair.



## LEAVE OF ABSENCE

Leave of absence was granted as follows:

Arnold of Lucas on request of Horbach of Tama; Helland of Polk, until his arrival, on request of Kaufmann of Cedar; Raecker of Polk on request of Rants of Woodbury.

## 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 31, 2009, amended and passed the following bill in which the concurrence of the House is asked:

House File 266, a bill for an act relating to recording proceedings before a magistrate.

Also: That the Senate has on March 31, 2009, passed the following bill in which the concurrence of the Senate was asked:

House File 315, a bill for an act creating an Iowa collaboration for youth development council and state of Iowa youth advisory council in the department of human rights.

Also: That the Senate has on March 31, 2009, passed the following bill in which the concurrence of the Senate was asked:

House File 317, a bill for an act relating to inclusion of assisted living services under the medical assistance home and community-based services waiver for the elderly.

Also: That the Senate has on March 31, 2009, amended and passed the following bill in which the concurrence of the Senate was asked:

House File 380, a bill for an act relating to the administration of programs under the jurisdiction of the department of public health and increasing a penalty.

Also: That the Senate has on March 31, 2009, passed the following bill in which the concurrence of the House is asked:

Senate File 459, a bill for an act providing a property tax exemption for construction or installation of a geothermal heating or cooling system and including an applicability date provision.

MICHAEL E. MARSHALL, Secretary

## QUORUM CALL

A non-record roll call was requested to determine that a quorum was present. The vote revealed eighty-one members present, nineteen absent.

### CONSIDERATION OF BILLS Regular Calendar

**Senate File 254**, a bill for an act requiring the preparation of a report by the department of veterans affairs relating to the activities of county commissions of veteran affairs, with report of committee recommending amendment and passage, was taken up for consideration.

Kearns of Lee offered the following amendment H-1296 filed by the committee on veterans affairs and moved its adoption:

H-1296

1 Amend Senate File 254, as passed by the Senate, as  
2 follows:  
3 1. Page 1, line 3, by striking the word and  
4 figure "June 30" and inserting the following: "August  
5 31".

The committee amendment H-1296 was adopted.

Kearns of Lee 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. 254)

The ayes were, 95:

Abdul-Samad	Alons	Anderson	Bailey
Baudler	Beard	Bell	Berry
Burt	Cohoon	Cownie	De Boef
Deyoe	Dolecheck	Drake	Ficken
Forristall	Frevert	Gaskill	Gayman
Grassley	Hagenow	Heaton	Heddens
Helland	Horbach	Hunter	Huseman
Huser	Isenhardt	Jacoby	Kaufmann
Kearns	Kelley	Koester	Kressig

Kuhn	Lensing	Lukan	Lykam
Marek	Mascher	May	McCarthy
Mertz	Miller, H.	Miller, L.	Oldson
Olson, D.	Olson, R.	Olson, S.	Olson, T.
Palmer	Paulsen	Petersen	Pettengill
Quirk	Rants	Rayhons	Reasoner
Reichert	Roberts	Sands	Schueller
Schulte	Schultz	Shomshor	Smith
Soderberg	Sorenson	Steckman	Struyk
Swaim	Sweeney	Taylor, D.	Taylor, T.
Thede	Thomas	Tjepkes	Tymeson
Upmeyer	Van Engelenhoven	Wagner	Watts
Wendt	Wenthe	Wessel-Kroeschell	Whitaker
Whitead	Willems	Winckler	Windschitl
Worthan	Zirkelbach	Bukta, Presiding	

The nays were, none.

Absent or not voting, 5:

Arnold	Chambers	Ford	Murphy, Spkr.
Raecker			

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

**Senate File 291**, a bill for an act providing for the recognition and promotion of certified retirement communities, with report of committee recommending passage, was taken up for consideration.

Wendt of Woodbury offered the following amendment H-1291 filed by him and moved its adoption:

H-1291

- 1 Amend Senate File 291, as passed by the Senate, as
- 2 follows:
- 3 1. Page 1, by inserting before line 35 the
- 4 following:
- 5 "The department is encouraged to collaborate with
- 6 the Iowa cooperative extension service in agriculture
- 7 and home economics at Iowa state university of science
- 8 and technology in the development of an outreach
- 9 program to assist communities seeking certification."
- 10 2. Page 3, by inserting before line 27 the
- 11 following:
- 12 "    . PROGRAM ADMINISTRATION DEFERRAL. If in the
- 13 fiscal year beginning July 1, 2009, the department of

14 elder affairs' appropriations or authorized  
 15 full-time-equivalent positions are reduced, the  
 16 department may defer the implementation of the  
 17 certified retirement communities program until such  
 18 time as the department has the resources to administer  
 19 the program."  
 20 3. By renumbering as necessary.

Amendment H-1291 was adopted.

Wendt of Woodbury 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. 291)

The ayes were, 56:

Abdul-Samad	Bailey	Beard	Bell
Berry	Burt	Cohoon	Ficken
Frevert	Gaskill	Gayman	Heddens
Hunter	Huser	Isenhardt	Jacoby
Kearns	Kelley	Kressig	Kuhn
Lensing	Lykam	Marek	Mascher
McCarthy	Mertz	Miller, H.	Murphy, Spkr.
Oldson	Olson, D.	Olson, R.	Olson, T.
Palmer	Petersen	Quirk	Reasoner
Reichert	Schueller	Schulte	Shomshor
Smith	Steckman	Swaim	Taylor, D.
Taylor, T.	Thede	Thomas	Wendt
Wenthe	Wessel-Kroeschell	Whitaker	Whitead
Willems	Winckler	Zirkelbach	Bukta, Presiding

The nays were, 40:

Alons	Anderson	Baudler	Cownie
De Boef	Deyoe	Dolecheck	Drake
Forrinstall	Grassley	Hagenow	Heaton
Helland	Horbach	Huseman	Kaufmann
Koester	Lukan	May	Miller, L.
Olson, S.	Paulsen	Pettengill	Rants
Rayhons	Roberts	Sands	Schultz
Soderberg	Sorenson	Struyk	Sweeney
Tjepkes	Tymeson	Upmeyer	Van Engelenhoven
Wagner	Watts	Windschitl	Worthan

Absent or not voting, 4:

Arnold

Chambers

Ford

Raecker

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

**House File 522**, a bill for an act concerning preferential hiring treatment by government for veterans, was taken up for consideration.

### SENATE FILE 186 SUBSTITUTED FOR HOUSE FILE 522

Mascher of Johnson asked and received unanimous consent to substitute Senate File 186 for House File 522.

**Senate File 186**, a bill for an act concerning preferential hiring treatment by government for veterans, was taken up for consideration.

Tymeson of Madison offered the following amendment H-1109 filed by her and Mascher of Johnson and moved its adoption:

H-1109

1 Amend Senate File 186, as passed by the Senate, as  
2 follows:

3 1. Page 1, line 8, by inserting after the word  
4 "qualifications." the following: "However, any  
5 veteran's preference provided shall not deny equally  
6 qualified residents of this state from being given  
7 equal consideration for an interview as veterans who  
8 are not residents of this state."

9 2. Page 1, line 34, by inserting after the word  
10 "interview" the following: "and any veteran's  
11 preference provided shall not deny equally qualified  
12 residents of this state from being given equal  
13 consideration for an interview as veterans who are not  
14 residents of this state".

Amendment H-1109 was adopted.

Mascher of Johnson moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 186)

The ayes were, 97:

Abdul-Samad	Alons	Anderson	Bailey
Baudler	Beard	Bell	Berry
Burt	Cohoon	Cownie	De Boef
Deyoe	Dolecheck	Drake	Ficken
Ford	Forristall	Frevert	Gaskill
Gayman	Grassley	Hagenow	Heaton
Heddens	Helland	Horbach	Hunter
Huseman	Huser	Isenhart	Jacoby
Kaufmann	Kearns	Kelley	Koester
Kressig	Kuhn	Lensing	Lukan
Lykam	Marek	Mascher	May
McCarthy	Mertz	Miller, H.	Miller, L.
Murphy, Spkr.	Oldson	Olson, D.	Olson, R.
Olson, S.	Olson, T.	Palmer	Paulsen
Petersen	Pettengill	Quirk	Rants
Rayhons	Reasoner	Reichert	Roberts
Sands	Schueller	Schulte	Schultz
Shomshor	Smith	Soderberg	Sorenson
Steckman	Struyk	Swaim	Sweeney
Taylor, D.	Taylor, T.	Thede	Thomas
Tjepkes	Tymeson	Upmeyer	Van Engelenhoven
Wagner	Watts	Wendt	Wenthe
Wessel-Kroeschell	Whitaker	Whitead	Willems
Winckler	Windschitl	Worthan	Zirkelbach
Bukta, Presiding			

The nays were, none.

Absent or not voting and 3:

Arnold	Chambers	Raecker
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The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

HOUSE FILE 522 WITHDRAWN

Mascher of Johnson asked and received unanimous consent to withdraw House File 522 from further consideration by the House.

**Senate File 360**, a bill for an act relating to the accreditation of school districts and nonpublic schools and the reorganization of school

districts, with report of committee recommending passage, was taken up for consideration.

Palmer of Mahaska moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 360)

The ayes were, 91:

Abdul-Samad	Alons	Anderson	Bailey
Baudler	Beard	Bell	Berry
Burt	Cohoon	Cownie	Deyoe
Dolecheck	Drake	Ficken	Ford
Forristall	Frevert	Gaskill	Gayman
Grassley	Hagenow	Heaton	Heddens
Helland	Horbach	Hunter	Huseman
Huser	Isenhardt	Jacoby	Kearns
Kelley	Koester	Kressig	Kuhn
Lensing	Lukan	Lykam	Marek
Mascher	May	McCarthy	Mertz
Miller, H.	Miller, L.	Murphy, Spkr.	Oldson
Olson, D.	Olson, R.	Olson, S.	Olson, T.
Palmer	Paulsen	Petersen	Pettengill
Quirk	Rants	Rayhons	Reasoner
Reichert	Sands	Schueller	Schulte
Schultz	Shomshor	Smith	Soderberg
Sorenson	Steckman	Struyk	Swaim
Taylor, D.	Taylor, T.	Thede	Thomas
Tjepkes	Van Engelenhoven	Wagner	Watts
Wendt	Wenthe	Wessel-Kroeschell	Whitaker
Whitead	Willems	Winckler	Windschitl
Worthan	Zirkelbach	Bukta,	
		Presiding	

The nays were, 6:

De Boef	Kaufmann	Roberts	Sweeney
Tymeson	Upmeyer		

Absent or not voting, 3:

Arnold	Chambers	Raecker
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The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

**Senate File 339**, a bill for an act relating to wastewater treatment and providing an effective date, with report of committee recommending amendment and passage, was taken up for consideration.

Kressig of Black Hawk offered amendment H-1300 filed by the committee on environmental protection as follows:

H-1300

- 1 Amend Senate File 339, as passed, amended, and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 3, by striking lines 29 and 30 and
- 4 inserting the following: "wastewater treatment
- 5 financial assistance program. A".
- 6 2. Page 4, by striking lines 9 through 13.
- 7 3. Page 9, line 8, by inserting after the word
- 8 "impact" the following: "while improving water
- 9 quality".
- 10 4. Page 10, line 29, by inserting after the word
- 11 "variance" the following: "improve water quality
- 12 and".
- 13 5. Page 11, by striking lines 27 and 28.
- 14 6. Page 11, by striking lines 34 and 35.
- 15 7. By renumbering, redesignating, and correcting
- 16 internal references as necessary.

Kressig of Black Hawk offered the following amendment H-1342, to the committee amendment H-1300, filed by him from the floor and moved its adoption:

H-1342

- 1 Amend the amendment, H-1300, to Senate File 339, as
- 2 amended, passed, and reprinted by the Senate, as
- 3 follows:
- 4 1. Page 1, by inserting after line 6 the
- 5 following:
- 6 "\_\_\_ Page 7, by striking lines 31 through 34 and
- 7 inserting the following:
- 8 "10. A water resource restoration project shall
- 9 not include the acquisition of property, an interest
- 10 in property, or improvements to property through
- 11 condemnation.""
- 12 2. By renumbering as necessary.

Amendment H-1342 was adopted.



On motion by Kressig of Black Hawk the committee amendment H-1300, as amended, was adopted.

Kressig 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. 339)

The ayes were, 97:

Abdul-Samad	Alons	Anderson	Bailey
Baudler	Beard	Bell	Berry
Burt	Cohoon	Cownie	De Boef
Deyoe	Dolecheck	Drake	Ficken
Ford	Forristall	Frevert	Gaskill
Gayman	Grassley	Hagenow	Heaton
Heddens	Helland	Horbach	Hunter
Huseman	Huser	Isenhart	Jacoby
Kaufmann	Kearns	Kelley	Koester
Kressig	Kuhn	Lensing	Lukan
Lykam	Marek	Mascher	May
McCarthy	Mertz	Miller, H.	Miller, L.
Murphy, Spkr.	Oldson	Olson, D.	Olson, R.
Olson, S.	Olson, T.	Palmer	Paulsen
Petersen	Pettengill	Quirk	Rants
Rayhons	Reasoner	Reichert	Roberts
Sands	Schueller	Schulte	Schultz
Shomshor	Smith	Soderberg	Sorenson
Steckman	Struyk	Swaim	Sweeney
Taylor, D.	Taylor, T.	Thede	Thomas
Tjepkes	Tymeson	Upmeyer	Van Engelenhoven
Wagner	Watts	Wendt	Wenthe
Wessel-Kroeschell	Whitaker	Whitead	Willems
Winckler	Windschitl	Worthan	Zirkelbach
Bukta,			
Presiding			

The nays were, none.

Absent or not voting, 3:

Arnold	Chambers	Raecker
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The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

Speaker Murphy in the chair at 6:26 p.m.

**Senate File 436**, a bill for an act relating to observers at satellite absentee voting stations, with report of committee recommending amendment and passage, was taken up for consideration.

Isenhart of Dubuque offered the following amendment H-1305 filed by the committee on state government and moved its adoption:

H-1305

- 1 Amend Senate File 436, as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 1, line 4, by striking the words "first
- 4 be available at" and inserting the following: "be
- 5 available at a".
- 6 2. Page 1, line 5, by striking the word
- 7 "stations" and inserting the following: "station".
- 8 3. Page 1, line 7, by striking the word "each"
- 9 and inserting the following: "the".
- 10 4. Page 1, line 9, by striking the word
- 11 "stations" and inserting the following: "station".

The committee amendment H-1305 was adopted.

Isenhart of Dubuque 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. 436)

The ayes were, 97:

Abdul-Samad	Alons	Anderson	Bailey
Baudler	Beard	Bell	Berry
Bukta	Burt	Cphoon	Cownie
De Boef	Deyoe	Dolecheck	Drake
Ficken	Ford	Forristall	Frevert
Gaskill	Gayman	Grassley	Hagenow
Heaton	Heddens	Helland	Horbach
Hunter	Huseman	Huser	Isenhart
Jacoby	Kaufmann	Kearns	Kelley
Koester	Kressig	Kuhn	Lensing
Lukan	Lykam	Marek	Mascher
May	McCarthy	Mertz	Miller, H.
Miller, L.	Oldson	Olson, D.	Olson, R.
Olson, S.	Olson, T.	Palmer	Paulsen
Petersen	Pettengill	Quirk	Rants
Rayhons	Reasoner	Reichert	Roberts
Sands	Schueller	Schulte	Schultz

Shomshor	Smith	Soderberg	Sorenson
Steckman	Struyk	Swaim	Sweeney
Taylor, D.	Taylor, T.	Thede	Thomas
Tjepkes	Tymeson	Upmeyer	Van Engelenhoven
Wagner	Watts	Wendt	Wenthe
Wessel-Kroeschell	Whitaker	Whitead	Willems
Winckler	Windschitl	Worthan	Zirkelbach
Mr. Speaker			
Murphy			

The nays were, none.

Absent or not voting, 3:

Arnold	Chambers	Raecker
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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 186, 254, 291, 339, 360 and 436.**

**Senate File 441**, a bill for an act relating to local emergency management by modifying provisions of the statewide mutual aid compact and by making changes to certain funding provisions, with report of committee recommending amendment and passage, was taken up for consideration.

Schueller of Jackson offered the following amendment H-1302 filed by the committee on local government and moved its adoption:

H-1302

- 1 Amend Senate File 441, as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 1, by striking lines 1 through 5.
- 4 2. Page 2, by striking lines 9 through 17.
- 5 3. Title page, lines 1 and 2, by striking the
- 6 words "and by making changes to certain funding
- 7 provisions".
- 8 4. By renumbering as necessary.

The committee amendment H-1302 was adopted.

Schueller of Jackson 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. 441)

The ayes were, 97:

Abdul-Samad	Alons	Anderson	Bailey
Baudler	Beard	Bell	Berry
Bukta	Burt	Cphoon	Cownie
De Boef	Deyoe	Dolecheck	Drake
Ficken	Ford	Forristall	Frevert
Gaskill	Gayman	Grassley	Hagenow
Heaton	Heddens	Helland	Horbach
Hunter	Huseman	Huser	Isenhardt
Jacoby	Kaufmann	Kearns	Kelley
Koester	Kressig	Kuhn	Lensing
Lukan	Lykam	Marek	Mascher
May	McCarthy	Mertz	Miller, H.
Miller, L.	Oldson	Olson, D.	Olson, R.
Olson, S.	Olson, T.	Palmer	Paulsen
Petersen	Pettengill	Quirk	Rants
Rayhons	Reasoner	Reichert	Roberts
Sands	Schueller	Schulte	Schultz
Shomshor	Smith	Soderberg	Sorenson
Steckman	Struyk	Swaim	Sweeney
Taylor, D.	Taylor, T.	Thede	Thomas
Tjepkes	Tymeson	Upmeyer	Van Engelenhoven
Wagner	Watts	Wendt	Wenthe
Wessel-Kroeschell	Whitaker	Whitead	Willems
Winckler	Windschitl	Worthan	Zirkelbach
Mr. Speaker			
Murphy			

The nays were, none.

Absent or not voting, 3:

Arnold	Chambers	Raecker
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The bill having received a constitutional majority was declared to have passed the House and the title, as amended, was agreed to.

**House File 774**, a bill for an act relating to statutory corrections which may adjust language to reflect current practices, insert earlier omissions, delete redundancies and inaccuracies, delete temporary language, resolve inconsistencies and conflicts, update ongoing

provisions, or remove ambiguities, and including effective and applicability date provisions, was taken up for consideration.

Huser of Polk offered the following amendment H-1200 filed by the committee on judiciary and moved its adoption:

H-1200

1 Amend House File 774 as follows:  
2 1. Page 7, by striking lines 33 and 34 and  
3 inserting the following:  
4 "b. However, if the population data for  
5 legislative".  
6 2. Page 130, by inserting after line 35, the  
7 following:  
8 "Sec.\_\_\_\_. Section 437A.15, subsection 4,  
9 unnumbered paragraph 1, Code 2009, is amended to read  
10 as follows:  
11 On or before August 31 following tax years 1999,  
12 2000, and 2001, each county treasurer shall compute a  
13 special utility property tax levy or tax credit for  
14 each taxpayer for which a replacement tax liability  
15 for each such tax year is reported to the county  
16 treasurer pursuant to subsection 1, and shall notify  
17 the taxpayer of the amount of such tax levy or tax  
18 credit. The amount of the special utility property  
19 tax levy or credit shall be determined for each  
20 taxpayer by the county treasurer by comparing the  
21 taxpayer's total replacement tax liability allocated  
22 to taxing districts in the county pursuant to this  
23 section with the anticipated tax revenues from the  
24 taxpayer for all taxing districts in the county. If  
25 the taxpayer's total replacement tax liability  
26 allocated to taxing districts in the county is less  
27 than the anticipated tax revenues from the taxpayer  
28 for all taxing districts in the county, the county  
29 treasurer shall levy a special utility property tax  
30 equal to the shortfall which shall be added to and  
31 collected with the replacement tax owed by the  
32 taxpayer to the county treasurer for the tax year  
33 pursuant to section 437A.8, subsection 4. If the  
34 taxpayer's total replacement tax liability allocated  
35 to taxing districts in the county exceeds the  
36 anticipated tax revenues from the taxpayer for all  
37 taxing districts in the county, the county treasurer  
38 shall issue a credit to the taxpayer which shall be  
39 applied to reduce the taxpayer's replacement tax  
40 liability to the county treasurer for the tax year.  
41 If the taxpayer's total replacement tax liability  
42 allocated to taxing districts in the county equals the

43 anticipated tax revenues from the taxpayer for all  
44 taxing districts in the county, no levy or credit is  
45 required. Replacement tax liability for purposes of  
46 this subsection means replacement tax liability before  
47 credits allowed by section 437A.8, subsection 7. A  
48 recalculation of a special utility property tax levy  
49 or credit shall not be made as a result of a  
50 subsequent recalculation of replacement tax liability

Page 2

1 under section 437A.8, subsection 7, or adjustment to  
2 assessed value under section 437A.19, subsection 2,  
3 paragraph ~~"f"~~ "a", subparagraph (6). "Anticipated tax  
4 revenues from a taxpayer" means the product of the  
5 total levy rates imposed by the taxing districts and  
6 the value of taxpayer property allocated to the taxing  
7 districts and reported to the county auditor. Special  
8 utility property tax levies and credits shall be  
9 treated as replacement taxes for purposes of section  
10 437A.11. If a special utility property tax levy  
11 payment becomes delinquent, the delinquent payment  
12 shall accrue interest and penalty in the same manner  
13 and amount as the replacement tax under section  
14 437A.13."  
15 3. By renumbering as necessary.

The committee amendment H-1200 was adopted.

SENATE FILE 449 SUBSTITUTED FOR HOUSE FILE 774

Huser of Polk asked and received unanimous consent to substitute Senate File 449 for House File 774.

**Senate File 449**, a bill for an act relating to statutory corrections which may adjust language to reflect current practices, insert earlier omissions, delete redundancies and inaccuracies, delete temporary language, resolve inconsistencies and conflicts, update ongoing provisions, or remove ambiguities, and including effective and applicability date provisions, was taken up for consideration.

Huser of Polk moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 449)

The ayes were, 96:

Abdul-Samad	Alons	Anderson	Bailey
Baudler	Beard	Bell	Berry
Bukta	Burt	Cphoon	Cownie
De Boef	Deyoe	Dolecheck	Drake
Ficken	Ford	Forristall	Frevert
Gaskill	Gayman	Grassley	Hagenow
Heaton	Heddens	Helland	Horbach
Hunter	Huseman	Huser	Isenhart
Jacoby	Kaufmann	Kearns	Kelley
Koester	Kressig	Kuhn	Lensing
Lukan	Lykam	Marek	Mascher
May	McCarthy	Mertz	Miller, H.
Miller, L.	Oldson	Olson, D.	Olson, R.
Olson, S.	Olson, T.	Palmer	Paulsen
Petersen	Pettengill	Quirk	Rants
Rayhons	Reasoner	Reichert	Roberts
Sands	Schueller	Schulte	Schultz
Shomshor	Smith	Soderberg	Sorenson
Steckman	Struyk	Swaim	Sweeney
Taylor, T.	Thede	Thomas	Tjepkes
Tymeson	Upmeyer	Van Engelenhoven	Wagner
Watts	Wendt	Wenthe	Wessel-Kroeschell
Whitaker	Whitead	Willems	Winckler
Windschitl	Worthan	Zirkelbach	Mr. Speaker
			Murphy

The nays were, 1:

Taylor, D.

Absent or not voting, 3:

Arnold                      Chambers                      Raecker

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 441 and 449.**

### HOUSE FILE 259 REFERRED

The Speaker announced that House File 259, previously placed on the **calendar** was referred to committee on **ways and means.**

## EXPLANATION OF VOTE

I was necessarily absent from the House chamber on March 26, 2009. Had I been present, I would have voted "aye" on House File 420.

ALONS of Sioux

## BILLS ENROLLED, SIGNED AND SENT TO GOVERNOR

The Chief Clerk of the House submitted the following report:

Mr. Speaker: The Chief Clerk of the House respectfully reports that the following bills have been examined and found correctly enrolled, signed by the Speaker of the House and the President of the Senate, and presented to the Governor for his approval on this 31<sup>st</sup> day of March, 2009: House Files 122 and 314.

MARK W. BRANDSGARD  
Chief Clerk of the House

Report adopted.

## COMMUNICATIONS RECEIVED

The following communications were received and filed in the office of the Chief Clerk:

### DEPARTMENT OF PUBLIC HEALTH

Iowa Board of Medicine/Iowa Board of Physicians Assistant Collaboration Report, pursuant to Chapter 148C.12, Code of Iowa.

Iowa Communications Network Utilization Report, pursuant to Chapter 8D.10, Code of Iowa.

Anatomical Gifts Report, pursuant to Chapter 142C.17, Code of Iowa.

Child Death Review Team Annual Report, pursuant to Chapter 135.43, Code of Iowa.

Hemophilia Advisory Council Annual Report, pursuant to Chapter 135N.6, Code of Iowa.



## DEPARTMENT OF REVENUE

Biofuel Producers Tax Credits Evaluation Study, pursuant to Chapter 214A, Code of Iowa.

## SUBCOMMITTEE ASSIGNMENTS

**House File 806**

Education: Wendt, Chair; Ficken and May.

**Senate File 452**

Appropriations: Reichert, Chair; Jacoby and Watts.

## HOUSE STUDY BILL SUBCOMMITTEE ASSIGNMENT

**House Study Bill 286**

Ways and Means: Wendt, Chair; Bukta and Kaufmann.

## AMENDMENTS FILED

H—1341	S.F.	419	Rants of Woodbury
H—1343	H.F.	805	Hagenow of Polk
H—1344	H.F.	805	Huseman of Cherokee
H—1345	S.F.	415	Kaufmann of Cedar
H—1346	S.F.	415	Grassley of Butler
H—1347	S.F.	415	Tymeson of Madison
H—1348	S.F.	415	Tymeson of Madison
H—1349	S.F.	415	Kaufmann of Cedar
H—1350	S.F.	415	Kaufmann of Cedar
H—1351	S.F.	415	Tymeson of Madison
H—1352	S.F.	415	Tymeson of Madison
H—1353	S.F.	415	Tymeson of Madison
H—1354	S.F.	415	Grassley of Butler
H—1355	S.F.	415	Grassley of Butler
H—1356	S.F.	415	Grassley of Butler
H—1357	S.F.	415	Grassley of Butler
H—1358	S.F.	415	Kaufmann of Cedar
H—1359	S.F.	415	Kaufmann of Cedar
H—1360	S.F.	415	Kaufmann of Cedar
H—1361	H.F.	266	Senate Amendment
H—1362	H.F.	805	Windschitl of Harrison
H—1363	S.F.	423	Hagenow of Polk
			Frevert of Palo Alto
			H. Miller of Webster

H—1364	S.F.	445	Horbach of Tama
H—1365	S.F.	445	Struyk of Pottawattamie Pettengill of Benton
H—1366	S.F.	445	Horbach of Tama
H—1367	S.F.	445	Pettengill of Benton Struyk of Pottawattamie
H—1368	S.F.	3	May of Dickinson
H—1369	S.F.	419	Kaufmann of Cedar R. Olson of Polk Huser of Polk Horbach of Tama
H—1370	S.F.	419	Rants of Woodbury

On motion by McCarthy of Polk the House adjourned at 6:47 p.m., until 9:00 a.m., Wednesday, April 1, 2009.

# JOURNAL OF THE HOUSE

Eightieth Calendar Day - Fifty-fourth Session Day

Hall of the House of Representatives  
Des Moines, Iowa, Wednesday, April 1, 2009

The House met pursuant to adjournment at 9:13 a.m., T. Olson of Linn in the chair.

Prayer was offered by Reverend John Seitz, pastor of Antioch Christian Church, Marion. He was the guest of Representative Renee Schulte of Linn County, whose husband pastors with Pastor Seitz.

## PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Laura Zeman, the House Speaker's Page from Cedar Falls.

The Journal of Tuesday, March 31, 2009 was approved.

## MESSAGES 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 April 1, 2009, adopted the following resolution in which the concurrence of the Senate was asked:

House Concurrent Resolution 7, a concurrent resolution relating to Pioneer Lawmakers.

MICHAEL E. MARSHALL, Secretary

## SENATE MESSAGES CONSIDERED

**Senate File 456**, by committee on ways and means, a bill for an act modifying provisions applicable to facilities qualifying for wind energy production and renewable energy tax credits and including effective and retroactive applicability date provisions.

Read first time and referred to committee on **ways and means**.

**Senate File 459**, by committee on ways and means, a bill for an act providing a property tax exemption for construction or installation of a geothermal heating or cooling system and including an applicability date provision.

Read first time and referred to committee on **ways and means**.

SPECIAL PRESENTATION  
Pella Tulip Festival

Van Engelenhoven of Marion presented to the House, Morgan Kuiper, Queen of the 2009 Pella Tulip Festival and escorted her and her court to the Speaker's station.

Queen Kuiper presented her attendants, Leah Dykstra, Karlie Monsma, Aemelia Tripp and Rachel Van Gorp.

Also present from Pella were the parents of the Queen and her court, who wore native Dutch costumes and distributed the famous Pella Dutch cookies.

Queen Kuiper and her court invited everyone to attend the Pella Tulip Festival on May 7th, 8th and 9th.

On motion by Reasoner of Union, the House was recessed at 9:27 a.m., until 1:30 p.m.

AFTERNOON SESSION

The House reconvened at 1:47 p.m., Speaker Murphy in the chair.

COMMITTEE TO NOTIFY THE SENATE

Swaim of Davis moved that a committee of three be appointed to notify the Senate that the House was ready to receive it in joint convention.

The motion prevailed and the Speaker appointed as such committee, Swaim of Davis, Mascher of Johnson and Hagenow of Polk.

Swaim of Davis, chair of the committee appointed to notify the Senate that the House was ready to receive it in joint convention, reported the committee had performed its duty. The report was received and the committee discharged.

The Sergeant-at-Arms announced the arrival of the President of the Senate, the Secretary of the Senate and the honorable body of the Senate.

The President was escorted to the Speaker's station and the members of the Senate were seated in the House chamber.

JOINT CONVENTION  
PIONEER LAWMAKERS  
SIXTIETH BIENNIAL SESSION

In accordance with House Concurrent Resolution 7, duly adopted, the joint convention was called to order at 2:00 p.m., President Kibbie presiding.

President Kibbie announced a quorum present and the joint convention duly organized.

Gronstal of Pottawattamie moved that a committee of eight be appointed to escort the Pioneer Lawmakers into the House chamber.

The motion prevailed and the President appointed as such committee Dvorsky of Johnson, Stewart of Jackson, Noble of Polk and Ward of Polk, on the part of the Senate, and Cohoon of Des Moines, Lensing of Johnson, Wagner of Linn and Deyoe of Story, on the part of the House.

The committee escorted the Pioneer Lawmakers into the House chamber.

President Kibbie presented Senator pro tempore Jeff Danielson, who welcomed the Pioneer Lawmakers on behalf of the Senate.

President Kibbie presented Representative Pat Murphy, Speaker of the House, who welcomed the Pioneer Lawmakers on behalf of the House.

President Kibbie presented the honorable Representative Dennis Cohoon of Des Moines member of the House, who responded to the welcome.

Representative Dennis Cohoon of Des Moines County introduced O. Kay Henderson, News Director of Radio Iowa.

Thank you, Representative Cohoon.

Pioneer lawmakers, members of the 83th General Assembly, legislative staff, clerks and guests. Thank you for your welcome.

Representative Cohoon cornered me back in the House lounge a few weeks ago about this speaking gig. I asked Representative Cohoon when this event would be held. He told me April 1st and you know what immediately ran through my mind.

Cohoon quickly assured me this is no April Fool's Day joke.

I then asked Representative Cohoon what he wanted the speech to be about. He said: "About 10 or 15 minutes...Just don't go on and on and on."

I don't plan to go on and on and on, but I am going to go back -- all the way back to 1989.

It was a momentous year in world history and worthy of a little review. Apartheid was being ushered out in South Africa.

Pro-democracy protesters in Tiananmen Square were beaten back by the communists -- as many of us watched on television. The Berlin Wall came down.

Back on the home front:

The first episodes of "Seinfeld" and "The Simpsons" aired in 1989.

The Rolling Stones set out on their first "Steel Wheels" tour.

The B-52s sang about a Love Shack.

And Cher was suggesting we "Turn Back Time" -- way before Senator Jack Kibbie ever suggested it.

Two decades ago, I was a 24-year-old statehouse reporter working for Radio Iowa. That may sound young, but let me remind you that two decades ago Representatives Pat Grassley and Matt Windschitl were in kindergarten.

These folks sitting in front of us today were among the newbies, the rookies, "The Class of 1989." They arrived at the statehouse on Monday, January 9 -- dressed in their first-day-of-session clothes.

Democrats were in control. There were 61 Democrats in the House and 30 Democrats in the Senate.

Don Avenson of Oelwein was the House Speaker. Some called him "the lead sled dog." I sat in the Law Library this week, reading through the House and Senate Journals from 1989. I read Avenson's opening day speech and it occurred to me that Barack Obama may have read it, too. As you may recall, Obama said this in a speech to supporters last year: "We are the ones we've been waiting for."

Avenson had almost copyrighted the sentiment two decades earlier. Back in 1989, Avenson said: "We have met Iowa's leaders and they are us."

The list of legislation which cleared the 1989 legislature is long. The General Assembly voted to establish a state minimum wage that was higher than the national minimum wage. Governor Terry Branstad surprised his fellow Republicans and signed it into law.

The 1989 Iowa Legislature established the Resource Enhancement and Protection Act -- REAP. They really loved the environment, so much so that the House Rules were changed and Styrofoam cups were banned from the floor.

But the issue which received the most public attention that year was riverboat gambling. Yes, 1989 is the year the Iowa legislature voted to legalize gambling on boats that cruised the state's rivers. Governor Branstad signed the bill into law and the floating casinos opened their doors on April 1st, 1990.

But just a year earlier, in 1989, the riverboat gambling bill hit a lot of waves -- and sunk a couple of times -- before it made it through the House and Senate.

First, the House debated the bill for seven-and-a-half hours. The votes were cast. The bill failed. It soon resurfaced, though, and passed the House on a 51 to 47 vote.

A short while later in this precarious process, a group of reporters stood around Senator Wally Horn. Horn was the floor manger of the riverboat gambling bill. A reporter asked Horn if he had the votes to pass the bill.

Here is Horn's answer: "Well, I can tell you I've got 26 'yes' votes and 24 'no' votes - and two people are still undecided."

Horn may have been closer on that math than we thought, though, as when the bill first came up for debate in the senate, it failed.

Then, a senator from Waukeez -- a Methodist! -- switched his vote and helped pass the bill.

But passing the bill wasn't easy even when the votes were there. It was a long debate, mainly due to the Herculean effort of Senator William Dieleman, a staunch gambling foe. At one point during debate in the wee hours of the morning, Senator Dick Drake of Muscatine yelled: "Point of order."

Drake had his foot up on his senate desk chair. His elbow was resting on his knee. He was sort of leaning over his microphone. Drake croaked into the microphone: "How long are you going to keep us here, Senator Dieleman?"

Dieleman kept on, but one local senator missed much of the floor show. Senator George Kinley, who lived on the south side of Des Moines, went home that night and

got a good night's sleep. He got up early, showered and suited up. Kinley arrived back at the statehouse in the early morning light -- fresh as a daisy and ready to vote for the riverboat gambling bill -- when that vote finally came.

On another occasion -- the old-timers around this place aren't quite sure it was in 1989, but it's a good story so I'm going to tell it -- two Democratic staff members in the Iowa Senate had to go to church on a Sunday morning to round up a senator. The "yes" vote of Senator Joe Coleman of Fort Dodge was needed to pass one of the final bills pending in the session. Theresa Kehoe and Debbie O'Leary were dispatched by Senate Majority Leader Bill Hutchins to find Coleman and they did. They found Senator Coleman standing in the communion line at one of the Catholic churches in town. The two women grabbed Coleman by the elbows and steered him out of church and back here to the statehouse.

There's another story to tell, featuring John Connors. Connors was in the speaker's chair and it was near the end of the session. The House was voting on some long-forgotten bill and a legislator who ended up serving just the one term in the House was standing with his hand in the air, indicating he was voting yes. Connors motioned to Joe O'Hern, the chief clerk. "Who is that?" Connors asked. There were three legislators who looked an awful lot alike. O'Hern said he didn't know who it was. So, this is what Connors announced: "The gentleman in the back of the room votes aye."

There are a million stories to tell about this place and that year. The 1989 legislature dared to take on the "fourth rail" in Iowa politics: small schools. Lawmakers passed an "open enrollment" bill which allowed parents to enroll their children in a neighboring school if they were unhappy with the district in which they lived. And legislators back in 1989 started the process of ending those "phantom students." No, kids, that's not a ghost story, but an honest-to-goodness term that was uttered almost as much as the phrase "federal deductibility" has been uttered here this year.

The 1989 legislature passed an increase in the gas tax. They passed a "comparable worth" bill which said women and men in state government should be paid the same salary when they're doing the same job.

Because of my job, back in 1989 I got to sleep on the floor underneath the press bench here in the House. That's because the House started its last "day" early on Friday morning and ended that "day" on Sunday.

In his closing remarks that year -- on Sunday, May 7th, 1989 -- House Speaker Don Avenson had a list of words to describe legislators' work product: "Epic, trailblazing, foresighted, Ben Hurian, George Pattonish."

Avenson went on to say he was always amazed that, in his words, "farmers, workers, lawyers, teachers and small business people can end up doing what (YOU) do every year. Coming from a hundred different locations and a hundred different family backgrounds," in the end, Avenson said, the Iowa legislature always seems to end up with something of which they can be proud.

And I have now "ended up with something" that's about 10 or 15 minutes long. Thank you for the kind invitation to speak with you today. From this member of "The Class of 1985" -- best wishes to "The Class of 1989."



On motion by McCarthy of Polk, the joint convention was dissolved at 2:34 p.m.

On motion by Whitaker of Van Buren, the House was recessed at 3:07 p.m., until 8:30 p.m.

The House reconvened at 8:29 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 April 1, 2009, amended and passed the following bill in which the concurrence of the House is asked:

House File 311, a bill for an act requiring health care benefit coverage for certain medically necessary prosthetic devices and providing an applicability date.

Also: That the Senate has on April 1, 2009, passed the following bill in which the concurrence of the Senate was asked:

House File 687, a bill for an act relating to certain reporting requirements or actions required of the department of education, school districts, accredited nonpublic schools, and community colleges.

Senate File 458, a bill for an act authorizing cities to establish storm water drainage system utility districts for purposes of special assessments.

Also: That the Senate has on April 1, 2009, passed the following bill in which the concurrence of the House is asked:

Senate File 467, a bill for an act relating to and making appropriations involving state government, by providing for agriculture, natural resources, and environmental protection.

MICHAEL E. MARSHALL, Secretary

### INTRODUCTION OF BILL

**House File 809**, by committee on appropriations, a bill for an act relating to and making appropriations to certain state departments, agencies, funds, and certain other entities, providing for regulatory authority, and other properly related matters, and providing effective and retroactive applicability dates.

Read first time and placed on the **appropriations calendar**.

## SENATE MESSAGES CONSIDERED

**Senate File 458**, by committee on ways and means, a bill for an act authorizing cities to establish storm water drainage system utility districts for purposes of special assessments.

Read first time and referred to committee on **ways and means**.

**Senate File 467**, 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 providing for effective dates.

Read first time and referred to committee on **appropriations**.

## 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

- 2009\3479 Mervyle Carey, Mason City – For celebrating her 90<sup>th</sup> birthday.
- 2009\3480 Doris Barlow, Clear Lake – For celebrating her 94<sup>th</sup> birthday.
- 2009\3481 Mildred Burdette, Clear Lake – For celebrating her 103<sup>rd</sup> birthday.
- 2009\3482 Fern Carlson, Clear Lake – For celebrating her 101<sup>st</sup> birthday.
- 2009\3483 Loraine Beyer, Holstein – For celebrating her her 90<sup>th</sup> birthday.
- 2009\3484 Ellen Henningsen, Denison – For celebrating her 85<sup>th</sup> birthday.
- 2009\3485 Zeta Eblen, Atlantic – For celebrating her 95<sup>th</sup> birthday.
- 2009\3486 Viola Miller, Avoca – For celebrating her 99<sup>th</sup> birthday.
- 2009\3487 Mariann Martens, Walnut – For celebrating her 80<sup>th</sup> birthday.
- 2009\3488 Margaret Batschelet, Guthrie Center – For celebrating her 85<sup>th</sup> birthday.
- 2009\3489 Fred and Sylvia Hawker, Greene – For celebrating their 50<sup>th</sup> wedding anniversary.
- 2009\3490 Lewis Hobby, Burlington – For celebrating his 90<sup>th</sup> birthday.

- 2009\3491 Norman and Betty Moxley, Newton – For celebrating their 70<sup>th</sup> wedding anniversary.
- 2009\3492 Albert Jones, Newton – For celebrating his 80<sup>th</sup> birthday.
- 2009\3493 Le Ora Van Zee, Newton – For celebrating her 90<sup>th</sup> birthday.
- 2009\3404 Alysha Seroussi – For being named a University of Iowa Presidential Scholar for 2009.
- 2009\3495 Dorothy and Robert Schilling, Dubuque – For celebrating their 50<sup>th</sup> wedding anniversary.
- 2009\3496 Chuck Dunham, Deep River – For celebrating his 80<sup>th</sup> birthday.
- 2009\3497 Francis and Judy Greiner, Sigourney – For celebrating their 50<sup>th</sup> wedding anniversary.
- 2009\3498 Pauline Cave, South English – For celebrating her 80<sup>th</sup> birthday.
- 2009\3499 Jourdan Beal, Clarinda – For winning the national poetry contest at poetry.com and the inclusion of her poem in the poetry book being published.
- 2009\3500 Madeline E. James, Des Moines – For her years of dedicated service to the Iowa Legislature commencing in 1945.
- 2009\3501 Amos Hoffert, Atlantic – For celebrating his 95<sup>th</sup> birthday.
- 2009\3502 Floyd and Verna Skellenger, Northwood – For celebrating their 65<sup>th</sup> wedding anniversary.

#### SUBCOMMITTEE ASSIGNMENTS

##### **House File 730**

Appropriations: Reichert, Chair; Hunter and Worthan.

##### **House File 754**

Appropriations: Winckler, Chair; Cohoon, Dolecheck, Heaton and Wenthe.

#### 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 ADMINISTRATION AND RULES

**Senate File 334**, a bill for an act relating to the legislative committees charged with providing government oversight.

Fiscal Note is not required.

Recommended **Do Pass** April 1, 2009.

**Senate File 430**, a bill for an act relating to appointments to statutory boards, commissions, councils, and committees that involve the general assembly, and including effective date and applicability provisions.

Fiscal Note is not required.

Recommended **Do Pass** April 1, 2009.

## COMMITTEE ON APPROPRIATIONS

**House File 313**, a bill for an act relating to economic development by providing for an innovation and commercialization development fund, making the department of revenue responsible for approving certain tax credits for third-party developers, making appropriations, and providing an effective date.

Fiscal Note is not required.

Recommended **Do Pass** April 1, 2009.

**Committee Bill** (Formerly House Study Bill 285), relating to and making appropriations to certain state departments, agencies, funds, and certain other entities, providing for regulatory authority, and other properly related matters, and providing effective and retroactive applicability dates.

Fiscal Note is not required.

Recommended **Amend and Do Pass** April 1, 2009.

## AMENDMENTS FILED

H—1371	H.F.	712	Huser of Polk
H—1372	S.F.	226	Frevert of Palo Alto
H—1373	S.F.	323	Heaton of Henry Wessel-Kroeschell of Story
H—1374	S.F.	404	Drake of Cass
H—1375	H.F.	712	Huser of Polk
H—1376	S.F.	323	Van Engelenhoven of Marion
H—1377	H.F.	712	Alons of Sioux
H—1378	H.F.	807	Lukan of Dubuque
H—1379	H.F.	807	Cownie of Polk

H—1380	H.F.	807	Hagenow of Polk
H—1381	H.F.	807	Grassley of Butler
H—1382	H.F.	807	Sands of Louisa
H—1383	H.F.	807	L. Miller of Scott
H—1384	H.F.	807	Tymeson of Madison
H—1385	H.F.	807	Sands of Louisa
H—1386	H.F.	807	Tymeson of Madison
H—1387	S.F.	224	Quirk of Chickasaw Struyk of Pottawattamie
H—1388	H.F.	807	Quirk of Chickasaw Huser of Polk
H—1389	S.F.	419	R. Olson of Polk Lykam of Scott
H—1390	H.F.	311	Senate Amendment
H—1391	H.F.	807	Struyk of Pottawattamie
H—1392	H.F.	807	Sands of Louisa
H—1393	H.F.	807	Pettengill of Benton
H—1394	H.F.	807	Wagner of Linn
H—1395	S.F.	419	Alons of Sioux De Boef of Keokuk Drake of Cass Sorenson of Warren

On motion by McCarthy of Polk the House adjourned at 8:30 p.m., until Thursday, April 2, 2009, at 9:00 a.m.

JOINT MEMORIAL SERVICE  
EIGHTY-THIRD GENERAL ASSEMBLY  
SENATE CHAMBER  
WEDNESDAY, APRIL 1, 2009

**PROGRAM**

Senator John P. Kibbie, Presiding

Prelude ..... Ruth Cooperrider  
“Precious Lord” ..... Memorial Choir  
Invocation.....Senate President John P. Kibbie

**MEMORIALS**

Readers: Senator Fraise, Senator Hogg, Senator Johnson, Senator Beall

Hon. Benda (S)      Hon. Drake (S)      Hon. Larson (S)      Hon. Merritt (S)  
Hon. Craft (S)      Hon. Ely, Jr. (S/H)      Hon. Lundby (S/H)      Hon. Norpel (S/H)  
Hon. Doyle (S/H)      Hon. Gaudineer (S/H)      Hon. McCartney (S/H)      Hon. Nurse (S)  
Hon. Vest (S)

“Peace Like a River” ..... Memorial Choir

**MEMORIALS**

Readers: Representative T. Taylor, Speaker Murphy,  
Representative Pettengill,  
Representative Winckler, Representative Drake

Hon. Bennett (H)      Hon. Corey (H)      Hon. Hanrahan (H)      Hon. Nagle (H)  
Hon. Conn (H)      Hon. Dunlap (H)      Hon. Holmes (H)      Hon. Rex (H)  
Hon. Connors (H)      Hon. Finch (H)      Hon. Lageschulte (H)      Hon. Thomson (H)

Responsorial Reading ..... Led by Sen. Kibbie  
“T’ll Fly Away” ..... Memorial Choir

- Senate – (S) and House – (H)

## IN MEMORIAM

### SERVED IN THE SENATE

**Honorable Kenneth J. Benda (Poweshiek)** 60<sup>th</sup>, 60<sup>th</sup> X, 61<sup>st</sup>, 62<sup>nd</sup>, and 63<sup>rd</sup> General Assemblies. (1963-1970)

**Honorable Rolf Vaughn Craft (Winneshiek)** 67<sup>th</sup>, 67<sup>th</sup> X, 68<sup>th</sup>, 69<sup>th</sup>, 69<sup>th</sup> X, 69<sup>th</sup> XX General Assemblies. (1977-1982)

**Honorable Thomas C. Larson (Taylor)** 55<sup>th</sup> and 56<sup>th</sup> General Assemblies. (1953-1956)

**Honorable Milo H. Merritt (Mitchell)** 66<sup>th</sup>, 67<sup>th</sup> and 67<sup>th</sup> X General Assemblies.(1975-1978)

**Honorable H. Kenneth Nurse (Harrison)** 61<sup>st</sup>, and 62<sup>nd</sup> General Assemblies. (1965-1968)

**Honorable Alan W. Vest (Sac)** 54<sup>th</sup>, 55<sup>th</sup>, 56<sup>th</sup>, and 57<sup>th</sup> General Assemblies. (1951-1958)

### SERVED IN THE SENATE AND THE HOUSE OF REPRESENTATIVES

**Honorable Donald V. Doyle (Woodbury)** 57<sup>th</sup>, 58<sup>th</sup>, 61<sup>st</sup>, 63<sup>rd</sup>, 64<sup>th</sup>, 65<sup>th</sup>, 66<sup>th</sup>, 67<sup>th</sup>, 67<sup>th</sup> X, 68<sup>th</sup>, 69<sup>th</sup>, 69<sup>th</sup> X, 69<sup>th</sup> XX, 70<sup>th</sup>, 71<sup>st</sup>, 72<sup>nd</sup>, 72<sup>nd</sup> X, 72<sup>nd</sup> XX, and 73<sup>rd</sup> General Assemblies. (1957-1990)

**Honorable Richard F. Drake (Muscatine)** 63<sup>rd</sup>, 64<sup>th</sup>, 65<sup>th</sup>, 66<sup>th</sup>, 67<sup>th</sup>, 67<sup>th</sup> X, 68<sup>th</sup>, 69<sup>th</sup>, 69<sup>th</sup> X, 69<sup>th</sup> XX, 70<sup>th</sup>, 71<sup>st</sup>, 72<sup>nd</sup>, 72<sup>nd</sup> X, 72<sup>nd</sup> XX, 73<sup>rd</sup>, 74<sup>th</sup>, 74<sup>th</sup> X, 74<sup>th</sup> XX, 75<sup>th</sup>, 76<sup>th</sup>, 77<sup>th</sup>, 78<sup>th</sup>, 79<sup>th</sup>, 79<sup>th</sup> X, 79<sup>th</sup> XX, 79<sup>th</sup> XXX, 79<sup>th</sup> XXXX, 80<sup>th</sup> and 80<sup>th</sup> X General Assemblies. (1970-2004)

**Honorable John M. Ely, Jr. (Linn)** 59<sup>th</sup>, 60<sup>th</sup>, 60<sup>th</sup> X, 61<sup>st</sup>, and 62<sup>nd</sup> General Assemblies.(1961- 1968)

**Honorable Lee H. Gaudineer (Polk)** 61<sup>st</sup>, 62<sup>nd</sup>, 63<sup>rd</sup> and 64<sup>th</sup> General Assemblies. (1965-1972)

**Honorable Mary Adelaide Lundby (Linn)** 72<sup>nd</sup>, 72<sup>nd</sup> X, 72<sup>nd</sup> XX, 73<sup>rd</sup>, 74<sup>th</sup>, 74<sup>th</sup> X, 74<sup>th</sup> XX, 75<sup>th</sup>, 76<sup>th</sup>, 77<sup>th</sup>, 78<sup>th</sup>, 79<sup>th</sup>, 79<sup>th</sup> X, 79<sup>th</sup> XX, 79<sup>th</sup> XXX, 79<sup>th</sup> XXXX, 80<sup>th</sup>, 80<sup>th</sup> X, 80<sup>th</sup> XX, 81<sup>st</sup>, 81<sup>st</sup> X, 82<sup>nd</sup> General Assemblies. (1987-2008)

**Honorable Ralph F. McCartney (Floyd)** 62<sup>nd</sup>, 63<sup>rd</sup>, and 65<sup>th</sup> General Assemblies. (1967-1974)

**Honorable Richard J. Norpel (Jackson)** 64<sup>th</sup>, 65<sup>th</sup>, and 66<sup>th</sup> General Assemblies. (1971-1976)

**SERVED IN THE HOUSE OF REPRESENTATIVES**

**Honorable Vernon Bennett (Polk)** 62<sup>nd</sup>, 63<sup>rd</sup> and 64<sup>th</sup> General Assemblies. (1967-1972)

**Honorable Blythe C. Conn (Des Moines)** 56<sup>th</sup> General Assembly. (1955-1956)

**Honorable John H. Connors (Polk)** 65<sup>th</sup>, 66<sup>th</sup>, 67<sup>th</sup>, 67<sup>th</sup> X, 68<sup>th</sup>, 69<sup>th</sup>, 69<sup>th</sup> X, 69<sup>th</sup> XX, 70<sup>th</sup>, 71<sup>st</sup>, 72<sup>nd</sup>, 72<sup>nd</sup> X, 72<sup>nd</sup> XX, 73<sup>rd</sup>, 74<sup>th</sup>, 74<sup>th</sup> X, 74<sup>th</sup> XX, 75<sup>th</sup>, 76<sup>th</sup>, 77<sup>th</sup>, 78<sup>th</sup>, 79<sup>th</sup>, 79<sup>th</sup> X, 79<sup>th</sup> XX, 80<sup>th</sup>, 80<sup>th</sup> X, 80<sup>th</sup> XX General Assemblies. (1973-2004)

**Honorable Virgil Corey (Louisa)** 68<sup>th</sup>, 69<sup>th</sup>, 69<sup>th</sup> X, 69<sup>th</sup> XX, 70<sup>th</sup>, 71<sup>st</sup> and 72<sup>nd</sup> General Assemblies. (1979-1988)

**Honorable Norman P. Dunlap (Story)** 65<sup>th</sup> General Assembly. (1973-1974)

**Honorable Barbara A. Finch (Story)** 79<sup>th</sup>, 79<sup>th</sup> X and 79<sup>th</sup> XX General Assemblies. (2001-2002)

**Honorable Raymond J. Hanrahan (Polk)** 59<sup>th</sup> General Assembly. (1961-1962)

**Honorable John A. Holmes (Jones)** 61<sup>st</sup> General Assembly. (1965-1966)

**Honorable Raymond A. Lageschulte (Bremer)** 66<sup>th</sup>, 67<sup>th</sup>, 67<sup>th</sup> X, 68<sup>th</sup>, 69<sup>th</sup>, 69<sup>th</sup> X, 69<sup>th</sup> XX, 70<sup>th</sup>, 71<sup>st</sup>, 72<sup>nd</sup>, 73<sup>rd</sup>, 74<sup>th</sup> and 75<sup>th</sup> General Assemblies. (1975-1992)

**Honorable Daniel L. Nagle (Scott)** 61<sup>st</sup> General Assembly. (1965-1966)

**Honorable Clyde J. Rex (Hamilton)** 63<sup>rd</sup> and 64<sup>th</sup> General Assemblies. (1969-1972)

**Honorable Rosemary Thomson (Linn)** 76<sup>th</sup>, 77<sup>th</sup> and 78<sup>th</sup> General Assemblies. (1995-2001)



# **JOURNAL OF THE HOUSE**

Eighty-first Calendar Day - Fifty-fifth Session Day

Hall of the House of Representatives  
Des Moines, Iowa, Thursday, April 2, 2009

The House met pursuant to adjournment at 9:13 a.m., Speaker pro tempore Bukta in the chair.

Prayer was offered by Reverend Michael Mudlaff, pastor of Westkirk Presbyterian Church, Urbandale. He was the guest of Representative Chris Hagenow of Polk County.

## **PLEDGE OF ALLEGIANCE**

The Pledge of Allegiance was led by Isabella Nixon, House Page from Des Moines.

The Memorial Choir sang “Precious Lord”, a song they sung at the Memorial Service last evening.

The Journal of Wednesday, April 1, 2009 was approved.

## **LEAVE OF ABSENCE**

Leave of absence was granted as follows:

Rants of Woodbury on request of Struyk of Pottawattamie.

On motion by McCarthy of Polk, the House was recessed at 9:24 p.m., until 1:00 p.m.

## **AFTERNOON SESSION**

The House reconvened at 1:14 p.m., Kressig of Black Hawk in the chair.

Speaker Murphy in the chair at 1:32 p.m.

## LEAVE OF ABSENCE

Leave of absence was granted as follows:

Schultz of Crawford on request of Lukan of Dubuque; Raecker of Polk, until his return, on request of Kaufmann of Cedar.

## QUORUM CALL

A non-record roll call was requested to determine that a quorum was present. The vote revealed ninety-four members present, six absent.

## ADOPTION OF HOUSE RESOLUTION 39

Alons of Sioux and Jacoby of Johnson called up for consideration **House Resolution 39**, a resolution honoring those Iowans who volunteered their time and efforts providing aid and assistance during the June 2008 flood, and moved its adoption.

The motion prevailed and the resolution was adopted.

## CONSIDERATION OF BILLS Regular Calendar

**Senate File 151**, a bill for an act relating to railway assistance and passenger rail service, including provisions for the administration of the railway revolving loan and grant fund, the elimination of the railway finance authority, and the administration of the passenger rail service revolving fund, with report of committee recommending amendment and passage, was taken up for consideration.

Bell of Jasper offered the following amendment H-1310 filed by the committee on transportation and moved its adoption:

H-1310

- 1 Amend Senate File 151, as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 4, by striking lines 29 through 31 and
- 4 inserting the following: "expenditure under this
- 5 section."

- 6 2. Page 5, by striking lines 25 through 27 and  
 7 inserting the following:  
 8 "Sec.\_\_\_\_. Section 327J.2, subsections 1 and 2,  
 9 Code 2009, are amended to read as follows:"  
 10 3. Page 6, by striking lines 8 through 12.  
 11 4. By renumbering as necessary.

The committee amendment H-1310 was adopted.

Kaufmann of Cedar offered amendment H-1256 filed by him as follows:

H-1256

- 1 Amend Senate File 151, as amended, passed, and  
 2 reprinted by the Senate, as follows:  
 3 1. Page 1, by striking line 2 and inserting the  
 4 following: "EMINENT DOMAIN AUTHORITY AND CONDEMNATION  
 5 PROCEDURES".  
 6 2. Page 2, by inserting after line 4 the  
 7 following:  
 8 "Sec.\_\_\_\_. NEW SECTION. 6A.15 PROPERTY ON STATE  
 9 HISTORIC REGISTRY.  
 10 Property listed on the state register of historic  
 11 places maintained by the historical division of the  
 12 department of cultural affairs shall not be removed  
 13 from the register solely for the purpose of allowing  
 14 acquisition of the property by condemnation."  
 15 3. Page 2, by inserting after line 13 the  
 16 following:  
 17 "Sec.\_\_\_\_. Section 6A.24, subsection 3, Code 2009,  
 18 is amended to read as follows:  
 19 3. For any action brought under this section, the  
 20 burden of proof shall be on the acquiring agency to  
 21 prove by a ~~preponderance of the~~ clear and convincing  
 22 evidence that the finding of public use, public  
 23 purpose, or public improvement meets the definition of  
 24 those terms. If a property owner or a contract  
 25 purchaser of record or a tenant occupying the property  
 26 under a recorded lease prevails in an action brought  
 27 under this section, the acquiring agency shall be  
 28 required to pay the costs, including reasonable  
 29 attorney fees, of the adverse party.  
 30 Sec.\_\_\_\_. Section 6B.2C, Code 2009, is amended to  
 31 read as follows:  
 32 6B.2C APPROVAL OF THE PUBLIC IMPROVEMENT.  
 33 The authority to condemn is not conferred, and the  
 34 condemnation proceedings shall not commence, unless  
 35 the governing body for the acquiring agency ~~approves,~~  
 36 by resolution, declares that adequate funding for the

37 public improvement has been secured, that the use of  
 38 condemnation for the public improvement is approved,  
 39 and that there is a reasonable expectation the  
 40 applicant will be able to achieve its public purpose,  
 41 comply with all applicable standards, and obtain the  
 42 necessary permits.

43 Sec.\_\_\_\_. NEW SECTION. 68B.9 BAN ON CERTAIN  
 44 LOBBYING ACTIVITIES ON BEHALF OF POLITICAL  
 45 SUBDIVISIONS.

46 A political subdivision that collects and expends  
 47 property taxes shall not use public funds of any kind  
 48 to pay a person, organization, or other entity to act  
 49 as a lobbyist in relation to any legislation relating  
 50 specifically to eminent domain authority or

Page 2

1 condemnation procedures.

2 Sec.\_\_\_\_. Section 316.4, subsection 1, Code 2009,  
 3 is amended to read as follows:

4 1. If a program or project undertaken by a  
 5 displacing agency will result in the displacement of a  
 6 person, the displacing agency shall make a payment to  
 7 the displaced person, upon proper application as  
 8 approved by the displacing agency, for actual  
 9 reasonable and necessary expenses incurred in moving  
 10 the person, the person's family, business, farm  
 11 operation, or other personal property subject to rules  
 12 and limits established by the department. The payment  
 13 may also provide for actual direct losses of tangible  
 14 personal property, purchase of substitute personal  
 15 property, business reestablishment expenses, storage  
 16 expenses, and expenses incurred in searching for a  
 17 replacement business or farm. If relocation of a  
 18 business or farm operation is not economically  
 19 feasible, the displaced person may also apply for  
 20 payment of the loss of existing business relationships  
 21 because of the inability to relocate the business or  
 22 farm operation to a location similar in economic  
 23 advantage to the location from which the business or  
 24 farm operation was displaced.

25 Sec.\_\_\_\_. EFFECTIVE AND APPLICABILITY DATES. The  
 26 sections of this division of this Act enacting  
 27 sections 6A.15 and 68B.9, and amending sections 6A.24,  
 28 6B.2C, and 316.4, being deemed of immediate  
 29 importance, take effect upon enactment and apply to  
 30 projects or condemnation proceedings pending or  
 31 commenced on or after that date.

32 DIVISION \_\_\_\_  
 33 RAILWAY ASSISTANCE".

34 4. Title page, line 1, by inserting after the  
 35 word "relating" the following: "to eminent domain

36 authority and condemnation procedures and".  
 37 5. Title page, line 5, by inserting after the  
 38 word "fund" the following: ", and providing effective  
 39 and applicability dates".  
 40 6. By renumbering as necessary.

Bell of Jasper rose on a point of order that amendment H-1256 was not germane.

The Speaker ruled the point well taken and amendment H-1256 not germane.

Grassley of Butler offered amendment H-1257 filed by him as follows:

H-1257

1 Amend Senate File 151, as amended, passed, and  
 2 reprinted by the Senate, as follows:  
 3 1. Page 1, line 2, by striking the words "RAILWAY  
 4 ASSISTANCE" and inserting the following: "EMINENT  
 5 DOMAIN AUTHORITY OF STATE  
 6 Sec. \_\_\_\_\_. Section 6A.1, Code 2009, is amended to  
 7 read as follows:  
 8 6A.1 EXERCISE OF POWER BY STATE.  
 9 1. Proceedings may be instituted and maintained by  
 10 the state of Iowa, or for the use and benefit thereof,  
 11 for the condemnation of such private property as may  
 12 be necessary for any public improvement which the  
 13 general assembly has authorized to be undertaken by  
 14 the state, and for which an available appropriation  
 15 has been made. The executive council shall institute  
 16 and maintain such proceedings in case authority to so  
 17 do be not otherwise delegated.  
 18 2. All proceedings instituted and maintained by  
 19 the state of Iowa shall not commence without the  
 20 signed authorization of the governor.  
 21 3. The condemnation authority granted in this  
 22 section shall not extend to the department of natural  
 23 resources if the department is seeking to acquire real  
 24 property for purposes of carrying out a duty related  
 25 to development and maintenance of the recreation  
 26 resources of the state, including planning,  
 27 acquisition, and development of recreational projects,  
 28 and areas and facilities related to such projects,  
 29 notwithstanding any provisions to the contrary."  
 30 2. Page 2, by inserting after line 13 the  
 31 following:  
 32 "Sec. \_\_\_\_\_. Section 455A.5, Code 2009, is amended

33 by adding the following new subsection:

34 NEW SUBSECTION. 7. The authority granted the  
 35 commission to acquire real property for purposes of  
 36 carrying out a duty related to development and  
 37 maintenance of the recreation resources of the state,  
 38 including planning, acquisition, and development of  
 39 recreational projects, and areas and facilities  
 40 related to such projects, shall not extend to the  
 41 authority to acquire land by eminent domain.  
 42 Sec.\_\_\_\_. Section 456A.24, subsection 2,  
 43 unnumbered paragraph 1, Code 2009, is amended to read  
 44 as follows:

45 Acquire by purchase, ~~condemnation~~, lease,  
 46 agreement, gift, and devise lands or waters suitable  
 47 for the purposes hereinafter enumerated, and  
 48 rights-of-way thereto, and to maintain the same for  
 49 the following purposes, ~~to wit~~:

50 Sec.\_\_\_\_. Section 456A.24, Code 2009, is amended

Page 2

1 by adding the following new subsection:

2 NEW SUBSECTION. 15. The authority granted the  
 3 department to acquire real property for any statutory  
 4 purpose relating to development and maintenance of the  
 5 recreation resources of the state, including planning,  
 6 acquisition, and development of recreational projects,  
 7 and areas and facilities related to such projects,  
 8 shall not extend to the authority to acquire land by  
 9 eminent domain.

10 Sec.\_\_\_\_. Section 461A.7, Code 2009, is amended to  
 11 read as follows:

12 461A.7 ~~EMINENT DOMAIN PURCHASE OF LANDS – PUBLIC~~  
 13 PARKS.

14 The commission may purchase ~~or condemn~~ lands from  
 15 willing sellers for public parks. ~~No A~~ contract for  
 16 the purchase of such public parks shall not be made to  
 17 an amount in excess of funds appropriated therefor by  
 18 the general assembly.

19 Sec.\_\_\_\_. Section 461A.10, Code 2009, is amended  
 20 to read as follows:

21 461A.10 TITLE TO LANDS.

22 The title to all lands purchased, ~~condemned~~, or  
 23 donated, hereunder, for park ~~or highway~~ purposes and  
 24 the title to all lands purchased, condemned, or  
 25 donated hereunder for highway purposes, shall be taken  
 26 in the name of the state and if thereafter it shall be  
 27 deemed advisable to sell any portion of the land so  
 28 purchased or condemned, the proceeds of such sale  
 29 shall be placed to the credit of the said public state  
 30 parks fund to be used for such park purposes.

31 Sec.\_\_\_\_. Section 463C.8, subsection 1, paragraph

32 k, Code 2009, is amended to read as follows:

33 k. The power to acquire, own, hold, administer,  
 34 and dispose of property, except that such power is not  
 35 a grant of authority to acquire property by eminent  
 36 domain.

37 Sec.\_\_\_\_. Sections 461A.9 and 461A.75, Code 2009,  
 38 are repealed.

39 Sec.\_\_\_\_. EFFECTIVE DATE. The sections of this  
 40 division of this Act amending sections 6A.1, 455A.5,  
 41 456A.24, 461A.7, 461A.10, and 463C.8, and repealing  
 42 sections 461A.9 and 461A.75, being deemed of immediate  
 43 importance, take effect upon enactment.

44 DIVISION\_\_\_\_\_  
 45 RAILWAY ASSISTANCE".

46 3. Title page, line 1, by inserting after the  
 47 word "relating" the following: "to the exercise of  
 48 eminent domain authority by the state, including by  
 49 the department of transportation and the department of  
 50 natural resources, and".

Page 3

1 4. Title page, line 5, by inserting after the  
 2 word "fund" the following: ", and providing an  
 3 effective date".

4 5. By renumbering as necessary.

Bell of Jasper rose on a point of order that amendment H-1257 was not germane.

The Speaker ruled the point well taken and amendment H-1257 not germane.

Grassley of Butler asked and received unanimous consent to withdraw amendment H-1258 filed by him on March 23, 2009.

Bell of Jasper 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. 151)

The ayes were, 96:

Abdul-Samad	Alons	Anderson	Arnold
Bailey	Baudler	Beard	Bell
Berry	Bukta	Burt	Cohoon
Cownie	De Boef	Deyoe	Dolecheck

Drake	Ficken	Ford	Forristall
Frevert	Gaskill	Gayman	Grassley
Hagenow	Heaton	Heddens	Helland
Horbach	Hunter	Huseman	Huser
Isenhardt	Jacoby	Kaufmann	Kearns
Kelley	Koester	Kressig	Kuhn
Lensing	Lukan	Lykam	Marek
Mascher	May	McCarthy	Mertz
Miller, H.	Miller, L.	Oldson	Olson, D.
Olson, R.	Olson, S.	Olson, T.	Palmer
Paulsen	Petersen	Pettengill	Quirk
Rayhons	Reasoner	Reichert	Roberts
Sands	Schueller	Schulte	Shomshor
Smith	Soderberg	Sorenson	Steckman
Struyk	Swaim	Sweeney	Taylor, D.
Taylor, T.	Thede	Thomas	Tjepkes
Tymeson	Upmeyer	Van Engelenhoven	Wagner
Watts	Wendt	Wenthe	Wessel-Kroeschell
Whitaker	Whitead	Willems	Winckler
Windschitl	Worthan	Zirkelbach	Mr. Speaker Murphy

The nays were, none.

Absent or not voting, 4:

Chambers	Raecker	Rants	Schultz
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The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

**Senate File 176**, a bill for an act allowing the waiver of certain administrative penalties for late annual reports concerning cemetery and funeral merchandise, and funeral services, upon a showing of good cause or financial hardship and providing an immediate effective date, with report of committee recommending passage, was taken up for consideration.

Bailey of Hamilton 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. 176)

The ayes were, 94:

Abdul-Samad	Alons	Anderson	Arnold
Bailey	Baudler	Beard	Bell



Berry	Bukta	Burt	Cphoon
Cownie	De Boef	Deyoe	Dolecheck
Drake	Ficken	Ford	Forristall
Frevert	Gaskill	Gayman	Grassley
Hagenow	Heaton	Heddens	Helland
Horbach	Huseman	Huser	Isenhart
Jacoby	Kaufmann	Kearns	Kelley
Koester	Kressig	Kuhn	Lensing
Lukan	Lykam	Marek	Mascher
May	McCarthy	Mertz	Miller, H.
Miller, L.	Oldson	Olson, D.	Olson, R.
Olson, S.	Olson, T.	Palmer	Paulsen
Pettengill	Quirk	Rayhons	Reasoner
Reichert	Roberts	Sands	Schueller
Schulte	Shomshor	Smith	Soderberg
Sorenson	Steckman	Struyk	Swaim
Sweeney	Taylor, D.	Taylor, T.	Thede
Thomas	Tjepkes	Tymeson	Upmeyer
Van Engelenhoven	Wagner	Watts	Wendt
Wenthe	Wessel-Kroeschell	Whitaker	Whitead
Willems	Winckler	Windschitl	Worthan
Zirkelbach	Mr. Speaker		
	Murphy		

The nays were, 2:

Hunter                      Petersen

Absent or not voting, 4:

Chambers                  Raecker                  Rants                  Schultz

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

**Senate File 289**, a bill for an act relating to loan forgiveness under the jumpstart housing assistance program and providing effective and retroactive applicability dates, with report of committee recommending passage, was taken up for consideration.

T. Olson of Linn moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 289)

The ayes were, 96:

Abdul-Samad	Alons	Anderson	Arnold
Bailey	Baudler	Beard	Bell
Berry	Bukta	Burt	Cohoon
Cownie	De Boef	Deyoe	Dolecheck
Drake	Ficken	Ford	Forristall
Frevert	Gaskill	Gayman	Grassley
Hagenow	Heaton	Heddens	Helland
Horbach	Hunter	Huseman	Huser
Isenhardt	Jacoby	Kaufmann	Kearns
Kelley	Koester	Kressig	Kuhn
Lensing	Lukan	Lykam	Marek
Mascher	May	McCarthy	Mertz
Miller, H.	Miller, L.	Oldson	Olson, D.
Olson, R.	Olson, S.	Olson, T.	Palmer
Paulsen	Petersen	Pettengill	Quirk
Rayhons	Reasoner	Reichert	Roberts
Sands	Schueller	Schulte	Shomshor
Smith	Soderberg	Sorenson	Steckman
Struyk	Swaim	Sweeney	Taylor, D.
Taylor, T.	Thede	Thomas	Tjepkes
Tymeson	Upmeyer	Van Engelenhoven	Wagner
Watts	Wendt	Wenthe	Wessel-Kroeschell
Whitaker	Whitead	Willems	Winckler
Windschitl	Worthan	Zirkelbach	Mr. Speaker Murphy

The nays were, none.

Absent or not voting, 4:

Chambers	Raecker	Rants	Schultz
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The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

**Senate File 336**, a bill for an act providing for waivers of certain community attraction and tourism program requirements, with report of committee recommending passage, was taken up for consideration.

T. Olson of Linn asked and received unanimous consent for the consideration of amendment H-1397.

T. Olson of Linn offered the following amendment H-1397 filed by him from the floor and moved its adoption:

H-1397

- 1 Amend Senate File 336, as amended, passed, and  
 2 reprinted by the Senate, as follows:  
 3 1. Page 1, line 2, by striking the words "each  
 4 fiscal year of the fiscal period" and inserting the  
 5 following: "the fiscal year".  
 6 2. Page 1, by inserting after line 12 the  
 7 following:  
 8 "If the board receives repayments of or recaptures  
 9 financial assistance awarded in a fiscal year prior to  
 10 the fiscal year beginning July 1, 2009, and ending  
 11 June 30, 2010, the board may grant all or a portion of  
 12 an applicant's waiver request pursuant to this  
 13 subsection 1 and use the repayments or recaptured  
 14 financial assistance to provide financial assistance  
 15 under this subsection to an applicant during the  
 16 fiscal year beginning July 1, 2009, and ending June  
 17 30, 2010."  
 18 3. By renumbering as necessary.

Amendment H-1397 was adopted.

Thomas of Clayton 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. 336)

The ayes were, 96:

Abdul-Samad	Alons	Anderson	Arnold
Bailey	Baudler	Beard	Bell
Berry	Bukta	Burt	Cohoon
Cownie	De Boef	Deyoe	Dolecheck
Drake	Ficken	Ford	Forristall
Frevert	Gaskill	Gayman	Grassley
Hagenow	Heaton	Heddens	Helland
Horbach	Hunter	Huseman	Huser
Isenhart	Jacoby	Kaufmann	Kearns
Kelley	Koester	Kressig	Kuhn
Lensing	Lukan	Lykam	Marek
Mascher	May	McCarthy	Mertz
Miller, H.	Miller, L.	Oldson	Olson, D.
Olson, R.	Olson, S.	Olson, T.	Palmer
Paulsen	Petersen	Pettengill	Quirk
Rayhons	Reasoner	Reichert	Roberts
Sands	Schueller	Schulte	Shomshor
Smith	Soderberg	Sorenson	Steckman
Struyk	Swaim	Sweeney	Taylor, D.

Taylor, T.	Thede	Thomas	Tjepkes
Tymeson	Upmeyer	Van Engelenhoven	Wagner
Watts	Wendt	Wenthe	Wessel-Kroeschell
Whitaker	Whitead	Willems	Winckler
Windschitl	Worthan	Zirkelbach	Mr. Speaker Murphy

The nays were, none.

Absent or not voting, 4:

Chambers	Raecker	Rants	Schultz
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The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

**Senate File 356**, a bill for an act relating to department of transportation administrative procedures by establishing a procedure to remove a conviction relating to the operation of a motor vehicle from a driving record based on identity theft and requiring verification of status in regards to the driver's license of a foreign national, with report of committee recommending amendment and passage, was taken up for consideration.

Quirk of Chickasaw offered the following amendment H-1309 filed by the committee on transportation and moved its adoption:

H-1309

1 Amend Senate File 356, as passed by the Senate, as  
 2 follows:  
 3 1. By striking page 1, line 20, through page 5,  
 4 line 14, and inserting the following:  
 5 "Sec. \_\_\_\_\_. NEW SECTION. 321.200A CONVICTIONS  
 6 BASED UPON FRAUD.  
 7 1. If a person discovers a record of conviction  
 8 for a scheduled violation under this chapter was  
 9 entered by fraudulent use of the person's name or by  
 10 use of other fraudulent identification, the person  
 11 may, within one year of the date of the discovery of  
 12 the conviction, submit a written application to the  
 13 department to investigate the allegation. The  
 14 department may summarily reject the application as  
 15 submitted, or proceed to investigate the application.  
 16 If the department investigates the application, the  
 17 department may either deny the application or if the  
 18 department determines the allegation is warranted,  
 19 approve the application. If the department

20 investigates the application the department shall also  
21 issue a report and findings with the decision of the  
22 department. The rejection, approval, or denial of an  
23 application is not subject to contested case  
24 proceedings or further review as provided in chapter  
25 17A. If the application is investigated, the  
26 department shall provide the applicant with a  
27 certified copy of the decision of the department. If  
28 the department approves the application, the  
29 department shall also provide the applicant with a  
30 certified copy of the investigative report and  
31 findings. The department shall also provide certified  
32 copies of the department's decision approving or  
33 denying the application together with the  
34 investigative report and findings to the appropriate  
35 prosecuting attorney in the city or county that  
36 prosecuted the scheduled violation, and to the  
37 district court in the county that prosecuted the  
38 scheduled violation. The department may  
39 electronically provide copies of any decision  
40 approving or denying the application and the  
41 investigative report and findings, to the district  
42 court.

43 2. A person who discovers that a record of  
44 conviction for a scheduled violation under this  
45 chapter was entered by fraudulent use of the person's  
46 name or by use of other fraudulent identification, may  
47 bypass the application process in subsection 1, and  
48 move in district court to set aside the judgment of  
49 conviction within one year of discovery of the  
50 conviction. An applicant with an approved application

Page 2

1 under subsection 1, shall also move in district court  
2 to set aside the judgment of conviction in order to  
3 have the department expunge or alter the records of  
4 the department or rescind or modify an administrative  
5 sanction. If the district court grants the motion to  
6 set aside the judgment, the district court shall order  
7 the charging agency or official to modify the records  
8 of the agency or official to reflect the order setting  
9 aside the judgment. The clerk of the district court  
10 shall provide the court order setting aside the  
11 judgment, either by regular mail or electronic means,  
12 to the charging agency or official, and the department  
13 of transportation. The clerk of the district court  
14 shall also provide the applicant with a certified copy  
15 of the court order at no cost to the applicant.

16 3. Notwithstanding the department's approval of an  
17 application pursuant to subsection 1, the department  
18 shall not expunge or alter the records of the

19 department or rescind or modify an administrative  
 20 sanction unless the department receives an order from  
 21 the district court setting aside the previous judgment  
 22 of the court as provided in subsection 2. Upon  
 23 receiving a copy of an order from the district court  
 24 setting aside the previous judgment of the court, the  
 25 department shall expunge the record and shall rescind  
 26 any administrative sanction imposed upon the applicant  
 27 as a result of the judgment, unless the applicant is  
 28 subject to sanctions for other reasons. The  
 29 department may impose a new sanction if expunging the  
 30 judgment would result in a lesser or different  
 31 sanction.

32 4. The department shall adopt rules pursuant to  
 33 chapter 17A to implement this section.

34 Sec.\_\_\_\_. Section 811.9, Code 2009, is amended to  
 35 read as follows:

36 811.9 FORFEITURE OF APPEARANCE BOND.

37 Sections 811.6 through 811.8 shall not apply in a  
 38 case where a simple misdemeanor is charged upon a  
 39 uniform citation and complaint and where the defendant  
 40 has submitted an unsecured appearance bond or has  
 41 submitted bail in the form of cash, check, credit card  
 42 as provided in section 805.14, or guaranteed arrest  
 43 bond certificate as defined in section 321.1. When a  
 44 defendant fails to appear as required in such cases,  
 45 the court, or the clerk of the district court, shall  
 46 enter a judgment of forfeiture of the bond or bail.  
 47 The judgment shall be final upon entry and shall not  
 48 be set aside unless a conviction for a scheduled  
 49 violation under chapter 321 was set aside under the  
 50 procedures established in section 321.200A."

Page 3

1 2. By renumbering as necessary.

The committee amendment H-1309 was adopted.

Quirk of Chickasaw moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 356)

The ayes were, 96:

Abdul-Samad	Alons	Anderson	Arnold
Bailey	Baudler	Beard	Bell
Berry	Bukta	Burt	Cphoon

Cownie	De Boef	Deyoe	Dolecheck
Drake	Ficken	Ford	Forristall
Frevert	Gaskill	Gayman	Grassley
Hagenow	Heaton	Heddens	Helland
Horbach	Hunter	Huseman	Huser
Isenhardt	Jacoby	Kaufmann	Kearns
Kelley	Koester	Kressig	Kuhn
Lensing	Lukan	Lykam	Marek
Mascher	May	McCarthy	Mertz
Miller, H.	Miller, L.	Oldson	Olson, D.
Olson, R.	Olson, S.	Olson, T.	Palmer
Paulsen	Petersen	Pettengill	Quirk
Rayhons	Reasoner	Reichert	Roberts
Sands	Schueller	Schulte	Shomshor
Smith	Soderberg	Sorenson	Steckman
Struyk	Swaim	Sweeney	Taylor, D.
Taylor, T.	Thede	Thomas	Tjepkes
Tymeson	Upmeyer	Van Engelenhoven	Wagner
Watts	Wendt	Wenthe	Wessel-Kroeschell
Whitaker	Whitead	Willems	Winckler
Windschitl	Worthan	Zirkelbach	Mr. Speaker Murphy

The nays were, none.

Absent or not voting, 4:

Chambers	Raecker	Rants	Schultz
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The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

## 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 April 2, 2009, passed the following bill in which the concurrence of the Senate was asked:

House File 496, a bill for an act relating to the authority of a city to dispose of real property by gift.

Also: That the Senate has on April 2, 2009, passed the following bill in which the concurrence of the Senate was asked:

House File 776, a bill for an act prohibiting the use of false caller identification for campaign purposes and providing penalties.

Also: That the Senate has on April 2, 2009, passed the following bill in which the concurrence of the House is asked:

Senate File 469, 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.

MICHAEL E. MARSHALL, Secretary

**Senate File 366**, a bill for an act relating to the emancipation of a minor and family in need of assistance proceedings, with report of committee recommending passage, was taken up for consideration.

T. Olson of Linn moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question “Shall the bill pass?” (S.F. 366)

The ayes were, 95:

Abdul-Samad	Alons	Anderson	Arnold
Bailey	Baudler	Beard	Bell
Berry	Bukta	Burt	Cohoon
Cownie	De Boef	Deyoe	Dolecheck
Drake	Ficken	Ford	Forristall
Frevert	Gaskill	Gayman	Grassley
Hagenow	Heaton	Heddens	Helland
Horbach	Hunter	Huseman	Huser
Isenhardt	Jacoby	Kaufmann	Kearns
Kelley	Koester	Kressig	Kuhn
Lensing	Lukan	Lykam	Marek
Mascher	May	McCarthy	Mertz
Miller, H.	Miller, L.	Oldson	Olson, D.
Olson, R.	Olson, S.	Olson, T.	Palmer
Paulsen	Petersen	Pettengill	Quirk
Rayhons	Reasoner	Reichert	Roberts
Sands	Schueller	Schulte	Shomshor
Smith	Soderberg	Sorenson	Steckman
Struyk	Swaim	Sweeney	Taylor, D.
Taylor, T.	Thede	Thomas	Tjepkes
Tymeson	Upmeyer	Van Engelenhoven	Wagner
Watts	Wenthe	Wessel-Kroeschell	Whitaker
Whitead	Willems	Winckler	Windschitl
Worthan	Zirkelbach	Mr. Speaker	
		Murphy	



The nays were, 1:

Wendt

Absent or not voting, 4:

Chambers

Raecker

Rants

Schultz

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

**Senate File 377**, a bill for an act relating to the prescription drug donation repository program, with report of committee recommending passage, was taken up for consideration.

Huser of Polk offered the following amendment H-1264 filed by her and moved its adoption:

H-1264

- 1 Amend Senate File 377, as passed by the Senate, as
- 2 follows:
- 3 1. Page 1, by striking line 5 and inserting the
- 4 following: "low-income Iowans and Iowans who have
- 5 been victims of a state of disaster emergency
- 6 proclaimed by the governor pursuant to section 29C.6
- 7 or a public health disaster as defined in section
- 8 135.140, subsection 6, through a prescription drug".

Amendment H-1264 was adopted.

Huser of Polk moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 377)

The ayes were, 96:

Abdul-Samad  
Bailey  
Berry  
Cownie  
Drake  
Frevert  
Hagenow  
Horbach

Alons  
Baudler  
Bukta  
De Boef  
Ficken  
Gaskill  
Heaton  
Hunter

Anderson  
Beard  
Burt  
Deyoe  
Ford  
Gayman  
Heddens  
Huseman

Arnold  
Bell  
Cphoon  
Dolecheck  
Forristall  
Grassley  
Helland  
Huser

Isenhart	Jacoby	Kaufmann	Kearns
Kelley	Koester	Kressig	Kuhn
Lensing	Lukan	Lykam	Marek
Mascher	May	McCarthy	Mertz
Miller, H.	Miller, L.	Oldson	Olson, D.
Olson, R.	Olson, S.	Olson, T.	Palmer
Paulsen	Petersen	Pettengill	Quirk
Rayhons	Reasoner	Reichert	Roberts
Sands	Schueller	Schulte	Shomshor
Smith	Soderberg	Sorenson	Steckman
Struyk	Swaim	Sweeney	Taylor, D.
Taylor, T.	Thede	Thomas	Tjepkes
Tymeson	Upmeyer	Van Engelenhoven	Wagner
Watts	Wendt	Wenthe	Wessel-Kroeschell
Whitaker	Whitead	Willems	Winckler
Windschitl	Worthan	Zirkelbach	Mr. Speaker Murphy

The nays were, none.

Absent or not voting and 4:

Chambers	Raecker	Rants	Schultz
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The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

### HOUSE FILE 774 WITHDRAWN

Huser of Polk asked and received unanimous consent to withdraw House File 774 from further consideration by the House.

**Senate File 405**, a bill for an act providing for the disposal of dead animal bodies by persons, including individuals practicing veterinary medicine, and making penalties applicable, with report of committee recommending passage, was taken up for consideration.

Struyk of Pottawattamie 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. 405)

The ayes were, 97:

Abdul-Samad	Alons	Anderson	Arnold
Bailey	Baudler	Beard	Bell

Berry	Bukta	Burt	Cohoon
Cownie	De Boef	Deyoe	Dolecheck
Drake	Ficken	Ford	Forristall
Frevert	Gaskill	Gayman	Grassley
Hagenow	Heaton	Heddens	Helland
Horbach	Hunter	Huseman	Huser
Isenhardt	Jacoby	Kaufmann	Kearns
Kelley	Koester	Kressig	Kuhn
Lensing	Lukan	Lykam	Marek
Mascher	May	McCarthy	Mertz
Miller, H.	Miller, L.	Oldson	Olson, D.
Olson, R.	Olson, S.	Olson, T.	Palmer
Paulsen	Petersen	Pettengill	Quirk
Raecker	Rayhons	Reasoner	Reichert
Roberts	Sands	Schueller	Schulte
Shomshor	Smith	Soderberg	Sorenson
Steckman	Struyk	Swaim	Sweeney
Taylor, D.	Taylor, T.	Thede	Thomas
Tjepkes	Tymeson	Upmeyer	Van Engelenhoven
Wagner	Watts	Wendt	Wenthe
Wessel-Kroeschell	Whitaker	Whitead	Willems
Winckler	Windschitl	Worthan	Zirkelbach
Mr. Speaker			
Murphy			

The nays were, none.

Absent or not voting, 3:

Chambers                      Rants                      Schultz

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 151, 176, 289, 336, 356, 366, 377** and **405**.

**Senate File 407**, a bill for an act relating to the rights and responsibilities of Iowa veterans home members, with report of committee recommending passage, was taken up for consideration.

Mascher of Johnson moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 407)

The ayes were, 97:

Abdul-Samad	Alons	Anderson	Arnold
Bailey	Baudler	Beard	Bell
Berry	Bukta	Burt	Cohoon
Cownie	De Boef	Deyoe	Dolecheck
Drake	Ficken	Ford	Forristall
Frevert	Gaskill	Gayman	Grassley
Hagenow	Heaton	Heddens	Helland
Horbach	Hunter	Huseman	Huser
Isenhart	Jacoby	Kaufmann	Kearns
Kelley	Koester	Kressig	Kuhn
Lensing	Lukan	Lykam	Marek
Mascher	May	McCarthy	Mertz
Miller, H.	Miller, L.	Oldson	Olson, D.
Olson, R.	Olson, S.	Olson, T.	Palmer
Paulsen	Petersen	Pettengill	Quirk
Raecker	Rayhons	Reasoner	Reichert
Roberts	Sands	Schueller	Schulte
Shomshor	Smith	Soderberg	Sorenson
Steckman	Struyk	Swaim	Sweeney
Taylor, D.	Taylor, T.	Thede	Thomas
Tjepkes	Tymeson	Upmeyer	Van Engelenhoven
Wagner	Watts	Wendt	Wenthe
Wessel-Kroeschell	Whitaker	Whitead	Willems
Winckler	Windschitl	Worthan	Zirkelbach
Mr. Speaker			
Murphy			

The nays were, none.

Absent or not voting, 3:

Chambers	Rants	Schultz
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The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

**Senate File 420**, a bill for an act concerning limitations on employment of persons employed by a wine permittee engaged in manufacturing and wholesaling native wine, with report of committee recommending passage, was taken up for consideration.

Lensing 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. 420)

The ayes were, 96:

Abdul-Samad	Alons	Anderson	Arnold
Bailey	Baudler	Beard	Bell
Berry	Bukta	Burt	Cohoon
Cownie	De Boef	Deyoe	Dolecheck
Drake	Ficken	Ford	Forristall
Frevert	Gaskill	Gayman	Grassley
Hagenow	Heaton	Heddens	Helland
Horbach	Hunter	Huseman	Huser
Isenhardt	Jacoby	Kaufmann	Kearns
Kelley	Koester	Kressig	Kuhn
Lensing	Lukan	Lykam	Marek
Mascher	May	McCarthy	Mertz
Miller, H.	Miller, L.	Oldson	Olson, D.
Olson, R.	Olson, S.	Olson, T.	Palmer
Paulsen	Petersen	Pettengill	Quirk
Raecker	Rayhons	Reasoner	Reichert
Roberts	Sands	Schueller	Schulte
Smith	Soderberg	Sorenson	Steckman
Struyk	Swaim	Sweeney	Taylor, D.
Taylor, T.	Thede	Thomas	Tjepkes
Tymeson	Upmeyer	Van Engelenhoven	Wagner
Watts	Wendt	Wenthe	Wessel-Kroeschell
Whitaker	Whitead	Willems	Winckler
Windschitl	Worthan	Zirkelbach	Mr. Speaker Murphy

The nays were, none.

Absent or not voting, 4:

Chambers	Rants	Schultz	Shomshor
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The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

**Senate File 423**, a bill for an act providing for the dispensing of ethanol blended gasoline by authorizing the use of secondary containment, and providing an effective date, with report of committee recommending amendment and passage, was taken up for consideration.

Hagenow of Polk offered the following amendment H-1299 filed by the committee on environmental protection and moved its adoption:

H-1299

- 1 Amend Senate File 423, as passed by the Senate, as
- 2 follows:
- 3 1. Page 2, line 19, by striking the word "class"
- 4 and inserting the following: "model".
- 5 2. Page 2, line 25, by striking the word "class"
- 6 and inserting the following: "model".
- 7 3. By striking page 2, line 32, through page 3,
- 8 line 5.
- 9 4. By renumbering as necessary.

The committee amendment H-1299 was adopted.

Hagenow of Polk offered the following amendment H-1363 filed by Hagenow, et al., and moved its adoption:

H-1363

- 1 Amend Senate File 423, as passed by the Senate, as
- 2 follows:
- 3 1. Page 1, line 4, by striking the words "other
- 4 than a dispenser".
- 5 2. Page 1, line 13, by inserting before the words
- 6 "to dispense" the following: "that does not satisfy
- 7 the requirement in subsection 2".
- 8 3. Page 1, line 14, by striking the words "E-9 or
- 9 higher" and inserting the following: "higher than
- 10 E-10".
- 11 4. Page 3, by striking lines 6 and 7.
- 12 5. Title page, by striking lines 2 and 3, and
- 13 inserting the following: "by authorizing the use of
- 14 secondary containment."
- 15 6. By renumbering as necessary.

Amendment H-1363 was adopted.

Hagenow 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.

May of Dickinson in the chair at 2:50 p.m.

On the question "Shall the bill pass?" (S.F. 423)

The ayes were, 97:

Abdul-Samad	Alons	Anderson	Arnold
Bailey	Baudler	Beard	Bell
Berry	Bukta	Burt	Cohoon
Cownie	De Boef	Deyoe	Dolecheck
Drake	Ficken	Ford	Forristall
Frevert	Gaskill	Gayman	Grassley
Hagenow	Heaton	Heddens	Helland
Horbach	Hunter	Huseman	Huser
Isenhardt	Jacoby	Kaufmann	Kearns
Kelley	Koester	Kressig	Kuhn
Lensing	Lukan	Lykam	Marek
Mascher	McCarthy	Mertz	Miller, H.
Miller, L.	Murphy, Spkr.	Oldson	Olson, D.
Olson, R.	Olson, S.	Olson, T.	Palmer
Paulsen	Petersen	Pettengill	Quirk
Raecker	Rayhons	Reasoner	Reichert
Roberts	Sands	Schueller	Schulte
Shomshor	Smith	Soderberg	Sorenson
Steckman	Struyk	Swaim	Sweeney
Taylor, D.	Taylor, T.	Thede	Thomas
Tjepkes	Tymeson	Upmeyer	Van Engelenhoven
Wagner	Watts	Wendt	Wenthe
Wessel-Kroeschell	Whitaker	Whitead	Willems
Winckler	Windschitl	Worthan	Zirkelbach
May, Presiding			

The nays were, none.

Absent or not voting, 3:

Chambers	Rants	Schultz
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The bill having received a constitutional majority was declared to have passed the House and the title, as amended, was agreed to.

## 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 April 2, 2009, passed the following bill in which the concurrence of the Senate was asked:

House File 381, a bill for an act relating to the practice of pharmacy by establishing a registration program for pharmacy support persons and regulating the internet sale of prescription products, including a program of registration of pharmacy internet sites,

making penalties applicable, and establishing a general definition for the term "internet site".

Also: That the Senate has on April 2, 2009, passed the following bill in which the concurrence of the Senate was asked:

House File 420, a bill for an act concerning civil service commissions, disciplinary procedures, and residency requirements for civil service employees.

Also: That the Senate has on April 2, 2009, passed the following bill in which the concurrence of the Senate was asked:

House File 450, a bill for an act relating to the time of opening the polls for certain city elections.

Also: That the Senate has on April 2, 2009, passed the following bill in which the concurrence of the Senate was asked:

House File 468, a bill for an act creating an unsewered community revolving loan program and fund.

Also: That the Senate has on April 2, 2009, passed the following bill in which the concurrence of the Senate was asked:

House File 477, a bill for an act relating to declaration of value forms for the conveyance of real estate by making social security numbers and tax identification numbers confidential.

Also: That the Senate has on April 2, 2009, amended and passed the following bill in which the concurrence of the House is asked:

House File 488, a bill for an act relating to including the maintenance of service animals as an eligible service reimbursable under the home and community-based services waivers.

Also: That the Senate has on April 2, 2009, passed the following bill in which the concurrence of the House is asked:

Senate File 457, a bill for an act relating to disaster recovery by legalizing certain actions taken and proceedings conducted by cities and counties in response to a natural disaster, designating certain activities as essential corporate purposes and essential county purposes, amending provisions related to local bonding authority and contract letting requirements, amending provisions relating to emergency contract letting requirements for joint governmental entities and institutions under the control of the board of regents, amending provisions related to city and county lease contracts and loan agreements, modifying provisions relating to municipal support of certain projects, amending provisions related to expenditures from certain revolving loan funds, and including effective date and retroactive applicability date provisions.

MICHAEL E. MARSHALL, Secretary



**Senate File 440**, a bill for an act relating to prescription drug coverage for health care facility residents eligible for federal veterans affairs benefits, with report of committee recommending passage, was taken up for consideration.

Ficken of Buchanan 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. 440)

The ayes were, 97:

Abdul-Samad	Alons	Anderson	Arnold
Bailey	Baudler	Beard	Bell
Berry	Bukta	Burt	Cohoon
Cownie	De Boef	Deyoe	Dolecheck
Drake	Ficken	Ford	Forristall
Frevert	Gaskill	Gayman	Grassley
Hagenow	Heaton	Heddens	Helland
Horbach	Hunter	Huseman	Huser
Isenhart	Jacoby	Kaufmann	Kearns
Kelley	Koester	Kressig	Kuhn
Lensing	Lukan	Lykam	Marek
Mascher	McCarthy	Mertz	Miller, H.
Miller, L.	Murphy, Spkr.	Oldson	Olson, D.
Olson, R.	Olson, S.	Olson, T.	Palmer
Paulsen	Petersen	Pettengill	Quirk
Raecker	Rayhons	Reasoner	Reichert
Roberts	Sands	Schueller	Schulte
Shomshor	Smith	Soderberg	Sorenson
Steckman	Struyk	Swaim	Sweeney
Taylor, D.	Taylor, T.	Thede	Thomas
Tjepkes	Tymeson	Upmeyer	Van Engelenhoven
Wagner	Watts	Wendt	Wenthe
Wessel-Kroeschell	Whitaker	Whitead	Willems
Winckler	Windschitl	Worthan	Zirkelbach
May,			
Presiding			

The nays were, none.

Absent or not voting, 3:

Chambers	Rants	Schultz
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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 407, 420, 423 and 440.**

**Senate File 43**, a bill for an act relating to the abatement or refund of property taxes for certain religious, literary, and charitable societies and including effective and retroactive applicability date provisions, with report of committee recommending passage, was taken up for consideration.

Ford 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. 43)

The ayes were, 57:

Abdul-Samad	Anderson	Bailey	Beard
Bell	Berry	Bukta	Burt
Cohoon	Ficken	Ford	Frevert
Gaskill	Gayman	Heddens	Hunter
Huser	Isenhart	Jacoby	Kearns
Kelley	Kressig	Kuhn	Lensing
Lykam	Marek	Mascher	McCarthy
Mertz	Miller, H.	Murphy, Spkr.	Oldson
Olson, D.	Olson, R.	Olson, T.	Palmer
Petersen	Quirk	Reasoner	Reichert
Schueller	Shomshor	Smith	Steckman
Swaim	Taylor, D.	Taylor, T.	Thede
Thomas	Wendt	Wenthe	Wessel-Kroeschell
Whitaker	Whitead	Willems	Winckler
Zirkelbach			

The nays were, 39:

Alons	Arnold	Baudler	Cownie
De Boef	Deyoe	Dolecheck	Drake
Forristall	Grassley	Hagenow	Helland
Horbach	Huseman	Kaufmann	Koester
Lukan	Miller, L.	Olson, S.	Paulsen
Pettengill	Raecker	Rayhons	Roberts
Sands	Schulte	Soderberg	Sorenson
Struyk	Sweeney	Tjepkes	Tymeson

Upmeyer	Van Engelenhoven	Wagner	Watts
Windschitl	Worthan	May, Presiding	

Absent or not voting, 4:

Chambers	Heaton	Rants	Schultz
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The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

**Senate File 355**, a bill for an act relating to mortgage lending by establishing licensing requirements applicable to mortgage loan originators; making specified modifications to existing licensing provisions relating to mortgage bankers and brokers, regulated loans, and industrial loans; and providing penalties and effective dates, with report of committee recommending passage, was taken up for consideration.

Kressig 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. 355)

The ayes were, 97:

Abdul-Samad	Alons	Anderson	Arnold
Bailey	Baudler	Beard	Bell
Berry	Bukta	Burt	Cohoon
Cownie	De Boef	Deyoe	Dolecheck
Drake	Ficken	Ford	Forristall
Frevert	Gaskill	Gayman	Grassley
Hagenow	Heaton	Heddens	Helland
Horbach	Hunter	Huseman	Huser
Isenhardt	Jacoby	Kaufmann	Kearns
Kelley	Koester	Kressig	Kuhn
Lensing	Lukan	Lykam	Marek
Mascher	McCarthy	Mertz	Miller, H.
Miller, L.	Murphy, Spkr.	Oldson	Olson, D.
Olson, R.	Olson, S.	Olson, T.	Palmer
Paulsen	Petersen	Pettengill	Quirk
Raecker	Rayhons	Reasoner	Reichert
Roberts	Sands	Schueller	Schulte
Shomshor	Smith	Soderberg	Sorenson
Steckman	Struyk	Swaim	Sweeney
Taylor, D.	Taylor, T.	Thede	Thomas
Tjepkes	Tymeson	Upmeyer	Van Engelenhoven

Wagner	Watts	Wendt	Wenthe
Wessel-Kroeschell	Whitaker	Whitead	Willems
Winckler	Windschitl	Worthan	Zirkelbach
May, Presiding			

The nays were, none.

Absent or not voting, 3:

Chambers	Rants	Schultz
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The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

**Senate File 379**, a bill for an act relating to the use of insurance loss history in the issuance of dramshop liability insurance, with report of committee recommending passage, was taken up for consideration.

Kressig of Black Hawk offered the following amendment H-1326 filed by the committee on commerce and moved its adoption:

H-1326

- 1 Amend Senate File 379, as passed by the Senate, as
- 2 follows:
- 3 1. Page 1, line 35, by striking the word "adjust"
- 4 and inserting the following: "examine and consider
- 5 adjusting".

The committee amendment H-1326 was adopted.

Kressig 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. 379)

The ayes were, 94:

Abdul-Samad	Alons	Anderson	Arnold
Bailey	Baudler	Beard	Berry
Bukta	Burt	Cohon	Cownie
De Boef	Deyoe	Dolecheck	Drake
Ficken	Ford	Forristall	Frevert

Gaskill	Gayman	Grassley	Hagenow
Heaton	Heddens	Helland	Huseman
Huser	Isenhardt	Jacoby	Kaufmann
Kearns	Kelley	Koester	Kressig
Kuhn	Lensing	Lukan	Lykam
Marek	Mascher	McCarthy	Mertz
Miller, H.	Miller, L.	Murphy, Spkr.	Oldson
Olson, D.	Olson, R.	Olson, S.	Olson, T.
Palmer	Paulsen	Petersen	Pettengill
Quirk	Raecker	Rayhons	Reasoner
Reichert	Roberts	Sands	Schueller
Schulte	Shomshor	Smith	Soderberg
Sorenson	Steckman	Struyk	Swaim
Sweeney	Taylor, D.	Taylor, T.	Thede
Thomas	Tjepkes	Tymeson	Upmeyer
Van Engelenhoven	Wagner	Watts	Wendt
Wenthe	Wessel-Kroeschell	Whitaker	Whitead
Willems	Winckler	Windschitl	Worthan
Zirkelbach	May, Presiding		

The nays were, 1:

Horbach

Absent or not voting, 5:

Bell	Chambers	Hunter	Rants
Schultz			

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

**Senate File 447**, a bill for an act concerning off-premises consumption of resealed bottles of wine, with report of committee recommending passage, was taken up for consideration.

Lensing 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. 447)

The ayes were, 94:

Abdul-Samad	Alons	Anderson	Arnold
Bailey	Baudler	Bearson	Bell
Berry	Bukta	Burt	Cohoon
Cownie	De Boef	Deyoe	Dolecheck

Drake	Ficken	Ford	Forristall
Frevert	Gaskill	Gayman	Hagenow
Heaton	Heddens	Helland	Horbach
Hunter	Huseman	Huser	Isenhart
Jacoby	Kaufmann	Kearns	Kelley
Koester	Kressig	Kuhn	Lensing
Lukan	Lykam	Marek	Mascher
McCarthy	Mertz	Miller, H.	Miller, L.
Murphy, Spkr.	Oldson	Olson, D.	Olson, R.
Olson, S.	Palmer	Paulsen	Petersen
Pettengill	Quirk	Rayhons	Reasoner
Reichert	Roberts	Sands	Schueller
Schulte	Shomshor	Smith	Soderberg
Sorenson	Steckman	Struyk	Swaim
Sweeney	Taylor, D.	Taylor, T.	Thede
Thomas	Tjepkes	Tymeson	Upmeyer
Van Engelenhoven	Wagner	Watts	Wendt
Wenthe	Wessel-Kroeschell	Whitaker	Whitead
Willems	Winckler	Windschitl	Worthan
Zirkelbach	May, Presiding		

The nays were, 2:

Grassley                      Raecker

Absent or not voting, 4:

Chambers                      Olson, T.                      Rants                      Schultz

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 43, 355, 379 and 447.**

The House stood at ease at 3:43 p.m., until the fall of the gavel.

The House resumed session at 5:31 p.m., Speaker Murphy in the chair.

## SENATE MESSAGES CONSIDERED

**Senate File 457**, by committee on ways and means, a bill for an act relating to disaster recovery by legalizing certain actions taken and proceedings conducted by cities and counties in response to a natural disaster, designating certain activities as essential corporate purposes and essential county purposes, amending provisions related to local bonding authority and contract letting requirements, amending provisions relating to emergency contract letting requirements for joint governmental entities and institutions under the control of the board of regents, amending provisions related to city and county lease contracts and loan agreements, modifying provisions relating to municipal support of certain projects, amending provisions related to expenditures from certain revolving loan funds, authorizing cities and counties to create disaster revitalization areas, and including effective date and retroactive applicability date provisions.

Read first time and referred to committee on **ways and means**.

**Senate File 469**, 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.

Read first time and referred to committee on **appropriations**.

## Regular Calendar

**Senate File 445**, a bill for an act relating to teacher compensation by requiring school corporations to incorporate teacher compensation into individual salary schedules and by eliminating the educational excellence program, with report of committee recommending passage, was taken up for consideration.

Dolecheck of Ringgold offered amendment H-1332 filed by him as follows:

H-1332

- 1 Amend Senate File 445, as passed by the Senate, as
- 2 follows:
- 3 1. Page 1, line 6, by inserting after the word

4 "schedule" the following: "and health benefits  
5 schedule".  
6 2. Page 4, line 15, by inserting after the word  
7 "funds" the following: "and health benefits".  
8 3. Page 4, line 21, by inserting after the word  
9 "funds" the following: "and health benefits".  
10 4. Page 5, line 10, by inserting after the word  
11 and figure "section 20.9." the following: "The school  
12 district or area education agency shall create a  
13 health benefits schedule, subject to the scope of  
14 negotiations specified in section 20.9, which details  
15 the dollar amounts spent on health benefits costs by  
16 the school district or area education agency on behalf  
17 of the licensed employees."  
18 5. Page 5, line 16, by inserting after the word  
19 "amount." the following: "The board of directors  
20 shall create a health benefits schedule which details  
21 the dollar amounts spent on health benefits costs by  
22 the school district or area education agency on behalf  
23 of the licensed employees."  
24 6. Title page, line 3, by inserting after the  
25 word "schedules" the following: "and creating health  
26 benefit schedules".

Horbach of Tama asked and received unanimous consent to withdraw amendment H-1364, to amendment H-1332, filed by him on March 31, 2009.

Struyk of Pottawattamie asked and received unanimous consent to withdraw amendment H-1365, to amendment H-1332, filed by him on March 31, 2009.

Dolecheck of Ringgold moved the adoption of amendment H-1332.

A non-record roll call was requested.

The ayes were 37, nays 50.

Amendment H-1332 lost.

Horbach of Tama asked and received unanimous consent to withdraw amendment H-1366 filed by him on March 31, 2009.

Pettengill of Benton asked and received unanimous consent to withdraw amendment H-1367 filed by her and Struyk of Pottawattamie on March 31, 2009.



Raecker of Polk rose on a point of order and invoked Rule 32, relating to taxes or appropriations on Senate File 445.

The Speaker ruled the point not well taken.

Wendt of Woodbury 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. 445)

The ayes were, 56:

Abdul-Samad	Bailey	Beard	Bell
Berry	Bukta	Burt	Cohoon
Ficken	Ford	Frevert	Gaskill
Gayman	Heddens	Hunter	Huser
Isenhardt	Jacoby	Kearns	Kelley
Kressig	Kuhn	Lensing	Lykam
Marek	Mascher	McCarthy	Mertz
Miller, H.	Oldson	Olson, D.	Olson, R.
Olson, T.	Palmer	Petersen	Quirk
Reasoner	Reichert	Schueller	Shomshor
Smith	Steckman	Swaim	Taylor, D.
Taylor, T.	Thede	Thomas	Wendt
Wenthe	Wessel-Kroeschell	Whitaker	Whitead
Willems	Winckler	Zirkelbach	Mr. Speaker Murphy

The nays were, 41:

Alons	Anderson	Arnold	Baudler
Cownie	De Boef	Deyoe	Dolecheck
Drake	Forristall	Grassley	Hagenow
Heaton	Helland	Horbach	Huseman
Kaufmann	Koester	Lukan	May
Miller, L.	Olson, S.	Paulsen	Pettengill
Raecker	Rayhons	Roberts	Sands
Schulte	Soderberg	Sorenson	Struyk
Sweeney	Tjepkes	Tymeson	Upmeyer
Van Engelenhoven	Wagner	Watts	Windschitl
Worthan			

Absent or not voting, 3:

Chambers	Rants	Schultz
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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 MESSAGE

McCarthy of Polk asked and received unanimous consent that **Senate File 445** be immediately messaged to the Senate.

**House File 779**, a bill for an act relating to matters under the purview of the department of transportation, including provisions for the administration of the department, driver licensing, vehicle regulation, the motor fuel tax formula, and the issuance of citations, establishing a cap on annual deposits to the TIME-21 fund, providing a penalty, and providing effective and retroactive applicability dates, was taken up for consideration.

Lykam of Scott offered the following amendment H-1330 filed by him and moved its adoption:

H-1330

1 Amend House File 779 as follows:  
2 1. Page 5, by striking lines 3 through 25.  
3 2. Page 6, by striking lines 25 through 30.  
4 3. Page 6, by striking lines 32 through 35.  
5 4. By striking page 21, line 35, through page 22,  
6 line 12, and inserting the following:  
7 "NEW SUBSECTION. 8. a. In the course of  
8 enforcing the motor carrier safety rules adopted by  
9 the department under chapter 17A, the department's  
10 peace officers are authorized, at reasonable times and  
11 places and under reasonable circumstances, to enter  
12 upon, to inspect, and to examine any and all vehicles  
13 and loads carried, land, buildings, and equipment of  
14 any person subject to the federal motor carrier safety  
15 regulations in 49 C.F.R. pts. 105-185, 382, 383, 385,  
16 and 390-399, and to inspect and copy any and all  
17 accounts, records, memoranda, correspondence, and  
18 other documents including those maintained in an  
19 electronic format.  
20 b. Upon request of a department peace officer  
21 acting within the scope of official duties and  
22 authority with respect to the federal motor carrier  
23 safety regulations in 49 C.F.R. pts. 105-185, 382,  
24 383, 385, and 390-399, at reasonable times and places  
25 and under reasonable circumstances, and after being  
26 furnished appropriate identification by that officer,  
27 a person subject to the federal motor carrier safety  
28 regulations in 49 C.F.R. pts. 105-185, 382, 383, 385,  
29 and 390-399 shall submit to the peace officer the  
30 person's accounts, books, records, memoranda,

31 correspondence, and other documents, including those  
 32 maintained in an electronic format, for inspection and  
 33 copying and shall submit the person's vehicles, loads,  
 34 land, buildings, and equipment for examination."  
 35 5. By renumbering as necessary.

Amendment H-1330 was adopted.

Roberts of Carroll asked and received unanimous consent to withdraw amendment H-1285 filed by him on March 24, 2009.

### SENATE FILE 419 SUBSTITUTED FOR HOUSE FILE 779

Lykam of Scott asked and received unanimous consent to substitute Senate File 419 for House File 779.

**Senate File 419**, a bill for an act relating to matters under the purview of the department of transportation, including provisions for the administration of the department, driver licensing, vehicle regulation, the motor fuel tax formula, and the issuance of citations, establishing a cap on annual deposits to the TIME-21 fund, providing a penalty, and providing effective and retroactive applicability dates, was taken up for consideration.

Lykam of Scott offered amendment H-1329 filed by him as follows:

H-1329

1 Amend Senate File 419, as passed by the Senate, as  
 2 follows:  
 3 1. Page 5, by inserting after line 2 the  
 4 following:  
 5 "Sec. \_\_\_\_ Section 321.211A, Code 2009, is amended  
 6 to read as follows:  
 7 321.211A APPEAL OF EXTENDED SUSPENSION OR  
 8 REVOCATION.  
 9 Notwithstanding any provision of law to the  
 10 contrary, if a person was not served with notice of a  
 11 suspension or revocation under section 321.16, or  
 12 section 321J.9, subsection 4, or section 321J.12,  
 13 subsection 3, the person may appeal to the department  
 14 an extension of the period of suspension or revocation  
 15 based upon a conviction under section ~~321.218 or~~  
 16 321J.21. At the hearing on the appeal, the sole issue  
 17 shall be whether the department failed to send notice  
 18 of the underlying suspension or revocation to the  
 19 person at the address contained in the department's

20 records. If the department determines it failed to  
 21 send such notice, the department shall rescind the  
 22 extended suspension or revocation resulting from the  
 23 conviction and send notice of the department's  
 24 determination to the court that rendered the  
 25 conviction. Upon receipt of the notice, the court  
 26 shall enter an order exonerating the person of the  
 27 conviction and ordering that the record of the  
 28 conviction be expunged by the clerk of the district  
 29 court.

30 Sec.\_\_\_\_. Section 321.218, subsection 3, Code  
 31 2009, is amended by striking the subsection."

32 2. Page 6, by inserting after line 1 the  
 33 following:

34 "Sec.\_\_\_\_. Section 805.6, subsection 1, paragraph  
 35 d, Code 2009, is amended to read as follows:

36 d. The written appearance defined in paragraph "b"  
 37 shall not be used for any offense other than a simple  
 38 misdemeanor ~~and shall not be used for any offense~~  
 39 ~~under section 321.218 or 321A.02."~~

40 3. Page 6, by inserting after line 2 the  
 41 following:

42 "Sec.\_\_\_\_. EFFECTIVE DATE AND RETROACTIVE  
 43 APPLICABILITY. The section of this division of this  
 44 Act amending section 321J.13, being deemed of  
 45 immediate importance, takes effect upon enactment and  
 46 applies retroactively to January 1, 2009, for  
 47 disqualifications in effect on or after that date."

48 4. By renumbering as necessary.

Cownie of Polk offered the following amendment H-1403, to  
 amendment H-1329, filed by him from the floor and moved its  
 adoption:

H-1403

1 Amend the amendment, H-1329, to Senate File 419, as  
 2 passed by the Senate, as follows:

3 1. Page 1, by inserting after line 2 the  
 4 following:

5 "\_\_\_\_. Page 4, by inserting after line 20 the  
 6 following:

7 "Sec.\_\_\_\_. Section 321.194, subsection 1,  
 8 paragraph a, subparagraph (1), Code 2009, is amended  
 9 to read as follows:

10 (1) During the hours of ~~6~~ 5 a.m. to 10 p.m. over  
 11 the most direct and accessible route between the  
 12 licensee's residence and schools of enrollment or the  
 13 closest school bus stop or public transportation  
 14 service, and between schools of enrollment, for the  
 15 purpose of attending duly scheduled courses of

16 instruction and extracurricular activities within the  
 17 school district."  
 18 2. By renumbering as necessary.

Amendment H-1403 was adopted.

Zirkelbach of Jones offered the following amendment H-1408, to amendment H-1329, filed by him from the floor and moved its adoption:

H-1408

1 Amend the amendment, H-1329, to Senate File 419, as  
 2 amended, passed, and reprinted by the Senate, as  
 3 follows:  
 4 1. Page 1, by inserting after line 2 the  
 5 following:  
 6 "\_\_\_\_. Page 4, by inserting after line 20 the  
 7 following:  
 8 "Sec.\_\_\_\_. Section 321.194, subsection 1,  
 9 paragraph a, Code 2009, is amended by adding the  
 10 following new subparagraph:  
 11 NEW SUBPARAGRAPH. (1A) To a service station for  
 12 the purpose of refueling, so long as the service  
 13 station is the station closest to the route the  
 14 licensee is traveling on under subparagraph (1)."  
 15 2. By renumbering as necessary.

Amendment H-1408 was adopted.

R. Olson of Polk offered amendment H-1389, to amendment H-1329, filed by him and Lykam of Scott as follows:

H-1389

1 Amend the amendment, H-1329, to Senate File 419, as  
 2 passed by the Senate, as follows:  
 3 1. Page 1, by striking lines 5 through 31 and  
 4 inserting the following:  
 5 ""Sec.\_\_\_\_. Section 321,218, subsection 3, Code  
 6 2009, is amended to read as follows:  
 7 3. a. The department, upon receiving the record  
 8 of the conviction of a person under this section upon  
 9 a charge of operating a motor vehicle while the  
 10 license of the person is suspended or revoked, shall,  
 11 except for licenses suspended under section 252J.8,  
 12 321.210, subsection 1, paragraph "c", or section  
 13 321.210A or 321.513, extend the period of suspension  
 14 or revocation for an additional like period or for one

15 year, whichever period is shorter, and the department  
16 shall not issue a new driver's license to the person  
17 during the ~~additional~~ extended period.  
18 b. If the department receives a record of a  
19 conviction of a person under this section but the  
20 person's driving record does not indicate what the  
21 original grounds of suspension were, the period of  
22 suspension under this subsection shall be for a period  
23 not to exceed six months.""  
24 2. By renumbering as necessary.

Amendment H-1389 was adopted.

May of Dickinson offered the following amendment H-1336, to amendment H-1329, filed by May and Quirk of Chickasaw and moved its adoption:

H-1336

1 Amend the amendment, H-1329, to Senate File 419, as  
2 passed by the Senate, as follows:  
3 1. Page 1, line 46, by striking the figure "2009"  
4 and inserting the following: "2005".

Amendment H-1336 was adopted.

Struyk of Pottawattamie asked and received unanimous consent to withdraw amendment H-1341, to amendment H-1329, filed by him on March 31, 2009.

Huser of Polk offered the following amendment H-1404, to amendment H-1329, filed by her from the floor and moved its adoption:

H-1404

1 Amend the amendment, H-1329, to Senate File 419, as  
2 passed by the Senate, as follows:  
3 1. Page 1, by inserting after line 47 the  
4 following:  
5 "    . By striking page 23, line 34, through page  
6 24, line 23.  
7     . Title page, by striking line 5."

A non-record roll call was requested.

The ayes were 43, nays 49.

Amendment H-1404 lost, placing out of order amendment H-1370 filed by Rants of Woodbury on March 31, 2009..

Lykam of Scott moved the adoption of amendment H-1329, as amended.

Amendment H-1329, as amended, was adopted.

Kaufmann of Cedar offered amendment H-1369 filed by Kaufmann et al., as follows:

H-1369

1 Amend Senate File 419, as passed by the Senate, as  
2 follows:  
3 1. Page 5, by inserting after line 2 the  
4 following:  
5 "Sec. \_\_\_\_ Section 321J.4, subsections 2 and 4,  
6 Code 2009, are amended to read as follows:  
7 2. If a defendant is convicted of a violation of  
8 section 321J.2, and the defendant's driver's license  
9 or nonresident operating privilege has not already  
10 been revoked under section 321J.9 or 321J.12 for the  
11 occurrence from which the arrest arose, the department  
12 shall revoke the defendant's driver's license or  
13 nonresident operating privilege for two years if the  
14 defendant has had a previous conviction or revocation  
15 under this chapter. The defendant shall not be  
16 eligible for any temporary restricted license for ~~one~~  
17 year forty-five days after the effective date of  
18 revocation. The defendant shall be ordered to install  
19 an ignition interlock device of a type approved by the  
20 commissioner of public safety on all vehicles owned by  
21 the defendant if the defendant seeks a temporary  
22 restricted license at the end of the minimum period of  
23 ineligibility. A temporary restricted license shall  
24 not be granted by the department until the defendant  
25 installs the ignition interlock device.  
26 4. Upon a plea or verdict of guilty of a third or  
27 subsequent violation of section 321J.2, the court  
28 shall order the department to revoke the defendant's  
29 driver's license or nonresident operating privilege  
30 for a period of six years. The defendant shall not be  
31 eligible for a temporary restricted license for at  
32 least ~~one year~~ forty-five days after the effective  
33 date of the revocation. The court shall require the  
34 defendant to surrender to it all Iowa licenses or

35 permits held by the defendant, which the court shall  
36 forward to the department with a copy of the order for  
37 revocation. The defendant shall be ordered to install  
38 an ignition interlock device of a type approved by the  
39 commissioner of public safety on all vehicles owned by  
40 the defendant if the defendant seeks a temporary  
41 restricted license at the end of the minimum period of  
42 ineligibility. A temporary restricted license shall  
43 not be granted by the department until the defendant  
44 installs the ignition interlock device."

45 2. Page 5, by inserting after line 18 the  
46 following:

47 "Sec.\_\_\_\_. Section 321J.9, subsection 2, paragraph  
48 a, Code 2009, is amended to read as follows:

49 a. A person whose driver's license or nonresident  
50 operating privileges are revoked under subsection 1,

Page 2

1 paragraph "a", shall not be eligible for a temporary  
2 restricted license for at least ninety days after the  
3 effective date of the revocation. A person whose  
4 driver's license or nonresident operating privileges  
5 are revoked under subsection 1, paragraph "b", shall  
6 not be eligible for a temporary restricted license for  
7 at least ~~one year~~ forty-five days after the effective  
8 date of the revocation.

9 Sec.\_\_\_\_. Section 321J.12, subsection 2, paragraph  
10 d, Code 2009, is amended to read as follows:

11 d. A person whose license or privileges have been  
12 revoked under subsection 1, paragraph "b", for one  
13 year shall not be eligible for any temporary  
14 restricted license for ~~one year~~ forty-five days after  
15 the effective date of the revocation, and the person  
16 shall be ordered to install an ignition interlock  
17 device of a type approved by the commissioner of  
18 public safety on all vehicles owned or operated by the  
19 defendant if the defendant seeks a temporary  
20 restricted license at the end of the minimum period of  
21 ineligibility. A temporary restricted license shall  
22 not be granted by the department until the defendant  
23 installs the ignition interlock device."

24 3. By renumbering as necessary.

Kaufmann of Cedar offered the following amendment H-1399, to amendment H-1369, filed by him from the floor and moved its adoption:

H-1399

1 Amend the amendment, H-1369, to Senate File 419, as



2 passed by the Senate, as follows:

- 3 1. Page 1, lines 5 and 6, by striking the words
- 4 and figures "subsections 2 and 4, Code 2009, are" and
- 5 inserting the following: "subsection 2, Code 2009,
- 6 is".
- 7 2. By striking page 1, line 26, through page 2,
- 8 line 23.
- 9 3. By renumbering as necessary.

Amendment H-1399 was adopted.

On motion by Kaufmann of Cedar, amendment H-1369, as amended, was adopted.

Lykam of Scott offered the following amendment H-1315 filed by him and moved its adoption:

H-1315

1 Amend Senate File 419, as passed by the Senate, as  
2 follows:

- 3 1. Page 11, by inserting after line 26 the
- 4 following:
- 5 "Sec. \_\_\_\_\_. Section 321.166, subsection 2, Code
- 6 2009, is amended to read as follows:
- 7 2. Every registration plate or pair of plates
- 8 shall display a registration plate number which shall
- 9 consist of alphabetical or numerical characters or a
- 10 combination thereof and the name of this state, which
- 11 may be abbreviated. Every registration plate issued
- 12 by the county treasurer shall display the name of the
- 13 county, including any plate issued pursuant to section
- 14 321.34, except Pearl Harbor and purple heart
- 15 registration plates issued prior to January 1, 1997;  
16 registration plates issued pursuant to section 321.34
- 17 subsection 13, paragraph "d"; and collegiate, fire
- 18 fighter, and medal of honor registration plates.
- 19 Special truck registration plates shall display the
- 20 word "special". The department may adopt rules to
- 21 implement this subsection."
- 22 2. By renumbering as necessary.

Amendment H-1315 was adopted.

Huser of Polk offered the following amendment H-1318 filed by her and Petersen of Polk and moved its adoption:

H-1318

- 1 Amend Senate File 419, as passed by the Senate, as  
2 follows:  
3 1. Page 12, by inserting after line 4 the  
4 following:  
5 "Sec. \_\_\_\_\_. Section 321A.17, Code 2009, is amended  
6 by adding the following new subsection:  
7 NEW SUBSECTION. 9. The registration suspension  
8 required under this section does not apply to a motor  
9 vehicle awarded to an individual under an order  
10 entered pursuant to section 598.21, if all of the  
11 following apply:  
12 a. The individual was the co-owner of the motor  
13 vehicle with a spouse who is required to file and  
14 maintain proof of financial responsibility.  
15 b. The individual is not otherwise required to  
16 file and maintain proof of financial responsibility.  
17 c. The individual is not able to obtain title to  
18 the motor vehicle in the individual's sole name due to  
19 a lien against the motor vehicle that existed at the  
20 time the order was entered pursuant to section  
21 598.21."  
22 2. Page 19, by inserting after line 3 the  
23 following:  
24 "Sec. \_\_\_\_\_. EFFECTIVE DATE. The section of this  
25 division of this Act enacting section 321A.17,  
26 subsection 9, being deemed of immediate importance,  
27 takes effect upon enactment."  
28 3. By renumbering as necessary.

Amendment H-1318 was adopted.

Deyoe of Story offered the following amendment H-1340 filed by him and Bailey of Hamilton and moved its adoption:

H-1340

- 1 Amend Senate File 419, as passed by the Senate, as  
2 follows:  
3 1. Page 12, by inserting after line 4 the  
4 following:  
5 "Sec. \_\_\_\_\_. Section 321.234A, subsection 1,  
6 paragraph a, Code 2009, is amended to read as follows:  
7 a. The operation is between sunrise and sunset and  
8 is incidental to the vehicle's use for agricultural  
9 purposes. For purposes of this paragraph, "incidental  
10 to the vehicle's use for agricultural purposes"  
11 includes stopping to obtain fuel for the all-terrain  
12 vehicle or to obtain food or refreshment for the

13 operator."

14 2. By renumbering as necessary.

A non-record roll call was requested.

The ayes were 45, nays 49.

Amendment H-1340 lost.

Worthan of Buena Vista offered the following amendment H-1339 filed by him and moved its adoption:

H-1339

1 Amend Senate File 419, as passed by the Senate, as  
2 follows:  
3 1. Page 21, by striking lines 2 through 25 and  
4 inserting the following:  
5 "NEW SUBSECTION. 8. In the course of enforcing  
6 the motor carrier safety rules adopted by the  
7 department under chapter 17A, the department's peace  
8 officers are authorized, at reasonable times and  
9 places and with reasonable notice, to enter a motor  
10 carrier's place of business for the purpose of  
11 performing a motor carrier safety audit or compliance  
12 review. Nothing in this subsection by itself permits  
13 the seizure of the property of a motor carrier. Any  
14 audit or review shall be conducted in compliance with  
15 the federal motor carrier safety regulations in 49  
16 C.F.R. pts. 105-185, 382, 383, 385, and 390-399. A  
17 peace officer of the department is authorized to  
18 inspect and copy motor carrier records required by 49  
19 C.F.R. pts. 105-185, 382, 383, 385, and 390-399."  
20 2. By renumbering as necessary.

Amendment H-1339 was adopted.

Alons of Sioux offered amendment H-1395 filed by Alons et al., as follows:

H-1395

1 Amend Senate File 419, as passed by the Senate, as  
2 follows:  
3 1. Page 21, by inserting after line 25 the  
4 following:  
5 "Sec. \_\_\_\_. Section 707.6A, subsection 1,  
6 unnumbered paragraph 1, Code 2009, is amended to read  
7 as follows:

8 A person commits a class "B" felony when the person  
9 unintentionally causes the death of another by  
10 operating a motor vehicle while intoxicated, as  
11 prohibited by section 321J.2, and notwithstanding  
12 section 902.9, subsection 2, shall be punished by  
13 confinement for no more than fifty years. A person  
14 sentenced for a violation of this subsection shall not  
15 be eligible for parole until the person has served a  
16 minimum period of confinement of twenty-five years.

17 Upon a plea or verdict of guilty of a violation of  
18 this subsection, the court shall do the following:

19 Sec. \_\_\_\_. Section 707.8, subsection 4, Code 2009,  
20 is amended to read as follows:

21 4. A person who unintentionally terminates a human  
22 pregnancy by any of the means provided pursuant to  
23 section 707.6A, subsection 1, is guilty of a class "~~C~~"  
24 "B" felony."

25 2. Page 23, by inserting after line 16 the  
26 following:

27 "Sec. \_\_\_\_. Section 902.12, Code 2009, is amended  
28 by adding the following new subsection:  
29 NEW SUBSECTION. 7. Unintentional termination of a  
30 human pregnancy in violation of section 707.8,  
31 subsection 4."

32 3. Title page, line 4, by inserting after the  
33 word "citations," the following: "operating a motor  
34 vehicle while intoxicated offenses that involve a  
35 death,".

36 4. Title page, line 6, by striking the words "a  
37 penalty" and inserting the following: "penalties".

38 5. By renumbering as necessary.

Lykam of Scott rose on a point of order that amendment H-1395 was not germane.

The Speaker ruled the point well taken and amendment H-1395 not germane.

Alons of Sioux asked for unanimous consent to suspend the rules to consider amendment H-1395.

Objection was raised.

Alons of Sioux moved to suspend the rules to consider amendment H-1395.

A non-record roll call was requested.

The ayes were 39, nays 51.

The motion to suspend the rules lost.

Roberts of Carroll asked and received unanimous consent to withdraw amendment H-1286 filed by him on March 24, 2009.

Lykam 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. 419)

The ayes were, 61:

Abdul-Samad	Anderson	Arnold	Beard
Bell	Berry	Bukta	Cohoon
Ficken	Ford	Frevert	Gaskill
Gayman	Heddens	Hunter	Huser
Isenhardt	Jacoby	Kaufmann	Kearns
Kelley	Koester	Kressig	Kuhn
Lensing	Lykam	Marek	Mascher
May	McCarthy	Mertz	Miller, H.
Oldson	Olson, D.	Olson, S.	Olson, T.
Palmer	Petersen	Quirk	Reasoner
Reichert	Roberts	Schueller	Shomshor
Smith	Steckman	Taylor, D.	Taylor, T.
Thede	Thomas	Tjepkes	Wendt
Wenthe	Wessel-Kroeschell	Whitaker	Whitead
Willems	Winckler	Worthan	Zirkelbach
Mr. Speaker Murphy			

The nays were, 33:

Alons	Bailey	Baudler	Cownie
De Boef	Deyoe	Dolecheck	Drake
Forristall	Grassley	Hagenow	Heaton
Helland	Horbach	Huseman	Lukan
Miller, L.	Paulsen	Pettengill	Raecker
Rayhons	Sands	Schulte	Soderberg
Sorenson	Struyk	Sweeney	Tymeson
Upmeyer	Van Engelenhoven	Wagner	Watts
Windschitl			

Absent or not voting, 6:

Burt	Chambers	Olson, R.	Rants
Schultz	Swaim		

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

### HOUSE FILE 779 WITHDRAWN

Lykam of Scott asked and received unanimous consent to withdraw House File 779 from further consideration by the House.

### IMMEDIATE MESSAGE

McCarthy of Polk asked and received unanimous consent that **Senate File 419** be immediately messaged to the Senate.

### EXPLANATION OF VOTE

I was necessarily absent from the House chamber on April 2, 2009. Had I been present, I would have voted "aye" on Senate Files 151, 176, 289, 336, 356, 366 and 377.

RAECKER of Polk

### BILLS SIGNED BY THE GOVERNOR

A communication was received from the Governor announcing that on April 2, 2009, he approved and transmitted to the Secretary of State the following bills:

House File 122, an Act relating to requiring reports for certain precursor substances and extending an information program for drug prescribing and dispensing and providing an effective date.

House File 314, an Act relating to health-related activities and regulation by the department of public health and making penalties applicable.

House File 735, an Act providing for the stockpiling of dry manure originating from confinement feeding operations, making penalties applicable, and providing an effective date.

Senate File 154, an Act relating to the authorized uses of local exchange service information by specified individuals and entities.

Senate File 199, an Act relating to the uniform athlete agents Act and providing remedies and penalties.

Senate File 311, an Act relating to the regulation of the business of debt management and making penalties applicable.

Senate File 320, an Act relating to charitable trusts by providing for filing documents with the attorney general and providing for the attorney general's investigative authority.

### 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

- 2009\3503 Alice Jean Logel, Muscatine – For celebrating her 85<sup>th</sup> birthday.
- 2009\3504 Lucille Wierda, Orange City – For celebrating her 80<sup>th</sup> birthday.
- 2009\3505 Stanley and Carol Faux, Patterson – For celebrating their 50<sup>th</sup> wedding anniversary.
- 2009\3506 Germain and Mary Ellen Dittmer, Lacona – For celebrating their 50<sup>th</sup> wedding anniversary.
- 2009\3507 Thorman and Pauline Campbell, St. Charles – For celebrating their 65<sup>th</sup> anniversary.
- 2009\3508 James E. Knight, II, Winterset – For attaining the rank of Eagle Scout, the highest rank in the Boy Scouts of America.
- 2009\3509 Mark and Chris Rubenbauer, Le Grand – For celebrating their 50<sup>th</sup> wedding anniversary.
- 2009\3510 Duane Steinfeldt, Steamboat Rock – For celebrating his 65<sup>th</sup> birthday.
- 2009\3511 Wm. Earl and Sheryl Harms, Alden – For celebrating their 50<sup>th</sup> wedding anniversary.
- 2009\3512 Jackie Hoversten, Clear Lake. – For celebrating her 80<sup>th</sup> birthday.

### RESOLUTIONS FILED

**HR 42**, by Jacoby, a resolution to honor the 2008-2009 University of Iowa Wrestling Team.

Laid over under **Rule 25**.

**HR 43**, by Jacoby, a resolution honoring the Kirkwood Eagles Women's Basketball Team and Coach Kim Muhl.

Laid over under **Rule 25**.

AMENDMENTS FILED

H—1396	S.F.	374	Reasoner of Union
H—1398	H.F.	777	Kaufmann of Cedar Grassley of Butler Tymeson of Madison
H—1400	S.F.	404	Thomas of Clayton Beard of Winneshiek Kressig of Black Hawk
H—1401	S.F.	404	Kuhn of Floyd Jacoby of Johnson Lensing of Johnson
H—1402	H.F.	488	Senate Amendment
H—1405	S.F.	437	Kaufmann of Cedar
H—1406	S.F.	437	Reichert of Muscatine
H—1407	S.F.	283	Huser of Polk R. Olson of Polk
H—1409	H.F.	788	Alons of Sioux R. Olson of Polk Lensing of Johnson
H—1410	H.F.	809	Raecker of Polk Anderson of Page Baudler of Adair De Boef of Keokuk Dolecheck of Ringgold Forristall of Pottawattamie Hagenow of Polk Helland of Polk Huseman of Cherokee Koester of Polk May of Dickinson S. Olson of Clinton Pettengill of Benton Rayhons of Hancock Sands of Louisa Schultz of Crawford
			Alons of Sioux Arnold of Lucas Cownie of Polk Deyoe of Story Drake of Cass Grassley of Butler Heaton of Henry Horbach of Tama Kaufmann of Cedar Lukan of Dubuque L. Miller of Scott Paulsen of Linn Rants of Woodbury Roberts of Carroll Schulte of Linn



	Soderberg of Plymouth		Sorenson of Warren
	Struyk of Pottawattamie		Sweeney of Hardin
	Tjepkes of Webster		Tymeson of Madison
	Upmeyer of Hancock		Van Engelenhoven of Marion
	Wagner of Linn		Watts of Dallas
	Windschitl of Harrison		Worthan of Buena Vista
H—1411	S.F.	432	D. Olson of Boone
			Gaskill of Wapello
H—1412	H.F.	809	Raecker of Polk
H—1413	H.F.	809	Raecker of Polk
H—1414	H.F.	809	Wagner of Linn
			Helland of Polk
			Raecker of Polk
			Alons of Sioux
			Drake of Cass
H—1415	H.F.	809	Alons of Sioux
			Raecker of Polk
			Helland of Polk
			Wagner of Linn
			Drake of Cass
H—1416	H.F.	809	Raecker of Polk
			Wagner of Linn
			Helland of Polk
H—1417	H.F.	809	Raecker of Polk
			Alons of Sioux
			Drake of Cass
H—1418	H.F.	809	Raecker of Polk
			Alons of Sioux
			Wagner of Linn
H—1419	H.F.	809	Helland of Polk
			Wagner of Linn
			Raecker of Polk
			Alons of Sioux
			Drake of Cass
H—1420	H.F.	809	Alons of Sioux
			Drake of Cass
			Raecker of Polk
H—1421	H.F.	809	Alons of Sioux
			Drake of Cass
H—1422	H.F.	809	Alons of Sioux
			Raecker of Polk

			Helland of Polk
			Wagner of Linn
			Drake of Cass
H—1423	H.F.	809	Watts of Dallas
			Raecker of Polk
			Alons of Sioux
H—1424	H.F.	809	Wagner of Linn
			Raecker of Polk
			Alons of Sioux
H—1425	S.F.	3	Alons of Sioux
			Koester of Polk
			De Boef of Keokuk
			Drake of Cass
			Huseman of Cherokee
			Sorenson of Warren
			Dolecheck of Ringgold
			Rayhons of Hancock
			Sweeney of Hardin
			Windschitl of Harrison

On motion by McCarthy of Polk the House adjourned at 7:19 p.m., until 10:00 a.m., Monday, April 6, 2009.

# JOURNAL OF THE HOUSE

Eighty-fifth Calendar Day – Fifty-sixth Session Day

Hall of the House of Representatives  
Des Moines, Iowa, Monday, April 6, 2009

The House met pursuant to adjournment at 10:31 a.m., Speaker Murphy in the chair.

Prayer was offered by Reverend Eric Schumacher, pastor of the Northbrook Baptist Church, Cedar Rapids. He was the guest of Representative Nick Wagner of Linn County.

## PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Chad Ratashack, House Page from Mitchellville.

The Journal of Thursday, April 2, 2009 was approved.

On motion by McCarthy of Polk, the House was recessed at 10:37 a.m., until 3:30 p.m.

## AFTERNOON SESSION

The House reconvened at 3:45 p.m., Speaker Murphy in the chair.

## SPECIAL PRESENTATION

Soderberg of Plymouth introduced to the House Queen Juliana Pennings and her court visiting from Orange City and invited all to the Orange City Tulip Festival.

The House rose and expressed its welcome.

The House stood at ease at 3:50 p.m., until the fall of the gavel.

The House resumed session at 4:24 p.m., Speaker Murphy in the chair.

CONSIDERATION OF BILLS  
Regular Calendar

**House File 788**, a bill for an act prohibiting certain liquor control, wine, or beer licensees or permittees from knowingly permitting or engaging in criminal activity in areas adjacent to the licensed premises and making penalties applicable, was taken up for consideration.

Alons of Sioux offered the following amendment H-1409 filed by Alons et al., and moved its adoption:

H-1409

1 Amend House File 788 as follows:

2 1. Page 1, by inserting before line 1 the  
3 following:

4 "Section 1. Section 123.46, subsection 4, Code  
5 2009, is amended to read as follows:

6 4. a. A peace officer shall make a reasonable  
7 effort to identify a person under the age of eighteen  
8 who violates this section and, ~~if the person is not~~  
9 ~~referred to juvenile court, the law enforcement agency~~  
10 ~~of which the peace officer is an employee shall make a~~  
11 ~~reasonable attempt to notify the person's custodial~~  
12 ~~parent or legal guardian of the violation, whether or~~  
13 ~~not the person is taken into custody, unless the~~  
14 ~~officer has reasonable grounds to believe that~~  
15 ~~notification is not in the best interests of the~~  
16 ~~person or will endanger that person refer the person~~  
17 ~~to juvenile court.~~

18 b. The peace officer shall also make a reasonable  
19 effort to identify the elementary or secondary school  
20 which the person attends if the person is enrolled in  
21 elementary or secondary school and to notify the  
22 superintendent or the superintendent's designee of the  
23 school which the person attends, or the authorities in  
24 charge of the nonpublic school which the person  
25 attends, of the violation. If the person is taken  
26 into custody, the peace officer shall notify a  
27 juvenile court officer who A juvenile court officer  
28 shall notify the person's custodial parent, legal  
29 guardian, or custodian of the violation. In addition,  
30 the juvenile court officer shall make a reasonable  
31 effort to identify the elementary or secondary school  
32 the person attends, if any, and to notify the  
33 superintendent of the school district or the  
34 superintendent's designee, or the authorities in  
35 charge of the nonpublic school, of the violation. A

36 reasonable attempt to notify the person includes, but  
37 is not limited to, a telephone call or notice by  
38 first-class mail.

39 Sec. 2. Section 123.47, Code 2009, is amended to  
40 read as follows:

41 123.47 PERSONS UNDER ~~LEGAL AGE~~—PENALTY ~~EIGHTEEN~~  
42 ~~YEARS OF AGE, PERSONS EIGHTEEN, NINETEEN, OR TWENTY~~  
43 ~~YEARS OF AGE, AND PERSONS TWENTY-ONE YEARS OF AGE AND~~  
44 ~~OLDER.~~

45 1. A person shall not sell, give, or otherwise  
46 supply alcoholic liquor, wine, or beer to any person  
47 knowing or having reasonable cause to believe that  
48 person to be under legal age.

49 2. A person or persons under legal age shall not  
50 purchase or attempt to purchase, or individually or

Page 2

1 jointly have alcoholic liquor, wine, or beer in their  
2 possession or control; except in the case of liquor,  
3 wine, or beer given or dispensed to a person under  
4 legal age within a private home and with the  
5 knowledge, presence, and consent of the parent or  
6 guardian, for beverage or medicinal purposes or as  
7 administered to the person by either a physician or  
8 dentist for medicinal purposes and except to the  
9 extent that a person under legal age may handle  
10 alcoholic beverages, wine, and beer during the regular  
11 course of the person's employment by a liquor control  
12 licensee, or wine or beer permittee under this  
13 chapter.

14 3. a. A person who is under legal age eighteen,  
15 nineteen, or twenty years of age, other than a  
16 licensee or permittee, who violates this section  
17 regarding the purchase of or attempt to purchase  
18 alcoholic liquor, wine, or beer, or possessing or  
19 having control of alcoholic liquor, wine, or beer,  
20 commits the following:

21 (1) A simple misdemeanor punishable as a scheduled  
22 violation under section 805.8C, subsection 7.

23 (2) A second offense shall be a simple misdemeanor  
24 punishable by a fine of five hundred dollars. In  
25 addition to any other applicable penalty, the person  
26 in violation of this section shall choose between  
27 either completing a substance abuse evaluation or the  
28 suspension of the person's motor vehicle operating  
29 privileges for a period not to exceed one year.

30 (3) A third or subsequent offense shall be a  
31 simple misdemeanor punishable by a fine of five  
32 hundred dollars and the suspension of the person's  
33 motor vehicle operating privileges for a period not to  
34 exceed one year.

35 b. The court may, in its discretion, order the  
36 person who is under legal age to perform community  
37 service work under section 909.3A, of an equivalent  
38 value to the fine imposed under this section.

39 c. If the person who commits a violation of this  
40 section is under the age of eighteen, the matter shall  
41 be disposed of in the manner provided in chapter 232.

42 4. Except as otherwise provided in subsections 5  
43 and 6, a person who is of legal age, other than a  
44 licensee or permittee, who sells, gives, or otherwise  
45 supplies alcoholic liquor, wine, or beer to a person  
46 who is under legal age in violation of this section  
47 commits a serious misdemeanor punishable by a minimum  
48 fine of five hundred dollars.

49 5. A person who is of legal age, other than a  
50 licensee or permittee, who sells, gives, or otherwise

Page 3

1 supplies alcoholic liquor, wine, or beer to a person  
2 who is under legal age in violation of this section  
3 which results in serious injury to any person commits  
4 an aggravated misdemeanor.

5 6. A person who is of legal age, other than a  
6 licensee or permittee, who sells, gives, or otherwise  
7 supplies alcoholic liquor, wine, or beer to a person  
8 who is under legal age in violation of this section  
9 which results in the death of any person commits a  
10 class "D" felony.

11 Sec. 3. Section 123.47B, Code 2009, is amended to  
12 read as follows:

13 123.47B PARENTAL AND SCHOOL NOTIFICATION –  
14 PERSONS UNDER EIGHTEEN YEARS OF AGE.

15 1. A peace officer shall make a reasonable effort  
16 to identify a person under the age of eighteen  
17 discovered to be in possession of alcoholic liquor,  
18 wine, or beer in violation of section 123.47 and if  
19 ~~the person is not referred to juvenile court, the law~~  
20 ~~enforcement agency of which the peace officer is an~~  
21 ~~employee shall make a reasonable attempt to notify the~~  
22 ~~person's custodial parent or legal guardian of such~~  
23 ~~possession, whether or not the person is arrested or a~~  
24 ~~citation is issued pursuant to section 805.16, unless~~  
25 ~~the officer has reasonable grounds to believe that~~  
26 ~~such notification is not in the best interests of the~~  
27 ~~person or will endanger that person refer the person~~  
28 to juvenile court.

29 2. ~~The peace officer~~ juvenile court officer shall  
30 notify the person's custodial parent, legal guardian,  
31 or custodian of the violation. In addition, the  
32 juvenile court shall also make a reasonable effort to  
33 identify the elementary or secondary school which the

34 person attends if the person is enrolled in elementary  
 35 or secondary school and to notify the superintendent  
 36 or the superintendent's designee of the school which  
 37 the person attends, or the authorities in charge of  
 38 the nonpublic school which the person attends, of the  
 39 possession. ~~If the person is taken into custody, the~~  
 40 ~~peace officer shall notify a juvenile court officer~~  
 41 ~~who shall make a reasonable effort to identify the~~  
 42 ~~elementary or secondary school the person attends, if~~  
 43 ~~any, and to notify the superintendent of the school~~  
 44 ~~district or the superintendent's designee, or the~~  
 45 ~~authorities in charge of the nonpublic school, of the~~  
 46 ~~taking into custody.~~ A reasonable attempt to notify  
 47 the person includes but is not limited to a telephone  
 48 call or notice by first-class mail."

49 2. Page 1, by inserting after line 7 the  
 50 following:

Page 4

1 "Sec. \_\_\_\_ Section 321.284, Code 2009, is amended  
 2 to read as follows:  
 3 321.284 OPEN CONTAINERS IN MOTOR VEHICLES –  
 4 DRIVERS.

5 1. A driver of a motor vehicle upon a public  
 6 street or highway shall not possess in the passenger  
 7 area of the motor vehicle an open or unsealed bottle,  
 8 can, jar, or other receptacle containing an alcoholic  
 9 beverage. "Passenger area" means the area designed to  
 10 seat the driver and passengers while the motor vehicle  
 11 is in operation and any area that is readily  
 12 accessible to the driver or a passenger while in their  
 13 seating positions, including the glove compartment.  
 14 An open or unsealed receptacle containing an alcoholic  
 15 beverage may be transported in the trunk of the motor  
 16 vehicle. An unsealed receptacle containing an  
 17 alcoholic beverage may be transported behind the last  
 18 upright seat of the motor vehicle if the motor vehicle  
 19 does not have a trunk. A person convicted of a  
 20 violation of this section is guilty of a simple  
 21 misdemeanor punishable as a scheduled violation under  
 22 section 805.8A, subsection 14, paragraph "e".

23 2. A person under the age of twenty-one who  
 24 violates this section is guilty of a violation of  
 25 section 123.47.

26 Sec. \_\_\_\_ Section 321.284A, Code 2009, is amended  
 27 by adding the following new subsection:

28 NEW SUBSECTION. 3A. A person under the age of  
 29 twenty-one years who violates this section is guilty  
 30 of a violation of section 123.47.

31 Sec. \_\_\_\_ Section 805.8C, subsection 7, Code 2009,  
 32 is amended to read as follows:

33 7. ALCOHOLIC BEVERAGE VIOLATIONS BY PERSONS ~~UNDER~~  
 34 ~~LEGAL~~ EIGHTEEN, NINETEEN, OR TWENTY YEARS OF AGE. For  
 35 first offense violations of section 123.47, subsection  
 36 3, the scheduled fine is two hundred dollars."  
 37 3. Title page, line 1, by inserting before the  
 38 word "prohibiting" the following: "concerning alcohol  
 39 beverage control, relating to minors and public  
 40 intoxication or possession of alcohol and".  
 41 4. By renumbering as necessary.

Amendment H-1409 was adopted.

Lensing 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?" (H.F. 788)

The ayes were, 85:

Abdul-Samad	Alons	Anderson	Bailey
Baudler	Beard	Bell	Berry
Bukta	Burt	Cphoon	Cownie
De Boef	Dolecheck	Drake	Ficken
Ford	Forristall	Frevert	Gaskill
Gayman	Grassley	Hagenow	Heddens
Helland	Hunter	Huseman	Huser
Isenhardt	Jacoby	Kaufmann	Kearns
Kelley	Koester	Kressig	Kuhn
Lensing	Lykam	Marek	Mascher
May	McCarthy	Mertz	Oldson
Olson, D.	Olson, R.	Olson, S.	Olson, T.
Palmer	Paulsen	Petersen	Pettengill
Quirk	Raecker	Rants	Rayhons
Reasoner	Reichert	Roberts	Schueller
Schulte	Shomshor	Smith	Soderberg
Sorenson	Steckman	Struyk	Swaim
Taylor, D.	Taylor, T.	Thede	Thomas
Tymeson	Upmeyer	Van Engelenhoven	Wagner
Watts	Wendt	Wenthe	Wessel-Kroeschell
Whitaker	Whitead	Winckler	Worthan
Mr. Speaker			
Murphy			

The nays were, 12:

Arnold	Deyoe	Heaton	Horbach
Lukan	Miller, L.	Sands	Schultz
Sweeney	Willems	Windschitl	Zirkelbach



Absent or not voting, 3:

Chambers

Miller, H.

Tjepkes

The bill having received a constitutional majority was declared to have passed the House and the title, as amended, was agreed to.

### LEAVE OF ABSENCE

Leave of absence was granted as follows:

Tjepkes of Webster on request of Lukan of Dubuque.

**Senate File 152**, a bill for an act relating to administrative and planning requirements involving children for whom the department of human services has responsibility under state or federal law, with report of committee recommending passage, was taken up for consideration.

Berry of Black Hawk asked and received unanimous consent to withdraw amendment H-1298 filed by H. Miller of Webster on March 25, 2009.

Heaton of Henry offered amendment H-1322 filed by Heaton, et al., as follows:

H-1322

1 Amend Senate File 152, as amended, passed, and  
 2 reprinted by the Senate, as follows:  
 3 1. Page 5, by inserting after line 13 the  
 4 following:  
 5 "Sec. \_\_\_\_ Section 237A.3, subsection 2, Code  
 6 2009, is amended to read as follows:  
 7 2. a. A person shall not provide child care as a  
 8 child care home provider unless the person and any  
 9 person who resides or will reside in the child care  
 10 home have been subject to a fingerprint-based national  
 11 criminal history record check in accordance with  
 12 section 237A.5.  
 13 b. If a person or program does not comply with  
 14 paragraph "a" or has been prohibited by the department  
 15 from involvement with child care, the person or  
 16 program shall not provide child care as a child care  
 17 home provider and is subject to penalty under section  
 18 237A.19 or injunction under section 237A.20 for doing  
 19 so.

20 Sec. \_\_\_\_\_. Section 237A.5, subsection 2, paragraph  
21 a, subparagraph (1), subparagraph subdivision (e),  
22 Code 2009, is amended to read as follows:

23 (e) The person will provide or is providing child  
24 care as a child care home provider or will reside or  
25 resides in a child care home that is not registered  
26 under this chapter ~~but that receives public funding~~  
27 for providing child care.

28 Sec. \_\_\_\_\_. Section 237A.5, subsection 2, paragraphs  
29 b and c, Code 2009, are amended to read as follows:

30 b. If an individual person subject to a record  
31 check is being considered for employment by a child  
32 care facility or child care home, ~~in lieu of prior to~~  
33 requesting a fingerprint-based record check to be  
34 conducted by the department under paragraph "c", the  
35 child care facility or child care home may access the  
36 single contact repository established pursuant to  
37 section 135C.33 as necessary to conduct a criminal and  
38 child abuse record check of the individual in this  
39 state. A copy of the results of the record check  
40 conducted through the single contact repository shall  
41 also be provided to the department. If the record  
42 check indicates the individual is a person subject to  
43 an evaluation, the child care facility or child care  
44 home may request that the department perform an  
45 evaluation as provided in this subsection. Otherwise,  
46 the individual shall not be employed by the child care  
47 facility or child care home. The cost of accessing  
48 the single contact repository is the responsibility of  
49 the child care facility or home.

50 c. (1) ~~Unless a record check has already been~~

Page 2

1 ~~conducted in accordance with paragraph "b".~~ For a  
2 person subject to a record check, in addition to any  
3 record check conducted pursuant to paragraph "b" and  
4 the record checks conducted under subparagraph (2),  
5 the person's fingerprints shall be provided to the  
6 department of public safety for submission through the  
7 state criminal history repository to the United States  
8 department of justice, federal bureau of investigation  
9 for a national criminal history record check. For a  
10 child care home that is not registered under this  
11 chapter, the cost of the national criminal history  
12 record check for a person who will provide or is  
13 providing child care or will reside or resides in that  
14 child care home shall be paid by the person.  
15 Otherwise, the cost of the national criminal history  
16 record check and any other record checks conducted  
17 under this lettered paragraph is the responsibility of  
18 the department.

19 (2) In addition to the national criminal history  
 20 record check, the department shall conduct a criminal  
 21 and child abuse record check in this state for a  
 22 person who is subject to a record check and may  
 23 conduct ~~such~~ a child abuse record check in other  
 24 states. In addition, the department may conduct a  
 25 dependent adult abuse, sex offender registry, or other  
 26 public or civil offense record check in this state or  
 27 in other states for a person who is subject to a  
 28 record check. If record checks of a person who is  
 29 subject to a record check have been conducted through  
 30 the single contact repository as described in  
 31 paragraph "b", the department may forego the record  
 32 checks addressed by this subparagraph.  
 33 (3) If a record check performed pursuant to this  
 34 paragraph identifies an individual as a person subject  
 35 to an evaluation, an evaluation shall be performed to  
 36 determine whether prohibition of the person's  
 37 involvement with child care is warranted. The  
 38 evaluation shall be performed in accordance with  
 39 procedures adopted for this purpose by the department.  
 40 (4) Prior to performing an evaluation, the  
 41 department shall notify the affected person, licensee,  
 42 registrant, or child care home applying for or  
 43 receiving public funding for providing child care,  
 44 that an evaluation will be conducted to determine  
 45 whether prohibition of the person's involvement with  
 46 child care is warranted."  
 47 2. By renumbering as necessary.

Hunter of Polk rose on a point of order that amendment H-1322 was not germane.

The Speaker ruled the point well taken and amendment H-1322 not germane.

Heaton of Henry moved to suspend the rules to consider amendment H-1322.

Roll call was requested by Heaton of Henry and Paulsen of Linn.

On the question "Shall the rules be suspended to consider amendment H-1322?" (S.F. 152)

The ayes were, 42:

Alons  
Cownie

Anderson  
De Boef

Arnold  
Deyoe

Baudler  
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	Tymeson
Upmeyer	Van Engelenhoven	Wagner	Watts
Windschitl	Worthan		

The nays were, 55:

Abdul-Samad	Bailey	Beard	Bell
Berry	Bukta	Burt	Cohoon
Ficken	Ford	Frevert	Gaskill
Gayman	Heddens	Hunter	Huser
Isenhardt	Jacoby	Kearns	Kelley
Kressig	Kuhn	Lensing	Lykam
Marek	Mascher	McCarthy	Mertz
Oldson	Olson, D.	Olson, R.	Olson, T.
Palmer	Petersen	Quirk	Reasoner
Reichert	Schueller	Shomshor	Smith
Steckman	Swaim	Taylor, D.	Taylor, T.
Thede	Thomas	Wendt	Wenthe
Wessel-Kroeschell	Whitaker	Whitead	Willems
Winckler	Zirkelbach	Mr. Speaker	
		Murphy	

Absent or not voting, 3:

Chambers	Miller, H.	Tjepkes
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The motion to suspend the rules lost.

Hunter of Polk moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 152)

The ayes were, 97:

Abdul-Samad	Alons	Anderson	Arnold
Bailey	Baudler	Beard	Bell
Berry	Bukta	Burt	Cohoon
Cownie	De Boef	Deyoe	Dolecheck
Drake	Ficken	Ford	Forristall
Frevert	Gaskill	Gayman	Grassley
Hagenow	Heaton	Heddens	Helland
Horbach	Hunter	Huseman	Huser

Isenhardt	Jacoby	Kaufmann	Kearns
Kelley	Koester	Kressig	Kuhn
Lensing	Lukan	Lykam	Marek
Mascher	May	McCarthy	Mertz
Miller, L.	Oldson	Olson, D.	Olson, R.
Olson, S.	Olson, T.	Palmer	Paulsen
Petersen	Pettengill	Quirk	Raecker
Rants	Rayhons	Reasoner	Reichert
Roberts	Sands	Schueller	Schulte
Schultz	Shomshor	Smith	Soderberg
Sorenson	Steckman	Struyk	Swaim
Sweeney	Taylor, D.	Taylor, T.	Thede
Thomas	Tymeson	Upmeyer	Van Engelenhoven
Wagner	Watts	Wendt	Wenthe
Wessel-Kroeschell	Whitaker	Whitead	Willems
Winckler	Windschitl	Worthan	Zirkelbach
Mr. Speaker			
Murphy			

The nays were, none.

Absent or not voting, 3:

Chambers	Miller, H.	Tjepkes
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The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

### Ways and Means Calendar

**Senate File 322**, a bill for an act relating to the technical administration of the tax and related laws by the department of revenue, including administration of income taxes, sales and use taxes, fees for new vehicle registrations, and property taxes and including a retroactive applicability date provision, with report of committee recommending passage, was taken up for consideration.

Willems of Linn moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 322)

The ayes were, 97:

Abdul-Samad	Alons	Anderson	Arnold
Bailey	Baudler	Beard	Bell

Berry	Bukta	Burt	Cohoon
Cownie	De Boef	Deyoe	Dolecheck
Drake	Ficken	Ford	Forristall
Frevert	Gaskill	Gayman	Grassley
Hagenow	Heaton	Heddens	Helland
Horbach	Hunter	Huseman	Huser
Isenhart	Jacoby	Kaufmann	Kearns
Kelley	Koester	Kressig	Kuhn
Lensing	Lukan	Lykam	Marek
Mascher	May	McCarthy	Mertz
Miller, L.	Oldson	Olson, D.	Olson, R.
Olson, S.	Olson, T.	Palmer	Paulsen
Petersen	Pettengill	Quirk	Raecker
Rants	Rayhons	Reasoner	Reichert
Roberts	Sands	Schueller	Schulte
Schultz	Shomshor	Smith	Soderberg
Sorenson	Steckman	Struyk	Swaim
Sweeney	Taylor, D.	Taylor, T.	Thede
Thomas	Tymeson	Upmeyer	Van Engelenhoven
Wagner	Watts	Wendt	Wenthe
Wessel-Kroeschell	Whitaker	Whitead	Willems
Winckler	Windschitl	Worthan	Zirkelbach
Mr. Speaker			
Murphy			

The nays were, none.

Absent or not voting, 3:

Chambers	Miller, H.	Tjepkes
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The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

### Regular Calendar

**Senate File 323**, a bill for an act relating to the provision of certain information regarding a child in foster care to the foster care provider, with report of committee recommending amendment and passage, was taken up for consideration.

Wessel-Kroeschell of Story offered amendment H-1327 filed by the committee on human resources as follows:

H-1327

- 1 Amend Senate File 323, as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 1, by striking line 27 and inserting the

4 following: "child would be required to register under  
 5 chapter 692A but for the exemption under section  
 6 692A.2, subsection 6, while the child is in foster  
 7 care."

Heaton of Henry offered the following amendment H-1373, to the committee amendment H-1327, filed by him and Wessel-Kroeschell of Story and moved its adoption:

H-1373

1 Amend the amendment, H-1327, to Senate File 323, as  
 2 amended, passed, and reprinted by the Senate, as  
 3 follows:  
 4 1. Page 1, by inserting after line 7 the  
 5 following:  
 6 "Sec.\_\_\_\_. DEPARTMENT REPORT. The department of  
 7 human services shall track the amount of time taken to  
 8 supply child health records to foster care providers,  
 9 including but not limited to instances when the  
 10 records are incomplete and when the provider requests  
 11 additional information, in accordance with section  
 12 237.3, subsection 2, paragraph "f", subparagraph (2),  
 13 as amended by this Act. The department shall report  
 14 to the general assembly on or before January 15, 2010,  
 15 regarding the results of the tracking.""

Amendment H-1373 was adopted.

On motion by Wessel-Kroeschell of Story the committee amendment H-1327, as amended, was adopted.

Van Engelenhoven of Marion offered the following amendment H-1376 filed by him and moved its adoption:

H-1376

1 Amend Senate File 323, as amended, passed, and  
 2 reprinted by the Senate, as follows:  
 3 1. Page 1, by inserting after line 27 the  
 4 following:  
 5 "Sec.\_\_\_\_. Section 237.3, Code 2009, is amended by  
 6 adding the following new subsection:  
 7 NEW SUBSECTION. 11. The department shall adopt  
 8 rules prohibiting an individual foster parent licensee  
 9 from providing child care to children as a child care  
 10 home or child development home provider registered  
 11 under chapter 237A at times when a child is present

- 12 who is receiving foster care from the licensee and who  
 13 has been found by the department to have committed  
 14 abuse of another child."  
 15 2. By renumbering as necessary.

Amendment H-1376 was adopted.

Wessel-Kroeschell of Story 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. 323)

The ayes were, 97:

Abdul-Samad	Alons	Anderson	Arnold
Bailey	Baudler	Beard	Bell
Berry	Bukta	Burt	Cohoon
Cownie	De Boef	Deyoe	Dolecheck
Drake	Ficken	Ford	Forristall
Frevert	Gaskill	Gayman	Grassley
Hagenow	Heaton	Heddens	Helland
Horbach	Hunter	Huseman	Huser
Isenhardt	Jacoby	Kaufmann	Kearns
Kelley	Koester	Kressig	Kuhn
Lensing	Lukan	Lykam	Marek
Mascher	May	McCarthy	Mertz
Miller, L.	Olson	Olson, D.	Olson, R.
Olson, S.	Olson, T.	Palmer	Paulsen
Petersen	Pettengill	Quirk	Raecker
Rants	Rayhons	Reasoner	Reichert
Roberts	Sands	Schueller	Schulte
Schultz	Shomshor	Smith	Soderberg
Sorenson	Steckman	Struyk	Swaim
Sweeney	Taylor, D.	Taylor, T.	Thede
Thomas	Tymeson	Upmeyer	Van Engelenhoven
Wagner	Watts	Wendt	Wenthe
Wessel-Kroeschell	Whitaker	Whitead	Willems
Winckler	Windschitl	Worthan	Zirkelbach
Mr. Speaker			
Murphy			

The nays were, none.

Absent or not voting, 3:

Chambers	Miller, H.	Tjepkes
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The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

**Senate File 372**, a bill for an act requesting the establishment of a statewide broadband policy development interim study committee, 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. 372)

The ayes were, 97:

Abdul-Samad	Alons	Anderson	Arnold
Bailey	Baudler	Beard	Bell
Berry	Bukta	Burt	Cohoon
Cownie	De Boef	Deyoe	Dolecheck
Drake	Ficken	Ford	Forristall
Frevert	Gaskill	Gayman	Grassley
Hagenow	Heaton	Heddens	Helland
Horbach	Hunter	Huseman	Huser
Isenhart	Jacoby	Kaufmann	Kearns
Kelley	Koester	Kressig	Kuhn
Lensing	Lukan	Lykam	Marek
Mascher	May	McCarthy	Mertz
Miller, L.	Oldson	Olson, D.	Olson, R.
Olson, S.	Olson, T.	Palmer	Paulsen
Petersen	Pettengill	Quirk	Raecker
Rants	Rayhons	Reasoner	Reichert
Roberts	Sands	Schueller	Schulte
Schultz	Shomshor	Smith	Soderberg
Sorenson	Steckman	Struyk	Swaim
Sweeney	Taylor, D.	Taylor, T.	Thede
Thomas	Tymeson	Upmeyer	Van Engelenhoven
Wagner	Watts	Wendt	Wenthe
Wessel-Kroeschell	Whitaker	Whitead	Willemis
Winckler	Windschitl	Worthan	Zirkelbach
Mr. Speaker			
Murphy			

The nays were, none.

Absent or not voting, 3:

Chambers	Miller, H.	Tjepkes
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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 788** and **Senate Files 152, 322, 323** and **372**.

**Senate File 374**, a bill for an act concerning restrictions on the resale and use of motor vehicle operating records furnished by the department of transportation and making a penalty applicable, with report of committee recommending amendment and passage, was taken up for consideration.

Reasoner of Union offered amendment H-1328 filed by the committee on commerce as follows:

H-1328

1 Amend Senate File 374, as passed by the Senate, as  
2 follows:  
3 1. By striking everything after the enacting  
4 clause and inserting the following:  
5 "Section 1. Section 321A.3, subsection 8, Code  
6 2009, is amended to read as follows:  
7 8. a. (1) A person making a request for a record  
8 or an abstract who purchases a certified abstract of  
9 an operating record directly from the department under  
10 this section that is subject to a fee shall only use  
11 the record or abstract requested, sell, disclose, or  
12 distribute the abstract or any portion of the abstract  
13 one time, for one purpose, and if the person shall not  
14 supply that record abstract or any portion of that  
15 abstract to more than one other person. Any  
16 subsequent use of the same record or abstract shall  
17 require that the The person shall make a subsequent  
18 request for the record or abstract and pay an  
19 additional fee for the request in the same manner as  
20 provided for the initial request for any subsequent  
21 use, sale, disclosure, or distribution of the same  
22 certified abstract or any portion of the abstract or  
23 to supply the same certified abstract or any portion  
24 of the abstract to another person, except as provided  
25 in subparagraph (2).  
26 (2) Notwithstanding the limitation on use, sale,  
27 disclosure, and distribution of a certified abstract

28 under subparagraph (1), a person who purchases a  
29 certified abstract under this section may provide a  
30 copy of the previously purchased certified abstract to  
31 the person who is an insurer who was originally  
32 supplied the certified abstract by the person who  
33 purchased the certified abstract.  
34 b. A person who is supplied a certified abstract  
35 or any portion of the abstract by a person who  
36 purchases the certified abstract under paragraph "a"  
37 shall only use the abstract one time, for one purpose,  
38 and shall not reuse, sell, disclose, or distribute the  
39 abstract or any portion of the abstract except as  
40 provided in paragraph "c".  
41 c. A person who is an insurer or an insurance  
42 producer licensed under chapter 522B who purchases a  
43 certified abstract under this section or a person who  
44 is supplied a certified abstract or any portion of the  
45 abstract pursuant to paragraph "b" may use the  
46 certified abstract pursuant to this paragraph "c" for  
47 more than one use for the following purposes:  
48 (1) Consumer disclosure purposes, as defined by  
49 rule of the department,  
50 (2) Internal auditing purposes, or similar

Page 2

1 internal purposes as defined by rule of the  
2 department.  
3 (3) Internal purposes in a manner consistent with  
4 the federal Driver's Privacy Protection Act, 18 U.S.C.  
5 § 2721-2725, by a person who is an insurer.  
6 (4) To show compliance with the retention  
7 requirements imposed under this section or other  
8 applicable law.  
9 (5) By an insurer, to provide a copy to an  
10 insurance producer licensed under chapter 522B and  
11 appointed by the insurer for purposes of a specific  
12 application for coverage. However, a producer who is  
13 provided a certified abstract pursuant to this  
14 subparagraph shall not reuse, sell, disclose, or  
15 distribute the abstract with respect to any  
16 transaction not associated with the insurer who  
17 appointed the producer.  
18 (6) To provide a copy to an insurer for purposes  
19 of a specific application for coverage if the person  
20 requesting the certified abstract is an insurance  
21 producer licensed under chapter 522B and appointed by  
22 the insurer for purposes of the specific application  
23 for coverage.  
24 (7) To provide a copy to an affiliate of the  
25 person who is an insurer who originally purchased or  
26 was supplied the certified abstract. An affiliate who

27 receives a copy of a certified abstract pursuant to  
 28 this subparagraph shall only use the copy of the  
 29 abstract one time and shall not reuse, sell, disclose,  
 30 or distribute the copy to any other person, except as  
 31 provided under subparagraphs (1) through (5) in the  
 32 same manner as permitted for a person who is an  
 33 insurer.  
 34 d. For purposes of this subsection, "affiliate"  
 35 means a person who directly or indirectly, through one  
 36 or more intermediaries, controls, is controlled by, or  
 37 is under common control with the person who is an  
 38 insurer.  
 39 e. A person ~~requesting a record or an abstract who~~  
 40 purchases a certified abstract directly from the  
 41 department pursuant to this section shall keep records  
 42 for a period of five years identifying ~~who the record~~  
 43 ~~or the persons to whom the abstract is provided to,~~  
 44 and the use of the ~~record or~~ abstract, ~~for a period of~~  
 45 five years. Records maintained pursuant to this  
 46 subsection shall be made available to the department  
 47 upon request. A person who is otherwise supplied a  
 48 certified abstract and who then provides that abstract  
 49 to another person for a purpose other than the  
 50 purposes identified under paragraph "c" shall also be

Page 3

1 subject to the recordkeeping requirements under this  
 2 paragraph.  
 3 f. A person shall not ~~sell, retain, distribute,~~  
 4 ~~provide, or transfer any record or use, sell,~~  
 5 ~~disclose, or distribute any~~ abstract information or  
 6 portion of the ~~record or~~ abstract information acquired  
 7 under this ~~agreement~~ section except as authorized by  
 8 this section and any applicable rules of the  
 9 department, and consistent with the federal Driver's  
 10 Privacy Protection Act, 18 U.S.C. 2721–2725."

Reasoner of Union offered the following amendment H–1396, to the committee amendment H–1328, filed by him and moved its adoption:

H–1396

1 Amend the amendment, H–1328, to Senate File 374, as  
 2 passed by the Senate, as follows:  
 3 1. Page 1, by striking line 48 and inserting the  
 4 following:  
 5 "(1) To provide a copy to a consumer with respect  
 6 to a specific decision impacting the consumer and made  
 7 in whole or in part based upon information contained

- 8 in the certified abstract, as defined by".  
 9 2. Page 2, line 24, by inserting after the word  
 10 "copy" the following: "for the purpose of a  
 11 specific application for coverage or for a purpose as  
 12 provided under subparagraphs (1) through (4)."  
 13 3. Page 2, line 35, by striking the words "a  
 14 person" and inserting the following: "an insurer".  
 15 4. Page 3, by striking line 9 and inserting the  
 16 following: "department and. Nothing in this section  
 17 shall be construed to authorize the use, sale,  
 18 disclosure, or distribution of personal information,  
 19 protected personal information, or highly protected  
 20 personal information as prohibited under section  
 21 321.11 or the federal Driver's".

Amendment H-1396 was adopted.

On motion by Reasoner of Union the committee amendment H-1328, as amended, was adopted.

Reasoner of Union 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. 374)

The ayes were, 97:

Abdul-Samad	Alons	Anderson	Arnold
Bailey	Baudler	Beard	Bell
Berry	Bukta	Burt	Cohoon
Cownie	De Boef	Deyoe	Dolecheck
Drake	Ficken	Ford	Forristall
Frevert	Gaskill	Gayman	Grassley
Hagenow	Heaton	Heddens	Helland
Horbach	Hunter	Huseman	Huser
Isenhardt	Jacoby	Kaufmann	Kearns
Kelley	Koester	Kressig	Kuhn
Lensing	Lukan	Lykam	Marek
Mascher	May	McCarthy	Mertz
Miller, L.	Oldson	Olson, D.	Olson, R.
Olson, S.	Olson, T.	Palmer	Paulsen
Petersen	Pettengill	Quirk	Raecker
Rants	Rayhons	Reasoner	Reichert
Roberts	Sands	Schueller	Schulte
Schultz	Shomshor	Smith	Soderberg
Sorenson	Steckman	Struyk	Swaim
Sweeney	Taylor, D.	Taylor, T.	Thede
Thomas	Tymeson	Upmeyer	Van Engelenhoven

Wagner	Watts	Wendt	Wenthe
Wessel-Kroeschell	Whitaker	Whitead	Willems
Winckler	Windschitl	Worthan	Zirkelbach
Mr. Speaker Murphy			

The nays were, none.

Absent or not voting, 3:

Chambers	Miller, H.	Tjepkes
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The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

### 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 April 6, 2009, passed the following bill in which the concurrence of the Senate was asked:

House File 710, a bill for an act relating to the agricultural development authority, by providing for the reporting of its operations.

Also: That the Senate has on April 6, 2009, passed the following bill in which the concurrence of the Senate was asked:

House File 720, a bill for an act relating to boiler and pressure vessel inspections and the boiler and pressure vessel board that oversees the inspections.

Also: That the Senate has on April 6, 2009, passed the following bill in which the concurrence of the Senate was asked:

House File 723, a bill for an act relating to various matters under the purview of the insurance division of the department of commerce including the uniform securities act; insurance division; articles of incorporation filing requirements; viatical settlements contracts; life insurance companies and associations; long-term care insurance; long-term care asset disregard incentives; insurance other than life; insurance guaranty association; county mutual insurance associations; state mutual insurance associations; consolidation, merger, and reinsurance; and cemetery and funeral merchandise and funeral services; and providing for an immediate effective date and retroactive applicability.

Also: That the Senate has on April 6, 2009, concurred in the House amendment and passed the following bill in which the concurrence of the Senate was asked:

Senate File 186, a bill for an act concerning preferential hiring treatment by government for veterans.

MICHAEL E. MARSHALL, Secretary

**Senate File 437**, a bill for an act relating to the affairs of the governing body of a drainage district by providing for public access to meetings and records, with report of committee recommending passage, was taken up for consideration.

Huser of Polk offered the following amendment H-1276 filed by her and moved its adoption:

H-1276

1 Amend Senate File 437, as passed by the Senate, as  
 2 follows:  
 3 1. Page 1, line 2, by striking the word  
 4 "paragraph" and inserting the following:  
 5 "paragraphs".  
 6 2. Page 1, by inserting after line 6 the  
 7 following:  
 8 "NEW PARAGRAPH. j. An advisory board, advisory  
 9 commission, advisory committee, task force, or other  
 10 body created by an entity organized under chapter 28E,  
 11 or by the administrator or joint board specified in a  
 12 chapter 28E agreement, to develop and make  
 13 recommendations on public policy issues.  
 14 Sec. \_\_\_\_\_. Section 21.4, subsection 1, Code 2009,  
 15 is amended to read as follows:  
 16 1. A governmental body, ~~except township trustees,~~  
 17 shall give notice of the time, date, and place of each  
 18 meeting, and its tentative agenda, in a manner  
 19 reasonably calculated to apprise the public of that  
 20 information. Reasonable notice shall include advising  
 21 the news media who have filed a request for notice  
 22 with the governmental body and posting the notice on  
 23 a bulletin board or other prominent place which is  
 24 easily accessible to the public and clearly designated  
 25 for that purpose at the principal office of the body  
 26 holding the meeting, or if no such office exists, at  
 27 the building in which the meeting is to be held."  
 28 3. Page 1, by inserting after line 23 the  
 29 following:  
 30 "Sec. \_\_\_\_\_. Section 359.17, subsection 2, Code  
 31 2009, is amended to read as follows:  
 32 2. A board of township trustees shall give prior  
 33 notice of a meeting to discuss, deliberate, or act  
 34 upon a matter relating to the budget or a tax levy of  
 35 the township or relating to the trustees' duty to  
 36 provide fire protection service and, if provided,  
 37 emergency medical service, pursuant to section 359.42.  
 38 The trustees shall give notice of such meeting at  
 39 least ~~forty-eight~~ twenty-four hours preceding the  
 40 commencement of the meeting. However, a notice is not

41 required pursuant to this subsection when the trustees  
 42 gather for ~~minor or purely~~ ministerial matters  
 43 relating to the trustees' duty for providing such fire  
 44 protection service or emergency medical service. The  
 45 notice shall state the time, date, and place of the  
 46 meeting and the proposed agenda. The notice shall be  
 47 provided to the county auditor who shall post the  
 48 notice in an area of the courthouse where notices to  
 49 the public are commonly posted."  
 50 4. Title page, by striking lines 1 and 2 and

Page 2

1 inserting the following: "An Act relating to the  
 2 affairs of governmental entities by providing for  
 3 public access to meetings".  
 4 5. By renumbering as necessary.

Amendment H-1276 was adopted.

Kaufmann of Cedar asked and received unanimous consent to withdraw amendment H-1405 filed by him on April 2, 2009.

Reichert of Muscatine asked and received unanimous consent to withdraw amendment H-1406 filed by him on April 2, 2009.

Kressig 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. 437)

The ayes were, 88:

Abdul-Samad	Alons	Anderson	Arnold
Bailey	Beard	Bell	Berry
Bukta	Burt	Cphoon	Cownie
Deyoe	Dolecheck	Drake	Ficken
Ford	Forristall	Frevert	Gaskill
Gayman	Grassley	Hagenow	Heaton
Heddens	Helland	Horbach	Hunter
Huseman	Huser	Isenhart	Jacoby
Kaufmann	Kearns	Kelley	Koester
Kressig	Kuhn	Lensing	Lukan
Lykam	Marek	Mascher	May
McCarthy	Miller, L.	Oldson	Olson, D.
Olson, R.	Olson, T.	Palmer	Paulsen
Petersen	Pettengill	Quirk	Raecker



Rants	Reasoner	Reichert	Roberts
Sands	Schueller	Schulte	Smith
Soderberg	Sorenson	Steckman	Struyk
Swaim	Taylor, D.	Taylor, T.	Thede
Thomas	Tymeson	Upmeyer	Van Engelenhoven
Wagner	Wendt	Wenthe	Wessel-Kroeschell
Whitaker	Whitead	Willems	Winckler
Windschitl	Worthan	Zirkelbach	Mr. Speaker
			Murphy

The nays were, 8:

Baudler	De Boef	Mertz	Olson, S.
Rayhons	Schultz	Sweeney	Watts

Absent or not voting, 4:

Chambers	Miller, H.	Shomshor	Tjepkes
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The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

**Senate File 81**, a bill for an act relating to assisting schools to recover from disaster by changing the approval method for transfers of emergency fund moneys, by modifying certain funding provisions to relate to disaster recovery, and by allowing area education agency boards greater authority to purchase and lease-purchase property, with report of committee recommending amendment and passage, was taken up for consideration.

Willems of Linn offered the following amendment H-1129 filed by the committee on education and moved its adoption:

H-1129

- 1 Amend Senate File 81, as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 4, line 16, by striking the words
- 4 "attendance center" and inserting the following:
- 5 "school facility".
- 6 2. Page 4, line 21, by striking the words
- 7 "attendance center" and inserting the following:
- 8 "school facility".
- 9 3. Page 4, line 24, by striking the words
- 10 "attendance center" and inserting the following:
- 11 "school facility".

The committee amendment H-1129 was adopted.

Tymeson of Madison offered the following amendment H-1137 filed by her and moved its adoption:

H-1137

- 1 Amend Senate File 81, as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 1, by striking lines 1 through 26.
- 4 2. Title page, by striking lines 2 and 3 and
- 5 inserting the following: "modifying certain funding
- 6 provisions to relate to".
- 7 3. By renumbering as necessary.

Roll call was requested by Paulsen of Linn and Tymeson of Madison.

On the question "Shall amendment H-1137 be adopted?" (S.F. 81)

The ayes were, 42:

Alons	Anderson	Arnold	Baudler
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	Tymeson
Upmeyer	Van Engelenhoven	Wagner	Watts
Windschitl	Worthan		

The nays were, 54:

Abdul-Samad	Bailey	Beard	Bell
Berry	Bukta	Burt	Cohoon
Ficken	Ford	Frevert	Gaskill
Gayman	Heddens	Hunter	Huser
Isenhardt	Jacoby	Kearns	Kelley
Kressig	Kuhn	Lensing	Lykam
Marek	Mascher	McCarthy	Mertz
Oldson	Olson, D.	Olson, R.	Olson, T.
Palmer	Petersen	Reasoner	Reichert
Schueller	Shomshor	Smith	Steckman
Swaim	Taylor, D.	Taylor, T.	Thede
Thomas	Wendt	Wenthe	Wessel-Kroeschell
Whitaker	Whitead	Willems	Winckler
Zirkelbach	Mr. Speaker		
	Murphy		

Absent or not voting, 4:

Chambers

Miller, H.

Quirk

Tjepkes

Amendment H-1137 lost.

Sands of Louisa rose on a point of order and invoked Rule 32, and requested Senate File 81 be sent to the committee on ways and means.

The Speaker ruled the point well taken and referred Senate File 81 to the committee on ways and means.

### IMMEDIATE MESSAGES

McCarthy of Polk asked and received unanimous consent that the following bills be immediately messaged to the Senate: **Senate Files 374 and 437.**

### BILLS ENROLLED, SIGNED AND SENT TO GOVERNOR

The Chief Clerk of the House submitted the following report:

Mr. Speaker: The Chief Clerk of the House respectfully reports that the following bills have been examined and found correctly enrolled, signed by the Speaker of the House and the President of the Senate, and presented to the Governor for his approval on this 6<sup>th</sup> day of April, 2009: House Files 180 and 618.

MARK W. BRANDSGARD  
Chief Clerk of the House

Report adopted.

### BILLS SIGNED BY THE GOVERNOR

A communication was received from the Governor announcing that on April 3, 2009, he approved and transmitted to the Secretary of State the following bills:

Senate File 159, an Act relating to electrician licensure by modifying existing provisions and specifying new classifications.

Senate File 280, an Act relating to disaster emergency assistance immunity.

Senate File 446, an Act relating to nonsubstantive Code corrections and providing effective dates and for retroactive applicability.

Also: the Governor announced that on April 6, 2009 he approved and transmitted to the Secretary of State the following bills:

Senate File 49, an Act relating to the administration of campaign disclosure laws.

Senate File 207, an Act relating to the Iowa finance authority by providing immunity for board members, providing administrative authority for the executive director, eliminating duties of the council on homelessness, defining projects under the bond bank program, and defining assets in, and providing for the use of moneys in, the housing trust fund.

Senate File 268, an Act providing for the award of local watershed improvement grants.

### 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

- |           |   |
|-----------|---|
| 2009\3513 | Hilda Crabtree, Des Moines – For celebrating her 100 <sup>th</sup> birthday.                                  |
| 2009\3514 | Richard and Marga Wood, Sioux City – For celebrating their 50 <sup>th</sup> wedding anniversary.              |
| 2009\3515 | LeRoy and Janice Deuhr, Sioux City – For celebrating their 60 <sup>th</sup> wedding anniversary.              |
| 2009\3516 | Cynthia Clevering, Sioux Center – For celebrating her 95 <sup>th</sup> birthday.                              |
| 2009\3517 | Tillie Nyhuis, Rock Rapids – For celebrating her 80 <sup>th</sup> birthday.                                   |
| 2009\3518 | Arnold and Reatha “Sue” Kruger, Wellsburg – For celebrating their 50 <sup>th</sup> wedding anniversary.       |
| 2009\3519 | Linus and Louise Amling, Colesburg – For celebrating their 50 <sup>th</sup> wedding anniversary.              |
| 2009\3520 | Bryce Althoff, Farley – For attaining the rank of Eagle Scout, the highest rank in the Boy Scouts of America. |
| 2009\3521 | Kenneth Johnson, Orient – For celebrating his 85 <sup>th</sup> birthday.                                      |

- 2009\3522 Earl Vandewater, Orient – For celebrating his 80<sup>th</sup> birthday.
- 2009\3523 Allan and Blanche Jacobsen, Audubon – For celebrating their 85<sup>th</sup> birthdays.
- 2009\3524 Richard and Ardith Evenson, Archer – For celebrating their 50<sup>th</sup> wedding anniversary.
- 2009\3525 Lila Brower, Rock Rapids – For celebrating her 80<sup>th</sup> birthday.
- 2009\3526 Wilbert Vangelder, Rock Rapids – For celebrating his 80<sup>th</sup> birthday.
- 2009\3527 Viola Van Schepen, Hull – For celebrating her 80<sup>th</sup> birthday.
- 2009\3528 Joye Weber, Alvord – For celebrating her 80<sup>th</sup> birthday.
- 2009\3529 Lyle Heyden, Larchwood – For celebrating his 80<sup>th</sup> birthday.
- 2009\3530 Cornelius De Haan, Inwood – For celebrating his 80<sup>th</sup> birthday.
- 2009\3531 Eileen Pottebaum, Rock Rapids – For celebrating her 75<sup>th</sup> birthday.
- 2009\3532 Arthur Gerritson, Rock Valley – For celebrating his 75<sup>th</sup> birthday.
- 2009\3533 John Ver Beek, Rock Rapids – For celebrating his 75<sup>th</sup> birthday.
- 2009\3534 Clarence Stubbe, George – For celebrating his 85<sup>th</sup> birthday.
- 2009\3535 Marvin Vander Wilt, Hull – For celebrating his 85<sup>th</sup> birthday.
- 2009\3536 Grace Voetberg, Rock Valley – For celebrating her 90<sup>th</sup> birthday.

### 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 APPROPRIATIONS

**Senate File 452**, a bill for an act directing the office of energy independence to establish a community grant program for energy efficiency projects, and allocating appropriated amounts for purposes of funding the program.

Fiscal Note is not required.

Recommended **Amend and Do Pass with Amendment H-1429** April 6, 2009.

**Senate File 467**, a bill for an act relating to and making appropriations involving state government, by providing for agriculture, natural resources, and environmental protection, and providing for effective dates.

Fiscal Note is not required.

Recommended **Do Pass** April 6, 2009.

**Senate File 469**, 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.

Fiscal Note is not required.

Recommended **Do Pass** April 6, 2009.

#### AMENDMENTS FILED

H—1426	S.F.	432	Whitaker of Van Buren Kuhn of Floyd
H—1427	S.F.	451	Mascher of Johnson
H—1428	H.F.	520	Mascher of Johnson
H—1429	S.F.	452	Committee on Appropriations
H—1430	H.F.	743	Palmer of Mahaska
H—1431	S.F.	435	Palmer of Mahaska
H—1432	H.F.	809	Pettengill of Benton
H—1433	S.F.	283	Kaufmann of Cedar Schwaim of Davis
			Schultz of Crawford
			Palmer of Mahaska
			Sands of Louisa
			Baudler of Adair
			Reichert of Muscatine
			Schueller of Jackson
			Anderson of Page
			T. Taylor of Linn
H—1434	H.F.	809	R. Olson of Polk
H—1435	H.F.	809	Hunter of Polk
H—1436	H.F.	809	Hunter of Polk
H—1437	S.F.	415	Raecker of Polk
H—1438	S.F.	432	T. Taylor of Linn
			Wenthe of Fayette
			Zirkelbach of Jones
			S. Olson of Clinton

On motion by McCarthy of Polk the House adjourned at 6:10 p.m., until 9:00 a.m., Tuesday, April 7, 2009.

# JOURNAL OF THE HOUSE

Eighty-sixth Calendar Day - Fifty-seventh Session Day

Hall of the House of Representatives  
Des Moines, Iowa, Tuesday, April 7, 2009

The House met pursuant to adjournment at 9:02 a.m., Speaker Murphy in the chair.

Prayer was offered by Reverend Dennis Platt, pastor of the Cedar Falls Church of Christ. He was the guest of Representative Doris Kelley of Black Hawk County.

## PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Speaker Murphy.

The Journal of Monday, April 6, 2009 was approved.

## MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on April 6, 2009, passed the following bill in which the concurrence of the Senate was asked:

House File 481, a bill for an act providing an excess weight allowance for special trucks hauling distillers grains.

Also: That the Senate has on April 6, 2009, passed the following bill in which the concurrence of the Senate was asked:

House File 505, a bill for an act requiring record checks for persons who are prospective or current volunteers for the Iowa veterans home.

Also: That the Senate has on April 6, 2009, passed the following bill in which the concurrence of the Senate was asked:

House File 552, a bill for an act concerning the appointment of airport commissioners.

Also: That the Senate has on April 6, 2009, amended and passed the following bill in which the concurrence of the House is asked:

House File 562, a bill for an act relating to the council on human services and the state child care advisory council.

Also: That the Senate has on April 6, 2009, amended and passed the following bill in which the concurrence of the House is asked:

House File 670, a bill for an act relating to absentee voting by requiring the counting of absentee ballots to begin the day before the general election.

Also: That the Senate has on April 6, 2009, amended and passed the following bill in which the concurrence of the House is asked:

House File 671, a bill for an act providing volunteer emergency services providers protection from employment termination.

Also: That the Senate has on April 6, 2009, passed the following bill in which the concurrence of the Senate was asked:

House File 672, a bill for an act relating to individual development accounts available to certain persons with low income and providing effective and applicability date provisions.

Also: That the Senate has on April 6, 2009, amended and passed the following bill in which the concurrence of the House is asked:

House File 705, a bill for an act concerning community safe rooms and storm shelters in newly constructed public buildings.

Also: That the Senate has on April 6, 2009, passed the following bill in which the concurrence of the House is asked:

Senate File 470, a bill for an act relating to the funding of, the operation of, and appropriation of moneys to the college student aid commission, the department for the blind, the department of education, and the state board of regents, providing for related matters, and providing effective dates.

MICHAEL E. MARSHALL, Secretary

### ADOPTION OF HOUSE RESOLUTION 33

Bell of Jasper and Upmeyer of Hancock called up for consideration **House Resolution 33**, a resolution to recognize the Iowa landmark the Surf Ballroom, and moved its adoption.

The motion prevailed and the resolution was adopted.

### SPECIAL PRESENTATION

Upmeyer of Hancock introduced to the House, Laura Leitz, Shane Cooney and Paul Stevenson from the Surf Ballroom.



The House rose and expressed its welcome.

On motion by McCarthy of Polk, the House was recessed at 9:10 a.m., until 1:00 p.m.

#### AFTERNOON SESSION

The House reconvened at 1:11 p.m., Speaker Murphy in the chair.

#### SENATE MESSAGE CONSIDERED

**Senate File 470**, by committee on appropriations, a bill for an act relating to the funding of, the operation of, and appropriation of moneys to the college student aid commission, the department for the blind, the department of education, and the state board of regents, providing for related matters, and providing effective dates.

Read first time and referred to committee on **appropriations**.

#### SENATE AMENDMENT CONSIDERED

Palmer of Mahaska called up for consideration **House File 266**, a bill for an act relating to recording proceedings before a magistrate, amended by the Senate, and moved that the House concur in the following Senate amendment H-1361:

H-1361

- 1 Amend House File 266, as passed by the House, as
- 2 follows:
- 3 1. Page 1, by striking lines 1 through 5.

The motion prevailed and the House concurred in the Senate amendment H-1361.

Palmer of Mahaska moved that the bill, as amended by the Senate and concurred in by the House, be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 266)

The ayes were, 95:

Abdul-Samad	Alons	Anderson	Arnold
Bailey	Baudler	Beard	Bell
Berry	Bukta	Burt	Cohoon
Cownie	De Boef	Deyoe	Dolecheck
Drake	Ficken	Ford	Forristall
Frevert	Gaskill	Gayman	Grassley
Hagenow	Heaton	Heddens	Helland
Horbach	Hunter	Huseman	Huser
Isenhardt	Jacoby	Kaufmann	Kearns
Kelley	Koester	Kressig	Kuhn
Lensing	Lukan	Lykam	Marek
Mascher	May	McCarthy	Mertz
Miller, H.	Miller, L.	Oldson	Olson, D.
Olson, S.	Olson, T.	Palmer	Paulsen
Petersen	Pettengill	Quirk	Raecker
Rayhons	Reasoner	Reichert	Roberts
Sands	Schueller	Schulte	Schultz
Shomshor	Smith	Soderberg	Sorenson
Struyk	Swaim	Sweeney	Taylor, D.
Taylor, T.	Thede	Thomas	Tjepkes
Tymeson	Upmeyer	Van Engelenhoven	Wagner
Wendt	Wenthe	Wessel-Kroeschell	Whitaker
Whitead	Willems	Winckler	Windschitl
Worthan	Zirkelbach	Mr. Speaker	
		Murphy	

The nays were, none.

Absent or not voting, 5:

Chambers	Olson, R.	Rants	Steckman
Watts			

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

### LEAVE OF ABSENCE

Leave of absence was granted as follows:

Watts of Dallas, until his return, on request of Paulsen of Linn.

### SENATE AMENDMENT CONSIDERED

Kressig of Black Hawk called up for consideration **House File 311**, a bill for an act requiring health care benefit coverage for certain medically necessary prosthetic devices and providing an applicability

date, amended by the Senate, and moved that the House concur in the following Senate amendment H-1390:

H-1390

1 Amend House File 311, as amended, passed, and  
 2 reprinted by the House, as follows:  
 3 1. Page 1, by striking lines 8 through 12, and  
 4 inserting the following: "licensed under chapter 148.  
 5 Such coverage benefits for".  
 6 2. Page 2, by inserting after line 9, the  
 7 following:  
 8 "3. Notwithstanding subsection 1, a policy,  
 9 contract, or plan providing for third-party payment or  
 10 prepayment of health or medical expenses that is  
 11 issued for use in connection with a health savings  
 12 account as authorized under Title XII of the Medicare  
 13 Prescription Drug, Improvement, and Modernization Act  
 14 of 2003, Pub. L. No. 108-173, may impose the same  
 15 deductibles and out-of-pocket limits on the  
 16 prosthetics coverage benefits required in this section  
 17 that apply to substantially all health, medical, and  
 18 surgical coverage benefits under the policy, contract,  
 19 or plan."

D. Olson of Boone in the chair at 1:23 p.m.

The motion prevailed and the House concurred in the Senate amendment H-1390.

Kressig of Black Hawk moved that the bill, as amended by the Senate and concurred in by the House, be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 311)

The ayes were, 68:

Abdul-Samad	Anderson	Bailey	Baudler
Beard	Bell	Berry	Bukta
Burt	Cohoon	Ficken	Ford
Frevert	Gaskill	Gayman	Grassley
Heaton	Heddens	Hunter	Huser
Isenhardt	Jacoby	Kaufmann	Kearns
Koester	Kressig	Kuhn	Lensing
Lykam	Marek	Mascher	May
McCarthy	Mertz	Miller, H.	Miller, L.

Murphy, Spkr.	Oldson	Olson, R.	Olson, T.
Palmer	Petersen	Quirk	Rants
Reasoner	Reichert	Schueller	Shomshor
Smith	Sorenson	Steckman	Struyk
Swaim	Taylor, D.	Taylor, T.	Thede
Thomas	Tjepkes	Wendt	Wenthe
Wessel-Kroeschell	Whitaker	Whitead	Willems
Winckler	Windschitl	Zirkelbach	Olson, D., Presiding

The nays were, 30:

Alons	Arnold	Cownie	De Boef
Deyoe	Dolecheck	Drake	Forristall
Hagenow	Helland	Horbach	Huseman
Kelley	Lukan	Olson, S.	Paulsen
Pettengill	Raecker	Rayhons	Roberts
Sands	Schulte	Schultz	Soderberg
Sweeney	Tymeson	Upmeyer	Van Engelenhoven
Wagner	Worthan		

Absent or not voting, 2:

Chambers	Watts
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The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

## SENATE AMENDMENT CONSIDERED

Heddens of Story called up for consideration **House File 488**, a bill for an act relating to including the maintenance of service animals as an eligible service reimbursable under the home and community-based services waivers, amended by the Senate, and moved that the House concur in the following Senate amendment H-1402:

H-1402

1 Amend House File 488, as passed by the House, as  
 2 follows:  
 3 1. Page 1, by inserting before line 1 the  
 4 following:  
 5 "Section 1. Section 216C.11, subsection 2, Code  
 6 2009, is amended to read as follows:  
 7 2. A person with a disability ~~or~~ a person  
 8 assisting a person with a disability by controlling an  
 9 assistive animal, or a person training an assistive  
 10 animal has the right to be accompanied by a service

11 dog or an assistive animal, under control, in any of  
 12 the places listed in sections 216C.3 and 216C.4  
 13 without being required to make additional payment for  
 14 the service dog or assistive animal. A landlord shall  
 15 waive lease restrictions on the keeping of animals for  
 16 the service dog or assistive animal of a person with a  
 17 disability. The person is liable for damage done to  
 18 any premises or facility by a service dog or assistive  
 19 animal."  
 20 2. Title page, line 1, by inserting after the  
 21 words "to" the following "assistive or service animals  
 22 including provisions relating to persons controlling  
 23 the assistive animal and".  
 24 3. By renumbering as necessary.

The motion prevailed and the House concurred in the Senate amendment H-1402.

Heddens of Story moved that the bill, as amended by the Senate and concurred in by the House, be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 488)

The ayes were, 97:

Abdul-Samad	Alons	Anderson	Arnold
Bailey	Baudler	Beard	Bell
Berry	Bukta	Burt	Cohoon
Cownie	De Boef	Deyoe	Dolecheck
Drake	Ficken	Ford	Forristall
Frevert	Gaskill	Gayman	Grassley
Hagenow	Heaton	Heddens	Helland
Horbach	Hunter	Huseman	Huser
Isenhardt	Jacoby	Kearns	Kelley
Koester	Kressig	Kuhn	Lensing
Lukan	Lykam	Marek	Mascher
May	McCarthy	Mertz	Miller, H.
Miller, L.	Murphy, Spkr.	Oldson	Olson, R.
Olson, S.	Olson, T.	Palmer	Paulsen
Petersen	Pettengill	Quirk	Raecker
Rants	Rayhons	Reasoner	Reichert
Roberts	Sands	Schueller	Schulte
Schultz	Shomshor	Smith	Soderberg
Sorenson	Steckman	Struyk	Swaim
Sweeney	Taylor, D.	Taylor, T.	Thede
Thomas	Tjepkes	Tymeson	Upmeyer
Van Engelenhoven	Wagner	Wendt	Wenthe

Wessel-Kroeschell	Whitaker	Whitead	Willems
Winckler	Windschitl	Worthan	Zirkelbach
Olson, D., Presiding			

The nays were, none.

Absent or not voting, 3:

Chambers	Kaufmann	Watts
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The bill having received a constitutional majority was declared to have passed the House and the title, as amended, was agreed to.

### IMMEDIATE MESSAGES

McCarthy of Polk asked and received unanimous consent that the following bills be immediately messaged to the Senate: **House Files 266, 311 and 488.**

The House stood at ease at 1:36 p.m., until the fall of the gavel.

The House resumed session at 3:01 p.m., D. Olson of Boone in the chair.

### Regular Calendar

**House File 313**, a bill for an act relating to economic development by providing for an innovation and commercialization development fund, making the department of revenue responsible for approving certain tax credits for third-party developers, making appropriations, and providing an effective date, was taken up for consideration.

### SENATE FILE 142 SUBSTITUTED FOR HOUSE FILE 313

Wenthe of Fayette asked and received unanimous consent to substitute Senate File 142 for House File 313.

**Senate File 142**, a bill for an act relating to economic development by providing for an innovation and commercialization development fund, making the department of revenue responsible for approving certain tax credits for third-party developers, making appropriations, and providing an effective date, was taken up for consideration.

Wenthe of Fayette 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. 142)

The ayes were, 56:

Abdul-Samad	Bailey	Beard	Bell
Berry	Bukta	Burt	Cohoon
Ficken	Ford	Frevert	Gaskill
Gayman	Heddens	Hunter	Huser
Isenhardt	Jacoby	Kearns	Kelley
Kressig	Kuhn	Lensing	Lykam
Marek	Mascher	McCarthy	Mertz
Miller, H.	Murphy, Spkr.	Oldson	Olson, R.
Olson, T.	Palmer	Petersen	Quirk
Reasoner	Reichert	Schueller	Shomshor
Smith	Steckman	Swaim	Taylor, D.
Taylor, T.	Thede	Thomas	Wendt
Wenthe	Wessel-Kroeschell	Whitaker	Whitead
Willems	Winckler	Zirkelbach	Olson, D., Presiding

The nays were, 43:

Alons	Anderson	Arnold	Baudler
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	

Absent or not voting, 1:

Chambers

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

## 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 April 7, 2009, passed the following bill in which the concurrence of the Senate was asked:

House File 684, a bill for an act relating to the membership and administration of the Iowa propane education and research council.

Also: That the Senate has on April 7, 2009, passed the following bill in which the concurrence of the Senate was asked:

House File 697, a bill for an act relating to interference with judicial acts, and providing a penalty.

Also: That the Senate has on April 7, 2009, passed the following bill in which the concurrence of the Senate was asked:

House File 707, a bill for an act relating to eligible beneficiaries for a line of duty death benefit under the statewide fire and police retirement system and providing an effective date.

Also: That the Senate has on April 7, 2009, passed the following bill in which the concurrence of the Senate was asked:

House File 708, a bill for an act relating to absentee ballots delivered to applicants who are patients or residents of hospitals or health care facilities.

Also: That the Senate has on April 7, 2009, passed the following bill in which the concurrence of the Senate was asked:

House File 762, a bill for an act relating to reserve certified peace officers and training requirements.

Also: That the Senate has on April 7, 2009, concurred in the House amendment and passed the following bill in which the concurrence of the Senate was asked:

Senate File 187, a bill for an act providing for the issuance of special deer hunting licenses to residents who are nonambulatory.

Also: That the Senate has on April 7, 2009, concurred in the House amendment and passed the following bill in which the concurrence of the Senate was asked:

Senate File 291, a bill for an act providing for the recognition and promotion of certified retirement communities.

Also: That the Senate has on April 7, 2009, concurred in the House amendment and passed the following bill in which the concurrence of the Senate was asked:

Senate File 339, a bill for an act relating to wastewater treatment and providing an effective date.

Also: That the Senate has on April 7, 2009, concurred in the House amendment and passed the following bill in which the concurrence of the Senate was asked:



Senate File 380, a bill for an act relating to the practices and procedures of the department of public safety including school inspections, gaming floor or wagering area restrictions, interception of communications, and peace officers acting with federal agents, and providing penalties.

Also: That the Senate has on April 7, 2009, concurred in the House amendment and passed the following bill in which the concurrence of the Senate was asked:

Senate File 423, a bill for an act providing for the dispensing of ethanol blended gasoline by authorizing the use of secondary containment, and providing an effective date.

Also: That the Senate has on April 7, 2009, concurred in the House amendment and passed the following bill in which the concurrence of the Senate was asked:

Senate File 436, a bill for an act relating to observers at satellite absentee voting stations.

Also: That the Senate has on April 7, 2009, concurred in the House amendment and passed the following bill in which the concurrence of the Senate was asked:

Senate File 441, a bill for an act relating to local emergency management by modifying provisions of the statewide mutual aid compact and by making changes to certain funding provisions.

MICHAEL E. MARSHALL, Secretary

### HOUSE FILE 313 WITHDRAWN

Wenthe of Fayette asked and received unanimous consent to withdraw House File 313 from further consideration by the House.

**Senate File 225**, a bill for an act allowing the purchase of service credit under the statewide fire and police retirement system for prior service under the retirement system, with report of committee recommending passage, was taken up for consideration.

Frevert of Palo Alto 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. 225)

The ayes were, 99:

Abdul-Samad	Alons	Anderson	Arnold
Bailey	Baudler	Beard	Bell
Berry	Bukta	Burt	Cphoon

Cownie	De Boef	Deyoe	Dolecheck
Drake	Ficken	Ford	Forristall
Frevert	Gaskill	Gayman	Grassley
Hagenow	Heaton	Heddens	Helland
Horbach	Hunter	Huseman	Huser
Isenhardt	Jacoby	Kaufmann	Kearns
Kelley	Koester	Kressig	Kuhn
Lensing	Lukan	Lykam	Marek
Mascher	May	McCarthy	Mertz
Miller, H.	Miller, L.	Murphy, Spkr.	Oldson
Olson, R.	Olson, S.	Olson, T.	Palmer
Paulsen	Petersen	Pettengill	Quirk
Raecker	Rants	Rayhons	Reasoner
Reichert	Roberts	Sands	Schueller
Schulte	Schultz	Shomshor	Smith
Soderberg	Sorenson	Steckman	Struyk
Swaim	Sweeney	Taylor, D.	Taylor, T.
Thede	Thomas	Tjepkes	Tymeson
Upmeyer	Van Engelenhoven	Wagner	Watts
Wendt	Wenthe	Wessel-Kroeschell	Whitaker
Whitead	Willems	Winckler	Windschitl
Worthan	Zirkelbach	Olson, D., Presiding	

The nays were, none.

Absent or not voting, 1:

Chambers

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

**Senate File 279**, a bill for an act providing for the establishment of an abbreviated electric transmission franchise process, and providing an effective date, with report of committee recommending amendment and passage, was taken up for consideration.

Reichert of Muscatine offered the following amendment H-1325 filed by the committee on commerce and moved its adoption:

H-1325

- 1 Amend Senate File 279, as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 1, line 15, by inserting after the word
- 4 "notification." the following: "The petitioner shall
- 5 provide written notice concerning the anticipated
- 6 construction to the last known address of the owners

- 7 of record of the property where construction will  
 8 occur and to the parties residing on such property."

The committee amendment H-1325 was adopted.

Reichert of Muscatine 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. 279)

The ayes were, 97:

Abdul-Samad	Alons	Anderson	Arnold
Bailey	Baudler	Beard	Bell
Berry	Bukta	Burt	Cohoon
Cownie	De Boef	Deyoe	Dolecheck
Drake	Ficken	Ford	Frevert
Gaskill	Gayman	Grassley	Hagenow
Heaton	Heddens	Helland	Horbach
Hunter	Huseman	Huser	Isenhart
Jacoby	Kaufmann	Kearns	Kelley
Koester	Kressig	Kuhn	Lensing
Lukan	Lykam	Marek	Mascher
May	McCarthy	Mertz	Miller, H.
Miller, L.	Murphy, Spkr.	Oldson	Olson, R.
Olson, S.	Olson, T.	Palmer	Paulsen
Petersen	Pettengill	Quirk	Raecker
Rants	Rayhons	Reasoner	Reichert
Roberts	Sands	Schueller	Schulte
Schultz	Shomshor	Smith	Soderberg
Sorenson	Steckman	Struyk	Swaim
Taylor, D.	Taylor, T.	Thede	Thomas
Tjepkes	Tymeson	Upmeyer	Van Engelenhoven
Wagner	Watts	Wendt	Wenthe
Wessel-Kroeschell	Whitaker	Whitead	Willems
Winckler	Windschitl	Worthan	Zirkelbach
Olson, D., Presiding			

The nays were, 2:

Forristall                      Sweeney

Absent or not voting, 1:

Chambers

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

**Senate File 334**, a bill for an act relating to the legislative committees charged with providing government oversight, with report of committee recommending passage, was taken up for consideration.

Wessel-Kroeschell of Story 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. 334)

The ayes were, 99:

Abdul-Samad	Alons	Anderson	Arnold
Bailey	Baudler	Beard	Bell
Berry	Bukta	Burt	Cohoon
Cownie	De Boef	Deyoe	Dolecheck
Drake	Ficken	Ford	Forristall
Frevert	Gaskill	Gayman	Grassley
Hagenow	Heaton	Heddens	Helland
Horbach	Hunter	Huseman	Huser
Isenhardt	Jacoby	Kaufmann	Kearns
Kelley	Koester	Kressig	Kuhn
Lensing	Lukan	Lykam	Marek
Mascher	May	McCarthy	Mertz
Miller, H.	Miller, L.	Murphy, Spkr.	Oldson
Olson, R.	Olson, S.	Olson, T.	Palmer
Paulsen	Petersen	Pettengill	Quirk
Raecker	Rants	Rayhons	Reasoner
Reichert	Roberts	Sands	Schueller
Schulte	Schultz	Shomshor	Smith
Soderberg	Sorenson	Steckman	Struyk
Swaim	Sweeney	Taylor, D.	Taylor, T.
Thede	Thomas	Tjepkes	Tymeson
Upmeyer	Van Engelenhoven	Wagner	Watts
Wendt	Wenthe	Wessel-Kroeschell	Whitaker
Whitead	Willems	Winckler	Windschitl
Worthan	Zirkelbach	Olson, D., Presiding	

The nays were, none.

Absent or not voting, 1:

Chambers

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

**Senate File 430**, a bill for an act relating to appointments to statutory boards, commissions, councils, and committees that involve the general assembly, and including effective date and applicability provisions, with report of committee recommending passage, was taken up for consideration.

Wessel-Kroeschell of Story 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. 430)

The ayes were, 98:

Abdul-Samad	Alons	Anderson	Arnold
Bailey	Baudler	Beard	Bell
Berry	Bukta	Burt	Cohoon
Cownie	De Boef	Deyoe	Dolecheck
Drake	Ficken	Ford	Forristall
Frevert	Gaskill	Gayman	Grassley
Hagenow	Heaton	Heddens	Helland
Horbach	Hunter	Huseman	Huser
Isenhart	Jacoby	Kaufmann	Kearns
Kelley	Koester	Kressig	Kuhn
Lensing	Lukan	Lykam	Marek
Mascher	May	McCarthy	Mertz
Miller, H.	Miller, L.	Oldson	Olson, R.
Olson, S.	Olson, T.	Palmer	Paulsen
Petersen	Pettengill	Quirk	Raecker
Rants	Rayhons	Reasoner	Reichert
Roberts	Sands	Schueller	Schulte
Schultz	Shomshor	Smith	Soderberg
Sorenson	Steckman	Struyk	Swaim
Sweeney	Taylor, D.	Taylor, T.	Thede
Thomas	Tjepkes	Tymeson	Upmeyer
Van Engelenhoven	Wagner	Watts	Wendt
Wenthe	Wessel-Kroeschell	Whitaker	Whitead
Willems	Winckler	Windschitl	Worthan
Zirkelbach	Olson, D., Presiding		

The nays were, none.

Absent or not voting, 2:

Chambers

Murphy, Spkr.

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 142, 225, 279, 334 and 430.**

**Senate File 226**, a bill for an act concerning the statewide fire and police retirement system by establishing a presumption that cancer and infectious diseases are work-related for purposes of disability and death benefits for fire fighters and by increasing the contribution rate for fire fighters, with report of committee recommending passage, was taken up for consideration.

Frevert of Palo Alto offered the following amendment H-1372 filed by her and moved its adoption:

H-1372

1 Amend Senate File 226, as amended, passed, and  
2 reprinted by the Senate, as follows:  
3 1. By striking page 1, line 1, through page 2,  
4 line 3, and inserting the following:  
5 "Section 1. Section 411.1, Code 2009, is amended  
6 by adding the following new subsections:  
7 NEW SUBSECTION. 5A. "Cancer" means prostate  
8 cancer, primary brain cancer, breast cancer, ovarian  
9 cancer, cervical cancer, uterine cancer, malignant  
10 melanoma, leukemia, non-Hodgkin's lymphoma, bladder  
11 cancer, colorectal cancer, multiple myeloma,  
12 testicular cancer, and kidney cancer.  
13 NEW SUBSECTION. 9A. "Infectious disease" means  
14 HIV or AIDS as defined in section 141A.1, all strains  
15 of hepatitis, meningococcal meningitis, and  
16 mycobacterium tuberculosis.  
17 Sec. \_\_\_\_\_. Section 411.6, subsection 5, paragraph  
18 c, Code 2009, is amended to read as follows:  
19 c. (1) Disease under this ~~section~~ subsection  
20 shall mean heart disease or any disease of the lungs  
21 or respiratory tract and shall be presumed to have  
22 been contracted while on active duty as a result of

23 strain or the inhalation of noxious fumes, poison, or  
24 gases.

25 (2) Disease under this subsection shall also mean  
26 cancer or infectious disease and shall be presumed to  
27 have been contracted while on active duty as a result  
28 of that duty.

29 (3) However, if a person's membership in the  
30 system first commenced on or after July 1, 1992, and  
31 the heart disease, ~~or~~ disease of the lungs or  
32 respiratory tract, cancer, or infectious disease would  
33 not exist, but for a medical condition that was known  
34 to exist on the date that membership commenced, the  
35 presumption established in this paragraph "c" shall  
36 not apply.

37 Sec. \_\_\_\_\_. Section 411.6, subsection 9, paragraph  
38 a, Code 2009, is amended to read as follows:

39 a. (1) If, upon the receipt of evidence and proof  
40 from the chief of the police or fire department that  
41 the death of a member in service was the natural and  
42 proximate result of an injury or disease incurred in  
43 or aggravated by the actual performance of duty at  
44 some definite time and place, or while acting pursuant  
45 to order, outside of the city by which the member is  
46 regularly employed, the system decides that death was  
47 so caused in the performance of duty, there shall be  
48 paid, in lieu of the ordinary death benefit provided  
49 in subsection 8, an accidental death benefit as set  
50 forth in this subsection.

Page 2

1 (2) (a) Disease under this subsection shall mean  
2 heart disease or any disease of the lungs or  
3 respiratory tract and shall be presumed to have been  
4 contracted while on active duty as a result of strain  
5 or the inhalation of noxious fumes, poison, or gases.

6 (b) Disease under this subsection shall also mean  
7 cancer or infectious disease and shall be presumed to  
8 have been contracted while on active duty as a result  
9 of that duty."

10 2. Page 3, line 6, by inserting after the word  
11 and figure "and 9." the following: "In collecting and  
12 reporting data, the system shall provide information  
13 as to the actuarial cost to the system of the  
14 requirements of this Act and shall collect data from  
15 the cities relative to any associated medical,  
16 insurance, or other costs incurred by the cities as a  
17 result of this Act."

18 3. Page 3, line 8, by striking the word and  
19 figures "January 1, 2014," and inserting the  
20 following: "October 1, 2013,".

21 4. By renumbering as necessary.

Amendment H-1372 was adopted.

### SPECIAL PRESENTATION

Wendt of Woodbury introduced to the House the women's Morningside College Basketball team.

The House rose and expressed its welcome.

Frevert of Palo Alto 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. 226)

The ayes were, 68:

Abdul-Samad	Anderson	Arnold	Bailey
Beard	Bell	Berry	Bukta
Burt	Cohoon	Cownie	Ficken
Ford	Frevert	Gayman	Grassley
Hagenow	Heaton	Heddens	Hunter
Huser	Isenhardt	Jacoby	Kaufmann
Kearns	Kelley	Koester	Kressig
Kuhn	Lensing	Lukan	Lykam
Marek	Mascher	McCarthy	Mertz
Miller, H.	Murphy, Spkr.	Oldson	Olson, R.
Olson, T.	Palmer	Petersen	Quirk
Raecker	Reasoner	Reichert	Schueller
Shomshor	Smith	Sorenson	Steckman
Struyk	Swaim	Taylor, D.	Taylor, T.
Thede	Thomas	Tymeson	Wendt
Wenthe	Wessel-Kroeschell	Whitaker	Whitead
Willems	Winckler	Zirkelbach	Olson, D., Presiding

The nays were, 30:

Alons	De Boef	Deyoe	Dolecheck
Drake	Forristall	Gaskill	Helland
Horbach	Huseman	May	Miller, L.
Olson, S.	Paulsen	Pettengill	Rants
Rayhons	Roberts	Sands	Schulte
Schultz	Soderberg	Sweeney	Tjepkes
Upmeyer	Van Engelenhoven	Wagner	Watts
Windschitl	Worthan		



Absent or not voting, 2:

Baudler

Chambers

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

### 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 April 7, 2009, passed the following bill in which the concurrence of the Senate was asked:

House File 400, a bill for an act relating to the licensing of persons installing fire protection systems.

Also: That the Senate has on April 7, 2009, passed the following bill in which the concurrence of the Senate was asked:

House File 676, a bill for an act modifying provisions relating to a final hearing in a civil commitment proceeding for a sexually violent predator.

Also: That the Senate has on April 7, 2009, amended the House amendment, concurred in the House amendment as amended, and passed the following bill in which the concurrence of the House is asked:

Senate File 137, a bill for an act providing that wage discrimination is an unfair employment practice under the Iowa civil rights Act and providing an enhanced remedy.

Also: That the Senate has on April 7, 2009, concurred in the House amendment and passed the following bill in which the concurrence of the Senate was asked:

Senate File 254, a bill for an act requiring the preparation of a report by the department of veterans affairs relating to the activities of county commissions of veteran affairs.

Also: That the Senate has on April 7, 2009, passed the following bill in which the concurrence of the House is asked:

Senate File 472, a bill for an act relating to and making appropriations to the judicial branch, and providing an effective date.

MICHAEL E. MARSHALL, Secretary

### IMMEDIATE MESSAGE

McCarthy of Polk asked and received unanimous consent that **Senate File 226** be immediately messaged to the Senate.

## COMMITTEE RECOMMENDATION

MR. SPEAKER: The Chief Clerk of the House respectfully reports that the following committee recommendation has been received and is on file in the office of the Chief Clerk.

MARK W. BRANDSGARD  
Chief Clerk of the House

### COMMITTEE ON WAYS AND MEANS

**Senate File 81**, a bill for an act relating to assisting schools to recover from disaster by changing the approval method for transfers of emergency fund moneys, by modifying certain funding provisions to relate to disaster recovery, and by allowing area education agency boards greater authority to purchase and lease-purchase property.

Fiscal Note is not required.

Recommended **Do Pass** April 7, 2009.

**Senate File 81**, a bill for an act relating to assisting schools to recover from disaster by changing the approval method for transfers of emergency fund moneys, by modifying certain funding provisions to relate to disaster recovery, and by allowing area education agency boards greater authority to purchase and lease-purchase property, with report of committee recommending passage, was taken up for consideration.

Willems of Linn moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 81)

The ayes were, 56:

Abdul-Samad	Bailey	Beard	Bell
Berry	Bukta	Burt	Cohoon
Ficken	Ford	Frevert	Gaskill
Gayman	Heddens	Hunter	Huser
Isenhardt	Jacoby	Kearns	Kelley
Kressig	Kuhn	Lensing	Lykam
Marek	Mascher	McCarthy	Mertz
Miller, H.	Murphy, Spkr.	Oldson	Olson, R.
Olson, T.	Palmer	Petersen	Quirk

Reasoner	Reichert	Schueller	Shomshor
Smith	Steckman	Swaim	Taylor, D.
Taylor, T.	Thede	Thomas	Wendt
Wenthe	Wessel-Kroeschell	Whitaker	Whitead
Willems	Winckler	Zirkelbach	Olson, D., Presiding

The nays were, 43:

Alons	Anderson	Arnold	Baudler
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	

Absent or not voting, 1:

Chambers

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

### IMMEDIATE MESSAGE

McCarthy of Polk asked and received unanimous consent that **Senate File 81** be immediately messaged to the Senate.

### Appropriations Calendar

**House File 805**, 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, was taken up for consideration.

Wagner of Linn offered the following amendment H-1344 filed by Huseman of Cherokee and moved its adoption:

H-1344

1 Amend House File 805 as follows:

- 2 1. Page 1, line 19, by striking the figure  
 3 "6,657,336" and inserting the following: "6,654,962".  
 4 2. Page 1, line 21, by striking the figure  
 5 "506,515" and inserting the following: "506,127".  
 6 3. Page 3, line 1, by striking the figure  
 7 "40,890,860" and inserting the following:  
 8 "40,876,274".  
 9 4. Page 3, line 4, by striking the figure  
 10 "9,611,696" and inserting the following: "9,610,960".  
 11 5. Page 3, line 7, by striking the figure  
 12 "236,263,176" and inserting the following:  
 13 "236,262,726".

Roll call was requested by Wagner of Linn and Struyk of Pottawattamie.

On the question "Shall amendment H-1344 be adopted?" (H.F. 805)

The ayes were, 98:

Abdul-Samad	Alons	Anderson	Arnold
Bailey	Baudler	Beard	Bell
Berry	Bukta	Burt	Cohoon
Cownie	De Boef	Deyoe	Dolecheck
Drake	Ficken	Ford	Forristall
Frevert	Gaskill	Gayman	Grassley
Hagenow	Heaton	Heddens	Helland
Horbach	Hunter	Huseman	Isenhart
Jacoby	Kaufmann	Kearns	Kelley
Koester	Kressig	Kuhn	Lensing
Lukan	Lykam	Marek	Mascher
May	McCarthy	Mertz	Miller, H.
Miller, L.	Murphy, Spkr.	Oldson	Olson, R.
Olson, S.	Olson, T.	Palmer	Paulsen
Petersen	Pettengill	Quirk	Raecker
Rants	Rayhons	Reasoner	Reichert
Roberts	Sands	Schueller	Schulte
Schultz	Shomshor	Smith	Soderberg
Sorenson	Steckman	Struyk	Swaim
Sweeney	Taylor, D.	Taylor, T.	Thede
Thomas	Tjepkes	Tymeson	Upmeyer
Van Engelenhoven	Wagner	Watts	Wendt
Wenthe	Wessel-Kroeschell	Whitaker	Whitead
Willems	Winckler	Windschitl	Worthan
Zirkelbach	Olson, D., Presiding		

The nays were, none.

Absent or not voting, 2:

Chambers                      Huser

Amendment H-1344 was adopted, placing out of order amendment H-1362 filed by Windschitl of Harrison on March 31, 2009.

Hagenow of Polk offered the following amendment H-1343 filed by him and moved its adoption:

H-1343

- 1 Amend House File 805 as follows:
- 2 1. Page 4, line 19, by striking the figure
- 3 "3,000,000" and inserting the following: "2,922,000".

Roll call was requested by Hagenow of Polk and Helland of Polk.

On the question "Shall amendment H-1343 be adopted?" (H.F. 805)

The ayes were, 42:

Alons	Anderson	Arnold	Baudler
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	Tymeson
Upmeyer	Van Engelenhoven	Wagner	Watts
Windschitl	Worthan		

The nays were, 57:

Abdul-Samad	Bailey	Beard	Bell
Berry	Bukta	Burt	Cohoon
Ficken	Ford	Frevert	Gaskill
Gayman	Heddens	Hunter	Huser
Isenhardt	Jacoby	Kearns	Kelley
Kressig	Kuhn	Lensing	Lykam
Marek	Mascher	McCarthy	Mertz
Miller, H.	Murphy, Spkr.	Oldson	Olson, R.
Olson, T.	Palmer	Petersen	Quirk
Reasoner	Reichert	Schueller	Shomshor
Smith	Steckman	Swaim	Taylor, D.
Taylor, T.	Thede	Thomas	Tjepkes
Wendt	Wenthe	Wessel-Kroeschell	Whitaker

Whitead                      Willems                      Winckler                      Zirkelbach  
 Olson, D.  
 Presiding

Absent or not voting, 1:

Chambers

Amendment H-1343 lost.

Cohoon of Des Moines 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. 805)

The ayes were, 56:

Abdul-Samad	Bailey	Beard	Bell
Berry	Bukta	Burt	Cohoon
Ficken	Ford	Frevert	Gaskill
Gayman	Heddens	Hunter	Huser
Isenhardt	Jacoby	Kearns	Kelley
Kressig	Kuhn	Lensing	Lykam
Marek	Mascher	McCarthy	Mertz
Miller, H.	Murphy, Spkr.	Oldson	Olson, R.
Olson, T.	Palmer	Petersen	Quirk
Reasoner	Reichert	Schueller	Shomshor
Smith	Steckman	Swaim	Taylor, D.
Taylor, T.	Thede	Thomas	Wendt
Wenthe	Wessel-Kroeschell	Whitaker	Whitead
Willems	Winckler	Zirkelbach	Olson, D., Presiding

The nays were, 43:

Alons	Anderson	Arnold	Baudler
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	

Absent or not voting, 1:

Chambers

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

#### IMMEDIATE MESSAGE

McCarthy of Polk asked and received unanimous consent that **House File 805** be immediately messaged to the Senate.

On motion by McCarthy of Polk, the House was recessed at 4:43 p.m., until 5:30 p.m.

#### EVENING SESSION

The House reconvened at 5:51 p.m., Speaker Murphy in the chair.

D. Olson of Boone in the chair at 5:58 p.m.

#### QUORUM CALL

A non-record roll call was requested to determine that a quorum was present. The vote revealed ninety-five members present, five absent.

#### LEAVE OF ABSENCE

Leave of absence was granted as follows:

H. Miller of Webster on request of McCarthy of Polk.

#### Appropriations Calendar

**House File 809**, a bill for an act relating to and making appropriations to certain state departments, agencies, funds, and certain other entities, providing for regulatory authority, and other properly related matters, and providing effective and retroactive applicability dates, was taken up for consideration.

Alons of Sioux offered the following amendment H-1422 filed by Alons, et al., and moved its adoption:

H-1422

- 1 Amend House File 809 as follows:  
 2 1. Page 2, by inserting after line 17 the  
 3 following:  
 4 "d. The department shall implement a request for  
 5 proposal process for the purposes of entering into a  
 6 contract, by August 1, 2009, with a private company to  
 7 provide grass cutting and hedge trimming at the state  
 8 capitol complex."  
 9 2. By renumbering as necessary.

Roll call was requested by Paulsen of Linn and Horbach of Tama.

On the question "Shall amendment H-1422 be adopted?" (H.F. 809)

The ayes were, 43:

Alons	Anderson	Arnold	Baudler
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, 55:

Abdul-Samad	Bailey	Beard	Bell
Berry	Bukta	Burt	Cohoon
Ficken	Ford	Frevert	Gaskill
Gayman	Heddens	Hunter	Huser
Isenhardt	Jacoby	Kearns	Kelley
Kressig	Kuhn	Lensing	Lykam
Marek	Mascher	McCarthy	Mertz
Murphy, Spkr.	Oldson	Olson, R.	Olson, T.
Palmer	Petersen	Quirk	Reasoner
Reichert	Schueller	Shomshor	Smith
Steckman	Swaim	Taylor, D.	Taylor, T.
Thede	Thomas	Wendt	Wenthe
Wessel-Kroeschell	Whitaker	Whitead	Willems
Winckler	Zirkelbach	Olson, D.,	
		Presiding	



Absent or not voting, 2:

Chambers                      Miller, H.

Amendment H-1422 lost.

Alons of Sioux asked and received unanimous consent to withdraw amendment H-1421 filed by him and Drake of Cass on April 2, 2009.

Raecker of Polk offered amendment H-1410 filed by Raecker, et al., as follows:

H-1410

- 1 Amend House File 809 as follows:
- 2 1. Page 19, by inserting after line 11 the
- 3 following:
- 4 "Sec. \_\_\_\_ DEPARTMENT OF ADMINISTRATIVE SERVICES
- 5 – STATE-OWNED PASSENGER VEHICLES – DISPOSITION AND
- 6 SALE – FLEET PRIVATIZATION.
- 7 1. Consistent with the requirements of section
- 8 8A.361, the department of administrative services
- 9 shall be the sole department authorized to operate a
- 10 pool of passenger vehicles located in Polk county for
- 11 temporary assignment to multiple drivers of a state
- 12 department or agency that is located within Polk
- 13 county. By September 30, 2009, all passenger vehicles
- 14 located in Polk county and designated for use by
- 15 multiple drivers that are assigned to a state
- 16 department or agency within Polk county on January 1,
- 17 2009, or later shall be returned to the department of
- 18 administrative services for use and disposition as
- 19 provided by this section.
- 20 2. On or before December 31, 2009, the department
- 21 of administrative services shall sell at auction
- 22 passenger vehicles returned to the department of
- 23 administrative services pursuant to subsection 1 and
- 24 passenger vehicles otherwise under the control of the
- 25 department for use by multiple drivers of state
- 26 departments or agencies within Polk county.
- 27 3. On or before December 31, 2009, the department
- 28 of administrative services shall implement a request
- 29 for proposal process and shall enter into a contract
- 30 for the purposes of outsourcing state vehicle leasing
- 31 to a private entity."
- 32 2. By renumbering as necessary.

Raecker of Polk asked and received unanimous consent to withdraw amendment H-1436, to amendment H-1410, filed by him on April 6, 2009.

Raecker of Polk offered the following amendment H-1451, to amendment H-1410, filed by him from the floor and moved its adoption:

H-1451

- 1 Amend the amendment, H-1410, to House File 809, as
- 2 follows:
- 3 1. Page 1, line 26, by inserting after the word
- 4 "county." the following: "Notwithstanding the
- 5 provisions of section 8A.364 to the contrary, proceeds
- 6 from the sale of motor vehicles as provided by this
- 7 subsection shall be credited to the fund from which
- 8 the motor vehicles were purchased."
- 9 2. Page 1, line 31, by striking the word
- 10 "entity."" and inserting the following: "entity."
- 11 3. Page 1, by inserting after line 31 the
- 12 following:
- 13 "4. For purposes of this section, "passenger
- 14 vehicles" means United States environmental protection
- 15 agency designated compact sedans, compact wagons,
- 16 midsize sedans, midsize wagons, full-size sedans, and
- 17 passenger minivans. "Passenger vehicles" does not
- 18 mean utility vehicles, vans other than passenger
- 19 minivans, fire trucks, ambulances, motor homes, buses,
- 20 medium-duty and heavy-duty trucks, heavy construction
- 21 equipment, and other highway maintenance vehicles,
- 22 vehicles assigned for law enforcement purposes, and
- 23 any other classes of vehicles of limited application
- 24 approved by the director of the department of
- 25 administrative services.""
- 26 4. By renumbering as necessary.

Amendment H-1451 was adopted.

Raecker of Polk moved the adoption of amendment H-1410, as amended.

Roll call was requested by Raecker of Polk and Wagner of Linn.

On the question "Shall amendment H-1410, as amended, be adopted?" (H.F. 809)

The ayes were, 45:

Alons	Anderson	Arnold	Baudler
Cownie	De Boef	Deyoe	Dolecheck
Drake	Forristall	Grassley	Hagenwo

Heaton	Helland	Horbach	Huseman
Kaufmann	Koester	Lukan	May
Miller, L.	Olson, S.	Paulsen	Pettengill
Raecker	Rants	Rayhons	Roberts
Sands	Schulte	Schultz	Soderberg
Sorenson	Steckman	Struyk	Sweeney
Thede	Tjepkes	Tymeson	Upmeyer
Van Engelenhoven	Wagner	Watts	Windschitl
Worthan			

The nays were, 51:

Abdul-Samad	Bailey	Beard	Bell
Berry	Bukta	Cohoon	Ficken
Ford	Frevert	Gaskill	Gayman
Heddens	Hunter	Huser	Isenhardt
Jacoby	Kearns	Kelley	Kressig
Kuhn	Lensing	Lykam	Marek
Mascher	McCarthy	Mertz	Murphy, Spkr.
Oldson	Olson, T.	Palmer	Petersen
Quirk	Reasoner	Reichert	Schueller
Shomshor	Smith	Swaim	Taylor, D.
Taylor, T.	Thomas	Wendt	Wenthe
Wessel-Kroeschell	Whitaker	Whitead	Willems
Winckler	Zirkelbach	Olson, D., Presiding	

Absent or not voting, 4:

Burt	Chambers	Miller, H.	Olson, R.
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Amendment H-1410, as amended, lost.

Raecker of Polk asked and received unanimous consent that amendment H-1412 be deferred.

Wagner of Linn asked and received unanimous consent that amendment H-1413 be deferred.

Wagner of Linn offered the following amendment H-1414 filed by Wagner, et al., and moved its adoption:

H-1414

- 1 Amend House File 809 as follows:
- 2 1. Page 19, by inserting after line 11 the
- 3 following:
- 4 "Sec. \_\_\_\_\_. OFFICE EXPENSES – MANDATORY REDUCTION.
- 5 For the fiscal year beginning July 1, 2009, and ending

6 June 30, 2010, the appropriations from the general  
7 fund of the state to a state department or state  
8 agency to which appropriations are made pursuant to  
9 this Act are reduced by such amount, as necessary to  
10 effect a 50 percent reduction in the amount  
11 appropriated for expenditures for office supplies,  
12 service contracts, and equipment purchases. The  
13 reduction of the individual appropriations shall be  
14 determined by the department of management in  
15 consultation with the affected departments and  
16 agencies on the basis of the expected expenditures for  
17 such items by the affected state department or agency  
18 for the fiscal year without the reduction required by  
19 this section. The specific amount that each  
20 individual appropriation is reduced shall be outlined  
21 in a memorandum prepared by the department of  
22 management which shall be submitted to the general  
23 assembly and legislative services agency within 30  
24 days of the effective date of this section of this  
25 Act. The reduction of an individual appropriation  
26 pursuant to this section shall be in addition to any  
27 other reduction required by law and general fund  
28 appropriations reduced pursuant to this section shall  
29 not be expended for any other purposes but shall be  
30 retained in the general fund of the state."  
31 2. By renumbering as necessary.

Roll call was requested by Wagner of Linn and Lukan of Dubuque.

On the question "Shall amendment H-1414 be adopted?" (H.F. 809)

The ayes were, 45:

Alons	Anderson	Arnold	Baudler
Cownie	De Boef	Deyoe	Dolecheck
Drake	Ficken	Forristall	Grassley
Hagenow	Heaton	Helland	Horbach
Huseman	Kaufmann	Koester	Lukan
Marek	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, 52:

Abdul-Samad	Bailey	Beard	Bell
Berry	Burt	Cohoon	Ford
Frevert	Gaskill	Gayman	Heddens
Hunter	Huser	Isenhart	Jacoby
Kearns	Kelley	Kressig	Kuhn
Lensing	Lykam	Mascher	McCarthy
Mertz	Murphy, Spkr.	Oldson	Olson, R.
Olson, T.	Palmer	Petersen	Quirk
Reasoner	Reichert	Schueller	Shomshor
Smith	Steckman	Swaim	Taylor, D.
Taylor, T.	Thede	Thomas	Wendt
Wenthe	Wessel-Kroeschell	Whitaker	Whitead
Willems	Winckler	Zirkelbach	Olson, D., Presiding

Absent or not voting, 3:

Bukta	Chambers	Miller, H.
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Amendment H-1414 lost.

Alons of Sioux offered the following amendment H-1415 filed by Alons, et al., and moved its adoption:

H-1415

1 Amend House File 809 as follows:  
 2 1. Page 19, by inserting after line 11 the  
 3 following:  
 4 "Sec. \_\_\_\_ MISCELLANEOUS DEPARTMENT EXPENSES –  
 5 MANDATORY REDUCTION. For the fiscal year beginning  
 6 July 1, 2009, and ending June 30, 2010, the  
 7 appropriations from the general fund of the state to a  
 8 state department or state agency to which  
 9 appropriations are made pursuant to this Act are  
 10 reduced by such amount, as necessary to effect a 20  
 11 percent reduction in the amount appropriated for  
 12 expenditures for printing, binding, and  
 13 communications, and a 50 percent reduction in the  
 14 amount appropriated for expenditures for advertising  
 15 and publicity. The reduction of the individual  
 16 appropriations shall be determined by the department  
 17 of management in consultation with the affected  
 18 departments and agencies on the basis of the expected  
 19 expenditures for such items by the affected state  
 20 department or agency for the fiscal year without the  
 21 reductions required by this section. The specific  
 22 amount that each individual appropriation is reduced  
 23 shall be outlined in a memorandum prepared by the

24 department of management which shall be submitted to  
 25 the general assembly and legislative services agency  
 26 within 30 days of the effective date of this section  
 27 of this Act. The reduction of an individual  
 28 appropriation pursuant to this section shall be in  
 29 addition to any other reduction required by law and  
 30 general fund appropriations reduced pursuant to this  
 31 section shall not be expended for any other purposes  
 32 but shall be retained in the general fund of the  
 33 state."  
 34 2. By renumbering as necessary.

Roll call was requested by Alons of Sioux and Paulsen of Linn.

On the question "Shall amendment H-1415 be adopted?" (H.F. 809)

The ayes were, 42:

Alons	Anderson	Arnold	Baudler
Cownie	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	Heddens	Hunter	Huser
Isenhardt	Jacoby	Kearns	Kelley
Kressig	Kuhn	Lensing	Lykam
Marek	Mascher	McCarthy	Mertz
Oldson	Olson, R.	Olson, T.	Palmer
Quirk	Reasoner	Reichert	Schueller
Shomshor	Smith	Steckman	Swaim
Taylor, D.	Taylor, T.	Thede	Thomas
Wendt	Wenthe	Wessel-Kroeschell	Whitaker
Whitead	Willems	Winckler	Zirkelbach
Olson, D., Presiding			

Absent or not voting, 5:

Chambers	De Boef	Miller, H.	Murphy, Spkr.
Petersen			

Amendment H-1415 lost.

Drake of Cass asked and received unanimous consent that amendment H-1416 be deferred.

Helland of Polk offered the following amendment H-1417 filed by Raecker, et al., and moved its adoption:

H-1417

1 Amend House File 809 as follows:  
 2 1. Page 19, by inserting after line 11 the  
 3 following:  
 4 "Sec.\_\_\_\_. EXPENDITURES FOR CELLULAR TELEPHONES  
 5 AND PERSONAL DIGITAL ASSISTANTS PROHIBITED.  
 6 Notwithstanding any provision to the contrary, other  
 7 than for employees performing inspections or who are  
 8 otherwise normally performing their primary duties  
 9 away from a fixed location more than 70 percent of the  
 10 time, for the fiscal year beginning July 1, 2009, a  
 11 department receiving appropriations in this Act shall  
 12 not expend moneys appropriated from the general fund  
 13 of the state to pay for or reimburse the initial or  
 14 associated service costs for cellular telephones,  
 15 personal digital assistant devices, or handheld  
 16 computers. However, the executive council may  
 17 authorize an exception on a case-by-case basis, to  
 18 address an emergency situation for a period of time  
 19 not more than three consecutive calendar months in  
 20 length or to complete the minimum period specified  
 21 under the terms of a lease or contract."  
 22 2. By renumbering as necessary.

Roll call was requested by Helland of Polk and Paulsen of Linn.

On the question "Shall amendment H-1417 be adopted?" (H.F. 809)

The ayes were, 45:

Alons	Anderson	Arnold	Baudler
Cownie	De Boef	Deyoe	Dolecheck
Drake	Forristall	Grassley	Hagenow
Heaton	Helland	Horbach	Huseman
Kaufmann	Koester	Lukan	Marek

May	Miller, L.	Olson, S.	Paulsen
Pettengill	Raecker	Rants	Rayhons
Roberts	Sands	Schulte	Schultz
Soderberg	Sorenson	Struyk	Sweeney
Thede	Tjepkes	Tymeson	Upmeyer
Van Engelenhoven	Wagner	Watts	Windschitl
Worthan			

The nays were, 50:

Abdul-Samad	Bailey	Beard	Bell
Berry	Bukta	Burt	Cohoon
Ficken	Ford	Frevert	Gayman
Heddens	Hunter	Huser	Isenhardt
Kearns	Kelley	Kressig	Kuhn
Lensing	Lykam	Mascher	McCarthy
Mertz	Murphy, Spkr.	Oldson	Olson, R.
Olson, T.	Palmer	Petersen	Reasoner
Reichert	Schueller	Shomshor	Smith
Steckman	Swaim	Taylor, D.	Taylor, T.
Thomas	Wendt	Wenthe	Wessel-Kroeschell
Whitaker	Whitead	Willems	Winckler
Zirkelbach	Olson, D., Presiding		

Absent or not voting, 5:

Chambers	Gaskill	Jacoby	Miller, H.
Quirk			

Amendment H-1417 lost.

Raecker of Polk offered the following amendment H-1418 filed by Raecker, et al., and moved its adoption:

H-1418

1 Amend House File 809 as follows:  
 2 1. Page 19, by inserting after line 11 the  
 3 following:  
 4 "Sec.\_\_\_\_. VEHICLE PURCHASES DEFERRED.  
 5 Notwithstanding any provision to the contrary, except  
 6 as otherwise provided by this section, the department  
 7 of administrative services shall defer the purchase of  
 8 replacement motor vehicles paid for from the general  
 9 fund of the state or from such moneys credited to the  
 10 depreciation fund maintained pursuant to section  
 11 8A.365. The purchase deferral is applicable to the  
 12 remainder of the fiscal year beginning July 1, 2008,  
 13 commencing on the effective date of this section and  
 14 to the succeeding fiscal year. However, the executive



15 council may authorize an exception to allow purchase  
 16 of a replacement vehicle when the purchase is less  
 17 costly than all other alternatives.  
 18 Sec.\_\_\_\_. EFFECTIVE DATE. The section of this  
 19 division of this Act providing for vehicle purchases  
 20 to be deferred, being deemed of immediate importance,  
 21 takes effect upon enactment."  
 22 2. By renumbering as necessary.

Roll call was requested by Raecker of Polk and Paulsen of Linn.

On the question "Shall amendment H-1418 be adopted?" (H.F. 809)

The ayes were, 45:

Alons	Anderson	Arnold	Baudler
Beard	Cownie	De Boef	Deyoe
Dolecheck	Drake	Ficken	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, 51:

Abdul-Samad	Bailey	Bell	Berry
Bukta	Burt	Cohoon	Ford
Frevert	Gaskill	Gayman	Heddens
Hunter	Huser	Isenhart	Jacoby
Kearns	Kelley	Kressig	Kuhn
Lensing	Lykam	Marek	Mascher
McCarthy	Mertz	Murphy, Spkr.	Oldson
Olson, R.	Olson, T.	Palmer	Petersen
Reasoner	Reichert	Schueller	Shomshor
Smith	Steckman	Swaim	Taylor, D.
Taylor, T.	Thede	Thomas	Wendt
Wenthe	Wessel-Kroeschell	Whitaker	Whitead
Willems	Winckler	Zirkelbach	

Absent or not voting, 4:

Chambers	Miller, H.	Quirk	Olson, D., Presiding
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Amendment H-1418 lost.

Alons of Sioux asked and received unanimous consent that amendment H-1420 be deferred.

Watts of Dallas offered the following amendment H-1423 filed by Watts, et al., and moved its adoption:

H-1423

- 1 Amend House File 809 as follows:
- 2 1. Page 19, by inserting after line 11 the
- 3 following:
- 4 "Sec. \_\_\_\_ . SALE OR LEASE OF IOWA COMMUNICATIONS
- 5 NETWORK. The Iowa telecommunications and technology
- 6 commission shall implement a request for proposals
- 7 process to sell or lease the Iowa communications
- 8 network. The request for proposals shall provide for
- 9 the sale to be closed or the lease to commence during
- 10 the fiscal year beginning July 1, 2009. The
- 11 commission shall implement the sale or lease with
- 12 terms that will allow existing users of the network to
- 13 continue such use at a lower overall long-term cost as
- 14 compared to the anticipated operation and maintenance
- 15 overall long-term cost if state ownership and control
- 16 were to continue."
- 17 2. By renumbering as necessary.

Roll call was requested by Watts of Dallas and Paulsen of Linn.

On the question "Shall amendment H-1423 be adopted?" (H.F. 809)

The ayes were, 44:

Alons	Anderson	Arnold	Baudler
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	Taylor, D.
Tjepkes	Tymeson	Upmeyer	Van Engelenhoven
Wagner	Watts	Windschitl	Worthan

The nays were, 52:

Abdul-Samad	Beard	Bell	Berry
Bukta	Burt	Cphoon	Ficken
Ford	Frevert	Gaskill	Gayman
Heddens	Hunter	Huser	Isenhardt
Jacoby	Kearns	Kelley	Kressig
Kuhn	Lensing	Lykam	Marek
Mascher	McCarthy	Mertz	Murphy, Spkr.
Oldson	Olson, R.	Olson, T.	Palmer
Petersen	Reasoner	Reichert	Schueller
Shomshor	Smith	Steckman	Swaim
Taylor, T.	Thede	Thomas	Wendt
Wenthe	Wessel-Kroeschell	Whitaker	Whitead
Willems	Winckler	Zirkelbach	Olson, D., Presiding

Absent or not voting, 4:

Bailey	Chambers	Miller, H.	Quirk
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Amendment H-1423 lost.

Hunter of Polk asked and received unanimous consent to withdraw amendment H-1435 filed by him on April 6, 2009.

Helland of Polk offered amendment H-1419 filed by him as follows:

H-1419

1 Amend House File 809 as follows:  
 2 1. Page 22, by inserting after line 33 the  
 3 following:  
 4 "DIVISION\_\_\_\_  
 5 VACANT STATE EMPLOYEE POSITIONS  
 6 Sec.\_\_\_\_. Section 8.62, Code 2009, is amended by  
 7 adding the following new subsection:  
 8 NEW SUBSECTION. 4. Notwithstanding any provision  
 9 of this section and section 8.39 to the contrary, if a  
 10 full-time equivalent position funded with an  
 11 appropriation from the general fund of the state  
 12 remains vacant for a period of at least six months,  
 13 the agency to which the appropriation was made shall  
 14 revert to the general fund of the state at the close  
 15 of the fiscal year the salary and benefits cost of  
 16 that position for the period of the vacancy."  
 17 2. By renumbering as necessary.

Hunter of Polk rose on a point of order that amendment H-1419 was not germane.

The Speaker ruled the point well taken and amendment H-1419 not germane.

Helland of Polk asked for unanimous consent to suspend the rules to consider amendment H-1419.

Objection was raised.

Helland of Polk moved to suspend the rules to consider amendment H-1419.

Roll call was requested by Helland of Polk and Paulsen of Linn.

On the question "Shall the rules be suspended to consider amendment H-1419?" (H.F. 809)

The ayes were, 42:

Alons	Anderson	Arnold	Baudler
Cownie	De Boef	Deyoe	Dolecheck
Drake	Forristall	Grassley	Hagenow
Heaton	Helland	Horbach	Huseman
Kaufmann	Koester	Lukan	May
Miller, L.	Olson, S.	Paulsen	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	Cphoon
Ficken	Ford	Frevert	Gaskill
Gayman	Heddens	Hunter	Huser
Isenhardt	Jacoby	Kearns	Kelley
Kressig	Kuhn	Lensing	Lykam
Marek	Mascher	McCarthy	Mertz
Oldson	Olson, R.	Olson, T.	Palmer
Petersen	Reasoner	Reichert	Schueller
Shomshor	Smith	Steckman	Swaim
Taylor, D.	Taylor, T.	Thede	Thomas
Wendt	Wenthe	Wessel-Kroeschell	Whitaker

Whitead  
Olson, D.,  
Presiding

Willems

Winckler

Zirkelbach

Absent or not voting, 5:

Chambers  
Quirk

Miller, H.

Murphy, Spkr.

Pettengill

The motion to suspend the rules lost.

Wagner of Linn offered the following amendment H-1424 filed by Wagner, et al., and moved its adoption:

H-1424

1 Amend House File 809 as follows:  
2 1. Page 22, by inserting after line 33 the  
3 following:  
4 "DIVISION \_\_\_\_  
5 INFORMATION TECHNOLOGY CONSOLIDATION  
6 Sec. \_\_\_\_ Section 8A.201, Code 2009, is amended by  
7 adding the following new subsection:  
8 NEW SUBSECTION. 3A. "Infrastructure services"  
9 means server systems, including mainframe and other  
10 server operations, desktop support, electronic mail,  
11 printing, and printing procurement services.  
12 Sec. \_\_\_\_ Section 8A.201, subsection 4, Code 2009,  
13 is amended by striking the subsection and inserting in  
14 lieu thereof the following:  
15 4. "Participating agency" means any state agency.  
16 Sec. \_\_\_\_ Section 8A.204, subsection 3, Code 2009,  
17 is amended by adding the following new paragraph:  
18 NEW PARAGRAPH. h. Oversee the providing of  
19 infrastructure services to participating agencies by  
20 the department pursuant to section 8A.208. In  
21 addition, the board shall establish a waiver process  
22 as provided in section 8A.208.  
23 Sec. \_\_\_\_ NEW SECTION. 8A.208 INFRASTRUCTURE  
24 SERVICES.  
25 1. The department shall be the sole provider of  
26 infrastructure services for participating agencies.  
27 The department may procure infrastructure services in  
28 the manner provided in section 8A.207.  
29 2. The technology governance board shall oversee  
30 the services provided pursuant to this section. In  
31 addition, the technology governance board shall adopt  
32 rules allowing for a participating agency to seek a  
33 waiver from the requirements of this section. The  
34 rules shall provide that a waiver shall be granted  
35 only if the participating agency can show that it can

36 obtain the particular infrastructure service more  
 37 economically or that a waiver would be in the best  
 38 interest of the state."  
 39 2. By renumbering as necessary.

Roll call was requested by Wagner of Linn and Helland of Polk.

On the question "Shall amendment H-1424 be adopted?" (H.F. 809)

The ayes were, 46:

Alons	Anderson	Arnold	Baudler
Cownie	De Boef	Deyoe	Dolecheck
Drake	Forristall	Grassley	Hagenow
Heaton	Helland	Horbach	Huseman
Kaufmann	Kelley	Koester	Lukan
May	Miller, L.	Olson, S.	Paulsen
Pettengill	Raecker	Rants	Rayhons
Roberts	Sands	Schulte	Schultz
Soderberg	Sorenson	Steckman	Struyk
Sweeney	Thede	Tjepkes	Tymeson
Upmeyer	Van Engelenhoven	Wagner	Watts
Windschitl	Worthan		

The nays were, 51:

Abdul-Samad	Bailey	Beard	Bell
Berry	Bukta	Burt	Cphoon
Ficken	Ford	Frevrt	Gaskill
Gayman	Heddens	Hunter	Huser
Isenhardt	Jacoby	Kearns	Kressig
Kuhn	Lensing	Lykam	Marek
Mascher	McCarthy	Mertz	Murphy, Spkr.
Oldson	Olson, R.	Olson, T.	Palmer
Petersen	Reasoner	Reichert	Schueller
Shomshor	Smith	Swaim	Taylor, D.
Taylor, T.	Thomas	Wendt	Wenthe
Wessel-Kroeschell	Whitaker	Whitead	Willems
Winckler	Zirkelbach	Olson, D., Presiding	

Absent or not voting, 3:

Chambers	Miller, H.	Quirk
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Amendment H-1424 lost.

Pettengill of Benton offered amendment H-1432 filed by her as follows:

H-1432

1 Amend House File 809 as follows:

2 1. Page 22, by inserting after line 33 the  
3 following:

4 "DIVISION \_\_\_\_  
5 SEARCHABLE BUDGET AND TAX RATE DATABASES  
6 Sec. \_\_\_\_ Section 8.6, Code 2009, is amended by  
7 adding the following new subsection:  
8 NEW SUBSECTION. 9A. BUDGET AND TAX RATE  
9 DATABASES. To develop and make available to the  
10 public a searchable budget database website as  
11 required under chapter 8G, division I, and to develop  
12 and make available to the public a searchable tax rate  
13 database website as required under chapter 8G,  
14 division II.

15 DIVISION \_\_\_\_  
16 SEARCHABLE BUDGET DATABASE FOR STATE SPENDING  
17 Sec. \_\_\_\_ NEW SECTION. 8G.1 INTENT – FINDINGS.  
18 The general assembly finds that taxpayers should be  
19 able to easily access the details on how the state is  
20 spending their tax dollars and the performance results  
21 achieved for those expenditures. Therefore, it is the  
22 intent of the general assembly to direct the  
23 department of management to create and maintain a  
24 searchable budget database website detailing where tax  
25 dollars are expended, the purposes for which tax  
26 dollars are expended, and the results achieved for all  
27 taxpayer investments in state government.

28 Sec. \_\_\_\_ NEW SECTION. 8G.2 SHORT TITLE.  
29 This division shall be known as and may be cited as  
30 the "Taxpayer Transparency Act".

31 Sec. \_\_\_\_ NEW SECTION. 8G.3 DEFINITIONS.  
32 As used in this division, unless the context  
33 otherwise requires:

34 1. "Agency" means a state department, office,  
35 board, commission, bureau, division, institution, or  
36 public institution of higher education. "Agency"  
37 includes individual state agencies and programs, as  
38 well as those programs and activities that are  
39 administered by or involve more than one agency.  
40 "Agency" includes all elective offices in the  
41 executive branch of government and the general  
42 assembly.

43 2. "Director" means the director of the department  
44 of management.

45 3. "Entity" or "recipients" means any of the  
46 following:

- 47 a. A corporation.
- 48 b. An association.
- 49 c. An employee union.
- 50 d. A limited liability company.

Page 2

- 1 e. A limited liability partnership.
- 2 f. Any other legal business entity, including
- 3 nonprofit entities.
- 4 g. A grant recipient.
- 5 h. Contractors.
- 6 i. A county, city, school district, or other local
- 7 government entity.
- 8 "Entity" or "recipients" does not include an
- 9 individual recipient of state assistance.
- 10 4. "Funding action or expenditure" includes
- 11 details on the type of spending that is provided
- 12 including but not limited to grants, contracts, and
- 13 appropriations. "Funding action or expenditure"
- 14 includes tax exemptions or credits. Where possible,
- 15 an electronic link to the actual grants or contracts
- 16 shall be provided. An electronic link shall be in a
- 17 format that is a searchable document.
- 18 5. "Funding source" means the state account or
- 19 fund from which the expenditure is appropriated.
- 20 6. "Searchable website" means a website described
- 21 in section 8G.4 that allows the public at no cost to
- 22 search and compile information identified in section
- 23 8G.4 and that is in a format capable of being
- 24 downloaded.
- 25 7. "State audit or report" shall include any audit
- 26 or report issued by the auditor of state, department
- 27 of management, legislative services agency,
- 28 legislative committee, or executive body relating to
- 29 the entity or recipient of funds, the budget program
- 30 or activity, or agency.
- 31 Sec. \_\_\_\_. **NEW SECTION.** 8G.4 SEARCHABLE BUDGET
- 32 DATABASE WEBSITE CREATED.
- 33 1. By January 1, 2011, the director shall develop
- 34 and make publicly available a database website for
- 35 searching, accessing, and processing data, including
- 36 the data required in this section, for the most recent
- 37 state budget. The website shall be developed in such
- 38 a way that the information can be provided to other
- 39 software applications, including internet software
- 40 applications, in a manner and format that allows such
- 41 software applications to access and interpret the data
- 42 using the internal programming of the software
- 43 applications.
- 44 2. The searchable website developed pursuant to
- 45 this section shall allow the public at no cost to



- 46 search and compile information for all of the  
 47 following:  
 48 a. Name and principal location or residence of the  
 49 entity or recipient of state funds.  
 50 b. Amount of state funds expended.

Page 3

- 1 c. Funding or expending agency.  
 2 d. Funding source of the revenue expended.  
 3 e. Budget program or activity of the expenditure.  
 4 f. Descriptive purpose for the funding action or  
 5 expenditure.  
 6 g. Expected performance outcome for the funding  
 7 action or expenditure.  
 8 h. Past performance outcomes achieved for the  
 9 funding action or expenditure.  
 10 i. State audit or report relating to the entity or  
 11 recipient of state funds or the budget program or  
 12 activity or agency.  
 13 j. Any other relevant information specified by the  
 14 director.
- 15 Sec. \_\_\_\_\_. NEW SECTION. 8G.5 WEBSITE UPDATES.  
 16 1. Effective July 1, 2011, the searchable website  
 17 shall be updated for each fiscal year not later than  
 18 thirty days following the close of the fiscal year.  
 19 In addition, the director may update the searchable  
 20 website as new data becomes available. All agencies  
 21 shall provide to the director data that is required to  
 22 be included in the searchable website not later than  
 23 thirty days after the data becomes available to the  
 24 agency. The director shall provide guidance to agency  
 25 heads or the governing body of an agency to ensure  
 26 compliance with this section.  
 27 2. By January 1, 2012, the director shall add data  
 28 for the previous budgets to the searchable website.  
 29 Data for previous fiscal years may be added as it  
 30 becomes available and as time permits. The director  
 31 shall ensure that all data added to the searchable  
 32 website remain accessible to the public for a minimum  
 33 of ten years.
- 34 Sec. \_\_\_\_\_. NEW SECTION. 8G.6 NONCOMPLIANCE.  
 35 The director shall not be considered in compliance  
 36 with this division if the data required for the  
 37 searchable website is not available in a searchable  
 38 manner and capable of being compiled or the public is  
 39 redirected to other government websites unless each of  
 40 those sites has information from all agencies and each  
 41 category of information required can be searched  
 42 electronically by field in a single search.
- 43 SEARCHABLE TAX RATE DATABASE  
 44 Sec. \_\_\_\_\_. NEW SECTION. 8G.10 INTENT –FINDINGS.

45 The general assembly finds that increasing the ease  
46 of public access to state and local tax rates,  
47 particularly where the rates are currently available  
48 from disparate government sources but are difficult  
49 for the public to collect and efficiently aggregate,  
50 significantly contributes to governmental

Page 4

1 accountability, public participation, and the  
2 understanding of the cost of government services.  
3 Therefore, it is the intent of the general assembly to  
4 direct the department of management, in consultation  
5 with the department of revenue, to create and maintain  
6 a searchable database website of each tax rate for all  
7 taxing districts in the state to make citizen access  
8 to state and local tax rates as open, transparent, and  
9 publicly accessible as is feasible.

10 Sec.\_\_\_\_. NEW SECTION. 8G.11 SHORT TITLE.

11 This division shall be known and cited as the  
12 "Taxation Disclosure Act".

13 Sec.\_\_\_\_. NEW SECTION. 8G.12 TAX RATE DATABASE.

14 1. SEARCHABLE TAX RATE DATABASE. By January 1,  
15 2010, the department of management, in consultation  
16 with the department of revenue, shall make publicly  
17 available on an internet site a searchable database of  
18 all tax rates in the state for each taxing  
19 jurisdiction. The information shall be aggregated by  
20 type of tax and accessible by entering a zip code or  
21 physical address for each residency or business.  
22 Individual tax levies shall be further specified  
23 within each tax rate.

24 2. GEOGRAPHICAL TAX RATE MAP. In addition to  
25 searching for tax rates by zip code or physical  
26 address for each residency or business, searches shall  
27 be accommodated by a geographical tax rate map of the  
28 state that is capable of being displayed with a level  
29 of specificity corresponding to each taxing district.

30 3. INDIVIDUAL TAX RATE CALCULATOR. Tax rate  
31 calculators shall be provided on the searchable  
32 database to allow citizens and businesses to calculate  
33 taxes based on the location of the citizen or  
34 business. Calculation capability shall be provided at  
35 a minimum for property, sales, use, income, vehicle,  
36 and business taxes and shall be specific to the rate  
37 for the taxing district identified by the citizen or  
38 business.

39 Sec.\_\_\_\_. NEW SECTION. 8G.13 UPDATING DATABASE.

40 To facilitate the department of management's  
41 efforts in creating and maintaining a searchable  
42 database of the taxes identified in section 8G.12,  
43 subsection 3, for all taxing districts in the state,

44 every taxing district shall report its tax rates  
 45 annually to the department of management and shall  
 46 report any changes to its tax rates within thirty days  
 47 of the change.  
 48 Sec.\_\_\_\_. CODE EDITOR DIRECTIVE. Unless otherwise  
 49 determined by the Iowa Code editor, sections 8G.1  
 50 through 8G.6, as enacted in this division of this Act,

Page 5

1 shall be designated as division I of chapter 8G, and  
 2 sections 8G.10 through 8G.13, as enacted in this  
 3 division of this Act, shall be designated as division  
 4 II of chapter 8G."  
 5 2. By renumbering as necessary.

Pettengill of Benton offered the following amendment H-1449, to amendment H-1432, filed by her from the floor and moved its adoption:

H-1449

1 Amend the amendment, H-1432, to House File 809, as  
 2 follows:  
 3 1. Page 1, by inserting after line 1 the  
 4 following:  
 5 "\_\_\_\_. Page 15, by striking lines 28 and 29 and  
 6 inserting the following: "database and website:""  
 7 2. By striking page 1, line 6, through page 5,  
 8 line 4, and inserting the following:  
 9 "Sec.\_\_\_\_. Section 8A.104, Code 2009, is amended  
 10 by adding the following new subsection:  
 11 NEW SUBSECTION. 12A. BUDGET AND TAX RATE  
 12 DATABASES. Develop and make available to the public a  
 13 searchable budget database as required under chapter  
 14 8G, division I, and to develop and make available to  
 15 the public a searchable tax rate database as required  
 16 under chapter 8G, division II and to make both  
 17 databases available on the same website.  
 18 DIVISION  
 19 SEARCHABLE BUDGET DATABASE FOR STATE SPENDING  
 20 Sec.\_\_\_\_. NEW SECTION. 8G.1 INTENT – FINDINGS.  
 21 The general assembly finds that taxpayers should be  
 22 able to easily access the details on how the state is  
 23 spending their tax dollars and the performance results  
 24 achieved for those expenditures. Therefore, it is the  
 25 intent of the general assembly to direct the  
 26 department of administrative services to create and  
 27 maintain a searchable budget database website  
 28 detailing where tax dollars are expended, the purposes  
 29 for which tax dollars are expended, the special

30 interest tax credits allowed, and the results achieved  
31 for all taxpayer investments in state government.  
32 Sec.\_\_\_\_. NEW SECTION. 8G.2 SHORT TITLE.  
33 This division shall be known as and may be cited as  
34 the "Openness Promotes Efficiency Now Act".  
35 Sec.\_\_\_\_. NEW SECTION. 8G.3 DEFINITIONS.  
36 As used in this division, unless the context  
37 otherwise requires:  
38 1. "Agency" means a state department, office,  
39 board, commission, bureau, division, institution, or  
40 public institution of higher education. "Agency"  
41 includes individual state agencies and programs, as  
42 well as those programs and activities that are  
43 administered by or involve more than one agency.  
44 "Agency" includes the judicial branch of government.  
45 "Agency" includes all elective offices in the  
46 executive branch of government and the general  
47 assembly.  
48 2. "Director" means the director of the department  
49 of administrative services.  
50 3. "Entity" or "recipients" means any of the

Page 2

1 following:  
2 a. A corporation.  
3 b. An association.  
4 c. An employee union.  
5 d. A limited liability company.  
6 e. A limited liability partnership.  
7 f. Any other legal business entity, including  
8 nonprofit entities.  
9 g. A grant recipient.  
10 h. Contractors.  
11 i. A county, city, school district, or other local  
12 government entity.  
13 "Entity" or "recipients" does not include an  
14 individual recipient of state assistance.  
15 4. "Funding action or expenditure" includes  
16 details on the type of spending that is provided  
17 including but not limited to grants, contracts, and  
18 appropriations. "Funding action or expenditure"  
19 includes tax exemptions or credits. Where possible,  
20 an electronic link to the actual grants or contracts  
21 shall be provided. An electronic link shall be in a  
22 format that is a searchable document.  
23 5. "Searchable website" means a website described  
24 in section 8G.4 that allows the public at no cost to  
25 search and compile information identified in sections  
26 8G.4 and 8G.12 and that is in a format capable of  
27 being downloaded.  
28 5A. "Schedule 6 document" means the document

29 referred to as schedule 6 used for the fiscal year  
30 beginning July 1, 2009, and previous fiscal years that  
31 listed for each agency the resources available or  
32 estimated to be available to it as well as a listing  
33 of the disposition or proposed disposition of those  
34 resources and includes the governor's recommendation,  
35 if any, for that fiscal year. "Schedule 6 document"  
36 includes any successor schedule that provides similar  
37 information. An electronic link to the schedule 6  
38 document shall be provided in a format that is a  
39 searchable document.

40 6. "State audit or report" shall include any audit  
41 or report issued by the auditor of state.  
42 Sec.\_\_\_\_. NEW SECTION. 8G.4 SEARCHABLE BUDGET  
43 DATABASE WEBSITE CREATED.

44 1. By January 1, 2011, the director shall develop  
45 and make publicly available a database website for  
46 searching, accessing, and processing data, including  
47 the data required in this section, for the most recent  
48 state budget. The state budget for the fiscal year  
49 beginning July 1, 2009, shall include the expenditure  
50 of funds received through the federal American

Page 3

1 Recovery and Reinvestment Act of 2009. The website  
2 shall be developed in such a way that the information  
3 can be provided to other software applications,  
4 including internet software applications, in a manner  
5 and format that allows such software applications to  
6 access and interpret the data using the internal  
7 programming of the software applications.

8 2. The searchable website developed pursuant to  
9 this section shall allow the public at no cost to  
10 search, compile, and download information for all of  
11 the following:

- 12 a. To the extent practicable and within the bounds  
13 of the confidentiality provisions, the identity of the  
14 entity or recipient of state expenditures.
- 15 b. Amount of annual revenues and expenditures for  
16 each agency's appropriations and funds. To the extent  
17 available, a schedule 6 document shall be provided or  
18 be available by means of an electronic link.
- 19 c. Descriptive purpose for the funding or  
20 expenditure.
- 21 d. Performance results associated with the  
22 agency's activities.
- 23 e. Past performance results associated with the  
24 agency's activities.
- 25 f. State audits or reports relating to the entity  
26 or recipient of state funds, the budget program or  
27 activity, or agency.

28 g. Any other relevant information specified by the  
29 director.  
30 3. In addition to the information to be provided  
31 pursuant to subsection 2, there shall be provided on  
32 the searchable website all of the following:  
33 a. A listing and description of special interest  
34 tax credits claimed for the individual income tax,  
35 corporate income tax, franchise tax, and insurance  
36 premiums tax. A special interest tax credit is a tax  
37 credit for which fewer than twenty percent of the tax  
38 filers in the applicable tax category claim the tax  
39 credit. For each category of tax the website shall  
40 list each of the special interest tax credits  
41 applicable to it, the total amount of that tax credit  
42 claimed, and the number of taxpayers claiming the tax  
43 credit.  
44 b. The estimated cost to the state of each of the  
45 twenty sales tax exemptions that account for the  
46 largest dollar amount share of sales tax exemptions  
47 under section 423.3. The cost of each exemption shall  
48 be listed by county and, in addition, stated as a per  
49 capita amount for each county. This paragraph does  
50 not apply to the tax exemptions pursuant to section

Page 4

1 423.3, subsections 2, 31, 39, 58, 73, and 85.  
2 4. If the funding source of the revenue expended  
3 is the grow Iowa values fund created pursuant to  
4 section 15G.108, or the Iowa power fund created in  
5 section 469.9, then in addition to any information  
6 provided pursuant to subsections 2 and 3, there shall  
7 be provided on the searchable website all of the  
8 following:  
9 a. For financial assistance provided during the  
10 fiscal year, a listing, per recipient, of the number  
11 of jobs pledged and the number of jobs actually  
12 created. The actual jobs created shall be adjusted  
13 throughout the year as new figures become available.  
14 b. The total estimated cost to the state in  
15 addition to the amount of financial assistance  
16 awarded, including any administrative expenses of the  
17 agency or department administering the fund.  
18 c. An allocation by state legislative district and  
19 county of the total amount of financial assistance  
20 awards and the number of job creations associated with  
21 such awards during the fiscal year.  
22 4A. The director shall provide information on the  
23 searchable website database that lists  
24 interdepartmental transfers of appropriations. This  
25 information shall be provided in a manner that will be  
26 easily understood by the public.

27 4B. The director shall provide information on the  
 28 searchable website database that lists the transfers  
 29 of appropriations made from one agency to another or  
 30 within an agency pursuant to section 8.39. This  
 31 information shall be provided in a manner that will be  
 32 easily understood by the public.

33 5. In providing data on tax exemptions or credits,  
 34 confidentiality statutes of Iowa and federal law shall  
 35 be adhered to.

36 6. The director shall provide a progress and  
 37 implementation report to members of the senate and  
 38 house committees on government oversight every ninety  
 39 days with the first report due October 1, 2009.

40 Sec.\_\_\_\_. NEW SECTION. 8G.5 WEBSITE UPDATES.

41 1. Effective July 1, 2011, the searchable website  
 42 shall be updated for each fiscal year not later than  
 43 thirty days following the close of the fiscal year.  
 44 During the fiscal year beginning July 1, 2011, and  
 45 each subsequent fiscal year, the director shall make a  
 46 preliminary report for the fiscal year on the  
 47 searchable website within thirty days following each  
 48 quarter. In addition, the director may update the  
 49 searchable website as new data becomes available. All  
 50 agencies shall provide to the director data that is

Page 5

1 required to be included in the searchable website not  
 2 later than thirty days after the data becomes  
 3 available to the agency. The director shall provide  
 4 guidance to agency heads or the governing body of an  
 5 agency to ensure compliance with this section.

6 2. By January 1, 2012, the director shall add data  
 7 for the previous budgets to the searchable website.  
 8 Data for previous fiscal years may be added as it  
 9 becomes available and as time permits. The director  
 10 shall ensure that all data added to the searchable  
 11 website remain accessible to the public for a minimum  
 12 of ten years.

13 Sec.\_\_\_\_. NEW SECTION. 8G.6 NONCOMPLIANCE.

14 The director shall not be considered in compliance  
 15 with this division if the data required for the  
 16 searchable website is not available in a searchable  
 17 manner and capable of being compiled and downloaded or  
 18 if the public is redirected to other government  
 19 websites unless each of those sites has information  
 20 from all agencies and each category of information  
 21 required can be searched electronically by field in a  
 22 single search.

23 Sec.\_\_\_\_. NEW SECTION. 8G.7 EXECUTIVE ORDER TO  
 24 IMPLEMENT.

25 Nothing in this division shall be construed as

26 preventing the governor from acting by executive order  
27 to implement any action authorized or required under  
28 this division.

29 DIVISION

30 SEARCHABLE TAX RATE DATABASE

31 Sec. \_\_\_\_ NEW SECTION. 8G.10 INTENT – FINDINGS.

32 The general assembly finds that increasing the ease  
33 of public access to state and local tax rates,

34 particularly when the rates are currently available  
35 from disparate government sources but are difficult  
36 for the public to collect and efficiently aggregate,  
37 significantly contributes to governmental

38 accountability, public participation, and the  
39 understanding of the cost of government services.

40 Therefore, it is the intent of the general assembly to  
41 direct the department of administrative services, in  
42 consultation with the department of revenue, to create  
43 and maintain a searchable database detailing each tax  
44 rate for all taxing districts in the state to make  
45 citizen access to information on state and local tax  
46 rates as open, transparent, and publicly accessible as  
47 is feasible.

48 Sec. \_\_\_\_ NEW SECTION. 8G.11 SHORT TITLE.

49 This division shall be known and cited as the  
50 "Government Accountability and Disclosure Act".

Page 6

1 Sec. \_\_\_\_ NEW SECTION. 8G.12 TAX RATE DATABASE.

2 1. SEARCHABLE TAX RATE DATABASE. By January 1,  
3 2010, the department of administrative services, in  
4 consultation with the department of revenue, shall  
5 make publicly available on the website created  
6 pursuant to section 8G.4 a searchable database of all  
7 tax rates in the state for each taxing jurisdiction.

8 The information shall be aggregated by type of tax and  
9 accessible by entering a zip code or physical address  
10 for each residence or business. Individual tax levies  
11 shall be further specified within each tax rate.

12 2. GEOGRAPHICAL TAX RATE MAP. In addition to  
13 searching for tax rates by zip code or physical  
14 address for each residence or business, searches shall  
15 be accommodated by a geographical tax rate map of the  
16 state that is capable of being displayed with a level  
17 of specificity corresponding to each taxing district.

18 3. INDIVIDUAL TAX RATE CALCULATOR. Tax rate  
19 calculators shall be provided on the searchable  
20 database to allow citizens and businesses to calculate  
21 taxes based on the location of the citizen or  
22 business. Calculation capability shall be provided at  
23 a minimum for property, sales, use, income, vehicle,  
24 and business taxes and shall be specific to the rate



25 for the taxing district identified by the citizen or  
 26 business.  
 27 Sec.\_\_\_\_. NEW SECTION. 8G.13 UPDATING DATABASE.  
 28 To facilitate the department of administrative  
 29 services' efforts in creating and maintaining a  
 30 searchable database of the taxes identified in section  
 31 8G.12, subsection 3, for all taxing districts in the  
 32 state, every taxing district shall annually report its  
 33 tax rates, and any change to the rates, to the  
 34 department of revenue. Within thirty days of  
 35 receiving such information, the department shall  
 36 report the tax rates, and any changes to the rates, to  
 37 the department of administrative services.  
 38 Sec.\_\_\_\_. CODE EDITOR DIRECTIVE. Unless otherwise  
 39 determined by the Iowa Code editor, sections 8G.1  
 40 through 8G.7, as enacted in this division of this Act,  
 41 shall be designated as division I of chapter 8G, and  
 42 sections 8G.10 through 8G.13, as enacted in this  
 43 division of this Act, shall be designated as division  
 44 II of chapter 8G."

Amendment H-1449 was adopted.

Pettengill of Benton moved the adoption of amendment H-1432, as amended.

Roll call was requested by Pettengill of Benton and Paulsen of Linn.

On the question "Shall amendment H-1432, as amended, be adopted?" (H.F. 809)

The ayes were, 97:

Abdul-Samad	Alons	Anderson	Arnold
Bailey	Baudler	Beard	Bell
Berry	Bukta	Burt	Cohoon
Cownie	De Boef	Deyoe	Dolecheck
Drake	Ficken	Ford	Forristall
Frevert	Gaskill	Gayman	Grassley
Hagenow	Heaton	Heddens	Helland
Horbach	Hunter	Huseman	Huser
Isenhart	Jacoby	Kaufmann	Kearns
Kelley	Koester	Kressig	Kuhn
Lensing	Lukan	Lykam	Marek
Mascher	May	McCarthy	Mertz
Miller, L.	Murphy, Spkr.	Oldson	Olson, R.
Olson, S.	Olson, T.	Palmer	Paulsen
Petersen	Pettengill	Raecker	Rants

Rayhons	Reasoner	Reichert	Roberts
Sands	Schueller	Schulte	Schultz
Shomshor	Smith	Soderberg	Sorenson
Steckman	Struyk	Swaim	Sweeney
Taylor, D.	Taylor, T.	Thede	Thomas
Tjepkes	Tymeson	Upmeyer	Van Engelenhoven
Wagner	Watts	Wendt	Wenthe
Wessel-Kroeschell	Whitaker	Whitead	Willems
Winckler	Windschitl	Worthan	Zirkelbach
Olson, D., Presiding			

The nays were, none.

Absent or not voting, 3:

Chambers	Miller, H.	Quirk
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Amendment H-1432, as amended, was adopted.

Hunter of Polk offered the following amendment H-1434 filed by him and moved its adoption:

H-1434

1 Amend House File 809 as follows:  
2 1. Page 22, by inserting after line 33 the  
3 following:  
4 "DIVISION \_\_\_\_  
5 DEPARTMENT OF INSPECTIONS AND APPEALS PROVISIONS  
6 Sec. \_\_\_\_ Section 99B.2, subsection 1, paragraph  
7 a, unnumbered paragraph 1, Code 2009, is amended to  
8 read as follows:  
9 The department of inspections and appeals shall  
10 issue the licenses required by this chapter. A  
11 license shall not be issued, except upon submission to  
12 the department of an application on forms furnished  
13 determined by the department, and the required license  
14 fee. A license may be issued to an eligible  
15 applicant. ~~An authorization number to operate may be~~  
16 ~~issued to an applicant until a license is issued.~~  
17 However, a license ~~or authorization number~~ shall not  
18 be issued to an applicant who has been convicted of or  
19 pled guilty to a violation of this chapter, or who has  
20 been convicted of or pled guilty to a violation of  
21 chapter 123 that resulted, at any time, in revocation  
22 of a license issued to the applicant under chapter 123  
23 or that resulted, within the twelve months preceding  
24 the date of application for a license required by this  
25 chapter, in suspension of a license issued under  
26 chapter 123. To be eligible for a two-year license

27 under section 99B.7, an organization shall have been  
 28 in existence at least five years prior to the date of  
 29 issuance of the license. However, an organization  
 30 which has been in existence for less than five years  
 31 prior to the date of issuance of the license may  
 32 obtain a two-year license if either of the following  
 33 conditions apply:

34 Sec.\_\_\_\_. Section 99B.2, subsection 1, paragraph  
 35 b, Code 2009, is amended to read as follows:

36 b. A license shall not be issued to an individual  
 37 whose previous license issued under this chapter or  
 38 chapter 123 has been revoked until the period of  
 39 revocation or revocations has elapsed. This  
 40 prohibition applies even though the individual has  
 41 created a different legal entity than the one to which  
 42 the previous license that had been revoked was issued.  
 43 Except as otherwise provided in this chapter, a  
 44 license is valid for a period of two years from the  
 45 date of issue. The license fee is not refundable, but  
 46 shall be returned to the applicant if an application  
 47 is not approved. ~~If a bingo license is issued by the~~  
 48 ~~department of inspections and appeals, the licensee~~  
 49 ~~shall be notified by the department of inspections and~~  
 50 ~~appeals of the renewal date for the license ten days~~

Page 2

1 ~~prior to that date.~~

2 Sec.\_\_\_\_. Section 99B.2, subsection 4, Code 2009,  
 3 is amended to read as follows:

4 4. A licensee required by subsection 2 to maintain  
 5 records shall submit ~~quarterly reports~~ an annual  
 6 report to the department on forms furnished by the  
 7 department. ~~These reports~~ The annual report shall be  
 8 due thirty days following the end of each ~~calendar~~  
 9 quarter fiscal year. ~~The reports~~ annual report shall  
 10 contain a compilation of the information required to  
 11 be recorded by subsection 2, and shall include all of  
 12 the transactions occurring during the three-month  
 13 period previous fiscal year for which the report is  
 14 submitted. Failure to submit the ~~quarterly reports~~  
 15 annual report is grounds for revocation of the  
 16 license. Willful failure to submit ~~quarterly reports~~  
 17 the annual report is a serious misdemeanor. ~~However,~~  
 18 ~~the time for filing of reports may be extended for~~  
 19 ~~thirty days if the licensee makes written request to~~  
 20 ~~the department for an extension which request shows~~  
 21 ~~good cause for granting the extension.~~ A person who  
 22 intentionally files a false or fraudulent report or  
 23 application with the department commits a fraudulent  
 24 practice.

25 Sec.\_\_\_\_. STATE-LICENSED HEALTH CARE FACILITY

26 INSPECTIONS. Notwithstanding any provision of section  
27 135C.16 to the contrary, inspections in health care  
28 facilities that are only state-licensed and not  
29 certified under the federal Medicare or Medicaid  
30 programs, shall not be inspected every thirty months,  
31 but shall only be inspected pursuant to sections  
32 135C.9 and 135C.38."  
33 2. By renumbering as necessary.

Amendment H-1434 was adopted.

Raecker of Polk offered amendment H-1412, previously deferred,  
filed by him as follows:

H-1412

1 Amend House File 809 as follows:  
2 1. Page 19, by inserting after line 11 the  
3 following:  
4 "Sec.\_\_\_\_. VEHICLE PURCHASES – LIMITATIONS.  
5 Motor vehicles purchased by the department of  
6 administrative services shall not, unless inclusion of  
7 the item is part of the lowest cost package available  
8 for the vehicle purchased, include any of the  
9 following items:  
10 1. Tube steps or running boards.  
11 2. Upgraded floor mats.  
12 3. Winches, unless otherwise necessary for use in  
13 an off-road vehicle.  
14 4. Upgraded paint in order to match the topper to  
15 the vehicle.  
16 5. Global positioning systems.  
17 6. Satellite radio, compact disc players,  
18 bluetooth capability, or upgraded stereo systems.  
19 7. Leather seats.  
20 8. Power seats.  
21 Sec.\_\_\_\_. EFFECTIVE DATE. The section of this  
22 division of the Act limiting vehicle purchases by the  
23 department of administrative services, being deemed of  
24 immediate importance, takes effect upon enactment."  
25 2. By renumbering as necessary.

Raecker of Polk offered the following amendment H-1450, to  
amendment H-1412, filed by him from the floor and moved its  
adoption:

H-1450

1 Amend the amendment, H-1412, to House File 809, as

- 2 follows:  
 3 1. Page 1, line 5, by striking the word "Motor"  
 4 and inserting the following: "Except for vehicles  
 5 utilized for law enforcement purposes, motor".

Amendment H-1450 was adopted.

Hunter of Polk offered the following amendment H-1452, to amendment H-1412, filed by him from the floor and moved its adoption:  
 H-1452

- 1 Amend the amendment, H-1412, to House File 809, as  
 2 follows:  
 3 1. Page 1, line 10, by striking the words "or  
 4 running boards".  
 5 2. Page 1, by striking line 20.

Amendment H-1452 was adopted.

Raecker of Polk moved the adoption of amendment H-1412, as amended.

Roll call was requested by Raecker of Polk and Schultz of Crawford.

On the question "Shall amendment H-1412, as amended, be adopted?" (H.F. 809)

The ayes were, 96:

Abdul-Samad	Alons	Anderson	Arnold
Bailey	Baudler	Beard	Bell
Berry	Bukta	Burt	Cohoon
Cownie	De Boef	Deyoe	Dolecheck
Drake	Ficken	Ford	Forristall
Frevert	Gaskill	Gayman	Grassley
Hagenow	Heaton	Helland	Horbach
Hunter	Huseman	Huser	Isenhart
Jacoby	Kaufmann	Kearns	Kelley
Koester	Kressig	Kuhn	Lensing
Lukan	Lykam	Marek	Mascher
May	McCarthy	Mertz	Miller, L.
Murphy, Spkr.	Oldson	Olson, R.	Olson, S.
Olson, T.	Palmer	Paulsen	Petersen
Pettengill	Raecker	Rants	Rayhons
Reasoner	Reichert	Roberts	Sands

Schueller	Schulte	Schultz	Shomshor
Smith	Soderberg	Sorenson	Steckman
Struyk	Swaim	Sweeney	Taylor, D.
Taylor, T.	Thede	Thomas	Tjepkes
Tymeson	Upmeyer	Van Engelenhoven	Wagner
Watts	Wendt	Wenthe	Wessel-Kroeschell
Whitaker	Whitead	Willems	Winckler
Windschitl	Worthan	Zirkelbach	Olson, D., Presiding

The nays were, none.

Absent or not voting, 4:

Chambers	Heddens	Miller, H.	Quirk
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Amendment H-1412, as amended, was adopted.

Wagner of Linn offered the following amendment H-1413, previously deferred, filed by Raecker of Polk and moved its adoption:

H-1413

1 Amend House File 809 as follows:  
 2 1. Page 19, by inserting after line 11 the  
 3 following:  
 4 "Sec. \_\_\_\_\_. LEGISLATIVE EX OFFICIO BOARD MEMBERS –  
 5 COMPENSATION RESTRICTIONS. Notwithstanding any  
 6 provision to the contrary, for the fiscal year  
 7 beginning July 1, 2009, and ending June 30, 2010,  
 8 members of the general assembly who are ex officio  
 9 members of boards, committees, commissions, or  
 10 councils shall not be authorized to receive per diem  
 11 and expenses for service on the applicable board,  
 12 committee, commission, or council."  
 13 2. By renumbering as necessary.

Roll call was requested by Wagner of Linn and Alons of Sioux.

On the question "Shall amendment H-1413 be adopted?" (H.F. 809)

The ayes were, 93:

Abdul-Samad	Alons	Anderson	Arnold
Bailey	Baudler	Beard	Bell
Berry	Bukta	Burt	Cohoon
Cownie	De Boef	Deyoe	Dolecheck
Drake	Ficken	Ford	Forristall

Frevert	Gaskill	Gayman	Grassley
Hagenow	Heaton	Helland	Horbach
Hunter	Huseman	Huser	Isenhardt
Jacoby	Kaufmann	Kearns	Kelley
Koester	Kressig	Kuhn	Lensing
Lukan	Lykam	Marek	Mascher
May	Mertz	Miller, L.	Murphy, Spkr.
Olson, R.	Olson, S.	Olson, T.	Palmer
Petersen	Pettengill	Raecker	Rants
Rayhons	Reasoner	Reichert	Roberts
Sands	Schueller	Schulte	Schultz
Shomshor	Smith	Soderberg	Sorenson
Steckman	Struyk	Swaim	Sweeney
Taylor, D.	Taylor, T.	Thede	Thomas
Tjepkes	Tymeson	Upmeyer	Van Engelenhoven
Wagner	Watts	Wendt	Wenthe
Wessel-Kroeschell	Whitaker	Whitead	Willems
Winckler	Windschitl	Worthan	Zirkelbach
Olson, D., Presiding			

The nays were, none.

Absent or not voting, 7:

Chambers	Heddens	McCarthy	Miller, H.
Oldson	Paulsen	Quirk	

Amendment H-1413 was adopted.

Drake of Cass offered the following amendment H-1416, previously deferred, filed by Raecker et al., and moved its adoption:

H-1416

1 Amend House File 809 as follows:  
 2 1. Page 19, by inserting after line 11 the  
 3 following:  
 4 "Sec.\_\_\_\_. EXPENSE REIMBURSEMENT – REQUIREMENTS.  
 5 Notwithstanding any provision to the contrary, for the  
 6 fiscal year beginning July 1, 2009, and ending June  
 7 30, 2010, the director of a department or state agency  
 8 to which appropriations are made pursuant to the  
 9 provisions of this Act shall require employees, in  
 10 order to receive reimbursement for expense, to submit  
 11 actual receipts for meals and other costs and  
 12 reimbursement up to the maximum amount shall only be  
 13 allowed in an amount equal to the sum of the actual  
 14 receipts submitted."  
 15 2. By renumbering as necessary.

Roll call was requested by Drake of Cass and May of Dickinson.

On the question “Shall amendment H–1416, be adopted?” (H.F. 809)

The ayes were, 97:

Abdul-Samad	Alons	Anderson	Arnold
Bailey	Baudler	Beard	Bell
Berry	Bukta	Burt	Cohoon
Cownie	De Boef	Deyoe	Dolecheck
Drake	Ficken	Ford	Forristall
Frevert	Gaskill	Gayman	Grassley
Hagenow	Heaton	Heddens	Helland
Horbach	Hunter	Huseman	Huser
Isenhardt	Jacoby	Kaufmann	Kearns
Kelley	Koester	Kressig	Kuhn
Lensing	Lukan	Lykam	Marek
Mascher	May	McCarthy	Mertz
Miller, L.	Murphy, Spkr.	Oldson	Olson, R.
Olson, S.	Olson, T.	Palmer	Paulsen
Petersen	Pettengill	Raecker	Rants
Rayhons	Reasoner	Reichert	Roberts
Sands	Schueller	Schulte	Schultz
Shomshor	Smith	Soderberg	Sorenson
Steckman	Struyk	Swaim	Sweeney
Taylor, D.	Taylor, T.	Thede	Thomas
Tjepkes	Tymeson	Upmeyer	Van Engelenhoven
Wagner	Watts	Wendt	Wenthe
Wessel-Kroeschell	Whitaker	Whitead	Willems
Winckler	Windschitl	Worthan	Zirkelbach
Olson, D., Presiding			

The nays were, none.

Absent or not voting, 3:

Chambers                      Miller, H.                      Quirk

Amendment H–1416 was adopted.

Alons of Sioux offered the following amendment H–1420, previously deferred, filed by Alons, et al., and moved its adoption:

H–1420

- 1 Amend House File 809 as follows:
- 2 1. Page 19, by inserting after line 11 the
- 3 following:



4 "Sec.\_\_\_\_. OUT-OF-STATE TRAVEL – RESTRICTIONS.  
 5 Notwithstanding any provision to the contrary, for the  
 6 fiscal year beginning July 1, 2009, and ending June  
 7 30, 2010, out-of-state travel by an employee of a  
 8 department or state agency to which appropriations are  
 9 made pursuant to the provisions of this Act shall not  
 10 be authorized unless the executive council authorizes  
 11 the travel as necessary for the performance of  
 12 official state business."  
 13 2. By renumbering as necessary.

Roll call was requested by Alons of Sioux and Paulsen of Linn.

On the question "Shall amendment H–1420 be adopted?" (H.F. 809)

The ayes were, 97:

Abdul-Samad	Alons	Anderson	Arnold
Bailey	Baudler	Beard	Bell
Berry	Bukta	Burt	Cohoon
Cownie	De Boef	Deyoe	Dolecheck
Drake	Ficken	Ford	Forristall
Frevert	Gaskill	Gayman	Grassley
Hagenow	Heaton	Heddens	Helland
Horbach	Hunter	Huseman	Huser
Isenhart	Jacoby	Kaufmann	Kearns
Kelley	Koester	Kressig	Kuhn
Lensing	Lukan	Lykam	Marek
Mascher	May	McCarthy	Mertz
Miller, L.	Murphy, Spkr.	Oldson	Olson, R.
Olson, S.	Olson, T.	Palmer	Paulsen
Petersen	Pettengill	Raecker	Rants
Rayhons	Reasoner	Reichert	Roberts
Sands	Schueller	Schulte	Schultz
Shomshor	Smith	Soderberg	Sorenson
Steckman	Struyk	Swaim	Sweeney
Taylor, D.	Taylor, T.	Thede	Thomas
Tjepkes	Tymeson	Upmeyer	Van Engelenhoven
Wagner	Watts	Wendt	Wenthe
Wessel-Kroeschell	Whitaker	Whitead	Willems
Winckler	Windschitl	Worthan	Zirkelbach
Olson, D., Presiding			

The nays were, none.

Absent or not voting, 3:

Chambers	Miller, H.	Quirk
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Amendment H-1420 was adopted.

Hunter of Polk moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 809)

The ayes were, 53:

Abdul-Samad	Bailey	Beard	Bell
Berry	Bukta	Burt	Cohoon
Ficken	Ford	Frevert	Gaskill
Gayman	Heaton	Heddens	Hunter
Isenhardt	Jacoby	Kearns	Kelley
Kressig	Kuhn	Lensing	Lykam
Marek	Mascher	McCarthy	Murphy, Spkr.
Oldson	Olson, R.	Olson, T.	Palmer
Petersen	Reasoner	Reichert	Schueller
Shomshor	Smith	Steckman	Swaim
Taylor, D.	Taylor, T.	Thede	Thomas
Wendt	Wenthe	Wessel-Kroeschell	Whitaker
Whitead	Willems	Winckler	Zirkelbach
Olson, D., Presiding			

The nays were, 44:

Alons	Anderson	Arnold	Baudler
Cownie	De Boef	Deyoe	Dolecheck
Drake	Forristall	Grassley	Hagenow
Helland	Horbach	Huseman	Huser
Kaufmann	Koester	Lukan	May
Mertz	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

Absent or not voting, 3:

Chambers	Miller, H.	Quirk
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The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

## INTRODUCTION OF BILL

**House File 810**, by committee on ways and means, a bill for an act providing for the establishment of small wind innovation zones, providing for the applicability of tax credits, and including effective and retroactive applicability date provisions.

Read first time and placed on the **ways and means calendar**.

## IMMEDIATE MESSAGE

McCarthy of Polk asked and received unanimous consent that **House File 809** be immediately messaged to the Senate.

McCarthy of Polk asked and received unanimous consent for the committees on appropriations and ways and means to meet tomorrow morning at 8:30 a.m.

## SENATE FILE 456 REREFERRED

The Speaker announced that Senate File 456, previously referred to committee on **ways and means** was **passed on file**.

## BILLS ENROLLED, SIGNED AND SENT TO GOVERNOR

The Chief Clerk of the House submitted the following report:

Mr. Speaker: The Chief Clerk of the House respectfully reports that the following bills have been examined and found correctly enrolled, signed by the Speaker of the House and the President of the Senate, and presented to the Governor for his approval on this 7<sup>th</sup> day of April, 2009: House Files 315, 317, 380, 475 and 687.

MARK W. BRANDSGARD  
Chief Clerk of the House

Report adopted.

## PRESENTATION OF VISITORS

The Speaker announced that the following visitors were present in the House chamber:

Nineteen students from Sully Christian School, Sully, Iowa, accompanied by their teacher Scott Roose and their chaperones. By Bell of Jasper.

### 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

- 2009\3537 Ruth Marie Witte Ertz, Burlington – For celebrating her 80<sup>th</sup> birthday.
- 2009\3538 Anna Jones, Burlington – For celebrating her 90<sup>th</sup> birthday.
- 2009\3539 Virgil “Mike” and Marie “Liz” Watkins, Burlington – For celebrating their 70<sup>th</sup> wedding anniversary.
- 2009\3540 John and Celia Anderson, Burlington – For celebrating their 50<sup>th</sup> wedding anniversary.
- 2009\3541 Earl and Portia Coppes, Burlington – For celebrating his 93<sup>rd</sup> and her 87<sup>th</sup> birthday and their 66<sup>th</sup> wedding anniversary.
- 2009\3542 Thomas “Tom” Diewold, Burlington – For celebrating his 80<sup>th</sup> birthday.
- 2009\3543 Clem and Kay Wessling, Danbury – For celebrating their 50<sup>th</sup> wedding anniversary.
- 2009\3544 Wilfred Nielsen, Battle Creek – For celebrating his 95<sup>th</sup> birthday.
- 2009\3545 Jim and Loretta Crippes, Dubuque – For celebrating their 50<sup>th</sup> wedding anniversary.
- 2009\3546 Eldon and Ruth Frederick, Dubuque – For celebrating their 60<sup>th</sup> wedding anniversary.

### SUBCOMMITTEE ASSIGNMENT

#### House File 780

Appropriations: Reichert, Chair; Jacoby and Worthan.

#### Senate File 457

Ways and Means: T. Olson, Chair; Helland and Isenhardt.

**Senate File 458**

Ways and Means: D. Olson, Chair; Thomas and Wagner.

**HOUSE STUDY BILL COMMITTEE ASSIGNMENT****H.S.B. 287 Appropriations**

Relating to and making appropriations for health and human services and including other related provisions and appropriations, providing penalties, making penalties applicable and providing effective, retroactive, and applicability date provisions.

**COMMITTEE RECOMMENDATIONS**

MR. SPEAKER: The Chief Clerk of the House respectfully reports that the following committee recommendations have been received and are on file in the office of the Chief Clerk.

MARK W. BRANDSGARD  
Chief Clerk of the House

**COMMITTEE ON WAYS OF MEANS**

**Committee Bill** (Formerly House Study Bill 277), allowing the department of revenue to subpoena certain customer records of individuals owing taxes, penalties, or interest.

Fiscal Note is not required.

Recommended **Amend and Do Pass** April 7, 2009.

**Committee Bill** (Formerly House Study Bill 286), relating to articulation agreements between public postsecondary institutions.

Fiscal Note is not required.

Recommended **Amend and Do Pass** April 7, 2009.

**Committee Bill** (Formerly House File 506), relating to identity theft protection by requiring reporting and by making changes to the duties of county recorders, the fees collected by the county recorders, and the county land record information system.

Fiscal Note is not required.

Recommended **Amend and Do Pass** April 7, 2009.

**Committee Bill** (Formerly House File 702), relating to programs administered by the commission on volunteer service by establishing Iowa summer youth corps and green corps programs, creating the Iowa summer youth corps account and making appropriations from the account, excluding certain payments provided to an AmeriCorps volunteer from state income tax, and providing effective dates.

Fiscal Note is not required.

Recommended **Amend and Do Pass** April 7, 2009.

**Committee Bill** (Formerly House File 747), modifying provisions applicable to facilities qualifying for wind energy production and renewable energy tax credits and including effective and retroactive applicability provisions.

Fiscal Note is not required.

Recommended **Amend and Do Pass** April 7, 2009.

**Committee Bill** (Formerly House File 748), providing for the establishment of small wind innovation zones, providing for the applicability of tax credits, and including effective and retroactive applicability date provisions.

Fiscal Note is not required.

Recommended **Do Pass** April 7, 2009.

## RESOLUTION FILED

**HR 44**, by Abdul-Samad, Smith, Wessel-Kroeschell, Thede, Upmeyer, L. Miller, Heddens and Heaton, a resolution expressing support for improved adolescent health.

Laid over under **Rule 25**.

## AMENDMENTS FILED

H—1439	S.F.	415	Kaufmann of Cedar
H—1440	H.F.	705	Senate Amendment
H—1441	H.F.	671	Senate Amendment
H—1442	H.F.	670	Senate Amendment
H—1443	H.F.	562	Senate Amendment
H—1444	S.F.	469	Rants of Woodbury
H—1445	H.F.	712	Swaim of Davis
			Palmer of Mahaska
			R. Olson of Polk
H—1446	H.F.	712	Swaim of Davis

			Palmer of Mahaska
			R. Olson of Polk
H—1447	S.F.	452	Rants of Woodbury
H—1448	S.F.	433	Berry of Black Hawk
H—1453	S.F.	137	Senate Amendment
H—1454	H.F.	807	Forristall of Pottawattamie
H—1455	S.F.	469	Schultz of Crawford
H—1456	S.F.	469	Schultz of Crawford
H—1457	S.F.	467	Sweeney of Hardin
H—1458	S.F.	467	Sweeney of Hardin
H—1459	S.F.	467	De Boef of Keokuk
H—1460	S.F.	467	De Boef of Keokuk
H—1461	S.F.	3	May of Dickinson
H—1462	S.F.	467	Deyoe of Story
H—1463	S.F.	469	Forristall of Pottawattamie
H—1464	S.F.	469	Soderberg of Plymouth
H—1465	S.F.	469	Soderberg of Plymouth
H—1466	S.F.	469	Cownie of Polk
H—1467	S.F.	467	Deyoe of Story
H—1468	H.F.	712	Huser of Polk
H—1469	S.F.	469	Cownie of Polk
H—1470	S.F.	469	Cownie of Polk
H—1471	S.F.	467	Zirkelbach of Jones
H—1472	S.F.	467	Grassley of Butler
H—1473	S.F.	469	Cownie of Polk
H—1474	S.F.	469	Cownie of Polk
H—1475	S.F.	469	Rants of Woodbury

On motion by McCarthy of Polk the House adjourned at 9:39 p.m., until 9:00 a.m., Wednesday, April 8, 2009.

# JOURNAL OF THE HOUSE

Eighty-seventh Calendar Day - Fifty-eighth Session Day

Hall of the House of Representatives  
Des Moines, Iowa, Wednesday, April 8, 2009

The House met pursuant to adjournment at 9:08 a.m., Speaker Murphy in the chair.

Prayer was offered by the honorable Marcie Frevert, state representative from Palo Alto County.

## PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Billie Silva, Chief Clerk's Page from Ankeny.

The Journal of Tuesday, April 7, 2009 was approved.

## 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 April 8, 2009, concurred in the House amendment and passed the following bill in which the concurrence of the Senate was asked:

Senate File 279, a bill for an act providing for the establishment of an abbreviated electric transmission franchise process, and providing an effective date.

MICHAEL E. MARSHALL, Secretary

## SENATE MESSAGE CONSIDERED

**Senate File 472**, by committee on appropriations, a bill for an act relating to and making appropriations to the judicial branch, and providing an effective date.

Read first time and referred to committee on **appropriations**.

On motion by Whitaker of Van Buren, the House was recessed at 9:13 a.m., until the conclusion of the meetings of the committees of appropriations and ways and means.



## AFTERNOON SESSION

The House reconvened at 1:01 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 April 8, 2009, concurred in the House amendment and passed the following bill in which the concurrence of the Senate was asked:

Senate File 356, a bill for an act relating to department of transportation administrative procedures by establishing a procedure to remove a conviction relating to the operation of a motor vehicle from a driving record based on identity theft and requiring verification of status in regards to the driver's license of a foreign national.

Also: That the Senate has on April 8, 2009, concurred in the House amendment and passed the following bill in which the concurrence of the Senate was asked:

Senate File 377, a bill for an act relating to the prescription drug donation repository program.

Also: That the Senate has on April 8, 2009, concurred in the House amendment and passed the following bill in which the concurrence of the Senate was asked:

Senate File 379, a bill for an act relating to the use of insurance loss history in the issuance of dramshop liability insurance.

Also: That the Senate has on April 8, 2009, passed the following bill in which the concurrence of the House is asked:

Senate File 474, a bill for an act relating to the bonding authorization of the state board of regents for flood repair, restoration, replacement, and mitigation at the state university of Iowa.

MICHAEL E. MARSHALL, Secretary

McCarthy of Polk asked and received unanimous consent for the immediate consideration of Senate File 469.

## LEAVE OF ABSENCE

Leave of absence was granted as follows:

Anderson of Page, until his arrival, on request of Roberts of Carroll; Watts of Dallas, until his return, on request of Lukan of Dubuque; H. Miller of Webster, until her arrival, on request of McCarthy of Polk.

**CONSIDERATION OF BILLS**  
**Appropriations Calendar**

**Senate File 469**, 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, with report of committee recommending passage, was taken up for consideration.

Soderberg of Plymouth offered the following amendment H-1465 filed by him and moved its adoption:

H-1465

- 1 Amend Senate File 469, as passed by the Senate, as
- 2 follows:
- 3 1. page 2, line 11, by striking the figure
- 4 "77,936" and inserting the following: "39,000".

Roll call was requested by Soderberg of Plymouth and Paulsen of Linn.

On the question "Shall amendment H-1465 be adopted?" (S.F. 469)

The ayes were, 43:

Alons	Anderson	Arnold	Bailey
Baudler	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	Windschitl	Worthan	

The nays were, 53:

Abdul-Samad	Bell	Berry	Bukta
Burt	Cohoon	Ficken	Ford
Frevert	Gaskill	Gayman	Heddens
Hunter	Huser	Isenhart	Jacoby
Kearns	Kelley	Kressig	Kuhn
Lensing	Lykam	Marek	Mascher

McCarthy	Mertz	Oldson	Olson, D.
Olson, R.	Olson, T.	Palmer	Petersen
Quirk	Reasoner	Reichert	Schueller
Shomshor	Smith	Steckman	Swaim
Taylor, D.	Taylor, T.	Thede	Thomas
Wendt	Wenthe	Wessel-Kroeschell	Whitaker
Whitead	Willems	Winckler	Zirkelbach
Mr. Speaker			
Murphy			

Absent or not voting, 4:

Beard	Chambers	Miller, H.	Watts
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Amendment H-1465 lost.

Cownie of Polk offered the following amendment H-1473 filed by him and moved its adoption:

H-1473

1 Amend Senate File 469, as passed by the Senate, as  
 2 follows:  
 3 1. Page 2, by striking lines 12 through 14 and  
 4 inserting the following:  
 5 "Sec.\_\_\_\_. STATE RECORDS STORAGE. The department  
 6 of cultural affairs shall within six months of the  
 7 effective date of this Act find new storage space for  
 8 the storage of state records."  
 9 2. By renumbering as necessary.

Roll call was requested by Cownie of Polk and Paulsen of Linn.

On the question "Shall amendment H-1473 be adopted?" (S.F. 469)

The ayes were, 42:

Alons	Anderson	Arnold	Baudler
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
Windschitl	Worthan		

The nays were, 55:

Abdul-Samad	Bailey	Beard	Bell
Berry	Bukta	Burt	Cohoon
Ficken	Ford	Frevert	Gaskill
Gayman	Heddens	Hunter	Huser
Isenhardt	Jacoby	Kearns	Kelley
Kressig	Kuhn	Lensing	Lykam
Marek	Mascher	McCarthy	Mertz
Oldson	Olson, D.	Olson, R.	Olson, T.
Palmer	Petersen	Quirk	Reasoner
Reichert	Schueller	Shomshor	Smith
Steckman	Swaim	Taylor, D.	Taylor, T.
Thede	Thomas	Wendt	Wenthe
Wessel-Kroeschell	Whitaker	Whitead	Willems
Winckler	Zirkelbach	Mr. Speaker	
		Murphy	

Absent or not voting, 3:

Chambers	Miller, H.	Watts
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Amendment H-1473 lost.

Schultz of Crawford asked and received unanimous consent that amendment H-1456 be deferred.

Schultz of Crawford offered the following amendment H-1455 filed by him and moved its adoption:

H-1455

1 Amend Senate File 469, as passed by the Senate, as  
 2 follows:  
 3 1. Page 15, by inserting after line 17 the  
 4 following:  
 5 "Sec. \_\_\_\_ EXPENDITURES FOR CELLULAR TELEPHONES  
 6 AND PERSONAL DIGITAL ASSISTANTS PROHIBITED.  
 7 Notwithstanding any provision to the contrary, other  
 8 than for employees performing inspections or who are  
 9 otherwise normally performing their primary duties  
 10 away from a fixed location more than 70 percent of the  
 11 time, for the fiscal year beginning July 1, 2009, a  
 12 department receiving appropriations in this Act shall  
 13 not expend moneys appropriated from the general fund  
 14 of the state to pay for or reimburse the initial or  
 15 associated service costs for cellular telephones,  
 16 personal digital assistant devices, or handheld  
 17 computers. However, the executive council may  
 18 authorize an exception on a case-by-case basis, to

- 19 address an emergency situation for a period of time  
 20 not more than three consecutive calendar months in  
 21 length or to complete the minimum period specified  
 22 under the terms of a lease or contract."  
 23 2. By renumbering as necessary.

Roll call was requested by Schultz of Crawford and Tymeson of Madison.

On the question "Shall amendment H-1455 be adopted?" (S.F. 469)

The ayes were, 41:

Alons	Anderson	Arnold	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	Windschitl
Worthan			

The nays were, 54:

Abdul-Samad	Bailey	Beard	Bell
Berry	Bukta	Burt	Cphoon
Ficken	Ford	Frevrt	Gaskill
Gayman	Heddens	Hunter	Huser
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	Schueller	Shomshor	Smith
Steckman	Swaim	Taylor, D.	Taylor, T.
Thede	Thomas	Wendt	Wenthe
Whitaker	Whitead	Willems	Winckler
Zirkelbach	Mr. Speaker		
	Murphy		

Absent or not voting, 5:

Baudler	Chambers	Quirk	Watts
Wessel-Kroeschell			

Amendment H-1455 lost.

Forristall of Pottawattamie offered the following amendment H-1463 filed by him and moved its adoption:

H-1463

1 Amend Senate File 469, as passed by the Senate, as  
 2 follows:  
 3 1. Page 15, by inserting after line 17 the  
 4 following:  
 5 "Sec. \_\_\_\_\_. OUT-OF-STATE TRAVEL – RESTRICTIONS.  
 6 Notwithstanding any provision to the contrary, for the  
 7 fiscal year beginning July 1, 2009, and ending June  
 8 30, 2010, out-of-state travel by an employee of a  
 9 department or state agency to which appropriations are  
 10 made pursuant to the provisions of this Act shall not  
 11 be authorized unless the executive council authorizes  
 12 the travel as necessary for the performance of  
 13 official state business."  
 14 2. By renumbering as necessary.

Roll call was requested by Forristall of Pottawattamie and Smith of Marshall.

On the question "Shall amendment H-1463 be adopted?" (S.F. 469)

The ayes were, 40:

Alons	Anderson	Arnold	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	Struyk
Sweeney	Tjepkes	Tymeson	Upmeyer
Van Engelenhoven	Wagner	Windschitl	Worthan

The nays were, 56:

Abdul-Samad	Bailey	Beard	Bell
Berry	Bukta	Burt	Cphoon
Ficken	Ford	Frevert	Gaskill
Gayman	Heddens	Hunter	Huser
Isenhardt	Jacoby	Kearns	Kelley
Kressig	Kuhn	Lensing	Lykam
Marek	Mascher	McCarthy	Miller, H.
Oldson	Olson, D.	Olson, R.	Olson, T.

Palmer	Petersen	Quirk	Reasoner
Reichert	Schueller	Shomshor	Smith
Sorenson	Steckman	Swaim	Taylor, D.
Taylor, T.	Thede	Thomas	Wendt
Wenthe	Wessel-Kroeschell	Whitaker	Whitead
Willems	Winckler	Zirkelbach	Mr. Speaker
			Murphy

Absent or not voting, 4:

Baudler	Chambers	Mertz	Watts
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Amendment H-1463 lost.

Soderberg of Plymouth asked and received unanimous consent that amendment H-1464 be deferred.

Cownie of Polk offered the following amendment H-1469 filed by him and moved its adoption:

H-1469

1 Amend Senate File 469, as passed by the Senate, as  
 2 follows:  
 3 1. Page 15, by inserting after line 17 the  
 4 following:  
 5 "Sec.\_\_\_\_. MISCELLANEOUS DEPARTMENT EXPENSES –  
 6 MANDATORY REDUCTION. For the fiscal year beginning  
 7 July 1, 2009, and ending June 30, 2010, the  
 8 appropriations from the general fund of the state to a  
 9 state department or state agency to which  
 10 appropriations are made pursuant to this Act are  
 11 reduced by such amount, as necessary to effect a 20  
 12 percent reduction in the amount appropriated for  
 13 expenditures for printing, binding, and  
 14 communications, and a 50 percent reduction in the  
 15 amount appropriated for expenditures for advertising  
 16 and publicity. The reduction of the individual  
 17 appropriations shall be determined by the department  
 18 of management in consultation with the affected  
 19 departments and agencies on the basis of the expected  
 20 expenditures for such items by the affected state  
 21 department or agency for the fiscal year without the  
 22 reductions required by this section. The specific  
 23 amount that each individual appropriation is reduced  
 24 shall be outlined in a memorandum prepared by the  
 25 department of management which shall be submitted to  
 26 the general assembly and legislative services agency  
 27 within 30 days of the effective date of this section  
 28 of this Act. The reduction of an individual

29 appropriation pursuant to this section shall be in  
 30 addition to any other reduction required by law and  
 31 general fund appropriations reduced pursuant to this  
 32 section shall not be expended for any other purposes  
 33 but shall be retained in the general fund of the  
 34 state."  
 35 2. By renumbering as necessary.

Roll call was requested by Paulsen of Linn and Cownie of Polk.

On the question "Shall amendment H-1469 be adopted?" (S.F. 469)

The ayes were, 42:

Alons	Anderson	Arnold	Baudler
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
Windschitl	Worthan		

The nays were, 56:

Abdul-Samad	Bailey	Beard	Bell
Berry	Bukta	Burt	Cohoon
Ficken	Ford	Frevert	Gaskill
Gayman	Heddens	Hunter	Huser
Isenhardt	Jacoby	Kearns	Kelley
Kressig	Kuhn	Lensing	Lykam
Marek	Mascher	McCarthy	Mertz
Miller, H.	Oldson	Olson, D.	Olson, R.
Olson, T.	Palmer	Petersen	Quirk
Reasoner	Reichert	Schueller	Shomshor
Smith	Steckman	Swaim	Taylor, D.
Taylor, T.	Thede	Thomas	Wendt
Wenthe	Wessel-Kroeschell	Whitaker	Whitead
Willems	Winckler	Zirkelbach	Mr. Speaker Murphy

Absent or not voting, 2:

Chambers                      Watts

Amendment H-1469 lost.



Cownie of Polk offered the following amendment H-1470 filed by him and moved its adoption:

H-1470

1 Amend Senate File 469, as passed by the Senate, as  
 2 follows:  
 3 1. Page 15, by inserting after line 17 the  
 4 following:  
 5 "Sec. \_\_\_\_\_. OFFICE EXPENSES – MANDATORY REDUCTION.  
 6 For the fiscal year beginning July 1, 2009, and ending  
 7 June 30, 2010, the appropriations from the general  
 8 fund of the state to a state department or state  
 9 agency to which appropriations are made pursuant to  
 10 this Act are reduced by such amount, as necessary to  
 11 effect a 50 percent reduction in the amount  
 12 appropriated for expenditures for office supplies,  
 13 service contracts, and equipment purchases. The  
 14 reduction of the individual appropriations shall be  
 15 determined by the department of management in  
 16 consultation with the affected departments and  
 17 agencies on the basis of the expected expenditures for  
 18 such items by the affected state department or agency  
 19 for the fiscal year without the reduction required by  
 20 this section. The specific amount that each  
 21 individual appropriation is reduced shall be outlined  
 22 in a memorandum prepared by the department of  
 23 management which shall be submitted to the general  
 24 assembly and legislative services agency within 30  
 25 days of the effective date of this section of this  
 26 Act. The reduction of an individual appropriation  
 27 pursuant to this section shall be in addition to any  
 28 other reduction required by law and general fund  
 29 appropriations reduced pursuant to this section shall  
 30 not be expended for any other purposes but shall be  
 31 retained in the general fund of the state."  
 32 2. By renumbering as necessary.

Roll call was requested by Wagner of Linn and Worthan of Buena Vista.

On the question "Shall amendment H-1470 be adopted?" (S.F. 469)

The ayes were, 42:

Alons	Anderson	Arnold	Baudler
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
Windschitl	Worthan		

The nays were, 55:

Abdul-Samad	Bailey	Beard	Bell
Bukta	Burt	Cphoon	Ficken
Ford	Frevert	Gaskill	Gayman
Heddens	Hunter	Huser	Isenhart
Jacoby	Kearns	Kelley	Kressig
Kuhn	Lensing	Lykam	Marek
Mascher	McCarthy	Mertz	Miller, H.
Oldson	Olson, D.	Olson, R.	Olson, T.
Palmer	Petersen	Quirk	Reasoner
Reichert	Schueller	Shomshor	Smith
Steckman	Swaim	Taylor, D.	Taylor, T.
Thede	Thomas	Wendt	Wenthe
Wessel-Kroeschell	Whitaker	Whitead	Willems
Winckler	Zirkelbach	Mr. Speaker	
	Murphy		

Absent or not voting, 3:

Berry	Chambers	Watts
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Amendment H-1470 lost.

Rants of Woodbury offered amendment H-1475 filed by him as follows:

H-1475

1 Amend Senate File 469, as passed by the Senate, as  
 2 follows:  
 3 1. Page 15, by inserting after line 17 the  
 4 following:  
 5 "Sec. \_\_\_\_ VEHICLE PURCHASES DEFERRED.  
 6 Notwithstanding any provision to the contrary, except  
 7 as otherwise provided by this section, the department  
 8 of administrative services shall defer the purchase of  
 9 replacement motor vehicles paid for from the general  
 10 fund of the state or from such moneys credited to the  
 11 depreciation fund maintained pursuant to section  
 12 8A.365. The purchase deferral is applicable to the  
 13 remainder of the fiscal year beginning July 1, 2008,  
 14 commencing on the effective date of this section and  
 15 to the succeeding fiscal year. However, the executive

16 council may authorize an exception to allow purchase  
 17 of a replacement vehicle when the purchase is less  
 18 costly than all other alternatives.  
 19 Sec.\_\_\_\_. EFFECTIVE DATE. The section of this Act  
 20 providing for vehicle purchases to be deferred, being  
 21 deemed of immediate importance, takes effect upon  
 22 enactment."  
 23 2. Title page, line 5, by inserting after the  
 24 word "matters" the following: ", and providing an  
 25 effective date".  
 26 3. By renumbering as necessary.

Jacoby of Johnson rose on a point of order that amendment H-1475 was not germane.

The Speaker ruled the point well taken and amendment H-1475 not germane.

Rants of Woodbury moved to suspend the rules to consider amendment H-1475.

Roll call was requested by Rants of Woodbury and Drake of Cass.

On the question "Shall the rules be suspended to consider amendment H-1475?" (S.F. 469)

The ayes were, 42:

Alons	Anderson	Arnold	Baudler
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
Windschitl	Worthan		

The nays were, 55:

Abdul-Samad	Bailey	Beard	Bell
Berry	Bukta	Burt	Cohoun
Ficken	Ford	Frevort	Gaskill
Gayman	Heddens	Hunter	Huser
Isenhardt	Jacoby	Kearns	Kelley
Kressig	Kuhn	Lensing	Lykam

Marek	Mascher	McCarthy	Mertz
Miller, H.	Oldson	Olson, D.	Olson, R.
Olson, T.	Palmer	Petersen	Quirk
Reasoner	Reichert	Schueller	Shomshor
Smith	Steckman	Swaim	Taylor, D.
Thede	Thomas	Wendt	Wenthe
Wessel-Kroeschell	Whitaker	Whitead	Willems
Winckler	Zirkelbach	Mr. Speaker	
		Murphy	

Absent or not voting, 3:

Chambers	Taylor, T.	Watts
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The motion to suspend the rules lost.

Rants of Woodbury asked and received unanimous consent to withdraw amendment H-1444 filed by him on April 7, 2009.

Cownie of Polk asked and received unanimous consent to withdraw amendment H-1466 filed by him on April 7, 2009.

Cownie of Polk offered the following amendment H-1474 filed by him and moved its adoption:

H-1474

1 Amend Senate File 469, as passed by the Senate, as  
 2 follows:  
 3 1. Page 15, by inserting before line 18 the  
 4 following:  
 5 "Sec.\_\_\_\_. VACANT, FUNDED FULL-TIME EQUIVALENT  
 6 POSITIONS. Notwithstanding any provision to the  
 7 contrary, for the fiscal year beginning July 1, 2009,  
 8 and ending June 30, 2010, the director of a department  
 9 or state agency to which appropriations are made  
 10 pursuant to the provisions of this Act shall revert to  
 11 the general fund of the state at the close of the  
 12 fiscal year an amount equal to the salary and benefits  
 13 cost of each full-time equivalent position funded with  
 14 an appropriation made in this Act that remains vacant  
 15 for a period of six months or more."  
 16 2. By renumbering as necessary.

Roll call was requested by Cownie of Polk and Lukan of Dubuque.

On the question "Shall amendment H-1474 be adopted?" (S.F. 469)

The ayes were, 41:

Alons	Anderson	Arnold	Baudler
Cownie	De Boef	Deyoe	Dolecheck
Drake	Forristall	Grassley	Hagenow
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	Windschitl
Worthan			

The nays were, 56:

Abdul-Samad	Bailey	Beard	Bell
Berry	Bukta	Burt	Cohoon
Ficken	Ford	Frevrt	Gaskill
Gayman	Heddens	Hunter	Huser
Isenhardt	Jacoby	Kearns	Kelley
Kressig	Kuhn	Lensing	Lykam
Marek	Mascher	McCarthy	Mertz
Miller, H.	Oldson	Olson, D.	Olson, R.
Olson, T.	Palmer	Petersen	Quirk
Reasoner	Reichert	Schueller	Shomshor
Smith	Steckman	Swaim	Taylor, D.
Taylor, T.	Thede	Thomas	Wendt
Wenthe	Wessel-Kroeschell	Whitaker	Whitead
Willems	Winckler	Zirkelbach	Mr. Speaker Murphy

Absent or not voting, 3:

Chambers	Heaton	Watts
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Amendment H-1474 lost.

Schultz of Crawford offered the following amendment H-1456, previously deferred, filed by him and moved its adoption:

H-1456

- 1 Amend Senate File 469, as passed by the Senate, as
- 2 follows:
- 3 1. Page 4, by striking lines 13 through 26 and
- 4 inserting the following:
- 5 "c. A business creating jobs with economic
- 6 development assistance through moneys appropriated in
- 7 this subsection shall be subject to contract
- 8 provisions stating that new and retained jobs shall be

9 filled by individuals who are citizens of the United  
 10 States who reside within the United States or any  
 11 person authorized to work in the United States  
 12 pursuant to federal law, including legal resident  
 13 aliens in the United States. Any vendor who receives  
 14 such public moneys shall adhere to such contract  
 15 provisions and provide periodic assurances as the  
 16 state shall require that the jobs are filled solely by  
 17 citizens of the United States who reside within the  
 18 United States or any person authorized to work in the  
 19 United States pursuant to federal law, including legal  
 20 resident aliens in the United States. A business that  
 21 receives financial assistance from the department from  
 22 moneys appropriated in this bill shall only employ  
 23 individuals legally authorized to work in this state.  
 24 In addition to any and all other applicable penalties  
 25 provided by current law, all or a portion of the  
 26 assistance received by a business which has received  
 27 financial assistance and is found to knowingly employ  
 28 individuals not legally authorized to work in this  
 29 state is subject to recapture by the department."  
 30 2. By renumbering as necessary.

Roll call was requested by Schultz of Crawford and Alons of Sioux.

On the question "Shall amendment H-1456 be adopted?" (S.F. 469)

The ayes were, 98:

Abdul-Samad	Alons	Anderson	Arnold
Bailey	Baudler	Beard	Bell
Berry	Bukta	Burt	Cohoon
Cownie	De Boef	Deyoe	Dolecheck
Drake	Ficken	Ford	Forristall
Frevert	Gaskill	Gayman	Grassley
Hagenow	Heaton	Heddens	Helland
Horbach	Hunter	Huseman	Huser
Isenhart	Jacoby	Kaufmann	Kearns
Kelley	Koester	Kressig	Kuhn
Lensing	Lukan	Lykam	Marek
Mascher	May	McCarthy	Mertz
Miller, H.	Miller, L.	Oldson	Olson, D.
Olson, R.	Olson, S.	Olson, T.	Palmer
Paulsen	Petersen	Pettengill	Quirk
Raecker	Rants	Rayhons	Reasoner
Reichert	Roberts	Sands	Schueller
Schulte	Schultz	Shomshor	Smith
Soderberg	Sorenson	Steckman	Struyk
Swaim	Sweeney	Taylor, D.	Taylor, T.
Thede	Thomas	Tjepkes	Tymeson
Upmeyer	Van Engelenhoven	Wagner	Wendt

Wenthe	Wessel-Kroeschell	Whitaker	Whitead
Willems	Winckler	Windschitl	Worthan
Zirkelbach	Mr. Speaker		
	Murphy		

The nays were, none.

Absent or not voting, 2:

Chambers	Watts
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Amendment H-1456 was adopted.

Soderberg of Plymouth offered the following amendment H-1464, previously deferred, filed by him and moved its adoption:

H-1464

1 Amend Senate File 469, as passed by the Senate, as  
 2 follows:  
 3 1. Page 15, by inserting after line 17 the  
 4 following:  
 5 "Sec.\_\_\_\_. EXPENSE REIMBURSEMENT – REQUIREMENTS.  
 6 Notwithstanding any provision to the contrary, for the  
 7 fiscal year beginning July 1, 2009, and ending June  
 8 30, 2010, the director of a department or state agency  
 9 to which appropriations are made pursuant to the  
 10 provisions of this Act shall require employees, in  
 11 order to receive reimbursement for expense, to submit  
 12 actual receipts for meals and other costs and  
 13 reimbursement up to the maximum amount shall only be  
 14 allowed in an amount equal to the sum of the actual  
 15 receipts submitted."  
 16 2. By renumbering as necessary.

Roll call was requested by Soderberg of Plymouth and Tymeson of Madison.

On the question "Shall amendment H-1464 be adopted?" (S.F. 469)

The ayes were, 98:

Abdul-Samad	Alons	Anderson	Arnold
Bailey	Baudler	Beard	Bell
Berry	Bukta	Burt	Cohoon
Cownie	De Boef	Deyoe	Dolecheck
Drake	Ficken	Ford	Forristall
Frevert	Gaskill	Gayman	Grassley
Hagenow	Heaton	Heddens	Helland

Horbach	Hunter	Huseman	Huser
Isenhardt	Jacoby	Kaufmann	Kearns
Kelley	Koester	Kressig	Kuhn
Lensing	Lukan	Lykam	Marek
Mascher	May	McCarthy	Mertz
Miller, H.	Miller, L.	Oldson	Olson, D.
Olson, R.	Olson, S.	Olson, T.	Palmer
Paulsen	Petersen	Pettengill	Quirk
Raecker	Rants	Rayhons	Reasoner
Reichert	Roberts	Sands	Schueller
Schulte	Schultz	Shomshor	Smith
Soderberg	Sorenson	Steckman	Struyk
Swaim	Sweeney	Taylor, D.	Taylor, T.
Thede	Thomas	Tjepkes	Tymeson
Upmeyer	Van Engelenhoven	Wagner	Wendt
Wenthe	Wessel-Kroeschell	Whitaker	Whitead
Willems	Winckler	Windschitl	Worthan
Zirkelbach	Mr. Speaker		
	Murphy		

The nays were, none.

Absent or not voting, 2:

Chambers                      Watts

Amendment H-1464 was adopted.

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. 469)

The ayes were, 56:

Abdul-Samad	Bailey	Beard	Bell
Berry	Bukta	Burt	Cphoon
Ficken	Ford	Frevert	Gaskill
Gayman	Heddens	Hunter	Huser
Isenhardt	Jacoby	Kearns	Kelley
Kressig	Kuhn	Lensing	Lykam
Marek	Mascher	McCarthy	Mertz
Miller, H.	Oldson	Olson, D.	Olson, R.
Olson, T.	Palmer	Petersen	Quirk
Reasoner	Reichert	Schueller	Shomshor
Smith	Steckman	Swaim	Taylor, D.
Taylor, T.	Thede	Thomas	Wendt
Wenthe	Wessel-Kroeschell	Whitaker	Whitead
Willems	Winckler	Zirkelbach	Mr. Speaker
			Murphy



The nays were, 42:

Alons	Anderson	Arnold	Baudler
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
Windschitl	Worthan		

Absent or not voting, 2:

Chambers                      Watts

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

## INTRODUCTION OF BILLS

**House File 811**, by committee on appropriations, a bill for an act relating to and making appropriations for health and human services and including other related provisions and appropriations, providing penalties, making penalties applicable and providing effective, retroactive, and applicability date provisions.

Read first time and placed on the **appropriations calendar**.

**House File 812**, by committee on ways and means, a bill for an act relating to programs administered by the commission on volunteer service by establishing Iowa summer youth corps and green corps programs, creating the community programs account and making appropriations from the account, excluding certain payments provided to an AmeriCorps volunteer from state income tax, and providing effective dates.

Read first time and placed on the **ways and means calendar**.

**House File 813**, by committee on ways and means a bill for an act relating to identity theft protection by requiring reporting and by making changes to the duties of county recorders, the fees collected

by the county recorders, and the county land record information system.

Read first time and placed on the **ways and means calendar**.

### SENATE MESSAGE CONSIDERED

**Senate File 474**, by committee on appropriations, a bill for an act relating to the bonding authorization of the state board of regents for flood repair, restoration, replacement, and mitigation at the state university of Iowa.

Read first time and referred to committee on **appropriations**.

McCarthy of Polk asked and received unanimous consent for the immediate consideration of Senate File 467.

**Senate File 467**, a bill for an act relating to and making appropriations involving state government, by providing for agriculture, natural resources, and environmental protection, and providing effective dates, with report of committee recommending passage, was taken up for consideration.

Sweeney of Hardin offered the following amendment H-1457 filed by her and moved its adoption:

H-1457

1 Amend Senate File 467, as amended, passed, and  
2 reprinted by the Senate, as follows:  
3 1. Page 13, by inserting after line 16 the  
4 following:  
5 "DIVISION \_\_\_\_  
6 MISCELLANEOUS DEPARTMENTAL EXPENSES –  
7 MANDATORY REDUCTION  
8 Sec. \_\_\_\_ MISCELLANEOUS DEPARTMENT EXPENSES –  
9 MANDATORY REDUCTION. For the fiscal year beginning  
10 July 1, 2009, and ending June 30, 2010, the  
11 appropriations to the department of agriculture and  
12 land stewardship, and the department of natural  
13 resources, are reduced by such amount, as necessary to  
14 effect a 20 percent reduction in the amount  
15 appropriated for expenditures for printing, binding,  
16 and communications, and a 50 percent reduction in the  
17 amount appropriated for expenditures for advertising

18 and publicity. The reduction of the individual  
 19 appropriations shall be determined by the department  
 20 of management in consultation with the affected  
 21 departments and agencies on the basis of the expected  
 22 expenditures for such items by the affected state  
 23 department or agency for the fiscal year without the  
 24 reductions required by this section. The specific  
 25 amount that each individual appropriation is reduced  
 26 shall be outlined in a memorandum prepared by the  
 27 department of management which shall be submitted to  
 28 the general assembly and legislative services agency  
 29 within 30 days of the effective date of this section  
 30 of this Act. The reduction of an individual  
 31 appropriation pursuant to this section shall be in  
 32 addition to any other reduction required by law and  
 33 appropriations reduced pursuant to this section shall  
 34 not be expended for any other purposes but shall be  
 35 retained in the general fund of the state."  
 36 2. By renumbering as necessary.

Roll call was requested by Sweeney of Hardin and Paulsen of Linn.

On the question "Shall amendment H-1457 be adopted?" (S.F. 467)

The ayes were, 43:

Alons	Anderson	Arnold	Baudler
Cownie	De Boef	Deyoe	Dolecheck
Drake	Forristall	Grassley	Hagenow
Heaton	Helland	Horbach	Huseman
Kaufmann	Koester	Lukan	Marek
May	Miller, L.	Olson, S.	Paulsen
Pettengill	Raecker	Rants	Rayhons
Roberts	Sands	Schulte	Schultz
Soderberg	Sorenson	Struyk	Sweeney
Tjepkes	Tymeson	Upmeyer	Van Engelenhoven
Wagner	Windschitl	Worthan	

The nays were, 54:

Abdul-Samad	Bailey	Beard	Bell
Berry	Bukta	Burt	Cohoon
Ficken	Ford	Frevert	Gaskill
Gayman	Heddens	Hunter	Huser
Isenhardt	Jacoby	Kearns	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
Steckman	Swaim	Taylor, D.	Taylor, T.

Thede	Thomas	Wenthe	Wessel-Kroeschell
Whitaker	Whitead	Willems	Winckler
Zirkelbach	Mr. Speaker		
	Murphy		

Absent or not voting, 3:

Chambers	Watts	Wendt
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Amendment H-1457 lost.

Sweeney of Hardin offered the following amendment H-1458 filed by her and moved its adoption:

H-1458

1 Amend Senate File 467, as amended, passed, and  
 2 reprinted by the Senate, as follows:  
 3 1. Page 13, by inserting after line 16 the  
 4 following:  
 5 "DIVISION \_\_\_\_  
 6 OFFICE EXPENSES  
 7 Sec. \_\_\_\_ OFFICE EXPENSES – MANDATORY REDUCTION.  
 8 For the fiscal year beginning July 1, 2009, and ending  
 9 June 30, 2010, the appropriations to the department of  
 10 agriculture and land stewardship and the department of  
 11 natural resources made pursuant in this Act are  
 12 reduced by such amount, as necessary to effect a 50  
 13 percent reduction in the amount appropriated for  
 14 expenditures for office supplies, service contracts,  
 15 and equipment purchases. The reduction of the  
 16 individual appropriations shall be determined by the  
 17 department of management in consultation with the  
 18 affected departments and agencies on the basis of the  
 19 expected expenditures for such items by the affected  
 20 state department or agency for the fiscal year without  
 21 the reduction required by this section. The specific  
 22 amount that each individual appropriation is reduced  
 23 shall be outlined in a memorandum prepared by the  
 24 department of management which shall be submitted to  
 25 the general assembly and legislative services agency  
 26 within 30 days of the effective date of this section  
 27 of this Act. The reduction of an individual  
 28 appropriation pursuant to this section shall be in  
 29 addition to any other reduction required by law and  
 30 appropriations reduced pursuant to this section shall  
 31 not be expended for any other purposes but shall be  
 32 retained in the general fund of the state."  
 33 2. By renumbering as necessary.

Roll call was requested by Sweeney of Hardin and Lukan of Dubuque.

On the question "Shall amendment H-1458 be adopted?" (S.F. 467)

The ayes were, 43:

Alons	Anderson	Arnold	Baudler
Beard	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	Windschitl	Worthan	

The nays were, 53:

Abdul-Samad	Bailey	Bell	Berry
Bukta	Burt	Cphoon	Ficken
Ford	Frevert	Gaskill	Gayman
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	Quirk	Reasoner	Reichert
Schueller	Shomshor	Smith	Swaim
Taylor, D.	Taylor, T.	Thede	Thomas
Wendt	Wenthe	Wessel-Kroeschell	Whitaker
Whitead	Willems	Winckler	Zirkelbach
Mr. Speaker			
Murphy			

Absent or not voting, 4:

Chambers	Huser	Steckman	Watts
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Amendment H-1458 lost.

De Boef of Keokuk offered amendment H-1459 filed by her as follows:

H-1459

- 1 Amend Senate File 467, as amended, passed, and
- 2 reprinted by the Senate, as follows:

- 3 1. Page 13, by inserting after line 16 the  
4 following:  
5 "DIVISION\_\_\_\_  
6 LIMITATION ON PERSONAL ELECTRONIC DEVICES  
7 Sec.\_\_\_\_. EXPENDITURES FOR CELLULAR TELEPHONES AND  
8 PERSONAL DIGITAL ASSISTANTS PROHIBITED.  
9 Notwithstanding any provision to the contrary, other  
10 than for employees performing inspections or who are  
11 otherwise normally performing their primary duties  
12 away from a fixed location more than 70 percent of the  
13 time, for the fiscal year beginning July 1, 2009, the  
14 department of agriculture and land stewardship, the  
15 department of natural resources, or the department of  
16 economic development receiving appropriations in this  
17 Act shall not expend moneys appropriated in this Act  
18 to pay for or reimburse the initial or associated  
19 service costs for cellular telephones, personal  
20 digital assistant devices, or handheld computers.  
21 However, the executive council may authorize an  
22 exception on a case-by-case basis, to address an  
23 emergency situation for a period of time not more than  
24 three consecutive calendar months in length or to  
25 complete the minimum period specified under the terms  
26 of a lease or contract."  
27 2. By renumbering as necessary.

De Boef of Keokuk offered the following amendment H-1479, to amendment H-1459, filed by her from the floor and moved its adoption:

H-1479

- 1 Amend the amendment, H-1459, to Senate File 467, as  
2 amended, passed, and reprinted by the Senate, as  
3 follows:  
4 1. Page 1, by striking lines 14 through 16 and  
5 inserting the following: "department of agriculture  
6 and land stewardship or the department of natural  
7 resources receiving appropriations in this".  
8 2. By renumbering as necessary.

Amendment H-1479 was adopted.

De Boef of Keokuk moved the adoption of amendment H-1459, as amended.

Roll call was requested by De Boef of Keokuk and R. Olson of Polk.

On the question "Shall amendment H-1459, as amended, be adopted?" (S.F. 467)

The ayes were, 43:

Alons	Anderson	Arnold	Baudler
Beard	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	Windschitl	Worthan	

The nays were, 54:

Abdul-Samad	Bailey	Bell	Berry
Bukta	Burt	Cphoon	Ficken
Ford	Frevert	Gaskill	Gayman
Heddens	Hunter	Isenhart	Jacoby
Kearns	Kelley	Kressig	Kuhn
Lensing	Lykam	Marek	Mascher
McCarthy	Mertz	Miller, H.	Oldson
Olson, D.	Olson, R.	Olson, T.	Palmer
Petersen	Quirk	Reasoner	Reichert
Schueller	Shomshor	Smith	Steckman
Swaim	Taylor, D.	Taylor, T.	Thede
Thomas	Wendt	Wenthe	Wessel-Kroeschell
Whitaker	Whitead	Willems	Winckler
Zirkelbach	Mr. Speaker		
	Murphy		

Absent or not voting, 3:

Chambers	Huser	Watts
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Amendment H-1459, as amended, lost.

De Boef of Keokuk offered the following amendment H-1460 filed by her and moved its adoption:

H-1460

- 1 Amend Senate File 467, as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 13, by inserting after line 16 the
- 4 following:

5 "Sec.\_\_\_\_. REVERSION – OPEN SPACES ACCOUNT.  
 6 Notwithstanding section 455A.19, subsection 1,  
 7 paragraph "a", for the fiscal year beginning July 1,  
 8 2009, after paying any property taxes on open space  
 9 property acquired by the department, all unencumbered  
 10 or unobligated moneys in the open spaces account of  
 11 the Iowa resources enhancement and protection fund  
 12 shall revert to the general fund of the state."  
 13 2. By renumbering as necessary.

Roll call was requested by De Boef of Keokuk and R. Olson of Polk.

On the question "Shall amendment H–1460 be adopted?" (S.F. 467)

The ayes were, 42:

Alons	Anderson	Arnold	Baudler
Cownie	De Boef	Deyoe	Dolecheck
Drake	Forristall	Grassley	Hagenow
Heaton	Helland	Horbach	Huseman
Kaufmann	Koester	Lukan	Marek
May	Miller, L.	Olson, S.	Paulsen
Pettengill	Rants	Rayhons	Roberts
Sands	Schulte	Schultz	Soderberg
Sorenson	Struyk	Sweeney	Tjepkes
Tymeson	Upmeyer	Van Engelenhoven	Wagner
Windschitl	Worthan		

The nays were, 54:

Abdul-Samad	Bailey	Beard	Bell
Berry	Bukta	Burt	Cohoon
Ficken	Ford	Frevert	Gaskill
Gayman	Heddens	Hunter	Huser
Isenhardt	Kearns	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	Steckman
Swaim	Taylor, D.	Taylor, T.	Thede
Thomas	Wendt	Wenthe	Wessel-Kroeschell
Whitaker	Whitead	Willems	Winckler
Zirkelbach	Mr. Speaker Murphy		



Absent or not voting, 4:

Chambers

Jacoby

Raecker

Watts

Amendment H-1460 lost.

Deyoe of Story offered the following amendment H-1462 filed by him and moved its adoption:

H-1462

1 Amend Senate File 467, as amended, passed, and  
 2 reprinted by the Senate, as follows:  
 3 1. Page 13, by inserting after line 16 the  
 4 following:  
 5 "DIVISION\_\_\_\_  
 6 VACANT STATE EMPLOYEE POSITIONS  
 7 Sec.\_\_\_\_. Section 8.62, Code 2009, is amended by  
 8 adding the following new subsection:  
 9 NEW SUBSECTION. 4. Notwithstanding any provision  
 10 of this section and section 8.39 to the contrary, if a  
 11 full-time equivalent position authorized in  
 12 appropriations made for the department of agriculture  
 13 and land stewardship or the department of natural  
 14 resources remains vacant for a period of at least six  
 15 months, the department to which the appropriation was  
 16 made shall revert to the general fund of the state at  
 17 the close of the fiscal year the salary and benefits  
 18 cost of that position for the period of the vacancy."  
 19 2. By renumbering as necessary.

Roll call was requested by Deyoe of Story and Windschitl of Harrison.

On the question "Shall amendment H-1462 be adopted?" (S.F. 467)

The ayes were, 42:

Alons	Anderson	Arnold	Baudler
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
Windschitl	Worthan		

The nays were, 54:

Abdul-Samad	Bailey	Beard	Bell
Berry	Bukta	Burt	Cohoon
Ficken	Ford	Gaskill	Gayman
Heddens	Hunter	Huser	Isenhart
Jacoby	Kearns	Kelley	Kressig
Kuhn	Lensing	Lykam	Marek
Mascher	McCarthy	Mertz	Miller, H.
Oldson	Olson, D.	Olson, R.	Olson, T.
Palmer	Petersen	Quirk	Reasoner
Schueller	Shomshor	Smith	Steckman
Swaim	Taylor, D.	Taylor, T.	Thede
Thomas	Wendt	Wenthe	Wessel-Kroeschell
Whitaker	Whitead	Willems	Winckler
Zirkelbach	Mr. Speaker		
	Murphy		

Absent or not voting, 4:

Chambers	Frevert	Reichert	Watts
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Amendment H-1462 lost.

Deyoe of Story asked and received unanimous consent that amendment H-1467 be deferred.

Grassley of Butler offered amendment H-1472 filed by him as follows:

H-1472

1 Amend Senate File 467, as amended, passed, and  
 2 reprinted by the Senate, as follows:  
 3 1. Page 13, by inserting after line 16 the  
 4 following:  
 5 "Sec.\_\_\_\_. OUT-OF-STATE TRAVEL – RESTRICTIONS.  
 6 Notwithstanding any provision to the contrary, for the  
 7 fiscal year beginning July 1, 2009, and ending June  
 8 30, 2010, out-of-state travel by an employee of the  
 9 department of agriculture and land stewardship, the  
 10 department of natural resources, or the department of  
 11 economic development shall not be authorized unless  
 12 the executive council authorizes the travel as  
 13 necessary for the performance of official state  
 14 business."  
 15 2. By renumbering as necessary.

Grassley of Butler offered the following amendment H-1480, to amendment H-1472, filed by him from the floor and moved its adoption:

H-1480

- 1 Amend the amendment, H-1472, to Senate File 467, as
- 2 amended, passed, and reprinted by the Senate, as
- 3 follows:
- 4 1. Page 1, by striking lines 9 through 11 and
- 5 inserting the following: "department of agriculture
- 6 and land stewardship or the department of natural
- 7 resources shall not be authorized unless".
- 8 2. By renumbering as necessary.

Amendment H-1480 was adopted.

Grassley of Butler moved the adoption of amendment H-1472, as amended.

Roll call was requested by Grassley of Butler and May of Dickinson.

On the question "Shall amendment H-1472, as amended, be adopted?" (S.F. 467)

The ayes were, 42:

Alons	Anderson	Arnold	Baudler
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
Windschitl	Worthan		

The nays were, 56:

Abdul-Samad	Bailey	Beard	Bell
Berry	Bukta	Burt	Cphoon
Ficken	Ford	Frevert	Gaskill
Gayman	Heddens	Hunter	Huser
Isenhardt	Jacoby	Kearns	Kelley
Kressig	Kuhn	Lensing	Lykam

Marek	Mascher	McCarthy	Mertz
Miller, H.	Oldson	Olson, D.	Olson, R.
Olson, T.	Palmer	Petersen	Quirk
Reasoner	Reichert	Schueller	Shomshor
Smith	Steckman	Swaim	Taylor, D.
Taylor, T.	Thede	Thomas	Wendt
Wenthe	Wessel-Kroeschell	Whitaker	Whitead
Willems	Winckler	Zirkelbach	Mr. Speaker Murphy

Absent or not voting, 2:

Chambers                      Watts

Amendment H-1472, as amended, lost.

Zirkelbach of Jones asked and received unanimous consent to withdraw amendment H-1471 filed by him on April 7, 2009.

Deyoe of Story offered amendment H-1467 filed by him as follows:

H-1467

1 Amend Senate File 467, as amended, passed, and  
 2 reprinted by the Senate, as follows:  
 3 1. Page 13, by inserting after line 16 the  
 4 following:  
 5 "DIVISION \_\_\_\_\_  
 6 MEAL RECEIPTS  
 7 Sec. \_\_\_\_ EXPENSE REIMBURSEMENT – REQUIREMENTS.  
 8 Notwithstanding any provision to the contrary, for the  
 9 fiscal year beginning July 1, 2009, and ending June  
 10 30, 2010, the secretary of agriculture, the director  
 11 of the department of natural resources, and the  
 12 director of the department of economic development  
 13 shall require their employees, in order to receive  
 14 reimbursement for expenses, to submit actual receipts  
 15 for meals and other costs. The reimbursement amount  
 16 shall not exceed the sum of the actual receipts  
 17 submitted."  
 18 2. By renumbering as necessary.

Hunter of Polk in the chair at 4:19 p.m.

Deyoe of Story offered the following amendment H-1478, to amendment H-1467, filed by him from the floor and moved its adoption:

H-1478

- 1 Amend the amendment, H-1467, to Senate File 467, as  
 2 amended, passed, and reprinted by the Senate, as  
 3 follows:  
 4 1. Page 1, by striking lines 10 through 12 and  
 5 inserting the following: "30, 2010, the secretary of  
 6 agriculture and the director of the department of  
 7 natural resources".  
 8 2. By renumbering as necessary.

Amendment H-1478 was adopted.

Deyoe of Story moved the adoption of amendment H-1467, as amended.

Roll call was requested by Deyoe of Story and Grassley of Butler.

On the question "Shall amendment H-1467, as amended, be adopted?" (S.F. 467)

The ayes were, 97:

Abdul-Samad	Alons	Anderson	Arnold
Baudler	Beard	Bell	Berry
Bukta	Burt	Cohoon	Cownie
De Boef	Deyoe	Dolecheck	Drake
Ficken	Ford	Forristall	Frevert
Gaskill	Gayman	Grassley	Hagenow
Heaton	Heddens	Helland	Horbach
Huseman	Huser	Isenhardt	Jacoby
Kaufmann	Kearns	Kelley	Koester
Kressig	Kuhn	Lensing	Lukan
Lykam	Marek	Mascher	May
McCarthy	Mertz	Miller, H.	Miller, L.
Murphy, Spkr.	Oldson	Olson, D.	Olson, R.
Olson, S.	Olson, T.	Palmer	Paulsen
Petersen	Pettengill	Quirk	Raecker
Rants	Rayhons	Reasoner	Reichert
Roberts	Sands	Schueller	Schulte
Schultz	Shomshor	Smith	Soderberg
Sorenson	Steckman	Struyk	Swaim
Sweeney	Taylor, D.	Taylor, T.	Thede
Thomas	Tjepkes	Tymeson	Upmeyer
Van Engelenhoven	Wagner	Wendt	Wenthe
Wessel-Kroeschell	Whitaker	Whitead	Willems
Winckler	Windschitl	Worthan	Zirkelbach
Hunter, Presiding			

The nays were, none.

Absent or not voting, 3:

Bailey                      Chambers                      Watts

Amendment H-1467, as amended, was adopted.

Rants of Woodbury asked and received unanimous consent for the immediate consideration of amendment H-1477.

Rants of Woodbury offered amendment H-1477 filed by him from the floor as follows:

H-1477

1 Amend Senate File 467, as amended, passed, and  
2 reprinted by the Senate, as follows:

3 1. Page 13, by inserting after line 16 the  
4 following:

5 "DIVISION\_\_  
6 VEHICLE PURCHASES

7 Sec.\_\_\_\_. VEHICLE PURCHASES DEFERRED.

8 Notwithstanding any provision to the contrary, except  
9 as otherwise provided by this section, the department  
10 of administrative services shall defer the purchase of  
11 replacement motor vehicles paid for from the general  
12 fund of the state or from such moneys credited to the  
13 depreciation fund maintained pursuant to section  
14 8A.365. The purchase deferral is applicable to the  
15 remainder of the fiscal year beginning July 1, 2008,  
16 commencing on the effective date of this section and  
17 to the succeeding fiscal year. However, the executive  
18 council may authorize an exception to allow purchase  
19 of a replacement vehicle when the purchase is less  
20 costly than all other alternatives.

21 Sec.\_\_\_\_. EFFECTIVE DATE. The section of this  
22 division of this Act providing for vehicle purchases  
23 to be deferred, being deemed of immediate importance,  
24 takes effect upon enactment."

25 2. By renumbering as necessary.

Kuhn of Floyd rose on a point of order that amendment H-1477 was not germane.

The Speaker ruled the point well taken and amendment H-1477 not germane.

Rants of Woodbury moved to suspend the rules to consider amendment H-1477.

Roll call was requested by Rants of Woodbury and Paulsen of Linn.

On the question "Shall the rules be suspended to consider amendment H-1477?" (S.F. 467)

The ayes were, 43:

Alons	Anderson	Arnold	Baudler
Cownie	De Boef	Deyoe	Dolecheck
Drake	Forristall	Grassley	Hagenow
Heaton	Helland	Horbach	Huseman
Kaufmann	Koester	Lukan	Mascher
May	Miller, L.	Olson, S.	Paulsen
Pettengill	Raecker	Rants	Rayhons
Roberts	Sands	Schulte	Schultz
Soderberg	Sorenson	Struyk	Sweeney
Tjepkes	Tymeson	Upmeyer	Van Engelenhoven
Wagner	Windschitl	Worthan	

The nays were, 53:

Abdul-Samad	Beard	Bell	Berry
Bukta	Burt	Cphoon	Ficken
Ford	Frevert	Gaskill	Gayman
Heddens	Huser	Isenhardt	Jacoby
Kearns	Kelley	Kressig	Kuhn
Lensing	Lykam	Marek	McCarthy
Mertz	Miller, H.	Oldson	Olson, D.
Olson, R.	Olson, T.	Palmer	Petersen
Quirk	Reasoner	Reichert	Schueller
Shomshor	Smith	Steckman	Swaim
Taylor, D.	Taylor, T.	Thede	Thomas
Wendt	Wenthe	Wessel-Kroeschell	Whitaker
Whitead	Willems	Winckler	Zirkelbach
Hunter, Presiding			

Absent or not voting, 4:

Bailey	Chambers	Murphy, Spkr.	Watts
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The motion to suspend the rules lost.

Kuhn of Floyd asked and received unanimous consent for the immediate consideration of amendment H-1486.

Kuhn of Floyd offered the following amendment H-1486 filed by him and De Boef of Keokuk, from the floor and moved its adoption:

H-1486

- 1 Amend Senate File 467, as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 6, line 22, by striking the word "Iowa"
- 4 and inserting the following: "a. Iowa".
- 5 2. Page 6, by inserting after line 25 the
- 6 following:
- 7 "b. Paragraph "a" does not apply to a reduction
- 8 made to support the college of veterinary medicine, if
- 9 the same percentage of reduction imposed on the
- 10 college of veterinary medicine is also imposed on all
- 11 of Iowa state university's budget units."
- 12 3. By renumbering as necessary.

Amendment H-1486 was adopted.

Under the provision of Rule 31, related to the timely filing of amendments, amendment H-1481, by Schueller of Jackson, from the floor, was placed out of order.

Kuhn of Floyd 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. 467)

The ayes were, 56:

Abdul-Samad	Bailey	Beard	Bell
Berry	Bukta	Burt	Cphoon
Ficken	Ford	Frevrt	Gaskill
Gayman	Heddens	Huser	Isenhart
Jacoby	Kearns	Kelley	Kressig
Kuhn	Lensing	Lykam	Marek
Mascher	McCarthy	Mertz	Miller, H.
Murphy, Spkr.	Oldson	Olson, D.	Olson, R.
Olson, T.	Palmer	Petersen	Quirk
Reasoner	Reichert	Schueller	Schulte
Shomshor	Smith	Steckman	Swaim
Taylor, D.	Taylor, T.	Thede	Thomas
Wendt	Wenthe	Whitaker	Whitead
Willems	Winckler	Zirkelbach	Hunter
			Presiding



The nays were, 42:

Alons	Anderson	Arnold	Baudler
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	Schultz	Soderberg	Sorenson
Struyk	Sweeney	Tjepkes	Tymeson
Upmeyer	Van Engelenhoven	Wagner	Wessel-Kroeschell
Windschitl	Worthan		

Absent or not voting, 2:

Chambers	Watts
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The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

## 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 April 8, 2009, concurred in the House amendment and passed the following bill in which the concurrence of the Senate was asked:

Senate File 151, a bill for an act relating to railway assistance and passenger rail service, including provisions for the administration of the railway revolving loan and grant fund, the elimination of the railway finance authority, and the administration of the passenger rail service revolving fund.

Also: That the Senate has on April 8, 2009, passed the following bill in which the concurrence of the Senate was asked:

House File 321, a bill for an act exempting certain persons who transport members of the Iowa veterans home from the requirement to be licensed as a chauffeur.

Also: That the Senate has on April 8, 2009, passed the following bill in which the concurrence of the Senate was asked:

House File 478, a bill for an act relating to health insurance coverage for diabetes self-management training and education programs and providing effective and applicability dates.

Also: That the Senate has on April 8, 2009, passed the following bill in which the concurrence of the Senate was asked:

House File 706, a bill for an act relating to and publicizing mortgage foreclosure and real estate obligation protections for members of the national guard, and the reserve or regular component of the armed forces of the United States in active duty service, and providing a penalty.

MICHAEL E. MARSHALL, Secretary

### HOUSE FILE 744 REREFERRED

The Speaker announced that House File 744, previously referred to committee on **judiciary** was rereferred to the **calendar**.

### HOUSE FILE 767 REREFERRED

The Speaker announced that House File 767, previously referred to committee on **judiciary** was rereferred to the **calendar**.

### MOTION TO RECONSIDER

(Senate File 467)

I move to reconsider the vote by which Senate File 467 passed the House on April 8, 2009.

MCCARTHY of Polk

### MOTION TO RECONSIDER

(Senate File 469)

I move to reconsider the vote by which Senate File 469 passed on April 8, 2009.

MCCARTHY of Polk

### EXPLANATIONS OF VOTE

On April 8, 2009 I inadvertently voted "aye" on Senate File 467 and I meant to vote "nay".

SCHULTE of Linn

On April 8, 2009 I inadvertently voted "nay" on Senate File 467 and I meant to vote "aye".

WESSEL-KROESCHELL of Story

## BILLS SIGNED BY THE GOVERNOR

A communication was received from the Governor announcing that on April 8, 2009, he approved and transmitted to the Secretary of State the following bills:

House File 180, an Act providing for the development of a complaint response process by the superintendent of credit unions and relating to the confidentiality of information obtained during the course of that process.

House File 618, an Act relating to the duties of the labor commissioner pursuant to wage payment collection and child labor law enforcement, and providing penalties.

Senate File 112, an Act providing for presentation of flags flown at half-staff over the state capitol in recognition of the death of a member of the armed forces of the United States while serving on active duty.

Senate File 150, an Act relating to notice of claims and the statute of limitation period in an action involving a claim against a special charter city.

Senate File 253, an Act relating to the time allowed certain active duty military personnel to file a state income tax return and including a retroactive applicability date provision.

## 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

- |           |   |
|-----------|---|
| 2009\3547 | Ruby Jones, Guthrie Center – For celebrating her 80 <sup>th</sup> birthday.                               |
| 2009\3548 | Maurice and Charlotte Gehringer, St. Mary’s – For celebrating their 50 <sup>th</sup> wedding anniversary. |
| 2009\3549 | Cody M. Smith, Council Bluffs – For his appointment to the United States Naval Academy Class 2013.        |
| 2009\3550 | Norman and Janice Klinker, Charter Oak – For celebrating their 50 <sup>th</sup> wedding anniversary.      |
| 2009\3551 | Gene and Loretta Halfman, Manly – For celebrating their 50 <sup>th</sup> wedding anniversary.             |
| 2009\3552 | Ralph and Mary Brown, Edgewood – For celebrating their 50 <sup>th</sup> wedding anniversary.              |

- 2009\3553 Ronald and Mary Reimer, Garnavillo – For celebrating their 50<sup>th</sup> wedding anniversary.
- 2009\3554 Wilma Etter, Muscatine – For celebrating her 85<sup>th</sup> birthday.
- 2009\3555 Virgil and Donna Braun, Nichols – For celebrating their 50<sup>th</sup> wedding anniversary.
- 2009\3556 Gerald and Lucille Pelzer, Atlantic – For celebrating their 70<sup>th</sup> wedding anniversary.
- 2009\3557 Phyllis Baier, Griswold – For celebrating her 80<sup>th</sup> birthday.
- 2009\3558 Bernie Lee, Avoca – For celebrating his 80<sup>th</sup> birthday.

#### SUBCOMMITTEE ASSIGNMENTS

##### **House File 528 Reassigned**

Ways and Means: Wendt, Chair; Forristall and Steckman.

##### **House File 751**

Ways and Means: Steckman, Chair; Forristall and Thomas.

#### HOUSE STUDY BILL COMMITTEE ASSIGNMENTS

##### **H.S.B. 288 Government Oversight**

Relating to the authority of the director of the department of natural resources in disaster emergencies.

##### **H.S.B. 289 Government Oversight**

Relating to regulatory requirements involving boarding homes and dependent adults and providing a penalty.

#### 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 APPROPRIATIONS

**Committee Bill** (Formerly House Study Bill 287), relating to and making appropriations for health and human services and including other related provisions and appropriations, providing penalties, making penalties applicable and providing effective, retroactive, and applicability date provisions.

Fiscal Note is not required.

Recommended **Do Pass** April 8, 2009.

## COMMITTEE ON WAYS AND MEANS

**Senate File 457**, a bill for an act relating to disaster recovery by legalizing certain actions taken and proceedings conducted by cities and counties in response to a natural disaster, designating certain activities as essential corporate purposes and essential county purposes, amending provisions related to local bonding authority and contract letting requirements, amending provisions relating to emergency contract letting requirements for joint governmental entities and institutions under the control of the board of regents, amending provisions related to city and county lease contracts and loan agreements, modifying provisions relating to municipal support of certain projects, amending provisions related to expenditures from certain revolving loan funds, authorizing cities and counties to create disaster revitalization areas, and including effective date and retroactive applicability date provisions.

Fiscal Note is not required.

Recommended **Do Pass** April 8, 2009.

## AMENDMENTS FILED

H—1476	H.F.	777	Lensing of Johnson
H—1482	S.F.	224	Windschitl of Harrison
H—1483	H.F.	712	Huser of Polk
H—1484	H.F.	807	Shomshor of Pottawattamie
H—1485	S.F.	434	Huser of Polk
H—1487	H.F.	811	Rants of Woodbury
H—1488	H.F.	811	Heddens of Story

On motion by McCarthy of Polk the House adjourned at 5:04 p.m., until 9:00 a.m., Thursday, April 9, 2009.

# JOURNAL OF THE HOUSE

Eighty-eighth Calendar Day - Fifty-ninth Session Day

Hall of the House of Representatives  
Des Moines, Iowa, Thursday, April 9, 2009

The House met pursuant to adjournment at 9:16 a.m., Speaker Murphy in the chair.

Prayer was offered by the honorable Richard Anderson, state representative from Page County.

## PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Katelyn Schofield, House Page from Essex.

The Journal of Wednesday, April 8, 2009 was approved.

## LEAVE OF ABSENCE

Leave of absence was granted as follows:

Watts of Dallas on request of Paulsen of Linn.

## 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 April 8, 2009, passed the following bill in which the concurrence of the Senate was asked:

House File 503, a bill for an act concerning the definition of veteran, and providing an effective date.

Also: That the Senate has on April 8, 2009, concurred in the House amendment and passed the following bill in which the concurrence of the Senate was asked:

Senate File 226, a bill for an act concerning the statewide fire and police retirement system by establishing a presumption that cancer and infectious diseases are work-related for purposes of disability and death benefits and by increasing the contribution rate.

Also: That the Senate has on April 8, 2009, concurred in the House amendment and passed the following bill in which the concurrence of the Senate was asked:

Senate File 336, a bill for an act providing for waivers of certain community attraction and tourism program requirements.

Also: That the Senate has on April 8, 2009, passed the following bill in which the concurrence of the House is asked:

Senate File 466, a bill for an act relating to the administration of the tax and related laws, including the administration of the income tax, the franchise tax, hotel and motel tax, the motor fuel tax, and of fees for new vehicle registration, modifying certain civil penalties, providing an exemption filing deadline extension and for the abatement or refund of property taxes for certain property owners, changing the ownership interest provisions related to certain automobile racetrack facilities, and including effective date, retroactive applicability date, and other applicability date provisions.

MICHAEL E. MARSHALL, Secretary

## INTRODUCTION OF BILLS

**House File 814**, by committee on ways and means, a bill for an act modifying provisions applicable to facilities qualifying for wind energy production and renewable energy tax credits and including effective and retroactive applicability provisions.

Read first time and placed on the **ways and means calendar**.

**House File 815**, by committee on ways and means, a bill for an act relating to articulation agreements between public postsecondary institutions and to the dissemination of articulation information.

Read first time and placed on the **ways and means calendar**.

## SENATE MESSAGE CONSIDERED

**Senate File 466**, by committee on ways and means, a bill for an act relating to the administration of the tax and related laws, including the administration of the income tax, the franchise tax, hotel and motel tax, the motor fuel tax, and of fees for new vehicle registration, modifying certain civil penalties, providing an exemption filing deadline extension and for the abatement or refund of property taxes for certain property owners, changing the ownership interest provisions related to certain automobile racetrack facilities, and

including effective date, retroactive applicability date, and other applicability date provisions.

Read first time and referred to committee on **ways and means**.

### SUSPENSION OF THE RULES

Paulsen of Linn moved to suspend the rules to immediately consider House Joint Resolution 6.

### CALL OF THE HOUSE

Pursuant to Rule 77, the following members respectfully request a Call of the House on the motion to suspend the rules to consider House Joint Resolution 6.

Linda Upmeyer  
Steven F. Lukan  
Jeff Kaufmann  
Rod Roberts  
Jodi Tymeson  
Kraig Paulsen

The Speaker ruled the motion to suspend the rules out of order.

The Speaker ruled the Call of the House out of order.

On motion by McCarthy of Polk, the House was recessed at 10:05 a.m., until 1:00 p.m.

### AFTERNOON SESSION

The House reconvened at 1:04 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 April 9, 2009, passed the following bill in which the concurrence of the Senate was asked:



House File 260, a bill for an act relating to the operation of county, city, and memorial hospitals and the duties and powers of hospital trustees and commissioners.

Also: That the Senate has on April 9, 2009, amended and passed the following bill in which the concurrence of the House is asked:

House File 580, a bill for an act relating to reimbursement of nonparticipating providers for eligible services provided to IowaCare program members.

Also: That the Senate has on April 9, 2009, concurred in the House amendment and passed the following bill in which the concurrence of the Senate was asked:

Senate File 81, a bill for an act relating to assisting schools to recover from disaster by changing the approval method for transfers of emergency fund moneys, by modifying certain funding provisions to relate to disaster recovery, and by allowing area education agency boards greater authority to purchase and lease-purchase property.

Also: That the Senate has on April 9, 2009, passed the following bill in which the concurrence of the House is asked:

Senate File 475, a bill for an act relating to and making appropriations to the justice system, and including effective and retroactive applicability date provisions.

MICHAEL E. MARSHALL, Secretary

## INTRODUCTION OF BILL

**House File 816**, by committee on ways and means, a bill for an act allowing the department of revenue to subpoena certain customer records of individuals owing taxes, penalties, or interest and including an effective date provision.

Read first time and placed on the **ways and means calendar**.

The House stood at ease at 1:05 p.m., until the fall of the gavel.

The House resumed session at 2:14 p.m., Speaker Murphy in the chair.

## CONSIDERATION OF BILLS

### Regular Calendar

**House File 753**, a bill for an act relating to boards of directors associated with organizations promoting soybeans and corn, was taken up for consideration.

## SENATE FILE 342 SUBSTITUTED FOR HOUSE FILE 753

Marek of Washington asked and received unanimous consent to substitute Senate File 342 for House File 753.

**Senate File 342**, a bill for an act relating to boards of directors associated with organizations promoting soybeans and corn, was taken up for consideration.

Marek of Washington moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 342)

The ayes were, 97:

Abdul-Samad	Alons	Anderson	Arnold
Bailey	Baudler	Beard	Bell
Berry	Bukta	Burt	Cohoon
Cownie	De Boef	Deyoe	Dolecheck
Drake	Ficken	Ford	Forristall
Frevert	Gaskill	Gayman	Grassley
Hagenow	Heaton	Heddens	Helland
Horbach	Hunter	Huseman	Huser
Isenhardt	Jacoby	Kaufmann	Kearns
Kelley	Koester	Kressig	Kuhn
Lensing	Lukan	Lykam	Marek
Mascher	May	McCarthy	Mertz
Miller, H.	Miller, L.	Oldson	Olson, D.
Olson, S.	Olson, T.	Palmer	Paulsen
Petersen	Pettengill	Quirk	Raecker
Rants	Rayhons	Reasoner	Reichert
Roberts	Sands	Schueller	Schulte
Schultz	Shomshor	Smith	Soderberg
Sorenson	Steckman	Struyk	Swaim
Sweeney	Taylor, D.	Taylor, T.	Thede
Thomas	Tjepkes	Tymeson	Upmeyer
Van Engelenhoven	Wagner	Wendt	Wenthe
Wessel-Kroeschell	Whitaker	Whitead	Willems
Winckler	Windschitl	Worthan	Zirkelbach
Mr. Speaker			
Murphy			

The nays were, 1:

Olson, R.

Absent or not voting and 2:

Chambers

Watts

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

### HOUSE FILE 753 WITHDRAWN

Marek of Washington asked and received unanimous consent to withdraw House File 753 from further consideration by the House.

**House File 373**, a bill for an act relating to the number of historic preservation grants that may be awarded in a county and providing an effective date, was taken up for consideration.

### SENATE FILE 114 SUBSTITUTED FOR HOUSE FILE 373

Steckman of Cerro Gordo asked and received unanimous consent to substitute Senate File 114 for House File 373.

**Senate File 114**, a bill for an act relating to the number of historic preservation grants that may be awarded in a county and providing an effective date, was taken up for consideration.

Steckman of Cerro Gordo 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. 114)

The ayes were, 98:

Abdul-Samad	Alons	Anderson	Arnold
Bailey	Baudler	Beard	Bell
Berry	Bukta	Burt	Cohoon
Cownie	De Boef	Deyoe	Dolecheck
Drake	Ficken	Ford	Forristall
Frevert	Gaskill	Gayman	Grassley
Hagenow	Heaton	Heddens	Helland
Horbach	Hunter	Huseman	Huser
Isenhardt	Jacoby	Kaufmann	Kearns
Kelley	Koester	Kressig	Kuhn
Lensing	Lukan	Lykam	Marek
Mascher	May	McCarthy	Mertz

Miller, H.	Miller, L.	Oldson	Olson, D.
Olson, R.	Olson, S.	Olson, T.	Palmer
Paulsen	Petersen	Pettengill	Quirk
Raecker	Rants	Rayhons	Reasoner
Reichert	Roberts	Sands	Schueller
Schulte	Schultz	Shomshor	Smith
Soderberg	Sorenson	Steckman	Struyk
Swaim	Sweeney	Taylor, D.	Taylor, T.
Thede	Thomas	Tjepkes	Tymeson
Upmeyer	Van Engelenhoven	Wagner	Wendt
Wenthe	Wessel-Kroeschell	Whitaker	Whitead
Willems	Winckler	Windschitl	Worthan
Zirkelbach	Mr. Speaker		
	Murphy		

The nays were, none.

Absent or not voting and 2:

Chambers                      Watts

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

### HOUSE FILE 373 WITHDRAWN

Steckman of Cerro Gordo asked and received unanimous consent to withdraw House File 373 from further consideration by the House.

**House File 734**, a bill for an act relating to the uniform adult guardianship and protective proceedings Act relating to the establishment, transfer, and recognition of guardianships and conservatorships in multistate cases, and including effective date and applicability provisions, was taken up for consideration.

Swaim of Davis offered the following amendment H-1228 filed by him and moved its adoption:

H-1228

- 1 Amend House File 734 as follows:
- 2 1. Page 5, line 23, by striking the figure "1."
- 3 2. Page 5, line 26, by striking the word "a." and
- 4 inserting the following: "1."
- 5 3. Page 5, line 29, by striking the word "b." and
- 6 inserting the following: "2."
- 7 4. Page 5, line 32, by striking the word "c." and
- 8 inserting the following: "3."

- 9 5. Page 5, line 33, by striking the word "d." and  
 10 inserting the following: "4."  
 11 6. Page 8, line 30, by striking the figure "1."  
 12 7. Page 8, line 34, by striking the word "a." and  
 13 inserting the following: "1."  
 14 8. Page 8, line 35, by striking the word "b." and  
 15 inserting the following: "2."  
 16 9. Page 9, line 8, by striking the word "c." and  
 17 inserting the following: "3."  
 18 10. Page 9, line 10, by striking the figure "(1)"  
 19 and inserting the following: "a."  
 20 11. Page 9, line 13, by striking the figure "(2)"  
 21 and inserting the following: "b."  
 22 12. Page 9, line 16, by striking the figure "(3)"  
 23 and inserting the following: "c."  
 24 13. Page 9, line 20, by striking the word "d."  
 25 and inserting the following: "4."  
 26 14. Page 15, line 10, by striking the word and  
 27 figure "July 1" and inserting the following:  
 28 "February 15".

Amendment H-1228 was adopted.

Swaim of Davis moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 734)

The ayes were, 54:

Abdul-Samad	Bailey	Beard	Bell
Berry	Bukta	Burt	Cohoon
Ficken	Ford	Frevert	Gaskill
Gayman	Heddens	Hunter	Isenhardt
Jacoby	Kearns	Kressig	Kuhn
Lensing	Lykam	Marek	Mascher
McCarthy	Miller, H.	Oldson	Olson, D.
Olson, R.	Olson, S.	Olson, T.	Palmer
Petersen	Quirk	Raecker	Reasoner
Reichert	Schueller	Shomshor	Smith
Steckman	Swaim	Taylor, T.	Thede
Thomas	Wendt	Wenthe	Wessel-Kroeschell
Whitaker	Whitead	Willems	Winckler
Zirkelbach	Mr. Speaker		
	Murphy		

The nays were, 44:

Alons	Anderson	Arnold	Baudler
Cownie	De Boef	Deyoe	Dolecheck
Drake	Forristall	Grassley	Hagenow
Heaton	Helland	Horbach	Huseman
Huser	Kaufmann	Kelley	Koester
Lukan	May	Mertz	Miller, L.
Paulsen	Pettengill	Rants	Rayhons
Roberts	Sands	Schulte	Schultz
Soderberg	Sorenson	Struyk	Sweeney
Taylor, D.	Tjepkes	Tymeson	Upmeyer
Van Engelenhoven	Wagner	Windschitl	Worthan

Absent or not voting, 2:

Chambers                      Watts

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

**House File 743**, a bill for an act relating to the entry upon land by a surveyor for land survey purposes, was taken up for consideration.

Palmer of Mahaska offered the following amendment H-1430 filed by him and moved its adoption:

H-1430

1 Amend House File 743 as follows:  
 2 1. By striking everything after the enacting  
 3 clause and inserting the following:  
 4 "Section 1. NEW SECTION. 354.4A ENTRY UPON LAND  
 5 FOR SURVEY PURPOSES.  
 6 1. a. A land surveyor may enter public or private  
 7 land or water in the state only to occupy, locate,  
 8 relocate, install, or replace survey monuments, to  
 9 locate boundaries, rights-of-way, and easements, to  
 10 determine geodetic positions, and to make surveys and  
 11 maps and may carry with them their customary equipment  
 12 and vehicles. A surveyor may not enter buildings or  
 13 other structures located on the land. Entry under the  
 14 right granted in this section shall not constitute  
 15 trespass, and land surveyors shall not be liable to  
 16 arrest or a civil action by reason of the entry.  
 17 b. For purposes of this section, "land surveyor"  
 18 means a land surveyor licensed pursuant to chapter  
 19 542B or a person under the direct supervision of a  
 20 licensed land surveyor.  
 21 c. Vehicular access to perform surveys under this

22 section is limited to established roads and trails,  
23 unless approval for other vehicular access is granted  
24 by the landowner.

25 2. A vehicle used for or during entry pursuant to  
26 this section shall be identified on the exterior by a  
27 legible sign listing the name, address, and telephone  
28 number of the land surveyor or the firm employing the  
29 land surveyor.

30 3. Land surveyors shall announce and identify  
31 themselves and their intentions before entering upon  
32 private property. A land surveyor shall provide  
33 written notice to the landowner, or the person who  
34 occupies the land as a tenant or lessee, not less than  
35 seven days prior to the entry. The notice shall be  
36 sent by ordinary mail, postmarked not less than seven  
37 days prior to the entry, or delivered personally. A  
38 mailing is deemed sufficient if the surveyor mails the  
39 required notice to the address of the landowner as  
40 contained in the property tax records. For civil  
41 liability purposes receipt of this notice shall not be  
42 considered consent. This notice is not required for a  
43 survey along previously surveyed boundaries within a  
44 platted subdivision accepted or recorded by the  
45 federal government.

46 3A. The written notice of the pending survey shall  
47 contain all of the following:

48 a. The identity of the party for whom the survey  
49 is being performed and the purpose for which the  
50 survey will be performed.

Page 2

1 b. The employer of the surveyor.  
2 c. The identity of the surveyor.  
3 d. The dates the land will be entered, the time,  
4 location, and timetable for such entry, the estimated  
5 completion date, and the estimated number of entries  
6 that will be required.

7 4. This section shall not be construed as giving  
8 authority to land surveyors to destroy, injure, or  
9 damage anything on the lands of another without the  
10 written permission of the landowner, and this section  
11 shall not be construed as removing civil liability for  
12 such destruction, injury, or damage.

13 5. A land surveyor who enters on private land must  
14 comply with all biosecurity and restricted-access  
15 protocols established by the owner or occupant of the  
16 private land.

17 A landowner or occupant shall owe the same duty to  
18 a land surveyor entering land without the consent of  
19 the landowner or occupant as the landowner or occupant  
20 would owe to a trespasser on that land."

Amendment H-1430 was adopted, placing out of order amendment H-1201 filed by D. Olson of Boone on March 18, 2009.

SENATE FILE 435 SUBSTITUTED FOR HOUSE FILE 743

D. Olson of Boone asked and received unanimous consent to substitute Senate File 435 for House File 743.

**Senate File 435**, a bill for an act relating to the entry upon land by a surveyor for land survey purposes, was taken up for consideration.

Palmer of Mahaska offered the following amendment H-1431 filed by him and moved its adoption:

H-1431

- 1 Amend Senate File 435, as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 2, line 1, by inserting after the word
- 4 "government" the following: "or an official plat as
- 5 defined in section 354.2, subsection 12".

Amendment H-1431 was adopted.

D. Olson of Boone moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 435)

The ayes were, 80:

Abdul-Samad	Alons	Anderson	Bailey
Baudler	Beard	Bell	Berry
Bukta	Burt	Cphoon	Cownie
De Boef	Deyoe	Dolecheck	Drake
Ficken	Ford	Frevert	Gaskill
Gayman	Hagenow	Heaton	Heddens
Helland	Hunter	Huser	Isenhart
Jacoby	Kearns	Kelley	Koester
Kressig	Kuhn	Lensing	Lykam
Marek	Mascher	May	McCarthy
Mertz	Miller, H.	Miller, L.	Oldson
Olson, D.	Olson, R.	Olson, S.	Olson, T.
Palmer	Paulsen	Petersen	Quirk



Raecker	Rants	Rayhons	Reasoner
Reichert	Schueller	Schulte	Shomshor
Smith	Soderberg	Steckman	Struyk
Swaim	Taylor, D.	Taylor, T.	Thede
Thomas	Tjepkes	Wagner	Wendt
Wenthe	Wessel-Kroeschell	Whitaker	Whitead
Willems	Winckler	Worthan	Mr. Speaker Murphy

The nays were, 18:

Arnold	Forristall	Grassley	Horbach
Huseman	Kaufmann	Lukan	Pettengill
Roberts	Sands	Schultz	Sorenson
Sweeney	Tymeson	Upmeyer	Van Engelenhoven
Windschitl	Zirkelbach		

Absent or not voting and 2:

Chambers	Watts
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The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

### HOUSE FILE 743 WITHDRAWN

D. Olson of Boone asked and received unanimous consent to withdraw House File 743 from further consideration by the House.

### IMMEDIATE MESSAGES

McCarthy of Polk asked and received unanimous consent that the following bills be immediately messaged to the Senate: **House File 734** and **Senate Files 114, 342** and **435**.

McCarthy of Polk asked and received unanimous consent for the immediate consideration of House File 811.

### Appropriations Calendar

**House File 811**, a bill for an act relating to and making appropriations for health and human services and including other related provisions and appropriations, providing penalties, making penalties applicable and providing effective, retroactive, and applicability date provisions, was taken up for consideration.

Mascher of Johnson in the chair at 2:53 p.m.

Heddens of Story offered amendment H-1488 filed by her as follows:

H-1488

- 1 Amend House File 811 as follows:
- 2 1. Page 1, line 26, by striking the figure
- 3 "39.50" and inserting the following: "37.50".
- 4 2. Page 2, line 20, by inserting after the word
- 5 "department" the following: "of human services".
- 6 3. Page 2, line 31, by inserting after the word
- 7 "department" the following: "of human services".
- 8 4. Page 3, by striking lines 8 through 10 and
- 9 inserting the following:
- 10 "5. In addition to any other funds appropriated in
- 11 this section for these purposes, \$220,000 shall be
- 12 used to provide for elder unmet home and
- 13 community-based services needs as identified in
- 14 reports submitted by the area agencies on aging."
- 15 5. Page 3, line 12, by inserting before the word
- 16 "There" the following: "The allocations made in this
- 17 section may include amounts carried forward from
- 18 appropriations and allocations made for the same
- 19 purposes in the previous fiscal year."
- 20 6. Page 3, line 24, by striking the figure
- 21 "19.10" and inserting the following: "18.00".
- 22 7. Page 4, by striking line 8 and inserting the
- 23 following: "\$17,546,252 shall be used for substance
- 24 abuse treatment and prevention."
- 25 8. Page 4, line 10, by striking the figure
- 26 "993,489" and inserting the following: "993,487".
- 27 9. Page 4, line 32, by striking the figure
- 28 "47,289" and inserting the following: "47,287".
- 29 10. Page 5, by striking line 4 and inserting the
- 30 following:
- 31 "c. (1) Of the funds appropriated in this
- 32 subsection,".
- 33 11. Page 5, line 15, by striking the figure "(4)"
- 34 and inserting the following: "(2)".
- 35 12. Page 5, by striking lines 28 and 29 and
- 36 inserting the following:
- 37 "(b) From the amounts designated for gambling
- 38 and".
- 39 13. Page 6, line 14, by striking the figure
- 40 "16.50" and inserting the following: "14.00".
- 41 14. Page 7, line 7, by striking the figure
- 42 "10.00" and inserting the following: "3.00".
- 43 15. Page 7, line 34, by striking the figure
- 44 "28.00" and inserting the following: "21.00".
- 45 16. Page 8, by striking lines 14 through 17 and
- 46 inserting the following: "address the focus of the

47 initiatives."

48 17. Page 8, by striking lines 19 and 20 and  
49 inserting the following: "\$1,054,060 shall be used  
50 for".

Page 2

1 18. Page 8, by striking lines 25 through 28 and  
2 inserting the following:  
3 "d. Of the funds appropriated in this section,  
4 \$100,000 shall be deposited in the governmental public  
5 health system fund created by this Act to be used to  
6 further develop the Iowa public health standards and  
7 to begin implementation of public health modernization  
8 in accordance with chapter 135A, as enacted by this  
9 Act, to the extent funding is available."  
10 19. Page 9, line 8, by striking the figure "5.00"  
11 and inserting the following: "4.50".  
12 20. Page 9, line 19, by striking the figure  
13 "7.00" and inserting the following: "5.00".  
14 21. Page 9, line 25, by striking the figure  
15 "128.00" and inserting the following: "130.00".  
16 22. Page 9, line 26, by striking the figure  
17 "\$955,779" and inserting the following: "not more  
18 than \$549,240".  
19 23. Page 11, by striking lines 17 through 19 and  
20 inserting the following:  
21 "(1) The incentive therapy payment amount for  
22 domiciliary level of care residents shall not exceed  
23 \$150 per month and for nursing level of care residents  
24 shall not exceed \$75 per month."  
25 24. Page 11, line 22, by inserting after the word  
26 "incentive" the following: "therapy".  
27 25. Page 13, line 20, by striking the figure  
28 "18,986,177" and inserting the following:  
29 "28,331,177".  
30 26. Page 16, line 19, by striking the figure  
31 "5,378,812" and inserting the following: "5,266,946".  
32 27. Page 17, line 12, by striking the figure  
33 "22,310,116" and inserting the following:  
34 "21,638,263".  
35 28. Page 17, lines 31 and 32, by striking the  
36 words "family development and self-sufficiency  
37 grant,".  
38 29. Page 18, line 9, by striking the figure  
39 "8,975,588" and inserting the following: "8,553,735".  
40 30. Page 18, line 11, by striking the figure  
41 "2,380,137" and inserting the following: "2,268,271".  
42 31. Page 18, line 14, by striking the figure  
43 "230,244" and inserting the following: "219,423".  
44 32. Page 20, by inserting after line 24 the  
45 following:

46 "4. For Iowa orders, notwithstanding section  
47 598.22A and effective October 1, 2009, support  
48 arrearages for which all rights have been and remain  
49 assigned to the department for time periods prior to  
50 October 1, 1997, when a child did not receive

Page 3

1 assistance under Title IV-A of the federal Social  
2 Security Act or when a child received foster care  
3 services, are considered satisfied up to the amount of  
4 assistance received or foster care funds expended, and  
5 the child support recovery unit shall update court  
6 records accordingly. The unit shall send information  
7 regarding the provisions of this subsection to the  
8 obligor and obligee by regular mail to the last known  
9 address, and any objection by an obligor or an obligee  
10 shall be heard by the district court."  
11 33. Page 24, line 14, by striking the figure  
12 "3,687,889" and inserting the following: "2,687,889".  
13 34. Page 24, line 32, by inserting after the word  
14 "section," the following: "up to".  
15 35. Page 24, line 33, by striking the word "is"  
16 and inserting the following: "may be".  
17 36. Page 25, by inserting after line 26, the  
18 following:  
19 "c. For the fiscal year beginning July 1, 2009,  
20 funds in the separate account are appropriated to the  
21 department of human services as state matching funds  
22 for the medical assistance program."  
23 37. Page 29, line 4, by striking the figure  
24 "34,365,770" and inserting the following:  
25 "34,417,754".  
26 38. Page 29, line 13, by striking the figure  
27 "2009" and inserting the following: "2010".  
28 39. By striking page 29, line 32, through page  
29 30, line 3, and inserting the following:  
30 "b. The department shall revise the achievement  
31 bonus provisions under the voluntary quality rating  
32 system to provide that the bonus amount paid for a  
33 provider renewing a rating at levels 2 through 4 in  
34 years subsequent to the initial rating shall not be  
35 more than 50 percent of the amount of the initial  
36 bonus award. For providers who renew at a lower  
37 rating level than previously awarded, the achievement  
38 bonus amount shall not be more than 50 percent of the  
39 award amount for the lower rating level."  
40 40. Page 32, line 29, by striking the figure  
41 "26,719,010" and inserting the following:  
42 "34,280,400".  
43 41. Page 33, line 32, by striking the figure  
44 "6,957,549" and inserting the following: "7,686,460".

45 42. Page 34, line 18, by striking the figure  
46 "3,076,999" and inserting the following: "2,257,277".  
47 43. Page 34, line 30, by striking the figure  
48 "832,205" and inserting the following: "819,722".  
49 44. Page 36, line 5, by striking the word  
50 "program" and inserting the following: "program,".

Page 4

1 45. Page 36, line 11, by striking the figure  
2 "975,166" and inserting the following: "975,162".  
3 46. Page 36, line 34, by striking the figure  
4 "225,529" and inserting the following: "224,288".  
5 47. Page 37, by striking lines 10 through 13.  
6 48. Page 37, line 14, by striking the figure  
7 "190,400" and inserting the following: "227,987".  
8 49. Page 38, by inserting after line 8 the  
9 following:  
10 "\_\_\_\_. Of the funds appropriated in this section,  
11 \$125,000 is allocated for continuation of the  
12 contracts for the multidimensional treatment level  
13 foster care program established pursuant to 2006 Iowa  
14 Acts, chapter 1123, for an additional year. The  
15 contractor shall provide a 25 percent match to receive  
16 the funds and shall submit a report on the program to  
17 the persons designated by this division of this Act  
18 for submission of reports."  
19 50. Page 39, line 27, by striking the figure  
20 "433,212" and inserting the following: "385,475".  
21 51. Page 41, lines 5 and 6, by striking the words  
22 "The plan" and inserting the following: "The proposal  
23 shall provide for maintaining the existing levels of  
24 beds and services after the consolidation. The  
25 proposal".  
26 52. Page 48, by striking lines 19 through 26.  
27 53. Page 50, line 18, by inserting after the word  
28 "laboratories," the following: "rehabilitation  
29 agencies,".  
30 54. Page 53, by striking lines 30 through 33, and  
31 inserting the following: "service providers shall  
32 receive the same level of reimbursement under the same  
33 methodology in effect on June 30, 2009."  
34 55. Page 54, line 19, by inserting after the word  
35 "percentile." the following: "For the fiscal year  
36 beginning July 1, 2009, notwithstanding any provision  
37 to the contrary, the rate calculation methodology  
38 shall utilize a 3 percent consumer price index  
39 inflation factor. However, beginning July 1, 2010,  
40 the rate calculation methodology shall utilize the  
41 consumer price index inflation factor applicable to  
42 the fiscal year beginning July 1, 2010."  
43 56. Page 55, line 4, by striking the following:

44 "subsection 4,"  
 45 57. Page 57, by inserting after line 10 the  
 46 following:  
 47 "h. It is the intent of the general assembly that  
 48 the department of human services continue to convene  
 49 the workgroup established pursuant to 2008 Iowa Acts,  
 50 chapter 1187, section 33, to develop recommendations

Page 5

1 to design a quality improvement process for targeted  
 2 nursing facilities for implementation in the fiscal  
 3 year beginning July 1, 2010. Recommendations shall  
 4 include a process that identifies the best practices  
 5 used in facilities receiving pay-for-performance  
 6 payment and creates a system to assist other nursing  
 7 facilities in the implementation of those best  
 8 practices."

9 58. Page 60, line 7, by inserting after the word  
 10 "department" the following: "of human services".

11 59. Page 60, line 18, by inserting after the word  
 12 "department" the following: "of human services".

13 60. Page 61, line 26, by inserting after the word  
 14 "program." the following: "Of the funds appropriated  
 15 in this section, not more than \$35,000 may be used for  
 16 administrative costs."

17 61. Page 65, line 21, by inserting after the word  
 18 "TRANSFORMATION" the following: "- DEPARTMENT OF  
 19 HUMAN SERVICES".

20 62. Page 66, by inserting after line 17 the  
 21 following:

22 "7A. For medical contracts:  
 23 ..... \$ 1,300,000"

24 63. Page 66, by inserting after line 34 the  
 25 following:

26 "Sec.\_\_\_\_. APPROPRIATION FROM ACCOUNT FOR HEALTH  
 27 CARE TRANSFORMATION – DEPARTMENT OF ELDER AFFAIRS.

28 Notwithstanding any provision to the contrary, there  
 29 is appropriated from the account for health care  
 30 transformation created in section 249J.23 to the  
 31 department of elder affairs for the fiscal year  
 32 beginning July 1, 2009, and ending June 30, 2010, the  
 33 following amounts, or so much thereof as is necessary,  
 34 to be used for the purpose designated:

35 For re-programming of the SEAMLESS computer system  
 36 for case management:  
 37 ..... \$ 200,000"

38 64. Page 68, by inserting after line 16 the  
 39 following:

40 "NEW SUBSECTION. 1. Of the amount appropriated in  
 41 this section, \$146,750 shall be used for assistance to  
 42 the counties with limited county mental health, mental

43 retardation, and developmental disabilities services  
44 fund balances which were selected in accordance with  
45 2000 Iowa Acts, chapter 1221, section 3, to receive  
46 such assistance, in the same amount provided during  
47 the fiscal year beginning July 1, 2000, and ending  
48 June 30, 2001, to pay reimbursement increases in  
49 accordance with 2000 Iowa Acts, chapter 1221, section  
50 3."

Page 6

1 65. Page 68, line 18, by striking the word and  
2 figure "subsection 1" and inserting the following:  
3 "this section".  
4 66. Page 69, line 14, by striking the word "The"  
5 and inserting the following: "The following amount of  
6 the".  
7 67. Page 69, line 19, by striking the figure  
8 "42,108,770" and inserting the following:  
9 "41,962,020".  
10 68. Page 69, line 21, by inserting after the word  
11 "amounts" the following: "for the allowed growth  
12 factor adjustment".  
13 69. Page 69, line 29, by striking the figure  
14 "52,056,760" and inserting the following:  
15 "49,626,596".  
16 70. Page 69, line 35, by striking the figure  
17 "15,790,111" and inserting the following:  
18 "15,389,217".  
19 71. Page 71, line 18, by striking the figure  
20 "5,947,990" and inserting the following: "7,664,576".  
21 72. Page 72, line 29, by striking the figure  
22 "357,871" and inserting the following: "357,870".  
23 73. Page 73, line 20, by inserting after the word  
24 "promotion." the following: "Of the funds allocated  
25 in this lettered paragraph, not more than \$148,262 may  
26 be utilized by the department for administrative  
27 purposes."  
28 74. Page 74, by striking lines 26 through 29 and  
29 inserting the following:  
30 "a. Of the funds appropriated in this subsection,  
31 \$61,349 shall be deposited in the governmental public  
32 health system fund created by this Act to be used to  
33 further develop the Iowa public health standards and  
34 to begin implementation of public health modernization  
35 in accordance with chapter 135A, as enacted in this  
36 Act, to the extent funding is available."  
37 75. Page 76, by striking lines 14 through 19 and  
38 inserting the following:  
39 "e. Of the funds appropriated in this subsection,  
40 \$500,000 shall be used to continue funding for the  
41 community health center incubation grant program.

42 Funds shall be utilized by the recipient of the grant  
43 in the previous fiscal year to ensure continuation of  
44 affordable primary and preventive health care services  
45 to the uninsured and underserved in northwest Iowa."  
46 76. Page 76, by inserting before line 20 the  
47 following:  
48 "\_\_\_\_. Of the funds appropriated in this  
49 subsection, \$61,350 shall be used for continued  
50 implementation of the recommendations of the direct

Page 7

1 care worker task force established pursuant to 2005  
2 Iowa Acts, chapter 88, based upon the report submitted  
3 to the governor and the general assembly in December  
4 2006.  
5 \_\_\_\_\_. Of the funds appropriated in this subsection,  
6 \$114,520 shall be used for allocation to an  
7 independent statewide direct care worker association  
8 for education, outreach, leadership development,  
9 mentoring, and other initiatives intended to enhance  
10 the recruitment and retention of direct care workers  
11 in health and long-term care."  
12 77. Page 78, by striking lines 17 through 25 and  
13 inserting the following:  
14 "2. Notwithstanding the amount collected and  
15 distributed for deposit in the IowaCare account  
16 pursuant to section 249J.24, subsection 6, paragraph  
17 "a", subparagraph (2), a maximum of \$21,000,000 in  
18 proceeds collected pursuant to section 347.7 between  
19 January 1, 2009, and June 30, 2009, shall be  
20 distributed to the treasurer of state for deposit in  
21 the IowaCare account and collections during this time  
22 in excess of a maximum of \$21,000,000 shall be  
23 distributed to the acute care teaching hospital  
24 identified in section 249J.24, subsection 6. However,  
25 if the collections for the period between January 1,  
26 2009, and June 30, 2009, do not equal at least  
27 \$21,000,000, the initial proceeds collected pursuant  
28 to section 347.7 between January 1, 2009, and June 30,  
29 2009, that are in excess of \$17,000,000 and which are  
30 distributed to the acute care teaching hospital  
31 identified in section 249J.24, subsection 6, shall be  
32 redistributed to the treasurer of state for deposit in  
33 the IowaCare account in a total amount not to exceed a  
34 maximum of \$21,000,000."  
35 78. Page 78, by inserting after line 31 the  
36 following:  
37 "TOBACCO USE PREVENTION AND CONTROL  
38 INITIATIVE – HEALTHY IOWANS TOBACCO TRUST  
39 Sec.\_\_\_\_. 2008 Iowa Acts, chapter 1186, section 1,  
40 subsection 2, paragraph a, is amended by adding the



41 following new unnumbered paragraph:  
42 NEW UNNUMBERED PARAGRAPH. Notwithstanding section  
43 8.33, moneys appropriated in this lettered paragraph  
44 that remain unencumbered or unobligated at the close  
45 of the fiscal year shall not revert but shall remain  
46 available for expenditure for the purposes designated  
47 until the close of the succeeding fiscal year."  
48 79. Page 79, by inserting after line 30 the  
49 following:  
50 "FEDERAL TEMPORARY ASSISTANCE FOR NEEDY FAMILIES

Page 8

1 BLOCK GRANT – FAMILY INVESTMENT PROGRAM  
2 Sec.\_\_\_\_. 2008 Iowa Acts, chapter 1187, section 5,  
3 is amended by adding the following new unnumbered  
4 paragraph:  
5 NEW UNNUMBERED PARAGRAPH. Notwithstanding section  
6 8.33, moneys appropriated in this section that remain  
7 unencumbered or unobligated at the close of the fiscal  
8 year shall not revert but shall remain available for  
9 expenditure for the family investment program until  
10 the close of the succeeding fiscal year."  
11 80. Page 81, line 11, by inserting after the word  
12 "programs" the following: "and the senior internship  
13 program".  
14 81. Page 81, by inserting after line 14 the  
15 following:  
16 "ACCOUNT FOR HEALTH CARE TRANSFORMATION  
17 Sec.\_\_\_\_. 2008 Iowa Acts, chapter 1187, section  
18 46, is amended to read as follows:  
19 ~~Sec. 46. TRANSFER FROM ACCOUNT FOR HEALTH CARE~~  
20 ~~TRANSFORMATION. There is transferred from the account~~  
21 ~~for health care transformation created pursuant to~~  
22 ~~section 249J.23 to the IowaCare account created in~~  
23 ~~section 249J.24 a total of \$3,000,000 for the fiscal~~  
24 ~~year beginning July 1, 2008, and ending June 30,~~  
25 ~~2009."~~  
26 82. Page 83, by striking lines 17 and 18 and  
27 inserting the following:  
28 "1. The appropriation made from the healthy Iowans  
29 tobacco trust in 2008 Iowa Acts, chapter 1186, section  
30 1."  
31 83. By striking page 84, line 30, through page  
32 87, line 7, and inserting the following:  
33 "Sec.\_\_\_\_. Section 231.58, Code 2009, is amended  
34 by striking the section and inserting in lieu thereof  
35 the following:  
36 231.58 LONG-TERM LIVING COORDINATION.  
37 The director may convene meetings, as necessary, of  
38 the director and the directors of human services,  
39 public health, and inspections and appeals, to assist

40 in the coordination of policy, service delivery, and  
41 long-range planning relating to the long-term living  
42 system and older Iowans in the state. The group may  
43 consult with individuals, institutions and entities  
44 with expertise in the area of the long-term living  
45 system and older Iowans, as necessary, to facilitate  
46 the group's efforts."  
47 84. Page 87, by striking lines 12 through 13 and  
48 inserting the following: "elder group homes, if ~~the~~  
49 ~~senior living coordinating unit determines that~~ new  
50 construction is more".

Page 9

1 85. Page 87, by striking lines 18 and 19 and  
2 inserting the following: "existing nursing facility  
3 beds are no longer licensed and ~~the senior living~~  
4 ~~coordinating unit determines that~~ new".  
5 86. Page 87, by striking lines 24 through 28 and  
6 inserting the following:  
7 "Sec.\_\_\_\_. Section 249H.4, subsection 6, Code  
8 2009, is amended by striking the subsection."  
9 87. By striking page 87, line 29, through page  
10 88, line 30, and inserting the following:  
11 "Sec.\_\_\_\_. Section 249H.7, subsection 1, Code  
12 2009, is amended to read as follows:  
13 1. ~~Beginning October 1, 2000, the~~ ~~The~~ department  
14 of elder affairs, ~~in consultation with the senior~~  
15 ~~living coordinating unit~~, shall use funds appropriated  
16 from the senior living trust fund for activities  
17 related to the design, maintenance, or expansion of  
18 home and community-based services for seniors,  
19 including but not limited to adult day services,  
20 personal care, respite, homemaker, chore, and  
21 transportation services designed to promote the  
22 independence of and to delay the use of institutional  
23 care by seniors with low and moderate incomes. At any  
24 time that moneys are appropriated, the department of  
25 elder affairs, ~~in consultation with the senior living~~  
26 ~~coordinating unit~~, shall disburse the funds to the  
27 area agencies on aging.  
28 Sec.\_\_\_\_. Section 249H.7, subsection 2, unnumbered  
29 paragraph 1, Code 2009, is amended to read as follows:  
30 The department of elder affairs shall adopt rules,  
31 in consultation with the ~~senior living coordinating~~  
32 ~~unit and the~~ area agencies on aging, pursuant to  
33 chapter 17A, to provide all of the following:  
34 Sec.\_\_\_\_. Section 249H.7, subsection 2, paragraph  
35 c, Code 2009, is amended to read as follows:  
36 c. Other procedures the department of elder  
37 affairs deems necessary for the proper administration  
38 of this section, ~~including but not limited to the~~

39 ~~submission of progress reports, on a bimonthly basis,~~  
 40 ~~to the senior living coordinating unit.~~

41 Sec. \_\_\_\_ Section 249H.9, subsection 1, Code 2009,  
 42 is amended to read as follows:

43 1. The department of elder affairs and the area  
 44 agencies on aging, ~~in consultation with the senior~~  
 45 ~~living coordinating unit,~~ shall create, on a county  
 46 basis, a database directory of all health care and  
 47 support services available to seniors. The department  
 48 of elder affairs shall make the database  
 49 electronically available to the public, and shall  
 50 update the database on at least a monthly basis."

Page 10

1 88. Page 89, by striking lines 1 and 2 and  
 2 inserting the following: "elder affairs, ~~in~~  
 3 ~~consultation with the senior living coordinating unit,~~  
 4 shall implement a caregiver".

5 9. Page 89, by striking line 8.

6 90. Page 89, by inserting after line 10 the  
 7 following:

8 "Sec. \_\_\_\_ Section 8.57, subsection 6, paragraph  
 9 e, subparagraph (1), Code 2009, is amended to read as  
 10 follows:

11 (1) Notwithstanding provisions to the contrary in  
 12 sections 99D.17 and 99F.11, for the fiscal year  
 13 beginning July 1, 2000, and for each fiscal year  
 14 thereafter, not more than a total of ~~sixty~~ sixty-six  
 15 million dollars shall be deposited in the general fund  
 16 of the state in any fiscal year pursuant to sections  
 17 99D.17 and 99F.11. The next fifteen million dollars  
 18 of the moneys directed to be deposited in the general  
 19 fund of the state in a fiscal year pursuant to  
 20 sections 99D.17 and 99F.11 shall be deposited in the  
 21 vision Iowa fund created in section 12.72 for the  
 22 fiscal year beginning July 1, 2000, and for each  
 23 fiscal year through the fiscal year beginning July 1,  
 24 2019. The next five million dollars of the moneys  
 25 directed to be deposited in the general fund of the  
 26 state in a fiscal year pursuant to sections 99D.17 and  
 27 99F.11 shall be deposited in the school infrastructure  
 28 fund created in section 12.82 for the fiscal year  
 29 beginning July 1, 2000, and for each fiscal year  
 30 thereafter until the principal and interest on all  
 31 bonds issued by the treasurer of state pursuant to  
 32 section 12.81 are paid, as determined by the treasurer  
 33 of state. The total moneys in excess of the moneys  
 34 deposited in the general fund of the state, the vision  
 35 Iowa fund, and the school infrastructure fund in a  
 36 fiscal year shall be deposited in the rebuild Iowa  
 37 infrastructure fund and shall be used as provided in

38 this section, notwithstanding section 8.60."  
39 91. Page 94, by inserting after line 34 the  
40 following:  
41 "DIVISION \_\_\_\_  
42 PUBLIC HEALTH MODERNIZATION  
43 Sec. \_\_\_\_ LEGISLATIVE FINDINGS AND INTENT –  
44 PURPOSE. The general assembly finds all of the  
45 following:  
46 1. A sound public health system is vital to the  
47 good health of all Iowans. Iowa's public health  
48 system reduces health care costs by promoting healthy  
49 behaviors, preventing disease and injury, and  
50 protecting the health of the population.

Page 11

1 2. The current foundation and organizational  
2 capacity for the governmental public health system  
3 does not allow for the equitable delivery of public  
4 health services. Governmental public health is  
5 provided by county boards of health, city boards of  
6 health, one district board of health, the state board  
7 of health, and the department. Varying degrees of  
8 authority, administration, and organizational capacity  
9 for providing public health services exist from  
10 community to community.  
11 3. The Iowa public health modernization Act will  
12 allow boards of health, designated local public health  
13 agencies, and the department to increase system  
14 capacity, improve the equitable delivery of public  
15 health services, address quality improvement, improve  
16 system performance, and provide a foundation to  
17 measure outcomes through a voluntary accreditation  
18 program. The Iowa public health modernization Act  
19 will assure the public of the availability of a basic  
20 level of public health service in every community.  
21 4. The Iowa public health modernization Act is the  
22 result of extensive collaboration among governmental  
23 public health entities, including local boards of  
24 health, local public health agencies, the department,  
25 and the state board of health; academia; and  
26 professional associations.  
27 Sec. \_\_\_\_ NEW SECTION. 135A.1 SHORT TITLE.  
28 This chapter shall be known and may be cited as the  
29 "Iowa Public Health Modernization Act".  
30 Sec. \_\_\_\_ NEW SECTION. 135A.2 DEFINITIONS.  
31 As used in this chapter, unless the context  
32 otherwise requires, the following definitions apply:  
33 1. "Academic institution" means an institution of  
34 higher education in the state which grants  
35 undergraduate and postgraduate degrees and is  
36 accredited by a nationally recognized accrediting

37 agency as determined by the United States secretary of  
38 education. For purposes of this definition,  
39 "accredited" means a certification of the quality of  
40 an institution of higher education.  
41 2. "Accrediting entity" means a legal,  
42 independent, nonprofit or governmental entity or  
43 entities approved by the state board of health for the  
44 purpose of accrediting designated local public health  
45 agencies and the department pursuant to the voluntary  
46 accreditation program developed under this chapter.  
47 3. "Administration" means the operational  
48 procedures, personnel and fiscal management systems,  
49 and facility requirements that must be in place for  
50 the delivery and assurance of public health services.

Page 12

1 4. "Committee" means the governmental public  
2 health evaluation committee as established in this  
3 chapter.  
4 5. "Communication and information technology"  
5 means the processes, procedures, and equipment needed  
6 to provide public information and transmit and receive  
7 information among public health entities and community  
8 partners; and applies to the procedures, physical  
9 hardware, and software required to transmit, receive,  
10 and process electronic information.  
11 6. "Council" means the governmental public health  
12 advisory council as established in this chapter.  
13 7. "Department" means the department of public  
14 health.  
15 8. "Designated local public health agency" means  
16 an entity that is either governed by or contractually  
17 responsible to a local board of health and designated  
18 by the local board to comply with the Iowa public  
19 health standards for a jurisdiction.  
20 9. "Governance" means the functions and  
21 responsibilities of the local boards of health and the  
22 state board of health to oversee governmental public  
23 health matters.  
24 10. "Governmental public health system" means the  
25 system described in section 135A.6.  
26 11. "Iowa public health standards" means the  
27 governmental public health standards adopted by rule  
28 by the state board of health.  
29 12. "Local board of health" means a county or  
30 district board of health.  
31 13. "Organizational capacity" means the  
32 governmental public health infrastructure that must be  
33 in place in order to deliver public health services.  
34 14. "Public health region" means, at a minimum,  
35 one of six geographical areas approved by the state

36 board of health for the purposes of coordination,  
37 resource sharing, and planning and to improve delivery  
38 of public health services.  
39 15. "Public health services" means the basic  
40 public health services that all Iowans should  
41 reasonably expect to be provided by designated local  
42 public health agencies and the department.  
43 16. "Voluntary accreditation" means verification  
44 of a designated local public health agency or the  
45 department that demonstrates compliance with the Iowa  
46 public health standards by an accrediting entity.  
47 17. "Workforce" means the necessary qualified and  
48 competent staff required to deliver public health  
49 services.  
50 Sec. \_\_\_\_\_. NEW SECTION. 135A.3 GOVERNMENTAL

Page 13

1 PUBLIC HEALTH SYSTEM MODERNIZATION – LEAD AGENCY.

2 1. The department is designated as the lead agency  
3 in this state to administer this chapter.  
4 2. The department, in collaboration with the  
5 governmental public health advisory council and the  
6 governmental public health evaluation committee, shall  
7 coordinate implementation of this chapter including  
8 but not limited to the voluntary accreditation of  
9 designated local public health agencies and the  
10 department in accordance with the Iowa public health  
11 standards. Such implementation shall include  
12 evaluation of and quality improvement measures for the  
13 governmental public health system.

14 Sec. \_\_\_\_\_. NEW SECTION. 135A.4 GOVERNMENTAL  
15 PUBLIC HEALTH ADVISORY COUNCIL.

16 1. A governmental public health advisory council  
17 is established to advise the department and make  
18 policy recommendations to the director of the  
19 department concerning administration, implementation,  
20 and coordination of this chapter and to make  
21 recommendations to the department regarding the  
22 governmental public health system. The council shall  
23 meet at a minimum of quarterly. The council shall  
24 consist of no fewer than fifteen members and no  
25 greater than twenty-three members. The members shall  
26 be appointed by the director. The director may  
27 solicit and consider recommendations from professional  
28 organizations, associations, and academic institutions  
29 in making appointments to the council.  
30 2. Council members shall not be members of the  
31 governmental public health evaluation committee.  
32 3. Council members shall serve for a term of two  
33 years and may be reappointed for a maximum of three  
34 consecutive terms. Initial appointment shall be in

- 35 staggered terms. Vacancies shall be filled for the  
36 remainder of the original appointment.
- 37 4. The membership of the council shall satisfy all  
38 of the following requirements:
- 39 a. One member who has expertise in injury  
40 prevention.
- 41 b. One member who has expertise in environmental  
42 health.
- 43 c. One member who has expertise in emergency  
44 preparedness.
- 45 d. One member who has expertise in health  
46 promotion and chronic disease prevention.
- 47 e. One member who has epidemiological expertise in  
48 communicable and infectious disease prevention and  
49 control.
- 50 f. One member representing each of Iowa's six

Page 14

- 1 public health regions who is an employee of a  
2 designated local public health agency or member of a  
3 local board of health. Such members shall include a  
4 minimum of one local public health administrator and  
5 one physician member of a local board of health.
- 6 g. Two members who are representatives of the  
7 department.
- 8 h. The director of the state hygienic laboratory  
9 at the university of Iowa, or the director's designee.
- 10 i. At least one representative from academic  
11 institutions which grant undergraduate and  
12 postgraduate degrees in public health or other related  
13 health field and are accredited by a nationally  
14 recognized accrediting agency as determined by the  
15 United States secretary of education. For purposes of  
16 this paragraph, "accredited" means a certification of  
17 the quality of an institution of higher education.
- 18 j. Two members who serve on a county board of  
19 supervisors.
- 20 k. Four nonvoting, ex officio members who shall  
21 consist of four members of the general assembly, two  
22 from the senate and two from the house of  
23 representatives, with not more than one member from  
24 each chamber being from the same political party. The  
25 two senators shall be designated one member each by  
26 the majority leader of the senate after consultation  
27 with the president and by the minority leader of the  
28 senate. The two representatives shall be designated  
29 one member each by the speaker of the house of  
30 representatives after consultation with the majority  
31 leader of the house of representatives and by the  
32 minority leader of the house of representatives.
- 33 l. A member of the state board of health who shall

34 be a nonvoting, ex officio member.  
35 5. The council may utilize other relevant public  
36 health expertise when necessary to carry out its roles  
37 and responsibilities.  
38 6. The council shall do all of the following:  
39 a. Advise the department and make policy  
40 recommendations to the director of the department  
41 concerning administration, implementation, and  
42 coordination of this chapter and the governmental  
43 public health system.  
44 b. Propose to the director public health standards  
45 that should be utilized for voluntary accreditation of  
46 designated local public health agencies and the  
47 department that include but are not limited to the  
48 organizational capacity and public health service  
49 components described in section 135A.6, subsection 1,  
50 by October 1, 2009.

Page 15

1 c. Recommend to the department an accrediting  
2 entity and identify the roles and responsibilities for  
3 the oversight and implementation of the voluntary  
4 accreditation of designated local public health  
5 agencies and the department by January 2, 2010. This  
6 shall include completion of a pilot accreditation  
7 process for one designated local public health agency  
8 and the department by July 1, 2011.  
9 d. Recommend to the director strategies to  
10 implement voluntary accreditation of designated local  
11 public health agencies and the department effective  
12 January 2, 2012.  
13 e. Periodically review and make recommendations to  
14 the department regarding revisions to the public  
15 health standards pursuant to paragraph "b", as needed  
16 and based on reports prepared by the governmental  
17 public health evaluation committee pursuant to section  
18 135A.5.  
19 f. Review rules developed and adopted by the state  
20 board of health under this chapter and make  
21 recommendations to the department for revisions to  
22 further promote implementation of this chapter and  
23 modernization of the governmental public health  
24 system.  
25 g. Form and utilize subcommittees as necessary to  
26 carry out the duties of the council.  
27 Sec.\_\_\_\_. NEW SECTION. 135A.5 GOVERNMENTAL  
28 PUBLIC HEALTH EVALUATION COMMITTEE.  
29 1. A governmental public health evaluation  
30 committee is established to develop, implement, and  
31 evaluate the governmental public health system and  
32 voluntary accreditation program. The committee shall



33 meet at least quarterly. The committee shall consist  
34 of no fewer than eleven members and no greater than  
35 thirteen members. The members shall be appointed by  
36 the director of the department. The director may  
37 solicit and consider recommendations from professional  
38 organizations, associations, and academic institutions  
39 in making appointments to the committee.  
40 2. Committee members shall not be members of the  
41 governmental public health advisory council.  
42 3. Committee members shall serve for a term of two  
43 years and may be reappointed for a maximum of three  
44 consecutive terms. Initial appointment shall be in  
45 staggered terms. Vacancies shall be filled for the  
46 remainder of the original appointment.  
47 4. The membership of the committee shall satisfy  
48 all of the following requirements:  
49 a. At least one member representing each of Iowa's  
50 six public health regions. Each representative shall

Page 16

1 be an employee or administrator of a designated local  
2 public health agency or a member of a local board of  
3 health. Such members shall be appointed to ensure  
4 expertise in the areas of communicable and infectious  
5 diseases, environmental health, injury prevention,  
6 healthy behaviors, and emergency preparedness.  
7 b. Two members who are representatives of the  
8 department.  
9 c. A representative of the state hygienic  
10 laboratory at the university of Iowa.  
11 d. At least two representatives from academic  
12 institutions which grant undergraduate and  
13 postgraduate degrees in public health or other  
14 health-related fields.  
15 e. At least one economist who has demonstrated  
16 experience in public health, health care, or a  
17 health-related field.  
18 f. At least one research analyst.  
19 5. The committee may utilize other relevant public  
20 health expertise when necessary to carry out its roles  
21 and responsibilities.  
22 6. The committee shall do all of the following:  
23 a. Develop and implement processes for evaluation  
24 of the governmental public health system and the  
25 voluntary accreditation program.  
26 b. Collect and report baseline information for  
27 organizational capacity and public health service  
28 delivery based on the Iowa public health standards  
29 prior to implementation of the voluntary accreditation  
30 program on January 2, 2012.  
31 c. Evaluate the effectiveness of the accrediting

32 entity and the voluntary accreditation process.  
33 d. Evaluate the appropriateness of the Iowa public  
34 health standards and develop measures to determine  
35 reliability and validity.  
36 e. Determine what process and outcome improvements  
37 in the governmental public health system are  
38 attributable to voluntary accreditation.  
39 f. Assure that the evaluation process is capturing  
40 data to support key research in public health system  
41 effectiveness and health outcomes.  
42 g. Annually submit a report to the department by  
43 July 1.  
44 h. Form and utilize subcommittees as necessary to  
45 carry out the duties of the committee.  
46 Sec.\_\_\_\_. NEW SECTION. 135A.6 GOVERNMENTAL  
47 PUBLIC HEALTH SYSTEM.  
48 1. The governmental public health system, in  
49 accordance with the Iowa public health standards,  
50 shall include but not be limited to the following

Page 17

1 organizational capacity components and public health  
2 service components:  
3 a. Organizational capacity components shall  
4 include all of the following:  
5 (1) Governance.  
6 (2) Administration.  
7 (3) Communication and information technology.  
8 (4) Workforce.  
9 (5) Community assessment and planning. This  
10 component consists of collaborative data collection  
11 and analysis for the completion of population-based  
12 community health assessments and community health  
13 profiles and the process of developing improvement  
14 plans to address the community health needs and  
15 identified gaps in public health services.  
16 (6) Evaluation.  
17 b. Public health service components shall include  
18 all of the following:  
19 (1) Prevention of epidemics and the spread of  
20 disease. This component includes the surveillance,  
21 detection, investigation, and prevention and control  
22 measures that prevent, reduce, or eliminate the spread  
23 of infectious disease.  
24 (2) Protection against environmental hazards.  
25 This component includes activities that reduce or  
26 eliminate the risk factors detrimental to the public's  
27 health within the natural or man-made environment.  
28 (3) Prevention of injuries. This component  
29 includes activities that facilitate the prevention,  
30 reduction, or elimination of intentional and

31 unintentional injuries.

32 (4) Promotion of healthy behaviors. This  
33 component includes activities to assure services that  
34 promote healthy behaviors to prevent chronic disease  
35 and reduce illness.

36 (5) Preparation for, response to, and recovery  
37 from public health emergencies. This component  
38 includes activities to prepare the public health  
39 system and community partners to respond to public  
40 health threats, emergencies, and disasters and to  
41 assist in the recovery process.

42 2. The governmental public health system shall  
43 include but not be limited to the following entities:

44 a. Local boards of health.

45 b. State board of health.

46 c. Designated local public health agencies.

47 d. The department.

48 Sec.\_\_\_\_. NEW SECTION. 135A.7 GOVERNMENTAL

49 PUBLIC HEALTH SYSTEM AND ACCREDITATION DATA COLLECTION  
50 SYSTEM.

Page 18

1 1. The department shall establish and maintain a  
2 governmental public health system and an accreditation  
3 data collection system by which the state board of  
4 health, the director, the department, the council, and  
5 the committee may monitor the implementation and  
6 effectiveness of the governmental public health system  
7 based on the Iowa public health standards.

8 2. Notwithstanding section 22.7 or any other  
9 provision of law, local boards of health shall provide  
10 to the department and the accrediting entity upon  
11 request all data and information necessary to  
12 determine the local board's capacity to comply with  
13 the Iowa public health standards, including but not  
14 limited to data and information regarding governance,  
15 administration, communication and information  
16 technology, workforce, personnel, staffing, budget,  
17 contracts, and other program and agency information.

18 3. The department may share any data or  
19 information collected pursuant to this section with  
20 the council or the committee as necessary to perform  
21 the duties of the council and committee. Data and  
22 information provided to the department under this  
23 section which are confidential pursuant to section  
24 22.7, subsection 2, 11, or 50, section 139A.3, or  
25 other provision of law, remain confidential and shall  
26 not be released by the department, the council, or the  
27 committee.

28 4. During the pendency of the accreditation  
29 process, all accreditation files and reports prepared

30 for or maintained by the accrediting entity are  
31 confidential and are not subject to discovery,  
32 subpoena, or other means of legal compulsion for their  
33 release. After the accrediting entity has issued its  
34 recommendation or report only the preliminary drafts  
35 of the recommendation or report, and records otherwise  
36 confidential pursuant to chapter 22 or other provision  
37 of state or federal law, shall remain confidential and  
38 are not subject to discovery, subpoena, or other means  
39 of legal compulsion for their release.

40 5. To the extent possible, activities under this  
41 section shall be coordinated with other health data  
42 collection systems including those maintained by the  
43 department.

44 Sec. \_\_\_\_\_. **NEW SECTION.** 135A.8 GOVERNMENTAL  
45 PUBLIC HEALTH SYSTEM FUND.

46 1. The department is responsible for the funding  
47 of the administrative costs for implementation of this  
48 chapter. A governmental public health system fund is  
49 created as a separate fund in the state treasury under  
50 the control of the department. The fund shall consist

Page 19

1 of moneys obtained from any source, including the  
2 federal government, unless otherwise prohibited by law  
3 or the entity providing the funding. Moneys deposited  
4 in the fund are appropriated to the department for the  
5 public health purposes specified in this chapter.  
6 Moneys in the fund shall not be transferred, used,  
7 obligated, appropriated, or otherwise encumbered  
8 except as provided in this section. Notwithstanding  
9 section 8.33, moneys in the governmental public health  
10 system fund at the end of the fiscal year shall not  
11 revert to any other fund but shall remain in the fund  
12 for subsequent fiscal years.

13 2. The fund is established to assist local boards  
14 of health and the department with the provision of  
15 governmental public health system organizational  
16 capacity and public health service delivery and to  
17 achieve and maintain voluntary accreditation in  
18 accordance with the Iowa public health standards. At  
19 least seventy percent of the funds shall be made  
20 available to local boards of health and up to thirty  
21 percent of the funds may be utilized by the  
22 department.

23 3. Moneys in the fund may be allocated by the  
24 department to a local board of health for  
25 organizational capacity and service delivery. Such  
26 allocation may be made on a matching,  
27 dollar-for-dollar basis for the acquisition of  
28 equipment, or by providing grants to achieve and

29 maintain voluntary accreditation in accordance with  
 30 the Iowa public health standards.  
 31 4. A local board of health seeking matching funds  
 32 or grants under this section shall apply to the  
 33 department. The state board of health shall adopt  
 34 rules concerning the application and award process for  
 35 the allocation of moneys in the fund and shall  
 36 establish the criteria for the allocation of moneys in  
 37 the fund if the moneys are insufficient to meet the  
 38 needs of local boards of health.  
 39 Sec.\_\_\_\_. NEW SECTION. 135A.9 RULES.  
 40 The state board of health shall adopt rules  
 41 pursuant to chapter 17A to implement this chapter  
 42 which shall include but are not limited to the  
 43 following:  
 44 1. Incorporation of the Iowa public health  
 45 standards recommended to the department pursuant to  
 46 section 135A.5, subsection 6.  
 47 2. A voluntary accreditation process to begin no  
 48 later than January 2, 2012, for designated local  
 49 public health agencies and the department.  
 50 3. Rules relating to the operation of the

Page 20

1 governmental public health advisory council.  
 2 4. Rules relating to the operation of the  
 3 governmental public health system evaluation  
 4 committee.  
 5 5. The application and award process for  
 6 governmental public health system fund moneys.  
 7 6. Rules relating to data collection for the  
 8 governmental public health system and the voluntary  
 9 accreditation program.  
 10 7. Rules otherwise necessary to implement the  
 11 chapter.  
 12 Sec.\_\_\_\_. NEW SECTION. 135A.10 PROHIBITED ACTS  
 13 – FRAUDULENTLY CLAIMING ACCREDITATION – CIVIL  
 14 PENALTY.  
 15 A local board of health or local public health  
 16 agency that imparts or conveys, or causes to be  
 17 imparted or conveyed, information claiming that it is  
 18 accredited pursuant to this chapter or that uses any  
 19 other term to indicate or imply it is accredited  
 20 without being accredited under this chapter is subject  
 21 to a civil penalty not to exceed one thousand dollars  
 22 per day for each offense. However, nothing in this  
 23 chapter shall be construed to restrict a local board  
 24 of health or local public health agency from providing  
 25 any services for which it is duly authorized.  
 26 Sec.\_\_\_\_. NEW SECTION. 135A.11 IMPLEMENTATION.  
 27 The department shall implement this chapter only to

28 the extent that funding is available.  
 29 Sec.\_\_\_\_. EFFECTIVE DATE. This division of this  
 30 Act, being deemed of immediate importance, takes  
 31 effect upon enactment."  
 32 92. Page 96, by inserting after line 28 the  
 33 following:  
 34 "Sec.\_\_\_\_. CODE EDITOR DIRECTIVE – INTENT.  
 35 1. References in this Act to the department of  
 36 elder affairs mean the department on aging in  
 37 accordance with 2009 Iowa Acts, Senate File 204, as  
 38 enacted, unless a contrary intent is clearly evident.  
 39 2. The Iowa Code editor is directed to make  
 40 conforming changes, as appropriate, to codified  
 41 provisions of this Act to reflect the provisions of  
 42 2009 Iowa Acts, Senate File 204, as enacted, including  
 43 but not limited to replacing the words "department of  
 44 elder affairs" with the words "department on aging".  
 45 93. Page 96, by inserting before line 29 the  
 46 following:  
 47 "Sec.\_\_\_\_. Sections 237A.28 and 422.100, Code  
 48 2009, are repealed."  
 49 94. By renumbering as necessary.

Rants of Woodbury offered the following amendment H-1521, to amendment H-1488, filed by Alons of Sioux, Anderson of Page, Arnold of Lucas, Baudler of Adair, Cownie of Polk, De Boef of Keokuk, Deyoe of Story, Dolecheck of Ringgold, Drake of Cass, Forristall of Pottawattamie, Grassley of Butler, Hagenow of Polk, Heaton of Henry, Helland of Polk, Horbach of Tama, Huseman of Cherokee, Kaufmann of Cedar, Koester of Polk, Lukan of Dubuque, May of Dickinson, L. Miller of Scott, S. Olson of Clinton, Paulsen of Linn, Pettengill of Benton, Raecker of Polk, Rayhons of Hancock, Roberts of Carroll, Sands of Louisa, Schulte of Linn, Schultz of Crawford, Soderberg of Plymouth, Sorenson of Warren, Struyk of Pottawattamie, Sweeney of Hardin, Tjepkes of Webster, Tymeson of Madison, Upmeyer of Hancock, Van Engelenhoven of Marion, Wagner of Linn, Watts of Dallas, Windschitl of Harrison and Worthan of Buena Vista from the floor and moved its adoption:

H-1521

1 Amend the amendment, H-1488, to House File 811 as  
 2 follows:  
 3 1. By striking page 1, line 1, through page 20,  
 4 line 49 and inserting the following:  
 5 "Amend House File 811 as follows:  
 6 \_\_\_\_\_. By striking the enacting clause and  
 7 inserting the following: "BE IT RESOLVED BY THE

8 GENERAL ASSEMBLY OF THE STATE OF IOWA:"

9 \_\_\_\_\_. By striking page 1, line 1, through page 96,  
10 line 28, and inserting the following:

11 "Section 1. The following amendment to the

12 Constitution of the State of Iowa is proposed:

13 Article I of the Constitution of the State of Iowa

14 is amended by adding the following new section:

15 MARRIAGE. SEC. 26. Marriage between one man and  
16 one woman shall be the only legal union valid or  
17 recognized in this state.

18 Sec. 2. REFERRAL AND PUBLICATION. The foregoing  
19 amendment to the Constitution of the State of Iowa is  
20 referred to the General Assembly to be chosen at the  
21 next general election for members of the General  
22 Assembly and the Secretary of State is directed to  
23 cause the same to be published for three consecutive  
24 months previous to the date of that election as  
25 provided by law."

26 \_\_\_\_\_. Title page, the House enactment identifier,  
27 by striking the words "HOUSE FILE" and inserting the  
28 following: "HOUSE JOINT RESOLUTION".

29 \_\_\_\_\_. Title page, the enactment type identifier,  
30 by striking the words "A BILL FOR" and inserting the  
31 following: "HOUSE JOINT RESOLUTION".

32 \_\_\_\_\_. Title page, by striking lines 1 through 5  
33 and inserting the following: "A Joint Resolution  
34 proposing an amendment to the Constitution of the  
35 State of Iowa specifying marriage between one man and  
36 one woman as the only legal union that is valid or  
37 recognized in the state.""

McCarthy of Polk rose on a point of order and questioned whether amendment H-1521 was in order.

Speaker Murphy in the chair at 3:05 p.m.

The Speaker ruled the point well taken and amendment H-1521 out of order.

Rants of Woodbury moved to suspend the rules to consider amendment H-1521.

Roll call was requested by Rants of Woodbury and Paulsen of Linn.

On the question "Shall the rules be suspended?"

The ayes were, 44:

Alons	Anderson	Arnold	Baudler
Cownie	De Boef	Deyoe	Dolecheck
Drake	Forristall	Grassley	Hagenow
Heaton	Helland	Horbach	Huseman
Huser	Kaufmann	Koester	Lukan
May	Mertz	Miller, L.	Olson, S.

Paulsen	Pettengill	Raecker	Rants
Rayhons	Roberts	Sands	Schulte
Schultz	Soderberg	Sorenson	Struyk
Sweeney	Tjepkes	Tymeson	Upmeyer
Van Engelenhoven	Wagner	Windschitl	Worthan

The nays were, 54:

Abdul-Samad	Bailey	Beard	Bell
Berry	Bukta	Burt	Cohoon
Ficken	Ford	Frevert	Gaskill
Gayman	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
Schueller	Shomshor	Smith	Steckman
Swaim	Taylor, D.	Taylor, T.	Thede
Thomas	Wendt	Wenthe	Wessel-Kroeschell
Whitaker	Whitead	Willems	Winckler
Zirkelbach	Mr. Speaker Murphy		

Absent or not voting, 2:

Chambers	Watts
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The motion to suspend the rules lost.

Heddens of Story offered the following amendment H-1491 filed by her from the floor and moved its adoption:

H-1491

- 1 Amend the amendment, H-1488, to House File 811, as
- 2 follows:
- 3 1. Page 1, by inserting before line 15 the
- 4 following:
- 5 "\_\_\_\_. During the fiscal year beginning July 1,
- 6 2009, notwithstanding section 231.33, subsection 19,
- 7 relating to departmental training of area agency on
- 8 aging boards of directors and section 231.63 relating
- 9 to the development of end-of-life care information,
- 10 the department is not required to comply with these
- 11 requirements if funding is not available."
- 12 2. By renumbering as necessary.

Amendment H-1491 was adopted.



Heddens of Story offered the following amendment H-1495 filed by her from the floor and moved its adoption:

H-1495

- 1 Amend the amendment, H-1488, to House File 811 as
- 2 follows:
- 3 1. Page 4, by inserting after line 25 the
- 4 following:
- 5 "\_\_\_\_. Page 43, line 31, by striking the figure
- 6 "15,535,967" and inserting the following:
- 7 "15,763,951".
- 8 \_\_\_\_\_. Page 45, by striking lines 6 through 10."
- 9 2. Page 6, line 18, by striking the figure
- 10 "15,389,217" and inserting the following:
- 11 "15,763,951".
- 12 3. By renumbering as necessary.

Amendment H-1495 was adopted.

Schulte of Linn offered the following amendment H-1496 filed by her from the floor and moved its adoption:

H-1496

- 1 Amend the amendment, H-1488, to House File 811 as
- 2 follows:
- 3 1. Page 4, by inserting after line 25 the
- 4 following:
- 5 "\_\_\_\_. Page 43, by striking lines 16 through 20."
- 6 2. Page 5, by inserting after line 37 the
- 7 following:
- 8 "\_\_\_\_. Page 67, by striking lines 12 through 23."
- 9 3. Page 7, by striking lines 35 through 47 and
- 10 inserting the following:
- 11 "\_\_\_\_. By striking page 78, line 32, through page
- 12 79, line 13."
- 13 4. Page 8, by inserting after line 10 the
- 14 following:
- 15 "\_\_\_\_. By striking page 80, lines 24 through 32."
- 16 5. Page 8, by inserting before line 26 the
- 17 following:
- 18 "\_\_\_\_. By striking page 81, line 15, through page
- 19 82, line 6."
- 20 6. Page 8, by striking lines 26 through 30 and
- 21 inserting the following:
- 22 "\_\_\_\_. Page 83, by striking lines 10 through 23."
- 23 7. By renumbering as necessary.

Roll call was requested by Schulte of Linn and Paulsen of Linn.

On the question "Shall amendment H-1496 to amendment H-1488 be adopted?" (H.F. 811)

The ayes were, 42:

Alons	Anderson	Arnold	Baudler
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
Windschitl	Worthan		

The nays were, 56:

Abdul-Samad	Bailey	Beard	Bell
Berry	Bukta	Burt	Cphoon
Ficken	Ford	Frevrt	Gaskill
Gayman	Heddens	Hunter	Huser
Isenhardt	Jacoby	Kearns	Kelley
Kressig	Kuhn	Lensing	Lykam
Marek	Mascher	McCarthy	Mertz
Miller, H.	Oldson	Olson, D.	Olson, R.
Olson, T.	Palmer	Petersen	Quirk
Reasoner	Reichert	Schueller	Shomshor
Smith	Steckman	Swaim	Taylor, D.
Taylor, T.	Thede	Thomas	Wendt
Wenthe	Wessel-Kroeschell	Whitaker	Whitead
Willems	Winckler	Zirkelbach	Mr. Speaker Murphy

Absent or not voting, 2:

Chambers                      Watts

Amendment H-1496 to amendment H-1488 lost.

## RULES SUSPENDED

McCarthy of Polk asked and received unanimous consent to suspend Rule 31, related to the timely filing of amendments.

On motion by Heddens of Story amendment H-1488, as amended, was adopted.

Heaton of Henry offered the following amendment H-1497 filed by him from the floor and moved its adoption:

H-1497

- 1 Amend House File 811 as follows:
- 2 1. Page 26, by inserting after line 31 the
- 3 following:
- 4 "\_\_\_\_. The department shall develop a proposal to
- 5 revise psychiatric medical institution for children
- 6 services in order for the services to provide dual
- 7 diagnosis treatment of both the mental health and
- 8 substance abuse needs of children. The proposal shall
- 9 include implementation provisions and shall be
- 10 submitted to the persons designated by this division
- 11 of this Act for submission of reports on or before
- 12 December 15, 2009."
- 13 2. By renumbering as necessary.

Mascher of Johnson in the chair at 4:00 p.m.

Amendment H-1497 lost.

Heaton of Henry offered the following amendment H-1498 filed by him from the floor and moved its adoption:

H-1498

- 1 Amend House File 811 as follows:
- 2 1. Page 27, line 17, by striking the figure
- 3 "13,651,503" and inserting the following:
- 4 "13,477,410".

Roll call was requested by Heaton of Henry and Paulsen of Linn.

On the question "Shall amendment H-1498 be adopted?" (H.F. 811)

The ayes were, 43:

Alons	Anderson	Arnold	Baudler
Bukta	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	Windschitl	Worthan	

The nays were, 54:

Abdul-Samad	Bailey	Beard	Bell
Berry	Burt	Cphoon	Ficken
Ford	Frevert	Gaskill	Gayman
Heddens	Hunter	Huser	Isenhardt
Jacoby	Kearns	Kelley	Kressig
Kuhn	Lensing	Lykam	Marek
McCarthy	Mertz	Miller, H.	Oldson
Olson, D.	Olson, R.	Olson, T.	Palmer
Petersen	Quirk	Reasoner	Reichert
Schueller	Shomshor	Smith	Steckman
Swaim	Taylor, D.	Taylor, T.	Thede
Thomas	Wendt	Wenthe	Wessel-Kroeschell
Whitaker	Whitead	Willems	Winckler
Zirkelbach	Mascher, Presiding		

Absent or not voting, 3:

Chambers	Murphy, Spkr.	Watts
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Amendment H-1498 lost.

Koester of Polk offered the following amendment H-1499 filed by Heaton of Henry from the floor and moved its adoption:

H-1499

1 Amend House File 811 as follows:  
 2 1. Page 31, by inserting after line 7 the  
 3 following:  
 4 "\_\_\_\_. The department shall work with personnel of  
 5 the department, state and local public health  
 6 departments, child care resource and referral  
 7 services, extension, and others who visit or inspect  
 8 child care providers to streamline and eliminate  
 9 duplication in the inspection processes. The  
 10 department shall report on or before December 15,  
 11 2009, to the persons designated by this division of  
 12 this Act for submission of reports on the changes made  
 13 as a result of the work."  
 14 2. By renumbering as necessary.

Roll call was requested by L. Miller of Scott and Raecker of Polk.

On the question "Shall amendment H-1499 be adopted?" (H.F. 811)

The ayes were, 97:

Abdul-Samad	Alons	Anderson	Arnold
Bailey	Baudler	Beard	Bell
Berry	Bukta	Burt	Cohoon
Cownie	De Boef	Deyoe	Dolecheck
Drake	Ficken	Ford	Forristall
Frevert	Gaskill	Gayman	Grassley
Hagenow	Heaton	Heddens	Helland
Horbach	Hunter	Huseman	Huser
Isenhardt	Jacoby	Kaufmann	Kearns
Kelley	Koester	Kressig	Kuhn
Lensing	Lukan	Lykam	Marek
May	McCarthy	Mertz	Miller, H.
Miller, L.	Oldson	Olson, D.	Olson, R.
Olson, S.	Olson, T.	Palmer	Paulsen
Petersen	Pettengill	Quirk	Raecker
Rants	Rayhons	Reasoner	Reichert
Roberts	Sands	Schueller	Schulte
Schultz	Shomshor	Smith	Soderberg
Sorenson	Steckman	Struyk	Swaim
Sweeney	Taylor, D.	Taylor, T.	Thede
Thomas	Tjepkes	Tymeson	Upmeyer
Van Engelenhoven	Wagner	Wendt	Wenthe
Wessel-Kroeschell	Whitaker	Whitead	Willems
Winckler	Windschitl	Worthan	Zirkelbach
Mascher,			
Presiding			

The nays were, none.

Absent or not voting, 3:

Chambers                      Murphy, Spkr.              Watts

Amendment H-1499 was adopted.

Heaton of Henry offered the following amendment H-1500 filed by him from the floor and moved its adoption:

H-1500

- 1 Amend House File 811 as follows:
- 2 1. Page 34, line 1, by inserting after the figure

3 "7." the following: "However, the contract provisions  
 4 shall be revised to pay for the child welfare  
 5 emergency services on a fee-for-service basis. The  
 6 department shall include information on the usage of  
 7 the emergency services in the monthly shelter care  
 8 report."

Roll call was requested by Heaton of Henry and Wagner of Linn.

On the question "Shall amendment H-1500 be adopted?" (H.F. 811)

The ayes were, 42:

Alons	Anderson	Arnold	Baudler
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
Windschitl	Worthan		

The nays were, 53:

Abdul-Samad	Bailey	Beard	Bell
Berry	Bukta	Burt	Cohoon
Ficken	Ford	Frevert	Gaskill
Gayman	Heddens	Hunter	Huser
Isenhardt	Jacoby	Kearns	Kelley
Kressig	Lensing	Lykam	Marek
McCarthy	Mertz	Miller, H.	Murphy, Spkr.
Oldson	Olson, D.	Olson, R.	Olson, T.
Palmer	Petersen	Quirk	Reasoner
Reichert	Schueller	Smith	Steckman
Swaim	Taylor, D.	Taylor, T.	Thede
Thomas	Wendt	Wenthe	Wessel-Kroeschell
Whitaker	Whitead	Willems	Winckler
Mascher, Presiding			

Absent or not voting, 5:

Chambers	Kuhn	Shomshor	Watts
Zirkelbach			

Amendment H-1500 lost.

Heaton of Henry offered the following amendment H-1501 filed by him from the floor and moved its adoption:

H-1501

- 1 Amend House File 811 as follows:  
 2 1. Page 38, by inserting after line 8 the  
 3 following:  
 4 "Sec.\_\_\_\_. The department of human services shall  
 5 work jointly with the juvenile court and juvenile  
 6 court services in studying the provision of child  
 7 abuse information to juvenile court services  
 8 concerning children under the supervision of juvenile  
 9 court services, barriers to timely provision of the  
 10 information, and how the provision of the information  
 11 can be improved. A final report with findings and  
 12 recommendations shall be submitted to the governor,  
 13 supreme court, and general assembly, on or before  
 14 December 15, 2009."  
 15 2. By renumbering as necessary.

Roll call was requested by Heaton of Henry and Upmeyer of Hancock.

On the question "Shall amendment H-1501 be adopted?" (H.F. 811)

The ayes were, 97:

Abdul-Samad	Alons	Anderson	Arnold
Bailey	Baudler	Beard	Bell
Berry	Bukta	Burt	Cohoon
Cownie	De Boef	Deyoe	Dolecheck
Drake	Ficken	Ford	Forristall
Frevert	Gaskill	Gayman	Grassley
Hagenow	Heaton	Heddens	Helland
Horbach	Hunter	Huseman	Huser
Isenhardt	Jacoby	Kaufmann	Kearns
Kelley	Koester	Kressig	Kuhn
Lensing	Lukan	Lykam	Marek
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	Rayhons	Reasoner
Reichert	Roberts	Sands	Schueller
Schulte	Schultz	Shomshor	Smith
Soderberg	Sorenson	Steckman	Struyk
Swaim	Sweeney	Taylor, D.	Taylor, T.

Thede	Thomas	Tjepkes	Tymeson
Upmeyer	Van Engelenhoven	Wagner	Wendt
Wenthe	Wessel-Kroeschell	Whitaker	Whitead
Willems	Winckler	Windschitl	Worthan
Mascher, Presiding			

The nays were, none.

Absent or not voting, 3:

Chambers	Watts	Zirkelbach
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Amendment H-1501 was adopted.

Soderberg of Plymouth offered the following amendment H-1502 filed by him from the floor and moved its adoption:

H-1502

1 Amend House File 811 as follows:  
 2 1. Page 38, by inserting after line 33 the  
 3 following:  
 4 "4. The department shall review the potential  
 5 outcomes of instituting a policy of suspending all or  
 6 a portion of adoption subsidy payments during a period  
 7 that a child for whom payments are provided is placed  
 8 by the court in a placement other than the adoptive  
 9 family. The department shall report on the review on  
 10 or before December 15, 2009, providing findings and  
 11 recommendations, to the persons designated by this  
 12 division of this Act for submission of reports."  
 13 2. By renumbering as necessary.

Roll call was requested by Soderberg of Plymouth and Paulsen of Linn.

On the question "Shall amendment H-1502 be adopted?" (H.F. 811)

The ayes were, 95:

Abdul-Samad	Alons	Anderson	Arnold
Baudler	Beard	Bell	Berry
Bukta	Burt	Cphoon	Cownie
De Boef	Deyoe	Dolecheck	Drake
Ficken	Ford	Forristall	Frevort
Gaskill	Gayman	Grassley	Hagenow
Heaton	Heddens	Helland	Horbach



Hunter	Huseman	Huser	Isenhart
Jacoby	Kaufmann	Kearns	Kelley
Koester	Kressig	Kuhn	Lensing
Lukan	Lykam	Marek	May
McCarthy	Mertz	Miller, H.	Miller, L.
Oldson	Olson, D.	Olson, R.	Olson, S.
Palmer	Paulsen	Petersen	Pettengill
Quirk	Raecker	Rants	Rayhons
Reasoner	Reichert	Roberts	Sands
Schueller	Schulte	Schultz	Shomshor
Smith	Soderberg	Sorenson	Steckman
Struyk	Swaim	Sweeney	Taylor, D.
Taylor, T.	Thede	Thomas	Tjepkes
Tymeson	Upmeyer	Van Engelenhoven	Wagner
Wendt	Wenthe	Wessel-Kroeschell	Whitaker
Whitead	Willems	Winckler	Windschitl
Worthan	Zirkelbach	Mascher,	
		Presiding	

The nays were, none.

Absent or not voting, 5:

Bailey	Chambers	Murphy, Spkr.	Olson, T.
Watts			

Amendment H-1502 was adopted.

The Speaker announced that with the passage of amendment H-1488, amendment H-1503 filed by Huseman of Cherokee, Anderson of Page and Heaton of Henry from the floor was placed out of order.

Anderson of Page offered the following amendment H-1516 filed by Anderson, et al., from the floor and moved its adoption:

H-1516

- 1 Amend House File 811 as follows:
- 2 1. Page 41, by inserting before line 9 the
- 3 following:
- 4 "3. The department shall staff a task force
- 5 appointed by the governor consisting of knowledgeable
- 6 citizens to perform an in-depth review of the four
- 7 state mental health institutes, services provided,
- 8 public benefits of the services provided, economic
- 9 effects connected to the presence of the institutes
- 10 that are realized by the communities in the areas
- 11 served and the families of personnel, and other public

- 12 costs and benefits associated with the presence and  
 13 availability of the four institutes. The task force  
 14 shall submit a report providing findings and  
 15 recommendations to the governor and general assembly  
 16 on or before December 15, 2009."

Roll call was requested by Raecker of Polk and Huseman of Cherokee.

On the question "Shall amendment H-1516 be adopted?" (H.F. 811)

The ayes were, 97:

Abdul-Samad	Alons	Anderson	Arnold
Bailey	Baudler	Beard	Bell
Berry	Bukta	Burt	Cohoon
Cownie	De Boef	Deyoe	Dolecheck
Drake	Ficken	Ford	Forristall
Frevert	Gaskill	Gayman	Grassley
Hagenow	Heaton	Heddens	Helland
Horbach	Hunter	Huseman	Huser
Isenhart	Jacoby	Kaufmann	Kearns
Kelley	Koester	Kressig	Kuhn
Lensing	Lukan	Lykam	Marek
May	McCarthy	Mertz	Miller, H.
Miller, L.	Murphy, Spkr.	Oldson	Olson, D.
Olson, R.	Olson, S.	Olson, T.	Palmer
Paulsen	Petersen	Pettengill	Raecker
Rants	Rayhons	Reasoner	Reichert
Roberts	Sands	Schueller	Schulte
Schultz	Shomshor	Smith	Soderberg
Sorenson	Steckman	Struyk	Swaim
Sweeney	Taylor, D.	Taylor, T.	Thede
Thomas	Tjepkes	Tymeson	Upmeyer
Van Engelenhoven	Wagner	Wendt	Wenthe
Wessel-Kroeschell	Whitaker	Whitead	Willems
Winckler	Windschitl	Worthan	Zirkelbach
Mascher, Presiding			

The nays were, none.

Absent or not voting, 3:

Chambers                      Quirk                      Watts

Amendment H-1516 was adopted.

Forristall of Pottawattamie offered the following amendment H-1517 filed by him from the floor and moved its adoption:

H-1517

- 1 Amend House File 811 as follows:
- 2 1. Page 42, by inserting after line 19 the
- 3 following:
- 4 "6. The superintendents of the state resource
- 5 centers shall report to the persons designated by this
- 6 division of this Act for submission of reports at
- 7 least quarterly concerning the use of the
- 8 authorization in this section for adding new
- 9 positions, reclassifying positions, pooling vacant
- 10 positions, opening units or other facilities, and
- 11 implementing services or addressing special needs."

Roll call was requested by Forristall of Pottawattamie and Raecker of Polk.

On the question "Shall amendment H-1517 be adopted?" (H.F. 811)

The ayes were, 98:

Abdul-Samad	Alons	Anderson	Arnold
Bailey	Baudler	Beard	Bell
Berry	Bukta	Burt	Cohoon
Cownie	De Boef	Deyoe	Dolecheck
Drake	Ficken	Ford	Forristall
Frevert	Gaskill	Gayman	Grassley
Hagenow	Heaton	Heddens	Helland
Horbach	Hunter	Huseman	Huser
Isenhart	Jacoby	Kaufmann	Kearns
Kelley	Koester	Kressig	Kuhn
Lensing	Lukan	Lykam	Marek
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	Rayhons	Reasoner
Reichert	Roberts	Sands	Schueller
Schulte	Schultz	Shomshor	Smith
Soderberg	Sorenson	Steckman	Struyk
Swaim	Sweeney	Taylor, D.	Taylor, T.
Thede	Thomas	Tjepkes	Tymeson
Upmeyer	Van Engelenhoven	Wagner	Wendt
Wenthe	Wessel-Kroeschell	Whitaker	Whitead
Willems	Winckler	Windschitl	Worthan
Zirkelbach	Mascher,		
	Presiding		

The nays were, none.

Absent or not voting, 2:

Chambers

Watts

Amendment H-1517 was adopted.

De Boef of Keokuk offered the following amendment H-1519 filed by her from the floor and moved its adoption:

H-1519

- 1 Amend House File 811 as follows:
- 2 1. Page 47, by striking lines 20 through 34.
- 3 2. By renumbering as necessary.

Roll call was requested by De Boef of Keokuk and Smith of Marshall.

On the question "Shall amendment H-1519 be adopted?" (H.F. 811)

The ayes were, 42:

Alons	Anderson	Arnold	Baudler
Cownie	De Boef	Deyoe	Dolecheck
Drake	Forristall	Grassley	Hagenow
Heaton	Helland	Horbach	Huseman
Kaufmann	Koester	Lukan	May
Mertz	Miller, L.	Olson, S.	Paulsen
Pettengill	Raecker	Rants	Rayhons
Roberts	Sands	Schulte	Schultz
Soderberg	Sorenson	Sweeney	Tjepkes
Tymeson	Upmeyer	Van Engelenhoven	Wagner
Windschitl	Worthan		

The nays were, 54:

Abdul-Samad	Bailey	Beard	Bell
Berry	Bukta	Burt	Cohoon
Ficken	Ford	Frevert	Gaskill
Gayman	Heddens	Hunter	Huser
Isenhardt	Jacoby	Kearns	Kelley
Kressig	Kuhn	Lensing	Lykam
Marek	McCarthy	Miller, H.	Murphy, Spkr.
Oldson	Olson, D.	Olson, R.	Olson, T.
Palmer	Petersen	Reasoner	Reichert
Schueller	Shomshor	Smith	Steckman
Swaim	Taylor, D.	Taylor, T.	Thede
Thomas	Wendt	Wenthe	Wessel-Kroeschell

Whitaker	Whitead	Willems	Winckler
Zirkelbach	Mascher, Presiding		

Absent or not voting, 4:

Chambers	Quirk	Struyk	Watts
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Amendment H-1519 lost.

Heaton of Henry offered the following amendment H-1515 filed by him from the floor and moved its adoption:

H-1515

- 1 Amend House File 811 as follows:
- 2 1. Page 48, line 9, by striking the word
- 3 "continue" and inserting the following: "reissue the
- 4 request for proposals for".

Roll call was requested by Heaton of Henry and L. Miller of Scott.

On the question "Shall amendment H-1515 be adopted?" (H.F. 811)

The ayes were, 43:

Alons	Anderson	Arnold	Baudler
Bukta	Cownie	De Boef	Deyoe
Dolecheck	Drake	Forristall	Grassley
Hagenow	Heaton	Helland	Horbach
Huseman	Kaufmann	Koester	Lukan
May	Mertz	Miller, L.	Olson, S.
Paulsen	Pettengill	Raecker	Rayhons
Roberts	Sands	Schulte	Schultz
Soderberg	Sorenson	Struyk	Sweeney
Tjepkes	Tymeson	Upmeyer	Van Engelenhoven
Wagner	Windschitl	Worthan	

The nays were, 54:

Abdul-Samad	Bailey	Beard	Bell
Berry	Burt	Cphoon	Ficken
Ford	Frevert	Gaskill	Gayman
Heddens	Hunter	Huser	Isenhart
Jacoby	Kearns	Kelley	Kressig
Kuhn	Lensing	Lykam	Marek
McCarthy	Miller, H.	Murphy, Spkr.	Oldson
Olson, D.	Olson, R.	Olson, T.	Palmer

Petersen	Quirk	Reasoner	Reichert
Schueller	Shomshor	Smith	Steckman
Swaim	Taylor, D.	Taylor, T.	Thede
Thomas	Wendt	Wenthe	Wessel-Kroeschell
Whitaker	Whitead	Willems	Winckler
Zirkelbach	Mascher, Presiding		

Absent or not voting, 3:

Chambers	Rants	Watts
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Amendment H-1515 lost.

Alons of Sioux offered the following amendment H-1504 filed by him from the floor and moved its adoption:

H-1504

- 1 Amend House File 811 as follows:
- 2 1. Page 52, by striking lines 8 through 12.
- 3 2. By renumbering as necessary.

Roll call was requested by Alons of Sioux and Smith of Marshall.

On the question "Shall amendment H-1504 be adopted?" (H.F. 811)

The ayes were, 44:

Alons	Anderson	Arnold	Baudler
Cownie	De Boef	Deyoe	Dolecheck
Drake	Forristall	Grassley	Hagenow
Heaton	Helland	Horbach	Huseman
Kaufmann	Koester	Lukan	Marek
May	Mertz	Miller, L.	Olson, S.
Paulsen	Pettengill	Raecker	Rants
Rayhons	Roberts	Sands	Schulte
Schultz	Soderberg	Sorenson	Swaim
Sweeney	Tjepkes	Tymeson	Upmeyer
Van Engelenhoven	Wagner	Windschitl	Worthan

The nays were, 53:

Abdul-Samad	Bailey	Beard	Bell
Berry	Bukta	Burt	Cohoon
Ficken	Ford	Frevert	Gaskill
Gayman	Heddens	Hunter	Huser
Isenhart	Jacoby	Kearns	Kelley

Kressig	Kuhn	Lensing	Lykam
McCarthy	Miller, H.	Murphy, Spkr.	Oldson
Olson, D.	Olson, R.	Olson, T.	Palmer
Petersen	Quirk	Reasoner	Reichert
Schueller	Shomshor	Smith	Steckman
Taylor, D.	Taylor, T.	Thede	Thomas
Wendt	Wenthe	Wessel-Kroeschell	Whitaker
Whitead	Willems	Winckler	Zirkelbach
Mascher, Presiding			

Absent or not voting, 3:

Chambers	Struyk	Watts
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Amendment H-1504 lost.

Schulte of Linn asked and received unanimous consent to withdraw amendment H-1489 and amendment H-1493 filed by her from the floor.

Schulte of Linn offered the following amendment H-1505 filed by her from the floor and moved its adoption:

H-1505

1 Amend House File 811 as follows:  
 2 1. Page 58, by inserting after line 27 the  
 3 following:  
 4 "Sec.\_\_\_\_. VACANT, FUNDED FULL-TIME EQUIVALENT  
 5 POSITIONS. Notwithstanding any provision to the  
 6 contrary, for the fiscal year beginning July 1, 2009,  
 7 and ending June 30, 2010, the director of a department  
 8 or state agency to which appropriations are made  
 9 pursuant to the provisions of this Act shall revert to  
 10 the general fund of the state at the close of the  
 11 fiscal year an amount equal to the salary and benefits  
 12 cost of each full-time equivalent position funded with  
 13 an appropriation made in this Act that remains vacant  
 14 for a period of six months or more."  
 15 2. By renumbering as necessary.

Roll call was requested by Schulte of Linn and Helland of Polk.

On the question "Shall amendment H-1505 be adopted?" (H.F. 811)

The ayes were, 41:

Alons	Anderson	Arnold	Baudler
Cownie	De Boef	Deyoe	Dolecheck
Drake	Forristall	Grassley	Hagenow
Heaton	Helland	Horbach	Huseman
Kaufmann	Koester	Lukan	May
Miller, L.	Olson, S.	Paulsen	Raecker
Rants	Rayhons	Roberts	Sands
Schulte	Schultz	Soderberg	Sorenson
Struyk	Sweeney	Tjepkes	Tymeson
Upmeyer	Van Engelenhoven	Wagner	Windschitl
Worthan			

The nays were, 55:

Abdul-Samad	Beard	Bell	Berry
Bukta	Burt	Cphoon	Ficken
Ford	Frevert	Gaskill	Gayman
Heddens	Hunter	Huser	Isenhart
Jacoby	Kearns	Kelley	Kressig
Kuhn	Lensing	Lykam	Marek
McCarthy	Mertz	Miller, H.	Murphy, Spkr.
Oldson	Olson, D.	Olson, R.	Olson, T.
Palmer	Petersen	Quirk	Reasoner
Reichert	Schueller	Shomshor	Smith
Steckman	Swaim	Taylor, D.	Taylor, T.
Thede	Thomas	Wendt	Wenthe
Wessel-Kroeschell	Whitaker	Whitead	Willems
Winckler	Zirkelbach	Mascher,	
	Presiding		

Absent or not voting, 4:

Bailey	Chambers	Pettengill	Watts
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Amendment H-1505 lost.

Baudler of Adair offered the following amendment H-1506 filed by him from the floor and moved its adoption:

H-1506

- 1 Amend House File 811 as follows:
- 2 1. Page 58, by inserting after line 27 the
- 3 following:
- 4 "Sec.\_\_\_\_. EXPENSE REIMBURSEMENT – REQUIREMENTS.
- 5 Notwithstanding any provision to the contrary, for the
- 6 fiscal year beginning July 1, 2009, and ending June
- 7 30, 2010, the director of a department or state agency
- 8 to which appropriations are made pursuant to the



9 provisions of this Act shall require employees, in  
 10 order to receive reimbursement for expense, to submit  
 11 actual receipts for meals and other costs.  
 12 Reimbursement up to the maximum amount shall only be  
 13 allowed in an amount equal to the sum of the actual  
 14 receipts submitted."  
 15 2. By renumbering as necessary.

T. Olson of Linn in the chair at 5:47 p.m.

Roll call was requested by Baudler of Adair and Sweeney of Hardin.

On the question "Shall amendment H-1506 be adopted?" (H.F. 811)

The ayes were, 98:

Abdul-Samad	Alons	Anderson	Arnold
Bailey	Baudler	Beard	Bell
Berry	Bukta	Burt	Cohoon
Cownie	De Boef	Deyoe	Dolecheck
Drake	Ficken	Ford	Forristall
Frevert	Gaskill	Gayman	Grassley
Hagenow	Heaton	Heddens	Helland
Horbach	Hunter	Huseman	Huser
Isenhardt	Jacoby	Kaufmann	Kearns
Kelley	Koester	Kressig	Kuhn
Lensing	Lukan	Lykam	Marek
Mascher	May	McCarthy	Mertz
Miller, H.	Miller, L.	Murphy, Spkr.	Oldson
Olson, D.	Olson, R.	Olson, S.	Palmer
Paulsen	Petersen	Pettengill	Quirk
Raecker	Rants	Rayhons	Reasoner
Reichert	Roberts	Sands	Schueller
Schulte	Schultz	Shomshor	Smith
Soderberg	Sorenson	Steckman	Struyk
Swaim	Sweeney	Taylor, D.	Taylor, T.
Thede	Thomas	Tjepkes	Tymeson
Upmeyer	Van Engelenhoven	Wagner	Wendt
Wenthe	Wessel-Kroeschell	Whitaker	Whitead
Willems	Winckler	Windschitl	Worthan
Zirkelbach	Olson, T., Presiding		

The nays were, none.

Absent or not voting, 2:

Chambers

Watts

Amendment H-1506 was adopted.

Rayhons of Hancock offered the following amendment H-1507 filed by him from the floor and moved its adoption:

H-1507

- 1 Amend House File 811 as follows:
- 2 1. Page 58, by inserting after line 27 the
- 3 following:
- 4 "Sec.\_\_\_\_. OUT-OF-STATE TRAVEL – RESTRICTIONS.
- 5 Notwithstanding any provision to the contrary, for the
- 6 fiscal year beginning July 1, 2009, and ending June
- 7 30, 2010, out-of-state travel by an employee of a
- 8 department or state agency to which appropriations are
- 9 made pursuant to this Act shall not be authorized
- 10 unless the executive council authorizes the travel as
- 11 necessary for the performance of official state
- 12 business."
- 13 2. By renumbering as necessary.

Roll call was requested by Rayhons of Hancock and Raecker of Polk.

On the question "Shall amendment H-1507 be adopted?" (H.F. 811)

The ayes were, 98:

Abdul-Samad	Alons	Anderson	Arnold
Bailey	Baudler	Beard	Bell
Berry	Bukta	Burt	Cohoon
Cownie	De Boef	Deyoe	Dolecheck
Drake	Ficken	Ford	Forristall
Frevert	Gaskill	Gayman	Grassley
Hagenow	Heaton	Heddens	Helland
Horbach	Hunter	Huseman	Huser
Isenhart	Jacoby	Kaufmann	Kearns
Kelley	Koester	Kressig	Kuhn
Lensing	Lukan	Lykam	Marek
Mascher	May	McCarthy	Mertz
Miller, H.	Miller, L.	Murphy, Spkr.	Oldson
Olson, D.	Olson, R.	Olson, S.	Palmer
Paulsen	Petersen	Pettengill	Quirk
Raecker	Rants	Rayhons	Reasoner
Reichert	Roberts	Sands	Schueller
Schulte	Schultz	Shomshor	Smith
Soderberg	Sorenson	Steckman	Struyk
Swaim	Sweeney	Taylor, D.	Taylor, T.

Thede	Thomas	Tjepkes	Tymeson
Upmeyer	Van Engelenhoven	Wagner	Wendt
Wenthe	Wessel-Kroeschell	Whitaker	Whitead
Willems	Winckler	Windschitl	Worthan
Zirkelbach	Olson, T., Presiding		

The nays were, none.

Absent or not voting, 2:

Chambers                      Watts

Amendment H-1507 was adopted.

Alons of Sioux offered the following amendment H-1508 filed by him from the floor and moved its adoption:

H-1508

1 Amend House File 811 as follows:  
 2 1. Page 58, by inserting after line 27 the  
 3 following:  
 4 "Sec. \_\_\_\_ EXPENDITURES FOR CELLULAR TELEPHONES  
 5 AND PERSONAL DIGITAL ASSISTANTS PROHIBITED.  
 6 Notwithstanding any provision to the contrary, other  
 7 than for employees performing inspections or who are  
 8 otherwise normally performing their primary duties  
 9 away from a fixed location more than 70 percent of the  
 10 time, for the fiscal year beginning July 1, 2009, a  
 11 department receiving appropriations in this Act shall  
 12 not expend moneys appropriated from the general fund  
 13 of the state to pay for or reimburse the initial or  
 14 associated service costs for cellular telephones,  
 15 personal digital assistant devices, or handheld  
 16 computers. However, the executive council may  
 17 authorize an exception on a case-by-case basis, to  
 18 address an emergency situation for a period of time  
 19 not more than three consecutive calendar months in  
 20 length or to complete the minimum period specified  
 21 under the terms of a lease or contract."  
 22 2. By renumbering as necessary.

Roll call was requested by Alons of Sioux and Raecker of Polk.

On the question "Shall amendment H-1508 be adopted?" (H.F. 811)

The ayes were, 42:

Alons	Anderson	Arnold	Baudler
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
Windschitl	Worthan		

The nays were, 56:

Abdul-Samad	Bailey	Beard	Bell
Berry	Bukta	Burt	Cohoon
Ficken	Ford	Frevort	Gaskill
Gayman	Heddens	Hunter	Huser
Isenhardt	Jacoby	Kearns	Kelley
Kressig	Kuhn	Lensing	Lykam
Marek	Mascher	McCarthy	Mertz
Miller, H.	Murphy, Spkr.	Oldson	Olson, D.
Olson, R.	Palmer	Petersen	Quirk
Reasoner	Reichert	Schueller	Shomshor
Smith	Steckman	Swaim	Taylor, D.
Taylor, T.	Thede	Thomas	Wendt
Wenthe	Wessel-Kroeschell	Whitaker	Whitead
Willems	Winckler	Zirkelbach	Olson, T., Presiding

Absent or not voting, 2:

Chambers                      Watts

Amendment H-1508 lost.

Raecker of Polk asked and received unanimous consent to withdraw amendment H-1509 filed by him from the floor.

Schulte of Linn offered the following amendment H-1520 filed by her from the floor and moved its adoption:

H-1520

- 1 Amend House File 811 as follows:
- 2 1. Page 58, by inserting after line 27 the
- 3 following:
- 4 "Sec. \_\_\_\_\_. LEAN GOVERNMENT EXCHANGE. Beginning

5 July 1, 2009, the department of human services shall  
 6 participate in the lean government exchange through  
 7 consultation with the department of management, office  
 8 of lean enterprise, to improve the speed and  
 9 efficiency of departmental and program processes by  
 10 eliminating waste. The department shall initially  
 11 apply this methodology to general administration. The  
 12 department shall submit periodic progress reports  
 13 regarding such implementation to the persons  
 14 designated by this division of this Act for submission  
 15 of reports."  
 16 2. By renumbering as necessary.

Speaker Murphy in the chair at 6:18 p.m.

Roll call was requested by Schulte of Linn and Worthan of Buena Vista.

On the question "Shall amendment H-1520 be adopted?" (H.F. 811)

The ayes were, 98:

Abdul-Samad	Alons	Anderson	Arnold
Bailey	Baudler	Beard	Bell
Berry	Bukta	Burt	Cohoon
Cownie	De Boef	Deyoe	Dolecheck
Drake	Ficken	Ford	Forristall
Frevert	Gaskill	Gayman	Grassley
Hagenow	Heaton	Heddens	Helland
Horbach	Hunter	Huseman	Huser
Isenhardt	Jacoby	Kaufmann	Kearns
Kelley	Koester	Kressig	Kuhn
Lensing	Lukan	Lykam	Marek
Mascher	May	McCarthy	Mertz
Miller, H.	Miller, L.	Oldson	Olson, D.
Olson, R.	Olson, S.	Olson, T.	Palmer
Paulsen	Petersen	Pettengill	Quirk
Raecker	Rants	Rayhons	Reasoner
Reichert	Roberts	Sands	Schueller
Schulte	Schultz	Shomshor	Smith
Soderberg	Sorenson	Steckman	Struyk
Swaim	Sweeney	Taylor, D.	Taylor, T.
Thede	Thomas	Tjepkes	Tymeson
Upmeyer	Van Engelenhoven	Wagner	Wendt
Wenthe	Wessel-Kroeschell	Whitaker	Whitead
Willems	Winckler	Windschitl	Worthan
Zirkelbach	Mr. Speaker		
	Murphy		

The nays were, none.

Absent or not voting, 2:

Chambers                      Watts

Amendment H-1520 was adopted.

Raecker of Polk asked and received unanimous consent to withdraw amendment H-1524 filed by him from the floor.

L. Miller of Scott asked and received unanimous consent to withdraw amendment H-1525 filed by her from the floor.

Upmeyer of Hancock asked and received unanimous consent to withdraw amendment H-1490 filed by her from the floor.

L. Miller of Scott offered the following amendment H-1510 filed by her from the floor and moved its adoption:

H-1510

1 Amend House File 811 as follows:  
2 1. Page 71, by inserting after line 29 the  
3 following:  
4 "NEW SUBSECTION. 7. The county management plans  
5 for the services funded under this section shall  
6 provide that if a consumer is receiving targeted case  
7 management services under the medical assistance  
8 program that the consumer shall not also receive other  
9 case management services duplicative of the targeted  
10 case management services."

Amendment H-1510 lost.

Ford of Polk asked and received unanimous consent to withdraw amendment H-1523 filed by him from the floor.

Heaton of Henry offered the following amendment H-1511 filed by him from the floor and moved its adoption:

H-1511

1 Amend House File 811 as follows:

- 2 1. Page 71, line 33, by inserting after the word  
 3 "services" the following: ", in consultation with the  
 4 ranking members of the subcommittee,".

Roll call was requested by Heaton of Henry and Paulsen of Linn.

On the question "Shall amendment H-1511 be adopted?" (H.F. 811)

The ayes were, 97:

Abdul-Samad	Alons	Anderson	Arnold
Bailey	Baudler	Beard	Bell
Berry	Bukta	Burt	Cohoon
Cownie	De Boef	Deyoe	Dolecheck
Drake	Ficken	Ford	Forristall
Frevert	Gaskill	Gayman	Grassley
Hagenow	Heaton	Heddens	Helland
Horbach	Hunter	Huseman	Huser
Isenhart	Jacoby	Kaufmann	Kearns
Kelley	Koester	Kressig	Kuhn
Lensing	Lukan	Lykam	Marek
Mascher	May	McCarthy	Mertz
Miller, H.	Miller, L.	Oldson	Olson, D.
Olson, R.	Olson, S.	Olson, T.	Palmer
Paulsen	Petersen	Pettengill	Quirk
Raecker	Rants	Rayhons	Reasoner
Reichert	Roberts	Sands	Schueller
Schulte	Schultz	Shomshor	Smith
Soderberg	Sorenson	Steckman	Struyk
Swaim	Sweeney	Taylor, T.	Thede
Thomas	Tjepkes	Tymeson	Upmeyer
Van Engelenhoven	Wagner	Wendt	Wenthe
Wessel-Kroeschell	Whitaker	Whitead	Willems
Winckler	Windschitl	Worthan	Zirkelbach
Mr. Speaker			
Murphy			

The nays were, none.

Absent or not voting, 3:

Chambers                      Taylor, D.                      Watts

Amendment H-1511 was adopted.

Heaton of Henry offered the following amendment H-1512 filed by him from the floor and moved its adoption:

H-1512

- 1 Amend House File 811 as follows:

2 1. Page 72, line 16, by inserting after the word  
 3 "bodies." the following: "The bodies shall report to  
 4 the persons designated by this division of this Act  
 5 for submission of reports on or before January 15,  
 6 2010, concerning the coordination efforts."

Roll call was requested by Heaton of Henry and Cownie of Polk.

On the question "Shall amendment H-1512 be adopted?" (H.F. 811)

The ayes were, 96:

Abdul-Samad	Alons	Anderson	Arnold
Bailey	Baudler	Beard	Bell
Berry	Bukta	Burt	Cohoon
Cownie	De Boef	Deyoe	Dolecheck
Drake	Ficken	Ford	Forristall
Frevert	Gaskill	Gayman	Grassley
Hagenow	Heaton	Heddens	Helland
Horbach	Hunter	Huseman	Huser
Isenhart	Jacoby	Kaufmann	Kearns
Kelley	Koester	Kressig	Kuhn
Lensing	Lukan	Lykam	Marek
Mascher	May	McCarthy	Mertz
Miller, H.	Miller, L.	Oldson	Olson, D.
Olson, R.	Olson, S.	Olson, T.	Palmer
Paulsen	Petersen	Pettengill	Quirk
Raecker	Rants	Rayhons	Reasoner
Reichert	Roberts	Sands	Schueller
Schulte	Schultz	Shomshor	Smith
Soderberg	Sorenson	Steckman	Struyk
Swaim	Sweeney	Taylor, T.	Thede
Thomas	Tjepkes	Tymeson	Upmeyer
Van Engelenhoven	Wagner	Wendt	Wenthe
Wessel-Kroeschell	Whitaker	Whitead	Willems
Winckler	Windschitl	Worthan	Mr. Speaker Murphy

The nays were, none.

Absent or not voting, 4:

Chambers	Taylor, D.	Watts	Zirkelbach
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Amendment H-1512 was adopted.

Heaton of Henry offered the following amendment H-1513 filed by him from the floor and moved its adoption:



H-1513

- 1 Amend House File 811 as follows:
- 2 1. Page 80, by striking lines 8 through 23.
- 3 2. By renumbering as necessary.

Roll call was requested by Heaton of Henry and L. Miller of Scott.

On the question "Shall amendment H-1513 be adopted?" (H.F. 811)

The ayes were, 41:

Alons	Anderson	Arnold	Baudler
Cownie	De Boef	Deyoe	Dolecheck
Drake	Forristall	Grassley	Hagenow
Heaton	Helland	Horbach	Huseman
Kaufmann	Koester	Lukan	May
Miller, L.	Olson, S.	Paulsen	Raecker
Rants	Rayhons	Roberts	Sands
Schulte	Schultz	Soderberg	Sorenson
Struyk	Sweeney	Tjepkes	Tymeson
Upmeyer	Van Engelenhoven	Wagner	Windschitl
Worthan			

The nays were, 55:

Abdul-Samad	Bailey	Beard	Bell
Berry	Bukta	Burt	Cohoon
Ficken	Ford	Frevert	Gaskill
Gayman	Heddens	Hunter	Huser
Isenhardt	Jacoby	Kearns	Kelley
Kressig	Kuhn	Lensing	Lykam
Marek	Mascher	McCarthy	Mertz
Miller, H.	Oldson	Olson, D.	Olson, R.
Olson, T.	Palmer	Petersen	Quirk
Reasoner	Reichert	Schueller	Shomshor
Smith	Steckman	Swaim	Taylor, D.
Taylor, T.	Thede	Thomas	Wendt
Wenthe	Wessel-Kroeschell	Whitaker	Whitead
Willems	Winckler	Mr. Speaker	
		Murphy	

Absent or not voting, 4:

Chambers	Pettengill	Watts	Zirkelbach
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Amendment H-1513 lost.

Dolecheck of Ringgold asked and received unanimous consent to withdraw amendment H-1518 filed by him and Heaton of Henry from the floor.

Rants of Woodbury offered the following amendment H-1487 filed by him and moved its adoption:

H-1487

- 1 Amend House File 811 as follows:
- 2 1. Page 96, by inserting after line 28 the
- 3 following:
- 4 "DIVISION \_\_\_\_
- 5 VEHICLE PURCHASES
- 6 Sec. \_\_\_\_ VEHICLE PURCHASES DEFERRED.
- 7 Notwithstanding any provision to the contrary, except
- 8 as otherwise provided by this section, the department
- 9 of administrative services shall defer the purchase of
- 10 replacement motor vehicles paid for from the general
- 11 fund of the state or from such moneys credited to the
- 12 depreciation fund maintained pursuant to section
- 13 8A.365. The purchase deferral is applicable to the
- 14 remainder of the fiscal year beginning July 1, 2008,
- 15 commencing on the effective date of this section and
- 16 to the succeeding fiscal year. However, the executive
- 17 council may authorize an exception to allow purchase
- 18 of a replacement vehicle when the purchase is less
- 19 costly than all other alternatives.
- 20 Sec. \_\_\_\_ EFFECTIVE DATE. The section of this
- 21 division of this Act providing for vehicle purchases
- 22 to be deferred, being deemed of immediate importance,
- 23 takes effect upon enactment."
- 24 2. By renumbering as necessary.

Heddens of Story rose on a point of order that amendment H-1487 was not germane.

The Speaker ruled the point well taken and amendment H-1487 not germane.

Rants of Woodbury moved to suspend the rules to consider amendment H-1487.

Roll call was requested by Rants of Woodbury and Paulsen of Linn.

On the question "Shall the rules be suspended to consider amendment H-1487?" (H.F. 811)

The ayes were, 42:

Alons	Anderson	Arnold	Baudler
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
Windschitl	Worthan		

The nays were, 56:

Abdul-Samad	Bailey	Beard	Bell
Berry	Bukta	Burt	Cohoon
Ficken	Ford	Frevrt	Gaskill
Gayman	Heddens	Hunter	Huser
Isenhardt	Jacoby	Kearns	Kelley
Kressig	Kuhn	Lensing	Lykam
Marek	Mascher	McCarthy	Mertz
Miller, H.	Oldson	Olson, D.	Olson, R.
Olson, T.	Palmer	Petersen	Quirk
Reasoner	Reichert	Schueller	Shomshor
Smith	Steckman	Swaim	Taylor, D.
Taylor, T.	Thede	Thomas	Wendt
Wenthe	Wessel-Kroeschell	Whitaker	Whitead
Willems	Winckler	Zirkelbach	Mr. Speaker Murphy

Absent or not voting, 2:

Chambers                      Watts

The motion to suspend the rules lost.

Heddens of Story offered the following amendment H-1494 filed by her from the floor and moved its adoption:

H-1494

- 1 Amend House File 811 as follows:
- 2 1. Page 96, by inserting after line 28 the
- 3 following:
- 4 "Sec.\_\_\_\_. Section 249A.3, subsection 14, Code

5 2009, is amended to read as follows:

6 14. Once initial ongoing eligibility for ~~the~~  
 7 ~~family~~ medical assistance ~~program~~ ~~related~~ ~~medical~~  
 8 ~~assistance~~ is determined for a child ~~described~~ under  
 9 ~~subsection 1, paragraph "b", "f", "g", "j", "k", "l",~~  
 10 ~~or "n" or under subsection 2, paragraph "c", "f", or~~  
 11 ~~"h" the age of nineteen~~, the department shall provide  
 12 continuous eligibility for a period of up to twelve  
 13 months regardless of changes in family circumstances,  
 14 until the child's next annual review of eligibility  
 15 under the medical assistance program, ~~if the child~~  
 16 ~~would otherwise be determined ineligible due to excess~~  
 17 ~~countable income but otherwise remains eligible with~~  
 18 the exception of the following children:

19 a. A newborn child of a medical

20 assistance-eligible woman.

21 b. A child whose eligibility was determined under

22 the medically needy program.

23 c. A child who is eligible under a state-only

24 funded program.

25 d. A child who is no longer an Iowa resident.

26 e. A child who is incarcerated in a jail or other

27 correctional institution.

28 Sec.\_\_\_\_. EFFECTIVE DATE – RETROACTIVE  
 29 APPLICABILITY. The section of this division of this  
 30 Act amending section 249A.3, subsection 14, being  
 31 deemed of immediate importance, takes effect upon  
 32 enactment and is retroactively applicable to July 1,  
 33 2008."

34 2. By renumbering as necessary.

Amendment H-1494 was adopted.

Rants of Woodbury asked and received unanimous consent to withdraw amendment H-1522 filed by him from the floor.

Struyk of Pottawattamie asked and received unanimous consent to suspend Rule 31, related to the timely filing of amendments, to consider amendment H-1526.

Struyk of Pottawattamie offered the following amendment H-1526 filed by him, Heddens of Story and Smith of Marshall from the floor and moved its adoption:

H-1526

1 Amend House File 811 as follows:

2 1. Page 5, by inserting after line 33 the  
 3 following:

4 "(5) The requirement of section 123.53, subsection

- 5 3, is met by the appropriations and allocations made  
 6 in this Act for purposes of substance abuse treatment  
 7 and addictive disorders for the fiscal year beginning  
 8 July 1, 2009."  
 9 2. Page 95, by striking lines 2 through 24.  
 10 3. By renumbering as necessary.

Amendment H-1526 was adopted.

Heddens of Story 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. 811)

The ayes were, 56:

Abdul-Samad	Bailey	Beard	Bell
Berry	Bukta	Burt	Cohoon
Ficken	Ford	Frevert	Gaskill
Gayman	Heddens	Hunter	Huser
Isenhart	Jacoby	Kearns	Kelley
Kressig	Kuhn	Lensing	Lykam
Marek	Mascher	McCarthy	Mertz
Miller, H.	Oldson	Olson, D.	Olson, R.
Olson, T.	Palmer	Petersen	Quirk
Reasoner	Reichert	Schueller	Shomshor
Smith	Steckman	Swaim	Taylor, D.
Taylor, T.	Thede	Thomas	Wendt
Wenthe	Wessel-Kroeschell	Whitaker	Whitead
Willems	Winckler	Zirkelbach	Mr. Speaker Murphy

The nays were, 42:

Alons	Anderson	Arnold	Baudler
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
Windschitl	Worthan		

Absent or not voting, 2:

Chambers	Watts
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The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

MOTION TO RECONSIDER WITHDRAWN  
(Senate File 467)

McCarthy of Polk asked and received unanimous consent to withdraw the motion to reconsider **Senate File 467**, a bill for an act relating to and making appropriations involving state government, by providing for agriculture, natural resources, and environmental protection, and providing effective dates, filed by him on April 8, 2009.

MOTION TO RECONSIDER WITHDRAWN  
(Senate File 469)

McCarthy of Polk asked and received unanimous consent to withdraw the motion to reconsider **Senate File 469**, 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, filed by him on April 8, 2009.

IMMEDIATE MESSAGES

McCarthy of Polk asked and received unanimous consent that the following bills be immediately messaged to the Senate: **House File 811** and **Senate Files 467** and **469**.

SENATE MESSAGE CONSIDERED

**Senate File 475**, by committee on appropriations, a bill for an act relating to and making appropriations to the justice system, and including effective and retroactive applicability date provisions.

Read first time and referred to committee on **appropriations**.

On motion by McCarthy of Polk, the House was recessed at 7:42 p.m., until the conclusion of the meeting of the committee on appropriations.

## EVENING SESSION

The House reconvened at 10:35 p.m., T. Taylor of Linn in the chair.

## INTRODUCTION OF BILLS

**House File 817**, by committee on ways and means, a bill for an act relating to the research activities tax credit for innovative renewable energy generation components and making an appropriation and providing applicability date provisions.

Read first time and placed on the **ways and means calendar**.

**House File 818**, by committee on ways and means, a bill for an act relating to the eligibility for tax credits and income reductions for qualified expenditures under the film, television, and video project promotion program, providing for a fee, and providing an applicability date provision.

Read first time and placed on the **ways and means calendar**.

**House File 819**, by committee on ways and means, a bill for an act relating to historic preservation and cultural and entertainment district tax credits by increasing the aggregate amount of credits that may be approved, changing the amounts allocated to various projects, and modifying certain administrative duties of the department of cultural affairs.

Read first time and placed on the **ways and means calendar**.

**House File 820**, by committee on appropriations, a bill for an act appropriating federal funds made available from federal block grants, federal American Recovery and Reinvestment Act of 2009 funding, and other federal grants, allocating portions of federal block grants, and providing procedures if federal funds are more or less than anticipated or if federal block grants are more or less than anticipated.

Read first time and placed on the **appropriations calendar**.

**House File 821**, by the committee on appropriations, a bill for an act concerning public employee collective bargaining.

Read first time and placed on the **appropriations calendar**.

**House File 822**, by the committee on appropriations, a bill for an act relating to and making appropriations to state departments and agencies from the rebuild Iowa infrastructure fund and the technology reinvestment fund and other funds, and providing for properly related matters.

Read first time and placed on the **appropriations calendar**.

#### HOUSE FILE 777 REREFERRED

The Speaker announced that House File 777, previously referred to committee on **appropriations** was placed on the **calendar**.

#### HOUSE FILES AND SENATE FILES PLACED ON THE UNFINISHED BUSINESS CALENDAR

Hunter of Polk asked and received unanimous consent that the following House Files and Senate Files be placed on the unfinished business calendar.

House File 209	House File 781
House File 234	House File 783
House File 426	House File 785
House File 491	House File 790
House File 520	House File 791
House File 562	House File 795
House File 629	House File 807
House File 657	House File 810
House File 670	House File 812
House File 671	House File 814
House File 674	House File 815
House File 686	House File 816
House File 691	House File 817
House File 705	House File 818
House File 711	House File 819
House File 712	House File 820
House File 744	House File 821



House File 756  
House File 767  
House File 775  
House File 777  
House File 778

House File 822  
Senate File 236  
Senate File 414  
Senate File 433

### HOUSE FILE 794 REFERRED

The Speaker announced that House File 794, previously placed on the **calendar** was referred to committee on **appropriations**.

### SENATE FILE 344 REFERRED

The Speaker announced that Senate File 344, previously placed on the **calendar** was referred to committee on **appropriations**.

### BILLS SIGNED BY THE GOVERNOR

A communication was received from the Governor announcing that on April 9, 2009, he approved and transmitted to the Secretary of State the following bills:

House File 315, an Act creating an Iowa collaboration for youth development council and state of Iowa youth advisory council in the department of human rights.

House File 687, an Act relating to certain reporting requirements or actions required of the department of education, school districts, accredited nonpublic schools, and community colleges.

Senate File 360, an Act relating to the accreditation of school districts and nonpublic schools and the reorganization of school districts.

Senate File 364, an Act relating to civil actions including certain limitations on actions, judgments, and executions and including actions relating to the foreclosure of real estate mortgages, and providing effective date and applicability provisions.

Senate File 365, an Act relating to trusts and estates including the administration of small estates and including retroactive and other applicability provisions.

### 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

- 2009\3559 Robert and Marie Johnson, Swedesburg – For celebrating their 50<sup>th</sup> wedding anniversary.
- 2009\3560 Ruth Kolbe, Story – For celebrating her 100<sup>th</sup> birthday.
- 2009\3561 Eleanore Barkey, Iowa Falls – For celebrating her 90<sup>th</sup> birthday.
- 2009\3562 Phyllis McGill, Iowa Falls – For celebrating her 80<sup>th</sup> birthday.
- 2009\3563 Arnold Schaap, Ackley – For celebrating his 80<sup>th</sup> birthday.
- 2009\3564 Harold Priske, Eldora – For celebrating his 92<sup>nd</sup> birthday.
- 2009\3565 Lester and Susie Hinz, Iowa Falls – For celebrating their 70<sup>th</sup> wedding anniversary.
- 2009\3566 Leita Steckelberg, Denison – For celebrating her 90<sup>th</sup> birthday.
- 2009\3567 Eleanor Harvey, Akron – For celebrating her 90<sup>th</sup> birthday.
- 2009\3568 Cynthia Cleveringa, Sioux Center – For celebrating her 95<sup>th</sup> birthday.
- 2009\3569 Elnora McGilvra, Orange City – For celebrating her 100<sup>th</sup> birthday.
- 2009\3570 Lorene Franken, Sioux Center – For celebrating her 80<sup>th</sup> birthday.
- 2009\3571 Luella Smit, Boyden – For celebrating her 80<sup>th</sup> birthday.
- 2009\3572 Jacqueline Telford, Rock Rapids – For celebrating her 80<sup>th</sup> birthday.
- 2009\3573 Harold Kuiken, Sioux Center – For celebrating his 80<sup>th</sup> birthday.
- 2009\3574 Kenneth Klaahsen, George – For celebrating his 80<sup>th</sup> birthday.
- 2009\3575 Bernice Winter, George – For celebrating her 85<sup>th</sup> birthday.
- 2009\3576 Helen Schol, Rock Rapids – For celebrating her 85<sup>th</sup> birthday.
- 2009\3577 Gertrude Folkerts, Inwood – For celebrating her 75<sup>th</sup> birthday.
- 2009\3578 Jim Kramer, George – For celebrating his 75<sup>th</sup> birthday.
- 2009\3579 Lewis Arkema, Sioux Center – For celebrating his 75<sup>th</sup> birthday.

#### SUBCOMMITTEE ASSIGNMENTS

#### House File 764

Ways and Means: D. Olson, Chair; Frevert and Hagenow.

**House File 769**

Ways and Means: D. Olson, Chair; Frevert and Hagenow.

**Senate File 304**

Ways and Means: Wendt, Chair; D. Olson and Sands.

**Senate File 474**

Appropriations: Cohoon, Chair; Huseman and Oldson.

**HOUSE STUDY BILL COMMITTEE ASSIGNMENT****H.S.B. 291 Appropriations**

Relating to and making appropriations to state departments and agencies from the rebuild Iowa infrastructure fund and the technology reinvestment fund and other funds, and providing for properly related matters.

**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 APPROPRIATIONS**

**Committee Bill** (Formally House File 794), concerning public employee collective bargaining and decisions rendered by administrative law judges.

Fiscal Note is not required.

Recommended **Amend and Do Pass** April 9, 2009.

**Committee Bill** (Formerly House Study Bill 291), relating to and making appropriations to state departments and agencies from the rebuild Iowa infrastructure fund and the technology reinvestment fund and other funds, and providing for properly related matters.

Fiscal Note is not required.

Recommended **Do Pass** April 9, 2009.

**Committee Bill** (Formerly House Study Bill 174), appropriating federal funds made available from federal block grants, and providing procedures if federal funds are more or less than anticipated or if federal block grants are more or less than anticipated.

Fiscal Note is not required.

Recommended **Amend and Do Pass** April 9, 2009.

#### COMMITTEE ON WAYS AND MEANS

**Committee Bill** (Formerly House File 528), relating to the research activities tax credit for innovative renewable energy generation components.

Fiscal Note is not required.

Recommended **Amend and Do Pass** April 9, 2009.

**Committee Bill** (Formerly House File 631), relating to the eligibility for tax credits and income reductions for qualified expenditures under the film, television, and video project promotion program, providing for a fee, and providing an applicability date provision.

Fiscal Note is not required.

Recommended **Amend and Do Pass** April 9, 2009.

**Committee Bill** (Formerly House File 751), relating to historic preservation and cultural and entertainment district tax credits by increasing the aggregate amount of credits that may be approved, changing the amounts allocated to various projects, and modifying certain administrative duties of the department of cultural affairs.

Fiscal Note is not required

Recommended **Amend and Do Pass** April 9, 2009.

#### AMENDMENTS FILED

H—1492	H.F.	712	Struyk of Pottawattamie
H—1514	H.F.	580	Senate Amendment
H—1527	S.F.	457	T. Olson of Linn Helland of Polk Wagner of Linn Windschitl of Harrison Grassley of Butler
H—1528	S.F.	415	Grassley of Butler
H—1529	H.F.	812	Thomas of Clayton

H—1530	H.F.	816	Petersen of Polk Struyk of Pottawattamie
H—1531	S.F.	283	D. Olson of Boone R. Olson of Polk
H—1532	H.F.	812	Thomas of Clayton

On motion by Hunter of Polk the House adjourned at 10:39 p.m., until 10:00 a.m., Monday, April 13, 2009.

# JOURNAL OF THE HOUSE

Ninety-second Calendar Day - Sixtieth Session Day

Hall of the House of Representatives  
Des Moines, Iowa, Monday, April 13, 2009

The House met pursuant to adjournment at 10:17 a.m., Mascher of Johnson in the chair.

Prayer was offered by the honorable Vicki Lensing, state representative from Johnson County.

## PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Cassie Wenger, House Page from Wellman.

The Journal of Thursday, April 9, 2009 was approved.

## LEAVE OF ABSENCE

Leave of absence was granted as follows:

De Boef of Keokuk, until her arrival, on request of Paulsen of Linn.

On motion by Reasoner of Union, the House was recessed at 10:23 a.m., until 2:15 p.m.

## AFTERNOON SESSION

The House reconvened at 2:23 p.m., Mascher of Johnson in the chair.

## SPECIAL PRESENTATION

Roberts of Carroll introduced to the House the honorable Phyllis Muhlbauer, wife of the late Louis Muhlbauer, former state representative from Carroll County.

The House rose and expressed its welcome.

## LEAVE OF ABSENCE

Leave of absence was granted as follows:

Speaker Murphy, until his arrival, on request of Reasoner of Union.

## ADOPTION OF HOUSE RESOLUTION 6

Whitead of Woodbury called up for consideration **House Resolution 6**, a resolution urging implementation of disability-friendly principles for Iowa's health care coverage system, and moved its adoption.

The motion prevailed and the resolution was adopted.

## 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 April 13, 2009, passed the following bill in which the concurrence of the House is asked:

Senate File 471, a bill for an act relating to the operation and purview of the office of energy independence, by transferring authority over specified energy-related measures and programs from the department of natural resources to the office of energy independence, and providing transition provisions relating to the transfer of authority.

Also: That the Senate has on April 13, 2009, passed the following bill in which the concurrence of the House is asked:

Senate File 476, a bill for an act relating to a quality assurance assessment program, nursing facility reimbursements, and providing monetary penalties, contingencies, and effective dates.

Also: That the Senate has on April 13, 2009, passed the following bill in which the concurrence of the House is asked:

Senate File 479, a bill for an act relating to property tax exemption eligibility for methane gas conversion property and including an effective date and applicability date provision.

Also: That the Senate has on April 13, 2009, passed the following bill in which the concurrence of the House is asked:

Senate File 482, a bill for an act relating to programs administered by the commission on volunteer service by establishing Iowa summer youth corps and green

corps programs, creating the community programs account and making appropriations from the account, excluding certain payments provided to an AmeriCorps volunteer from state income tax, and providing effective dates.

Also: That the Senate has on April 13, 2009, concurred in the House amendment and passed the following bill in which the concurrence of the Senate was asked:

Senate File 374, a bill for an act concerning restrictions on the resale and use of motor vehicle operating records furnished by the department of transportation and making a penalty applicable.

Also: That the Senate has on April 13, 2009, concurred in the House amendment and passed the following bill in which the concurrence of the Senate was asked:

Senate File 435, a bill for an act relating to the entry upon land by a surveyor for land survey purposes.

MICHAEL E. MARSHALL, Secretary

## CONSIDERATION OF BILLS

### Regular Calendar

**Senate File 203**, a bill for an act relating to the identification of the eligibility of tenants of an assisted living program for benefits through the United States department of veterans affairs, with report of committee recommending passage, was taken up for consideration.

Ficken of Buchanan 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. 203)

The ayes were, 97:

Abdul-Samad	Alons	Anderson	Arnold
Bailey	Baudler	Beard	Bell
Berry	Bukta	Burt	Cohoon
Cownie	De Boef	Deyoe	Dolecheck
Drake	Ficken	Forristall	Frevert
Gaskill	Gayman	Grassley	Hagenow
Heaton	Heddens	Helland	Horbach
Hunter	Huseman	Huser	Isenhardt
Jacoby	Kaufmann	Kearns	Kelley
Koester	Kressig	Kuhn	Lensing
Lukan	Lykam	Marek	May
McCarthy	Mertz	Miller, H.	Miller, L.
Oldson	Olson, D.	Olson, R.	Olson, S.



Olson, T.	Palmer	Paulsen	Petersen
Pettengill	Quirk	Raecker	Rants
Rayhons	Reasoner	Reichert	Roberts
Sands	Schueller	Schulte	Schultz
Shomshor	Smith	Soderberg	Sorenson
Steckman	Struyk	Swaim	Sweeney
Taylor, D.	Taylor, T.	Thede	Thomas
Tjepkes	Tymeson	Upmeyer	Van Engelenhoven
Wagner	Watts	Wendt	Wenthe
Wessel-Kroeschell	Whitaker	Whitead	Willems
Winckler	Windschitl	Worthan	Zirkelbach
Mascher, Presiding			

The nays were, none.

Absent or not voting, 3:

Chambers                      Ford                      Murphy, Spkr.

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

**Senate File 438**, a bill for an act relating to actions injurious to dependent adults and providing penalties, with report of committee recommending passage, was taken up for consideration.

Smith of Marshall 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. 438)

The ayes were, 97:

Abdul-Samad	Alons	Anderson	Arnold
Bailey	Baudler	Beard	Bell
Berry	Bukta	Burt	Cohoon
Cownie	De Boef	Deyoe	Dolecheck
Drake	Ficken	Forristall	Frevert
Gaskill	Gayman	Grassley	Hagenow
Heaton	Heddens	Helland	Horbach
Hunter	Huseman	Huser	Isenhart
Jacoby	Kaufmann	Kearns	Kelley
Koester	Kressig	Kuhn	Lensing
Lukan	Lykam	Marek	May
McCarthy	Mertz	Miller, H.	Miller, L.
Oldson	Olson, D.	Olson, R.	Olson, S.
Olson, T.	Palmer	Paulsen	Petersen

Pettengill	Quirk	Raecker	Rants
Rayhons	Reasoner	Reichert	Roberts
Sands	Schueller	Schulte	Schultz
Shomshor	Smith	Soderberg	Sorenson
Steckman	Struyk	Swaim	Sweeney
Taylor, D.	Taylor, T.	Thede	Thomas
Tjepkes	Tymeson	Upmeyer	Van Engelenhoven
Wagner	Watts	Wendt	Wenthe
Wessel-Kroeschell	Whitaker	Whitead	Willems
Winckler	Windschitl	Worthan	Zirkelbach
Mascher, Presiding			

The nays were, none.

Absent or not voting, 3:

Chambers                      Ford                      Murphy, Spkr.

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

**Senate File 415**, a bill for an act relating to the acquisition of title to disaster-affected abandoned property by cities in certain years, with report of committee recommending passage, was taken up for consideration.

The following amendments were deferred by unanimous consent:

Amendment H-1345, amendment H-1346, amendment H-1347, amendment H-1350, amendment H-1351, amendment H-1352, amendment H-1355, amendment H-1358, amendment H-1354, amendment H-1357 and amendment H-1353.

Kaufmann of Cedar offered the following amendment H-1439 filed by him and moved its adoption:

H-1439

- 1 Amend Senate File 415, as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 2, by inserting after line 33 the
- 4 following:
- 5 "6A. Notwithstanding any provision of this section
- 6 to the contrary, the district court shall dismiss the
- 7 petition upon receipt of a written request from the
- 8 property owner to do so. The property owner shall

9 also provide notice of the request to the petitioning  
10 city."  
11 2. By renumbering, redesignating, and correcting  
12 internal references as necessary.

Amendment H-1439 was adopted.

T. Taylor of Linn offered amendment H-1437 filed by him as follows:

H-1437

1 Amend Senate File 415, as amended, passed, and  
2 reprinted by the Senate, as follows:  
3 1. Page 4, by striking lines 3 through 5 and  
4 inserting the following: "city, the court shall order  
5 the city to pay an award to the respondents in an  
6 amount equal to the fair market value of the property  
7 in its current condition. The city shall deposit the  
8 award with the clerk of the district court. Upon  
9 deposit of the amount awarded with the clerk of the  
10 district court, title to the property shall pass to  
11 the city, and the city may take possession of the  
12 property."  
13 2. Page 4, by striking lines 6 through 8 and  
14 inserting the following:  
15 "b. Notice of the deposit with the clerk of the  
16 district".  
17 3. Page 4, by striking line 10 and inserting the  
18 following: "provided in subsection 4.  
19 c. The court shall retain jurisdiction of the  
20 action to determine the priority of liens and other  
21 interests of each respondent in the amount deposited  
22 with the clerk of the district court. Upon the  
23 request of any respondent, the court shall apportion  
24 the amount deposited with the clerk of the district  
25 court among the respondents.  
26 d. If the amount deposited with the".

Grassley of Butler offered the following amendment H-1528, to amendment H-1437, filed by him and moved its adoption:

H-1528

1 Amend the amendment, H-1437, to Senate File 415, as  
2 amended, passed, and reprinted by the Senate, as  
3 follows:  
4 1. Page 1, by inserting after line 2 the  
5 following:

6 " \_\_\_\_\_. Page 1, by inserting before line 1 the  
7 following:  
8 "Sec. \_\_\_\_\_. NEW SECTION. 384.3A PROPERTY RIGHTS  
9 DEFENSE ACCOUNT.

10 1. A city may establish a property rights defense  
11 account within the city's general fund. If a property  
12 rights defense account is established under this  
13 section, moneys which remain unclaimed under section  
14 100, subsection 10, paragraph "d", of this Act, may be  
15 deposited in the account. Interest or earnings on  
16 moneys in the property rights defense account shall be  
17 credited to the account. Moneys in the property  
18 rights defense account are not subject to transfer,  
19 appropriation, or reversion to any other account or  
20 fund, or any other use except as provided in this  
21 section.

22 2. Moneys in the account shall be used for the  
23 reimbursement of reasonable attorney fees and  
24 reasonable costs incurred by a property owner as the  
25 result of proceedings initiated under this Act,  
26 chapters 6A and 6B, and section 657A.10A.

27 3. Property owners shall apply to the city council  
28 on a form proscribed by the city council. If  
29 sufficient funds exist in the account, the city  
30 council shall reimburse each property owner who  
31 applies for all reasonable attorney fees and  
32 reasonable costs incurred. If insufficient funds  
33 exist in the account to reimburse a property owner for  
34 all reasonable attorney fees and reasonable costs  
35 incurred, the city council shall reimburse the  
36 property owner for the fees and costs in an amount  
37 equal to the remaining balance in account."

38 \_\_\_\_\_. Page 1, line 1, by striking the word and  
39 figure "Section 1" and inserting the following: "Sec.  
40 100".

41 2. Page 1, by inserting after line 26 the  
42 following:

43 " \_\_\_\_\_. Page 4, line 13, by inserting after the  
44 words "in the" the following: "city's property rights  
45 defense account or in the".

46 \_\_\_\_\_. Title page, line 2, by inserting after the  
47 word "years" the following: "and authorizing cities  
48 to establish a property rights defense account".

49 3. By renumbering as necessary.

Roll call was requested by Grassley of Butler and T. Taylor of Linn.

On the question "Shall amendment H-1528 to amendment H-1437 be adopted?" (S.F. 415)

The ayes were, 95:

Abdul-Samad	Alons	Anderson	Arnold
Bailey	Baudler	Beard	Bell
Berry	Bukta	Burt	Cohoon
Cownie	De Boef	Deyoe	Dolecheck
Drake	Ficken	Forristall	Frevert
Gaskill	Gayman	Grassley	Hagenow
Heaton	Heddens	Helland	Horbach
Hunter	Huseman	Huser	Isenhart
Jacoby	Kaufmann	Kearns	Kelley
Koester	Kressig	Kuhn	Lensing
Lukan	Lykam	Marek	May
McCarthy	Mertz	Miller, H.	Miller, L.
Oldson	Olson, D.	Olson, R.	Olson, S.
Olson, T.	Palmer	Paulsen	Petersen
Pettengill	Quirk	Raecker	Rants
Rayhons	Reasoner	Reichert	Roberts
Sands	Schueller	Schulte	Schultz
Shomshore	Soderberg	Sorenson	Steckman
Struyk	Swaim	Sweeney	Taylor, D.
Taylor, T.	Thede	Tjepkes	Tymeson
Upmeyer	Van Engelenhoven	Wagner	Watts
Wendt	Wenthe	Wessel-Kroeschell	Whitaker
Whitead	Willems	Winckler	Windschitl
Worthan	Zirkelbach	Mascher,	
		Presiding	

The nays were, none.

Absent or not voting, 5:

Chambers	Ford	Murphy, Spkr.	Smith
Thomas			

Amendment H-1528 was adopted.

On motion by T. Taylor of Linn, amendment H-1437, as amended, was adopted.

Kaufmann of Cedar asked and received unanimous consent to withdraw the following amendments:

Amendment H-1345 filed by Kaufmann of Cedar on March 31, 2009.  
 Amendment H-1346 filed by Grassley of Butler on March 31, 2009.  
 Amendment H-1347 filed by Tymeson of Madison on March 31, 2009.  
 Amendment H-1348 filed by Tymeson of Madison of Mar 31, 2009.  
 Amendment H-1349 filed by Kaufmann of Cedar on March 31, 2009.

Amendment H-1350 filed by Kaufmann of Cedar on March 31, 2009.  
 Amendment H-1351 filed by Tymeson of Madison on March 31, 2009.  
 Amendment H-1352 filed by Tymeson of Madison on March 31, 2009.  
 Amendment H-1353 filed by Tymeson of Madison on March 31, 2009.  
 Amendment H-1354 filed by Grassley of Butler on March 31, 2009.  
 Amendment H-1355 filed by Grassley of Butler on March 31, 2009.  
 Amendment H-1356 filed by Grassley of Butler on March 31 2009.  
 Amendment H-1357 filed by Grassley of Butler on March 31, 2009.  
 Amendment H-1358 filed by Kaufmann of Cedar on March 31, 2009.  
 Amendment H-1359 filed by Kaufmann of Cedar on March 31, 2009.  
 Amendment H-1360 filed by Kaufmann of Cedar on March 31, 2009.

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.

On the question "Shall the bill pass?" (S.F. 415)

The ayes were, 59:

Abdul-Samad	Bailey	Beard	Bell
Berry	Bukta	Burt	Cphoon
Cownie	Deyoe	Ficken	Frevvert
Gaskill	Gayman	Heddens	Hunter
Huser	Isenhardt	Jacoby	Kearns
Kelley	Kressig	Kuhn	Lensing
Lykam	Marek	McCarthy	Mertz
Miller, H.	Oldson	Olson, D.	Olson, R.
Olson, T.	Palmer	Petersen	Quirk
Raecker	Rants	Reasoner	Reichert
Schueller	Schulte	Shomshor	Smith
Steckman	Swaim	Taylor, D.	Taylor, T.
Thede	Thomas	Wendt	Wenthe
Wessel-Kroeschell	Whitaker	Whitead	Willems
Winckler	Zirkelbach	Mascher,	
		Presiding	

The nays were, 38:

Alons	Anderson	Arnold	Baudler
De Boef	Dolecheck	Drake	Forristall
Grassley	Hagenow	Heaton	Helland
Horbach	Huseman	Kaufmann	Koester
Lukan	May	Miller, L.	Olson, S.
Paulsen	Pettengill	Rayhons	Roberts
Sands	Schultz	Soderberg	Sorenson
Struyk	Sweeney	Tjepkes	Tymeson

Upmeyer	Van Engelenhoven	Wagner	Watts
Windschitl	Worthan		

Absent or not voting, 3:

Chambers	Ford	Murphy, Spkr.
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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 203, 415 and 438.**

**Senate File 403**, a bill for an act concerning the sale of beer by native wineries, with report of committee recommending amendment and passage, was taken up for consideration.

H. Miller of Webster offered the following amendment H-1312 filed by the committee on economic growth and moved its adoption:

H-1312

- 1 Amend Senate File 403, as passed by the Senate, as
- 2 follows:
- 3 1. Page 1, line 4, by inserting after the words
- 4 "native wine permit" the following: "whose primary
- 5 purpose is manufacturing native wine".

The committee amendment H-1312 was adopted.

H. Miller of Webster moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 403)

The ayes were, 97:

Abdul-Samad	Alons	Anderson	Arnold
Bailey	Baudler	Beard	Bell
Berry	Bukta	Burt	Cohoon
Cownie	De Boef	Deyoe	Dolecheck
Drake	Ficken	Forristall	Frevort

Gaskill	Gayman	Grassley	Hagenow
Heaton	Heddens	Helland	Horbach
Hunter	Huseman	Huser	Isenhart
Jacoby	Kaufmann	Kearns	Kelley
Koester	Kressig	Kuhn	Lensing
Lukan	Lykam	Marek	May
McCarthy	Mertz	Miller, H.	Miller, L.
Oldson	Olson, D.	Olson, R.	Olson, S.
Olson, T.	Palmer	Paulsen	Petersen
Pettengill	Quirk	Raecker	Rants
Rayhons	Reasoner	Reichert	Roberts
Sands	Schueller	Schulte	Schultz
Shomshor	Smith	Soderberg	Sorenson
Steckman	Struyk	Swaim	Sweeney
Taylor, D.	Taylor, T.	Thede	Thomas
Tjepkes	Tymeson	Upmeyer	Van Engelenhoven
Wagner	Watts	Wendt	Wenthe
Wessel-Kroeschell	Whitaker	Whitead	Willems
Winckler	Windschitl	Worthan	Zirkelbach
Mascher, Presiding			

The nays were, none.

Absent or not voting, 3:

Chambers                      Ford                      Murphy, Spkr.

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

### Ways and Means Calendar

**Senate File 457**, a bill for an act relating to disaster recovery by legalizing certain actions taken and proceedings conducted by cities and counties in response to a natural disaster, designating certain activities as essential corporate purposes and essential county purposes, amending provisions related to local bonding authority and contract letting requirements, amending provisions relating to emergency contract letting requirements for joint governmental entities and institutions under the control of the board of regents, amending provisions related to city and county lease contracts and loan agreements, modifying provisions relating to municipal support of certain projects, amending provisions related to expenditures from certain revolving loan funds, authorizing cities and counties to create disaster revitalization areas, and including effective date and



retroactive applicability date provisions, with report of committee recommending passage, was taken up for consideration.

T. Olson of Linn offered the following amendment H-1527 filed by T. Olson, et al., and moved its adoption:

H-1527

1 Amend Senate File 457, as amended, passed, and  
2 reprinted by the Senate, as follows:  
3 1. Page 1, by striking lines 19 through 23 and  
4 inserting the following: "proceedings were conducted  
5 or actions were taken."  
6 2. Page 4, by striking lines 29 and 30 and  
7 inserting the following: "emergency or the president  
8 of the United States has declared a major disaster.  
9 Bonds issued pursuant to section 331.443 for the  
10 purposes specified in this subparagraph shall be  
11 issued not later than ten years after the governor has  
12 proclaimed a disaster emergency or the president of  
13 the United States has declared a major disaster,  
14 whichever is later."  
15 3. Page 5, by striking lines 1 and 2 and  
16 inserting the following: "proclaimed a disaster  
17 emergency or the president of the United States has  
18 declared a major disaster. Bonds issued pursuant to  
19 section 331.443 for the purposes specified in this  
20 subparagraph shall be issued not later than ten years  
21 after the governor has proclaimed a disaster emergency  
22 or the president of the United States has declared a  
23 major disaster, whichever is later."  
24 4. Page 5, by inserting before line 3 the  
25 following:  
26 "Sec. \_\_\_\_\_. Section 331.443, Code 2009, is amended  
27 by adding the following new subsection:  
28 **NEW SUBSECTION.** 3. a. Notwithstanding subsection  
29 2, a board may institute proceedings for the issuance  
30 of bonds for an essential county purpose specified in  
31 section 331.441, subsection 2, paragraph "b",  
32 subparagraph (18) or (19), in an amount equal to or  
33 greater than three million dollars by causing a notice  
34 of the proposal to issue the bonds, including a  
35 statement of the amount and purpose of the bonds,  
36 together with the maximum rate of interest which the  
37 bonds are to bear, and the right to petition for an  
38 election, to be published at least once in a newspaper  
39 of general circulation within the county at least ten  
40 days prior to the meeting at which it is proposed to  
41 take action for the issuance of the bonds.  
42 b. If at any time before the date fixed for taking

43 action for the issuance of the bonds, a petition is  
44 filed with the county auditor signed by eligible  
45 electors of the county equal in number to twenty  
46 percent of the persons in the county who voted for the  
47 office of president of the United States at the last  
48 preceding general election that had such office on the  
49 ballot, asking that the question of issuing the bonds  
50 be submitted to the registered voters of the county,

Page 2

1 the board shall either by resolution declare the  
2 proposal to issue the bonds to have been abandoned or  
3 shall direct the county commissioner of elections to  
4 call a special election upon the question of issuing  
5 the bonds. Notice of the election and its conduct  
6 shall be in the manner provided in section 331.442.

7 c. If a petition is not filed, or if a petition is  
8 filed and the proposition of issuing the bonds is  
9 approved at an election, the board may proceed with  
10 the authorization and issuance of the bonds."

11 5. Page 5, by striking line 24 and inserting the  
12 following: "or the president of the United States has  
13 declared a major disaster. Bonds issued pursuant to  
14 section 384.25 for the purposes specified in this  
15 paragraph shall be issued not later than ten years  
16 after the governor has proclaimed a disaster emergency  
17 or the president of the United States has declared a  
18 major disaster, whichever is later."

19 6. Page 5, by striking lines 30 and 31 and  
20 inserting the following: "a disaster emergency or the  
21 president of the United States has declared a major  
22 disaster. Bonds issued pursuant to section 384.25 for  
23 the purposes specified in this paragraph shall be  
24 issued not later than ten years after the governor has  
25 proclaimed a disaster emergency or the president of  
26 the United States has declared a major disaster,  
27 whichever is later."

28 7. Page 6, by inserting after line 7 the  
29 following:

30 "Sec. \_\_\_\_ Section 384.25, Code 2009, is amended  
31 by adding the following new subsection:  
32 NEW SUBSECTION. 3. a. Notwithstanding subsection  
33 2, a council may institute proceedings for the  
34 issuance of bonds for an essential corporate purpose  
35 specified in section 384.24, subsection 3, paragraph  
36 "w" or "x", in an amount equal to or greater than  
37 three million dollars by causing a notice of the  
38 proposal to issue the bonds, including a statement of  
39 the amount and purpose of the bonds, together with the  
40 maximum rate of interest which the bonds are to bear,  
41 and the right to petition for an election, to be

42 published at least once in a newspaper of general  
 43 circulation within the city at least ten days prior to  
 44 the meeting at which it is proposed to take action for  
 45 the issuance of the bonds.

46 b. If at any time before the date fixed for taking  
 47 action for the issuance of the bonds, a petition is  
 48 filed with the clerk of the city signed by eligible  
 49 electors of the city equal in number to twenty percent  
 50 of the persons in the city who voted for the office of

Page 3

1 president of the United States at the last preceding  
 2 general election that had such office on the ballot,  
 3 asking that the question of issuing the bonds be  
 4 submitted to the registered voters of the city, the  
 5 council shall either by resolution declare the  
 6 proposal to issue the bonds to have been abandoned or  
 7 shall direct the county commissioner of elections to  
 8 call a special election upon the question of issuing  
 9 the bonds. Notice of the election and its conduct  
 10 shall be in the manner provided in section 384.26.

11 c. If a petition is not filed, or if a petition is  
 12 filed and the proposition of issuing the bonds is  
 13 approved at an election, the council may proceed with  
 14 the authorization and issuance of the bonds."

15 8. Page 12, by striking lines 9 through 20.

16 9. By renumbering as necessary.

Amendment H-1527 was adopted.

T. Olson of Linn moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 457)

The ayes were, 97:

Abdul-Samad	Alons	Anderson	Arnold
Bailey	Baudler	Beard	Bell
Berry	Bukta	Burt	Cohoon
Cownie	De Boef	Deyoe	Dolecheck
Drake	Ficken	Forristall	Frevert
Gaskill	Gayman	Grassley	Hagenow
Heaton	Heddens	Helland	Horbach
Hunter	Huseman	Huser	Isenhart
Jacoby	Kaufmann	Kearns	Kelley
Koester	Kressig	Kuhn	Lensing
Lukan	Lykam	Marek	May

McCarthy	Mertz	Miller, H.	Miller, L.
Oldson	Olson, D.	Olson, R.	Olson, S.
Olson, T.	Palmer	Paulsen	Petersen
Pettengill	Quirk	Raecker	Rants
Rayhons	Reasoner	Reichert	Roberts
Sands	Schueller	Schulte	Schultz
Shomshor	Smith	Soderberg	Sorenson
Steckman	Struyk	Swaim	Sweeney
Taylor, D.	Taylor, T.	Thede	Thomas
Tjepkes	Tymeson	Upmeyer	Van Engelenhoven
Wagner	Watts	Wendt	Wenthe
Wessel-Kroeschell	Whitaker	Whitead	Willems
Winckler	Windschitl	Worthan	Zirkelbach
Mascher, Presiding			

The nays were, none.

Absent or not voting, 3:

Chambers                      Ford                      Murphy, Spkr.

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

### SENATE MESSAGES CONSIDERED

**Senate File 479**, by committee on ways and means, a bill for an act relating to property tax exemption eligibility for methane gas conversion property and including an effective date and applicability date provision.

Read first time and referred to committee on **ways and means**.

**Senate File 482**, by committee on ways and means, a bill for an act relating to programs administered by the commission on volunteer service by establishing Iowa summer youth corps and green corps programs, creating the community programs account and making appropriations from the account, excluding certain payments provided to an AmeriCorps volunteer from state income tax, and providing effective dates.

Read first time and **passed on file**.

## IMMEDIATE MESSAGES

McCarthy of Polk asked and received unanimous consent that the following bills be immediately messaged to the Senate: **Senate Files 403** and **457**.

The House stood at ease at 3:14 p.m., until the fall of the gavel.

The House resumed session at 3:37 p.m., T. Olson of Linn in the chair.

## INTRODUCTION OF BILL

**House File 823**, by McCarthy, a bill for an act requiring public schools and state agencies to utilize environmentally preferable cleaning and maintenance products in school facilities and state buildings.

Read first time and referred to committee on **ways and means**.

## SENATE MESSAGES CONSIDERED

**Senate File 471**, by committee on appropriations, a bill for an act relating to energy efficiency and renewable energy, including allocating appropriated amounts from the Iowa power fund tax credits for innovative renewable energy generation components, transferring authority over specified energy-related measures and programs from the department of natural resources to the office of energy independence, providing transition provisions relating to the transfer of authority, and providing an effective date.

Read first time and referred to committee on **appropriations**.

**Senate File 476**, by committee on ways and means, a bill for an act relating to a quality assurance assessment program, nursing facility reimbursements, and providing monetary penalties, contingencies, and effective dates.

Read first time and referred to committee on **ways and means**.

## Appropriations Calendar

**Senate File 452**, a bill for an act directing the office of energy independence to establish a community grant program for energy efficiency projects, and allocating appropriated amounts for purposes of funding the program, with report of committee recommending amendment and passage, was taken up for consideration.

Reichert of Muscatine offered amendment H-1429 filed by the committee on appropriations as follows:

H-1429

1 Amend Senate File 452, as passed by the Senate, as  
2 follows:  
3 1. Page 1, by striking lines 12 through 14 and  
4 inserting the following: "remain unawarded or  
5 unencumbered at the close of the fiscal year shall  
6 revert to the fund."

Watts of Dallas offered the following amendment H-1536, to the committee amendment H-1429, filed by him from the floor and moved its adoption:

H-1536

1 Amend the amendment, H-1429, to Senate File 452, as  
2 passed by the Senate, as follows:  
3 1. Page 1, by inserting after line 6 the  
4 following:  
5 "\_\_\_\_. Page 1, line 25, by inserting after the  
6 word "groups." the following: "An applicant shall not  
7 be eligible, however, if the applicant is a client of  
8 and represented by a person registered to lobby before  
9 the general assembly pursuant to the provisions of  
10 chapter 68B.""  
11 2. By renumbering as necessary.

Amendment H-1536 lost.

On motion by Reichert of Muscatine, the committee amendment H-1429 was adopted.

Rants of Woodbury asked and received unanimous consent to withdraw amendment H-1447 filed by him on April 7, 2009.

Soderberg of Plymouth asked and received unanimous consent to suspend Rule 31, related to the timely filing of amendments, for the immediate consideration of amendment H-1541.

Soderberg of Plymouth offered the following amendment H-1541 filed by him and Watts of Dallas from the floor and moved its adoption:

H-1541

- 1 Amend Senate File 452, as passed by the Senate, as
- 2 follows:
- 3 1. Page 1, by striking lines 23 through 25 and
- 4 inserting the following: "cities and counties."
- 5 2. By renumbering as necessary.

Amendment H-1541 lost.

Pursuant to Rule 31, related to the timely filing of amendments, amendment H-1539 filed by Watts of Dallas from the floor was placed out of order.

Reichert of Muscatine 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. 452)

The ayes were, 54:

Abdul-Samad	Bailey	Beard	Bell
Berry	Bukta	Burt	Cohoon
Ficken	Frevert	Gaskill	Gayman
Heddens	Hunter	Huser	Isenhart
Jacoby	Kearns	Kelley	Kressig
Kuhn	Lensing	Lykam	Marek
Mascher	McCarthy	Mertz	Miller, H.
Oldson	Olson, D.	Olson, R.	Palmer
Petersen	Quirk	Reasoner	Reichert
Schueller	Shomshor	Smith	Steckman
Swaim	Taylor, D.	Taylor, T.	Thede
Thomas	Wendt	Wenthe	Wessel-Kroeschell
Whitaker	Whitead	Willems	Winckler
Zirkelbach	Olson, T., Presiding		

The nays were, 43:

Alons	Anderson	Arnold	Baudler
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	

Absent or not voting, 3:

Chambers	Ford	Murphy, Spkr.
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The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

### Unfinished Business Calendar

**House File 812**, a bill for an act relating to programs administered by the commission on volunteer service by establishing Iowa summer youth corps and green corps programs, creating the community programs account and making appropriations from the account, excluding certain payments provided to an AmeriCorps volunteer from state income tax, and providing effective dates, was taken up for consideration.

Thomas of Clayton offered the following amendment H-1532 filed by him and moved its adoption:

H-1532

- 1 Amend House File 812 as follows:
- 2 1. Page 4, line 5, by striking the word "adults"
- 3 and inserting the following: "persons".
- 4 2. Page 4, line 6, by striking the words
- 5 "eighteen through twenty-five" and inserting the
- 6 following: "sixteen through twenty-four".
- 7 3. Page 5, by striking lines 8 and 9 and
- 8 inserting the following:
- 9 "1. Except as provided in subsection 2, this Act,
- 10 being deemed of immediate importance, takes effect
- 11 upon enactment."



Amendment H-1532 was adopted, placing out of order amendment H-1529 filed by Thomas of Clayton on April 9, 2009.

SENATE FILE 482 SUBSTITUTED FOR HOUSE FILE 812

Thomas of Clayton asked and received unanimous consent to substitute Senate File 482 for House File 812.

**Senate File 482**, a bill for an act relating to programs administered by the commission on volunteer service by establishing Iowa summer youth corps and green corps programs, creating the community programs account and making appropriations from the account, excluding certain payments provided to an AmeriCorps volunteer from state income tax, and providing effective dates, was taken up for consideration.

Thomas of Clayton 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. 482)

The ayes were, 96:

Abdul-Samad	Alons	Anderson	Arnold
Bailey	Baudler	Beard	Bell
Berry	Bukta	Burt	Cohoon
Cownie	De Boef	Deyoe	Dolecheck
Drake	Ficken	Forristall	Frevert
Gaskill	Gayman	Grassley	Hagenow
Heaton	Heddens	Helland	Horbach
Hunter	Huseman	Huser	Isenhart
Jacoby	Kaufmann	Kearns	Kelley
Koester	Kressig	Kuhn	Lensing
Lukan	Lykam	Marek	Mascher
May	McCarthy	Mertz	Miller, H.
Oldson	Olson, D.	Olson, R.	Olson, S.
Palmer	Paulsen	Petersen	Pettengill
Quirk	Raecker	Rants	Rayhons
Reasoner	Reichert	Roberts	Sands
Schueller	Schulte	Schultz	Shomshor
Smith	Soderberg	Sorenson	Steckman
Struyk	Swaim	Sweeney	Taylor, D.
Taylor, T.	Thede	Thomas	Tjepkes
Tymeson	Upmeyer	Van Engelenhoven	Wagner
Watts	Wendt	Wenthe	Wessel-Kroeschell

Whitaker  
Windschitl

Whitead  
Worthan

Willems  
Zirkelbach

Winckler  
Olson, T.,  
Presiding

The nays were, none.

Absent or not voting, 4:

Chambers

Ford

Miller, L.

Murphy, Spkr.

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

### HOUSE FILE 812 WITHDRAWN

Thomas of Clayton asked and received unanimous consent to withdraw House File 812 from further consideration by the House.

### IMMEDIATE MESSAGES

McCarthy of Polk asked and received unanimous consent that the following bills be immediately messaged to the Senate: **Senate Files 452 and 482.**

McCarthy of Polk asked and received unanimous consent for the immediate consideration of Senate File 472.

McCarthy of Polk asked and received unanimous consent to suspend Rule 31, related to the timely filing of amendments.

### COMMITTEE RECOMMENDATION

MR. SPEAKER: The Chief Clerk of the House respectfully reports that the following committee recommendation has been received and is on file in the office of the Chief Clerk.

MARK W. BRANDSGARD  
Chief Clerk of the House

### COMMITTEE ON APPROPRIATIONS

**Senate File 472**, a bill for an act relating to and making appropriations to the judicial branch, and providing an effective date.

Fiscal Note is not required.

Recommended **Do Pass** April 9, 2009.

### Appropriations Calendar

**Senate File 472**, a bill for an act relating to and making appropriations to the judicial branch, and providing an effective date, with report of committee recommending passage, was taken up for consideration.

Reichert of Muscatine offered the following amendment H-1537 filed by him from the floor and moved its adoption:

H-1537

- 1 Amend Senate File 472, as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 3, by striking lines 21 and 22 and
- 4 inserting the following:
- 5 "Sec. \_\_\_\_ TRAVEL REIMBURSEMENT. Notwithstanding
- 6 section 602.1509, a judicial officer may waive
- 7 travel".
- 8 2. Page 4, line 15, by striking the word
- 9 "section" and inserting the following: "sections".
- 10 3. Page 4, line 16, by inserting after the word
- 11 "permitting" the following: "waiver of travel
- 12 reimbursement and".
- 13 4. Page 4, line 17, by striking the word "takes"
- 14 and inserting the following: "take".
- 15 5. By renumbering as necessary.

Roll call was requested by Schultz of Crawford and Worthan of Buena Vista.

On the question "Shall amendment H-1537 be adopted?" (S.F. 472)

The ayes were, 95:

Abdul-Samad	Alons	Anderson	Arnold
Bailey	Baudler	Beard	Bell
Berry	Bukta	Burt	Cohoon
Cownie	De Boef	Deyoe	Dolecheck
Drake	Ficken	Forristall	Frevert
Gaskill	Gayman	Grassley	Hagenow
Heaton	Heddens	Helland	Horbach
Hunter	Huseman	Huser	Isenhardt
Jacoby	Kaufmann	Kearns	Kelley
Koester	Kressig	Kuhn	Lensing

Lukan	Lykam	Marek	Mascher
May	McCarthy	Mertz	Miller, H.
Oldson	Olson, D.	Olson, R.	Olson, S.
Palmer	Paulsen	Petersen	Pettengill
Quirk	Raecker	Rants	Reasoner
Reichert	Roberts	Sands	Schueller
Schulte	Schultz	Shomshor	Smith
Soderberg	Sorenson	Steckman	Struyk
Swaim	Sweeney	Taylor, D.	Taylor, T.
Thede	Thomas	Tjepkes	Tymeson
Upmeyer	Van Engelenhoven	Wagner	Watts
Wendt	Wenthe	Wessel-Kroeschell	Whitaker
Whitead	Willems	Winckler	Windschitl
Worthan	Zirkelbach	Olson, T., Presiding	

The nays were, none.

Absent or not voting, 5:

Chambers	Ford	Miller, L.	Murphy, Spkr.
Rayhons			

Amendment H-1537 was adopted.

Alons of Sioux offered amendment H-1538 filed by him and Mertz of Kossuth from the floor.

H-1538

1 Amend Senate File 472, as amended, passed, and  
 2 reprinted by the Senate, as follows:  
 3 1. Page 4, by inserting after line 14 the  
 4 following:  
 5 "Sec. \_\_\_\_\_. INTERPRETATION AND APPLICATION OF  
 6 MARRIAGE STATUTE. The provisions of the Code of Iowa  
 7 relating to marriage in this state shall continue to  
 8 be interpreted and applied to individuals as specified  
 9 and in accordance with section 595.2, Code 2009, until  
 10 all of the earliest opportunities to amend the  
 11 Constitution of the State of Iowa pursuant to Article  
 12 X of the Constitution of the State of Iowa, to  
 13 maintain such interpretation and application, have  
 14 been exhausted."  
 15 2. Page 4, by inserting after line 17 the  
 16 following:  
 17 "Sec. \_\_\_\_\_. EFFECTIVE DATE – RETROACTIVE  
 18 APPLICABILITY. The section of this Act relating to  
 19 the interpretation and application of the provisions  
 20 of the Code of Iowa relating to marriage, being deemed  
 21 of immediate importance, takes effect upon enactment

22 and is retroactively applicable to April 3, 2009."  
 23 3. Title page, line 2, by inserting after the  
 24 word "date" the following: ", and providing for  
 25 retroactive applicability".  
 26 4. By renumbering as necessary.

T. Taylor of Linn rose on a point of order that amendment H-1538 was not germane.

The Speaker ruled the point well taken and amendment H-1538 not germane.

Alons of Sioux moved to suspend the rules to consider amendment H-1538.

Roll call was requested by Alons of Sioux and Watts of Dallas.

On the question "Shall the rules be suspended to consider amendment H-1538?" (S.F. 472)

The ayes were, 44:

Alons	Anderson	Arnold	Bailey
Baudler	Cownie	De Boef	Deyoe
Dolecheck	Drake	Forristall	Grassley
Hagenow	Heaton	Helland	Horbach
Huseman	Kaufmann	Koester	May
Mertz	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, 51:

Abdul-Samad	Beard	Bell	Berry
Bukta	Burt	Cohoon	Ficken
Frevert	Gaskill	Gayman	Heddens
Hunter	Huser	Isenhart	Jacoby
Kearns	Kelley	Kressig	Kuhn
Lensing	Lykam	Marek	Mascher
McCarthy	Miller, H.	Oldson	Olson, D.
Olson, R.	Palmer	Petersen	Reasoner
Reichert	Schueller	Shomshor	Smith
Steckman	Swaim	Taylor, D.	Taylor, T.
Thede	Thomas	Wendt	Wenthe

Wessel-Kroeschell	Whitaker	Whitead	Willems
Winckler	Zirkelbach	Olson, T., Presiding	

Absent or not voting, 5:

Chambers	Ford	Lukan	Murphy, Spkr.
Quirk			

The motion to suspend the rules lost.

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.

On the question "Shall the bill pass?" (S.F. 472)

The ayes were, 53:

Abdul-Samad	Bailey	Beard	Bell
Berry	Bukta	Burt	Cphoon
Ficken	Frevvert	Gaskill	Gayman
Heddens	Hunter	Isenhardt	Jacoby
Kearns	Kelley	Kressig	Kuhn
Lensing	Lykam	Marek	Mascher
McCarthy	Mertz	Miller, H.	Oldson
Olson, D.	Olson, R.	Palmer	Petersen
Quirk	Reasoner	Reichert	Schueller
Shomshor	Smith	Steckman	Swaim
Taylor, D.	Taylor, T.	Thede	Thomas
Wendt	Wenthe	Wessel-Kroeschell	Whitaker
Whitead	Willems	Winckler	Zirkelbach
Olson, T., Presiding			

The nays were, 43:

Alons	Anderson	Arnold	Baudler
Cownie	De Boef	Deyoe	Dolecheck
Drake	Forristall	Grassley	Hagenow
Heaton	Helland	Horbach	Huseman
Huser	Kaufmann	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	

Absent or not voting, 4:

Chambers

Ford

Koester

Murphy, Spkr.

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

### IMMEDIATE MESSAGE

McCarthy of Polk asked and received unanimous consent that **Senate File 472** be immediately messaged to the Senate.

### MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on April 13, 2009, amended and passed the following bill in which the concurrence of the Senate was asked:

House File 759, a bill for an act requiring counties and cities with flood hazard areas within their boundaries to participate in the national flood insurance program.

Also: That the Senate has on April 13, 2009, amended the House amendment, concurred in the House amendment as amended and passed the following bill in which the concurrence of the House is asked:

Senate File 437, a bill for an act relating to the affairs of the governing body of a drainage district by providing for public access to meetings and records.

MICHAEL E. MARSHALL, Secretary

### BILLS SIGNED BY THE GOVERNOR

A communication was received from the Governor announcing that on April 10, 2009, he approved and transmitted to the Secretary of State the following bills:

House File 317, an Act relating to inclusion of assisted living services under the medical assistance home and community-based services waiver for the elderly.

House File 380, an Act relating to the administration of programs under the jurisdiction of the department of public health and increasing a penalty and providing an effective date.

House File 475, an Act making technical changes to the laws relating to elections and voter registration, making a penalty applicable, and including effective date and applicability date provisions.

## COMMUNICATIONS RECEIVED

The following communications were received and filed in the office of the Chief Clerk:

### AUDITOR OF THE STATE

Annual report covering the fiscal year ending June 30, 2008, pursuant to Chapter 11.25, Code of Iowa.

### IOWA WORKFORCE DEVELOPMENT

Annual status report on the unemployment compensation trust fund, pursuant to Chapter 96.35, Code of Iowa.

## 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

- 2009\3580 Isaac Ales, Muscatine – For attaining the rank of Eagle Scout, the highest rank in the Boy Scouts of America.
- 2009\3581 Charles and Vera Walk, Mason City – For celebrating their 50<sup>th</sup> wedding anniversary.
- 2009\3582 Jess and Virginia Harris, Mason City – For celebrating their 50<sup>th</sup> wedding anniversary.
- 2009\3583 Wesley and Violet Dahl, Mason City – For celebrating their 60<sup>th</sup> wedding anniversary.
- 2009\3584 Clarence and Ila Beyer, Tipton – For celebrating their 65<sup>th</sup> wedding anniversary.
- 2009\3585 Betty Akers, West Liberty – For celebrating her 90<sup>th</sup> birthday.
- 2009\3586 Morningside College “Mustangs” Women’s Basketball Team Coach Jamie Sale and Assistant Coach Jill Bodammer, Sioux City – For winning the 2009 NAIA Division II Women’s Basketball National Championship.
- 2009\3587 James and Beverly McCreary, Davenport – For celebrating their 50<sup>th</sup> wedding anniversary.



- 2009\3588 Abby Haynes, Hampton – Dumont High School – For earning All-State Speech honors at the State Individual Speech Contest and thereby invited to perform at the All-State Speech Festival at the University of Northern Iowa.
- 2009\3589 Briana Lage, Meservey – For being named to the Academic All-State Team for basketball by the Iowa Basketball Coaches Association.
- 2009\3590 Harold Haugen, Rockwell – For celebrating his 88<sup>th</sup> birthday.
- 2009\3591 Iris Ong, Clear Lake – For celebrating her 90<sup>th</sup> birthday.
- 2009\3592 LaVeta Liekweg, Hampton – For celebrating her 90<sup>th</sup> birthday.
- 2009\3593 Cleo Cookman, Clear Lake – For celebrating her 90<sup>th</sup> birthday.
- 2009\3594 Marilyn Sheahan, Sheffield – For celebrating her 80<sup>th</sup> birthday.
- 2009\3595 Pauline (Polly) Schoneman, Thornton – For celebrating her 80<sup>th</sup> birthday.
- 2009\3596 Robert and Joanne White, Ventura – For celebrating their 50<sup>th</sup> wedding anniversary.
- 2009\3597 Henrietta Vandenbrink, Jefferson – For celebrating her 100<sup>th</sup> birthday.
- 2009\3598 Waneta Dixon, Jefferson – For celebrating her 90<sup>th</sup> birthday.
- 2009\3599 Harold Miller, Churdan – For celebrating his 90<sup>th</sup> birthday.
- 2009\3600 Lester Williamson, Audubon – For celebrating his 90<sup>th</sup> birthday.
- 2009\3601 Ken Sheridan, Davenport – For celebrating his 100<sup>th</sup> birthday.
- 2009\3602 Donna Greenwood, Des Moines – For celebrating her 80<sup>th</sup> birthday.
- 2009\3603 Merwyn and Joyce Scheckel, DeWitt – For celebrating their 50<sup>th</sup> wedding anniversary.
- 2009\3604 Bob and Rosella Boleyn, Elgin – For celebrating their 60<sup>th</sup> wedding anniversary.
- 2009\3605 Don and Elva Roorda, Pella – For celebrating their 50<sup>th</sup> wedding anniversary.
- 2009\3606 Jerry and Louise Byers, Pella – For celebrating their 80<sup>th</sup> birthdays.
- 2009\3607 Daryl and Veronica Nestvedt, Des Moines – For celebrating their 60<sup>th</sup> wedding anniversary.

- 2009\3608 Edith Aichele, Winterset – For celebrating her 90<sup>th</sup> birthday.
- 2009\3609 Ben Schulteis, Nodaway Valley – For receiving the Outstanding Performance Award in the Vocal Duet division of the 2009 Class 2A State Solo / Ensemble Music Contest.
- 2009\3610 Alec Carlson, Nodaway Valley – For receiving the Outstanding Performance Award in the Vocal Duet and Vocal Solo division of the 2009 Class 2A State Solo / Ensemble Music Contest.
- 2009\3611 Philip Herr, Nodaway Valley – For receiving the Outstanding Performance Award in the Brass Duet division of the 2009 Class 2A State Solo / Ensemble Music Contest.
- 2009\3612 Stephen Herr, Nodaway Valley – For receiving the Outstanding Performance Award in the Brass Duet division of the 2009 Class 2A State Solo / Ensemble Music Contest.
- 2009\3613 Hugh and Donnie Ross, Atlantic – For celebrating their 60<sup>th</sup> wedding anniversary.
- 2009\3614 Laverne Nelson, Irwin – For celebrating his 90<sup>th</sup> birthday.
- 2009\3615 Robert J. and Maxine Duncan, Ainsworth – For celebrating their 50<sup>th</sup> wedding anniversary.
- 2009\3616 Peg Kulp, Columbus City – For celebrating her 80<sup>th</sup> birthday.
- 2009\3617 Janette Schulze, Burlington – For celebrating her 101<sup>st</sup> birthday.
- 2009\3618 Irvin and Ruth Stein, Burlington – For celebrating their 60<sup>th</sup> wedding anniversary.
- 2009\3619 Allen and Cathy Waterman, Burlington – For celebrating their 50<sup>th</sup> wedding anniversary.
- 2009\3620 Larry and Evelyn Vance, New London – For celebrating their 50<sup>th</sup> wedding anniversary.
- 2009\3621 Russell and Jeanne Lucas, West Burlington – For celebrating their 55<sup>th</sup> wedding anniversary.
- 2009\3622 Velma Tanke, Deep River – For celebrating her 80<sup>th</sup> birthday.

### 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 APPROPRIATIONS

**Senate File 344**, a bill for an act relating to the requirements of certain financial assistance programs administered by the department of economic development including a reorganization of the grow Iowa values fund and creating a grow Iowa values financial assistance program.

Fiscal Note is not required.

Recommended **Do Pass** April 9, 2009.

**Senate File 470**, a bill for an act relating to the funding of, the operation of, and appropriation of moneys to the college student aid commission, the department for the blind, the department of education, and the state board of regents, providing for related matters, and providing effective dates.

Fiscal Note is not required.

Recommended **Do Pass** April 9, 2009.

## RESOLUTIONS FILED

**HR 45**, by Kressig, Smith, T. Olson, Willems, May, Pettengill, Ficken, Heddens, Winckler, Mascher, Thede, Lykam, Bell, Zirkelbach, Reichert, Gaskill, Frevert, Whitead, Bukta, Whitaker, Mertz, T. Taylor, Berry, Petersen, Jacoby, Schueller, Thomas, Kelley, Marek, Palmer, Wenthe, Abdul-Samad, Hunter, Wessel-Kroeschell, Lensing, Kearns, D. Taylor, Beard, Reasoner, Cohoon, Oldson, Burt, Wendt and Quirk, a resolution honoring and commemorating the University of Northern Iowa Panthers Men's Basketball Team and Head Coach Ben Jacobson.

Laid over under **Rule 25**.

**HR 46**, by Schultz, Huseman, Rants, Wendt, Whitead, Lukan, Isenhardt, Kearns, Windschitl, Soderberg, Worthan and Tjepkes, a resolution honoring the Morningside College Women's Basketball Team on their national championship.

Laid over under **Rule 25**.

## AMENDMENTS FILED

H—1533	H.F.	234	Smith of Marshall
H—1534	H.F.	807	Rants of Woodbury
H—1535	S.F.	470	Wendt of Woodbury

H—1540	H.F.	818	Horbach of Tama
H—1542	H.F.	807	Rants of Woodbury
H—1543	H.F.	807	Rants of Woodbury
H—1544	H.F.	807	Rants of Woodbury
H—1545	S.F.	470	Soderberg of Plymouth Heaton of Henry
H—1546	S.F.	470	Van Engelenhoven of Marion
H—1547	S.F.	470	May of Dickinson
H—1548	S.F.	470	Baudler of Adair
H—1549	S.F.	470	Kaufmann of Cedar Struyk of Pottawattamie
H—1550	S.F.	470	De Boef of Keokuk
H—1551	S.F.	470	Heaton of Henry
H—1552	S.F.	470	Dolecheck of Ringgold
H—1553	S.F.	470	Raecker of Polk
H—1554	S.F.	470	Raecker of Polk
H—1555	S.F.	470	Tymeson of Madison
H—1556	S.F.	470	Rants of Woodbury
H—1557	S.F.	470	Koester of Polk
H—1558	H.F.	810	D. Olson of Boone
H—1559	H.F.	759	Senate Amendment
H—1560	S.F.	437	Senate Amendment
H—1561	H.F.	791	Rants of Woodbury
H—1562	S.F.	470	Heaton of Henry
H—1563	S.F.	470	Heaton of Henry
H—1564	S.F.	470	Raecker of Polk
H—1565	S.F.	470	Raecker of Polk

On motion by McCarthy of Polk the House adjourned at 5:19 p.m., until 9:00 a.m., Tuesday, April 14, 2009.

**PROOF**

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**STATE OF IOWA**

**House Journal**

**WEDNESDAY, APRIL 16, 2008**

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Printed daily by the State of Iowa during the sessions of the General Assembly.  
An official corrected copy is available for reference in the office of the Chief Clerk.  
(The official bound copy will be available after a reasonable time upon adjournment.)

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# JOURNAL OF THE HOUSE

Ninety-fourth Calendar Day - Sixty-fifth Session Day

Hall of the House of Representatives  
Des Moines, Iowa, Wednesday, April 16, 2008

The House met pursuant to adjournment at 9:12 a.m., Speaker Murphy in the chair.

Prayer was offered by Reverend Lucille King, Parish Associate of Christ Church Presbyterian, Cedar Rapids. She is the mother-in-law and guest of Representative Art Staed of Linn County.

## PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Lindsey Frank, legislative secretary to Representative Doris Kelley of Black Hawk County.

The Journal of Tuesday, April 15, 2008 was approved.

## MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on April 15, 2008, amended and passed the following bill in which the concurrence of the House is asked:

House File 2662, a bill for an act relating to and making appropriations involving state government, by providing for agriculture, natural resources, and environmental protection.

Also: That the Senate has on April 15, 2008, insisted on its amendment to Senate File 2308, a bill for an act relating to identity theft by providing for the notification of a breach in the security of personal information, and providing penalties, and the members of the Conference Committee on the part of the Senate are: The Senator from Woodbury, Senator Warnstadt, Chair; the Senator from Des Moines, Senator Courtney; the Senator from Bremer, Senator Heckroth; the Senator from Boone, Senator Behn; the Senator from Sac, Senator Kettering

Also: That the Senate has on April 15, 2008, concurred in the House amendment and passed the following bill in which the concurrence of the Senate was asked:

Senate File 2337, a bill for an act relating to the purchase of liability insurance by the association of Iowa fairs.

Also: That the Senate has on April 15, 2008, passed the following bill in which the concurrence of the House is asked:

Senate File 2420, a bill for an act relating to the increasing motor vehicle and trailer registration fees and title fees, allocating new revenues from fees to the TIME-21 fund, requiring the department of transportation to conduct an analysis of TIME-21 funding and a study of public transit funding, increasing the motorcycle operator's license fee and allocating the increased revenue to the motorcycle rider education fund, reallocating certain fees collected by the department of transportation, repealing the use tax on vehicles subject to registration and the use tax on certain leased motor vehicles, establishing a fee for new registration of vehicles, providing penalties, and providing effective and applicability dates.

MICHAEL E. MARSHALL, Secretary

The House stood at ease at 9:18 a.m., until the fall of the gavel.

The House resumed session at 11:01 a.m., Speaker Murphy in the chair.

### SENATE MESSAGE CONSIDERED

**Senate File 2420**, by committee on ways and means, a bill for an act relating to and increasing motor vehicle and trailer registration fees and title fees, allocating new revenues from fees to the TIME-21 fund, requiring the department of transportation to conduct an analysis of TIME-21 funding and a study of public transit funding, increasing the motorcycle operator's license fee and allocating the increased revenue to the motorcycle rider education fund, reallocating certain fees collected by the department of transportation, repealing the use tax on vehicles subject to registration and the use tax on certain leased motor vehicles, establishing a fee for new registration of vehicles, providing penalties, and providing effective and applicability dates.

Read first time and **passed on file.**

### CONSIDERATION OF BILLS

#### Ways and Means Calendar

**House File 2691**, a bill for an act relating to and increasing motor vehicle and trailer registration fees and title fees, allocating new revenues from fees to the TIME-21 fund, requiring the department of transportation to conduct an analysis of TIME-21 funding and a study of public transit funding, increasing the motorcycle operator's

license fee and allocating the increased revenue to the motorcycle rider education fund, reallocating certain fees collected by the department of transportation, repealing the use tax on vehicles subject to registration and the use tax on certain leased motor vehicles, establishing a fee for new registration of vehicles, providing penalties, and providing effective and applicability dates, was taken up for consideration.

Huser of Polk offered the following amendment H-8532 filed by her and moved its adoption:

H-8532

1 Amend House File 2691 as follows:

2 1. Page 89, by inserting after line 14 the  
3 following:

4 "PART 5

5 CONTINGENT CONFORMING AMENDMENTS

6 Sec.\_\_\_\_. Section 423.5, subsection 3, Code 2007,  
7 as amended by this division of this Act, is amended to  
8 read as follows:

9 3. ~~The An excise tax at the rate of five percent~~  
10 ~~is imposed on the~~ use of leased vehicles, if the lease  
11 transaction does not require titling or registration  
12 of the vehicle, on the amount subject to tax as  
13 calculated pursuant to section 423.26, subsection 2.

14 Sec.\_\_\_\_. Section 423.43, subsection 1, as enacted  
15 by this division of this Act, is amended to read as  
16 follows:

17 1. a. Except as provided in subsection 2, all  
18 revenue arising under the operation of the use tax  
19 under subchapter III shall be deposited into the  
20 general fund of the state.

21 b. ~~Subsequent to the deposit into the general fund~~  
22 ~~of the state and after the transfer of such revenues~~  
23 ~~collected under chapter 423B, the department shall~~  
24 ~~transfer one-sixth of such remaining revenues to the~~  
25 ~~secure an advanced vision for education fund created~~  
26 ~~in section 423F.2. This paragraph is repealed~~  
27 ~~December 31, 2029.~~

28 Sec.\_\_\_\_. The sections of 2008 Iowa Acts, House  
29 File 2663, amending section 312.1, subsection 4,  
30 section 327I.26, section 423.5, subsection 3, section  
31 455G.3, subsection 1, section 455G.6, subsection 4,  
32 and section 455G.8, subsection 2, Code 2007, are  
33 repealed.

34 Sec.\_\_\_\_. The sections of 2008 Iowa Acts, House  
35 File 2663, amending section 312.2, subsection 14,  
36 section 321.34, subsections 7, 10, 10A, 11, 11A, 11B,



37 13, 16, 17, 18, 19, 20, 20A, 20B, 21, 22, 23, and 24,  
38 section 423.43, and section 423.57, Code Supplement  
39 2007, are repealed.  
40 Sec.\_\_\_\_. The sections of 2008 Iowa Acts, House  
41 File 2663, amending 2007 Iowa Acts, chapter 179,  
42 section 6, and providing for such amendment's  
43 effective date, are repealed.  
44 Sec.\_\_\_\_. CONTINGENT EFFECTIVE DATE. This part 5  
45 of this division of this Act takes effect only upon  
46 the enactment of 2008 Iowa Acts, House File 2663.  
47 PART 6  
48 EFFECT ON PRIOR LAW"  
49 2. By renumbering as necessary.

Amendment H-8532 was adopted.

#### SENATE FILE 2420 SUBSTITUTED FOR HOUSE FILE 2691

Huser of Polk asked and received unanimous consent to substitute Senate File 2420 for House File 2691.

**Senate File 2420**, a bill for an act relating to and increasing motor vehicle and trailer registration fees and title fees, allocating new revenues from fees to the TIME-21 fund, requiring the department of transportation to conduct an analysis of TIME-21 funding and a study of public transit funding, increasing the motorcycle operator's license fee and allocating the increased revenue to the motorcycle rider education fund, reallocating certain fees collected by the department of transportation, repealing the use tax on vehicles subject to registration and the use tax on certain leased motor vehicles, establishing a fee for new registration of vehicles, providing penalties, and providing effective and applicability dates, was taken up for consideration.

Huser of Polk moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

Rule 75 was invoked.

On the question "Shall the bill pass?" (S.F. 2420)

The ayes were, 53:

Abdul-Samad	Anderson	Bell	Boal
Bukta	Clute	Cphoon	De Boef
Dolecheck	Drake	Foege	Forristall
Gipp	Granzow	Heaton	Heddens
Hoffman	Huseman	Huser	Jacobs
Jacoby	Jochum	Kuhn	Lensing
Lukan	Mascher	May	McCarthy
Miller, H.	Miller, L.	Oldson	Olson, D.
Olson, R.	Olson, S.	Olson, T.	Quirk
Raecker	Reasoner	Roberts	Schueller
Shomshor	Taylor, D.	Taylor, T.	Thomas
Tjepkes	Tomenga	Wendt	Wessel-Kroeschell
Winckler	Windschitl	Wise	Worthan
Mr. Speaker Murphy			

The nays were, 47:

Alons	Arnold	Bailey	Baudler
Berry	Chambers	Dandekar	Davitt
Deyoe	Ford	Frevert	Gaskill
Gayman	Grassley	Greiner	Horbach
Hunter	Kaufmann	Kelley	Kressig
Lykam	Mertz	Palmer	Paulsen
Petersen	Pettengill	Rants	Rasmussen
Rayhons	Reichert	Sands	Schickel
Smith	Soderberg	Staed	Struyk
Swaim	Tymeson	Upmeyer	Van Engelenhoven
Van Fossen	Watts	Wenthe	Whitaker
Whitead	Wiencsek	Zirkelbach	

Absent or not voting, none.

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

#### HOUSE FILE 2691 WITHDRAWN

Huser of Polk asked and received unanimous consent to withdraw House File 2691 from further consideration by the House.

#### IMMEDIATE MESSAGE

McCarthy of Polk asked and received unanimous consent that **Senate File 2420** be immediately messaged to the Senate.

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 1:44 p.m., Speaker Murphy in the chair.

### CONFERENCE COMMITTEE APPOINTED (Senate File 2308)

The Speaker announced the appointment of the conference committee to consider the differences between the House and Senate concerning Senate File 2308: Kelley of Black Hawk, Chair; Jacoby of Johnson, Huser of Polk, Jacobs of Polk and Tjepkes of Webster.

The House stood at ease at 2:14 p.m., until the fall of the gavel.

The House resumed session at 3:00 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 April 16, 2008, amended and passed the following bill in which the concurrence of the House is asked:

House File 2612, a bill for an act relating to natural resources, including by providing for the powers and duties of the department's director and natural resource commission, and the regulation of public lands and outdoor recreation, providing for fees, providing for penalties and making penalties applicable.

Also: That the Senate has on April 16, 2008, amended and passed the following bill in which the concurrence of the House is asked:

House File 2633, a bill for an act relating to business associations, by providing for limited liability companies and conversion involving corporations, providing fees and penalties, and providing an effective date.

Also: That the Senate has on April 16, 2008, passed the following bill in which the concurrence of the Senate was asked:

House File 2668, a bill for an act relating to the disposal and recycling of used oil filters.

Also: That the Senate has on April 16, 2008, adopted the following resolution in which the concurrence of the House is asked:

Senate Joint Resolution 2003, a joint resolution authorizing the temporary use and consumption of alcoholic beverages on the state capitol complex grounds in conjunction with the Hy-Vee BG World Cup Triathlon, and providing an effective date.

Also: That the Senate has on April 16, 2008, adopted the following resolution in which the concurrence of the House is asked:

Senate Joint Resolution 2005, a joint resolution authorizing the temporary use and consumption of wine and beer in the state capitol, and the temporary display of ceremonial banners, in conjunction with the awards ceremony of the World Food Prize Foundation.

Also: That the Senate has on April 16, 2008, concurred in the House amendment and passed the following bill in which the concurrence of the Senate was asked:

Senate File 2134, a bill for an act relating to requirements and duties of members, executive directors, and employees of county commissions of veteran affairs.

Also: That the Senate has on April 16, 2008, passed the following bill in which the concurrence of the House is asked:

Senate File 2413, a bill for an act providing extensions for school districts applying to the school budget review committee concerning school district finances, and providing an effective date.

Also: That the Senate has on April 16, 2008, passed the following bill in which the concurrence of the House is asked:

Senate File 2423, a bill for an act concerning department of administrative services operations.

MICHAEL E. MARSHALL, Secretary

## CONSIDERATION OF BILLS Unfinished Business Calendar

**Senate File 2303**, a bill for an act relating to workers' compensation provisions for continued medically related benefits in certain settlements of workers' compensation claims and to funding of the second injury fund and providing an effective date, with report of committee recommending passage, was taken up for consideration.

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.

On the question "Shall the bill pass?" (S.F. 2303)

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.
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
Wise	Worthan	Zirkelbach	Mr. Speaker Murphy

The nays were, none.

Absent or not voting, none.

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

**House File 2543**, a bill for an act relating to Alzheimer's disease and similar forms of irreversible dementia, was taken up for consideration.

#### SENATE FILE 2341 SUBSTITUTED FOR HOUSE FILE 2543

Hunter of Polk asked and received unanimous consent to substitute Senate File 2341 for House File 2543.

**Senate File 2341**, a bill for an act relating to Alzheimer's disease and similar forms of irreversible dementia, was taken up for consideration.

Hunter of Polk moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 2341)

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.
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
Wise	Worthan	Zirkelbach	Mr. Speaker
			Murphy

The nays were, none.

Absent or not voting, none.

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

### SENATE AMENDMENT CONSIDERED

Tjepkes of Webster called up for consideration **House File 2628**, a bill for an act including a portable device or weapon directing an electric current, impulse, wave, or beam that produces a high-voltage pulse designed to immobilize a person in the definition of a dangerous

weapon and making penalties applicable, amended by the Senate amendment H-8403:

H-8403

- 1 Amend House File 2628, as amended, passed, and
- 2 reprinted by the House, as follows:
- 3 1. Page 1, by striking lines 19 and 20 and
- 4 inserting the following: "a person."

R. Olson of Polk offered the following amendment H-8501, to the Senate amendment H-8403, filed by him and moved its adoption:

H-8501

- 1 Amend the Senate amendment, H-8403, to House File
- 2 2628, as amended, passed, and reprinted by the House,
- 3 as follows:
- 4 1. Page 1, by inserting after line 2 the
- 5 following:
- 6 "\_\_\_\_. Page 1, line 8, by inserting after the word
- 7 "designed" the following: ".except a bow and arrow
- 8 when possessed and used for hunting or any other
- 9 lawful purpose".
- 10 2. By renumbering as necessary.

Amendment H-8501 was adopted.

R. Olson of Polk asked and received unanimous consent to withdraw amendment H-8500, to amendment H-8403, filed by him on April 14, 2008.

On motion by Tjepkes of Webster the House concurred in the Senate amendment H-8403, as amended.

Tjepkes of Webster moved that the bill, as amended by the Senate and further amended and concurred in by the House, be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 2628)

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	Frevort	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.
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	Wienczek	Winckler	Windschitl
Wise	Worthan	Zirkelbach	Mr. Speaker Murphy

The nays were, none.

Absent or not voting, none.

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

### Unfinished Business Calendar

**Senate File 2364**, a bill for an act relating to the emancipation of a minor, with report of committee recommending passage, was taken up for consideration.

Lensing of Johnson moved that the bill be read a last time now and passed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 2364)

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	Frevort	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.
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	Wienczek	Winckler	Windschitl
Wise	Worthan	Zirkelbach	Mr. Speaker Murphy

The nays were, none.

Absent or not voting, none.

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 2628** and **Senate Files 2303, 2341 and 2364**.

### HOUSE FILE 2543 WITHDRAWN

Hunter of Polk asked and received unanimous consent to withdraw House File 2543 from further consideration by the House.

### INTRODUCTION OF BILL

**House File 2694**, by committee on appropriations, a bill for an act relating to long-term care insurance, and providing for penalties, an

applicability date, repeals, and an appropriation and providing an effective date.

Read first time and placed on the **appropriations calendar**.

#### SENATE MESSAGES CONSIDERED

**Senate Joint Resolution 2003**, by Gronstal, a joint resolution authorizing the temporary use and consumption of alcoholic beverages on the state capitol complex grounds in conjunction with the Hy-Vee BG World Cup Triathlon, and providing an effective date.

Read first time and **passed on file**.

**Senate Joint Resolution 2005**, by Gronstal, a joint resolution authorizing the temporary use and consumption of wine and beer in the state capitol, and the temporary display of ceremonial banners, in conjunction with the awards ceremony of the World Food Prize Foundation.

Read first time and **passed on file**.

#### Ways and Means Calendar

**House File 2686**, a bill for an act relating to determination and identity protection and the employer-employee relationship by preventing identity theft in the procurement of employment, providing for the employment classification of individuals, prohibiting employers from knowingly employing unauthorized aliens, and imposing bail restrictions against a person who is an unauthorized alien, and providing penalties and an effective date, was taken up for consideration.

Wise of Lee offered the following amendment H-8490 filed by him and Gayman of Scott and moved its adoption:

H-8490

- 1 Amend House File 2686 as follows:
- 2 1. Page 1, by inserting before line 1 the
- 3 following:
- 4 "DIVISION \_\_\_\_\_
- 5 IDENTITY THEFT – FALSIFYING DOCUMENTS

6 Sec. \_\_\_\_ NEW SECTION. 715A.8A IDENTITY THEFT –  
7 FALSIFYING DOCUMENTS.

8 It is an aggravated misdemeanor for a person to do  
9 any of the following:

10 1. Make a driver's license, a nonoperator's  
11 identification card, a blank driver's license form, or  
12 any other form or document used to establish a  
13 person's identity if the person has no authority or  
14 right to make the license, card, or form in order to  
15 assist an unauthorized alien to obtain employment.

16 2. Obtain, possess, or have in the person's  
17 control or on the person's premises, driver's license  
18 or nonoperator's identification card forms, or any  
19 other forms or documents used to establish a person's  
20 identity in order to assist an unauthorized alien to  
21 obtain employment.

22 3. Obtain, possess, or have in the person's  
23 control or on the person's premises, a driver's  
24 license or a nonoperator's identification card, or  
25 blank driver's license or nonoperator's identification  
26 card form, or any other form or document which could  
27 be used to establish a person's identity, which has  
28 been made by a person having no authority or right to  
29 make the license, card, or form in order to assist an  
30 unauthorized alien to obtain employment.

31 4. Use a false or fictitious name in any  
32 application for a driver's license or nonoperator's  
33 identification card or to knowingly make a false  
34 statement or knowingly conceal a material fact or  
35 otherwise commit fraud on an application in order to  
36 assist an unauthorized alien to obtain employment."

37 2. By renumbering as necessary.

Roll call was requested by Wise of Lee and Reasoner of Union.

On the question "Shall amendment H-8490 be adopted?" (H.F. 2686)

The ayes were, 96:

Abdul-Samad	Alons	Anderson	Arnold
Bailey	Baudler	Bell	Berry
Boal	Bukta	Chambers	Clute
Cohoon	Dandekar	Davitt	De Boef
Deyoe	Dolecheck	Drake	Foege
Forristall	Frevert	Gaskill	Gayman
Gipp	Granzow	Grassley	Greiner
Heaton	Heddens	Horbach	Huseman
Huser	Jacobs	Jacoby	Jochum
Kaufmann	Kelley	Kressig	Kuhn
Lensing	Lukan	Lykam	Mascher
May	McCarthy	Mertz	Miller, H.

Miller, L.	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	Whitaker
Whitead	Wiencek	Winckler	Windschitl
Wise	Worthan	Zirkelbach	Mr. Speaker Murphy

The nays were, 2:

Hunter                      Wessel-Kroeschell

Absent or not voting, 2:

Ford                         Hoffman

Amendment H-8490 was adopted.

R. Olson of Polk offered amendment H-8544 filed by him from the floor as follows:

H-8544

1 Amend House File 2686 as follows:  
2 1. Page 1, line 26, by striking the words  
3 "Iowa-issued".  
4 2. Page 2, line 27, by striking the words  
5 "Iowa-issued".  
6 3. Page 3, line 35, by striking the word  
7 "chapter" and inserting the following: "article".  
8 4. Page 4, line 1, by striking the word "chapter"  
9 and inserting the following: "article".  
10 5. Page 4, line 3, by striking the word "chapter"  
11 and inserting the following: "article".  
12 6. Page 4, by inserting after line 23 the  
13 following:  
14 "\_\_\_\_. a. Upon determining that an employee is  
15 using false identity information, all state agencies  
16 shall investigate whether the employee has violated  
17 any laws.  
18 b. The following state agencies shall take the  
19 following action:  
20 (1) The secretary of state's office shall remove  
21 the employee's false identity information from the  
22 voter registration list, as applicable, pursuant to

23 voter qualification requirements in section 48A.5.

24 (2) The department of transportation shall remove  
25 the employee's false identity information from the  
26 agency's driver's license records, as applicable.

27 (3) The department of human services shall  
28 investigate the employee's possible use of the false  
29 identity information to gain access to federal and  
30 state resources."

31 7. Page 4, by inserting after line 32 the  
32 following:

33 "Sec.\_\_\_\_. Section 321.177, Code 2007, is amended  
34 by adding the following new subsection:

35 NEW SUBSECTION. 10. To any person who is an  
36 unauthorized alien. For the purpose of this section,  
37 an "unauthorized alien" means a person who is not a  
38 citizen or legal resident and who has not been  
39 lawfully admitted to the United States pursuant to  
40 federal law."

41 8. Page 5, line 5, by striking the figure "91F.1"  
42 and inserting the following: "10A.902".

43 9. Page 5, by inserting after line 17 the  
44 following:

45 "Sec.\_\_\_\_. Section 321.190, subsection 1, Code  
46 2007, is amended by adding the following new  
47 paragraph:

48 NEW PARAGRAPH. e. The department shall not issue  
49 a card to a person who is an unauthorized alien as  
50 defined in section 321.177."

Page 2

1 10. Page 5, by inserting after line 30 the  
2 following:

3 "Sec.\_\_\_\_. NEW SECTION. 715A.8A IDENTITY THEFT  
4 – AIDING AND ABETTING.

5 A person who knowingly assists an unauthorized  
6 alien obtain false identification in order to obtain  
7 employment commits the offense of identity theft under  
8 section 715A.8 by aiding and abetting the commission  
9 of the offense as provided in section 703.1."

10 11. Page 10, line 31, by striking the word  
11 "working" and inserting the following: "employment".

12 12. Page 16, by striking lines 24 through 26 and  
13 inserting the following: "duty of office for the  
14 heads of state agencies or their designees. Failure  
15 to so cooperate".

16 13. Page 16, by inserting after line 32 the  
17 following:

18 "Sec.\_\_\_\_. NEW SECTION. 91G.13 AGRICULTURAL  
19 ACTIVITIES.

20 A person shall not be classified as an employee or  
21 a contractor under this chapter when the person

22 participates in agricultural activities on  
23 agricultural land as defined in section 9H.1.  
24 Agricultural activities include the raising,  
25 harvesting, handling, drying, processing, or storage  
26 of crops used for feed, food, fuel, seed, or fiber;  
27 the production, care, feeding, or keeping of  
28 livestock; fencing; drainage; the handling or  
29 transportation of crops or livestock; the storage,  
30 treatment, land application, or disposal of livestock  
31 manure; the application of fertilizers, soil  
32 conditioners, pesticides, and herbicides on crops;  
33 environmental protection or preservation activities;  
34 and any accessory or related activities."

35 14. Page 16, by inserting before line 33 the  
36 following:

37 "Sec.\_\_\_\_. Section 84A.5, subsection 4, Code  
38 Supplement 2007, is amended to read as follows:

39 4. The division of labor services is responsible  
40 for the administration of the laws of this state under  
41 chapters 88, 88A, 88B, 89, 89A, 89B, 90A, 91, 91A,  
42 91C, 91D, 91E, 91G, 92, and 94A, and section 85.68.  
43 The executive head of the division is the labor  
44 commissioner, appointed pursuant to section 91.2."

45 15. Page 17, by inserting after line 25 the  
46 following:

47 "Sec.\_\_\_\_. Section 91.4, subsection 5, Code  
48 Supplement 2007, is amended to read as follows:

49 5. The director of the department of workforce  
50 development, in consultation with the labor

Page 3

1 commissioner, shall, at the time provided by law, make  
2 an annual report to the governor setting forth in  
3 appropriate form the business and expense of the  
4 division of labor services for the preceding year, the  
5 number of disputes or violations processed by the  
6 division and the disposition of the disputes or  
7 violations, and other matters pertaining to the  
8 division which are of public interest, together with  
9 recommendations for change or amendment of the laws in  
10 this chapter and chapters 88, 88A, 88B, 89, 89A, 89B,  
11 90A, 91A, 91C, 91D, 91E, 91G, 92, and 94A, and section  
12 85.68, and the recommendations, if any, shall be  
13 transmitted by the governor to the first general  
14 assembly in session after the report is filed."

15 16. Page 18, by striking lines 10 and 11 and  
16 inserting the following: "duty of office for the  
17 heads of the state agencies or their designees.  
18 Failure to so cooperate".

19 17. By striking page 18, line 19, through page  
20 19, line 9.

21 18. Page 19, by inserting before line 10 the  
22 following:

23 "DIVISION \_\_\_\_\_  
24 UNAUTHORIZED ALIENS

25 Sec.\_\_\_\_. NEW SECTION. 421.71 STATE AIDE –  
26 EMPLOYER ELIGIBILITY.

27 1. An employer who chooses not to use the federal  
28 employment eligibility program as authorized by the  
29 federal Illegal Immigration Reform and Immigrant Act  
30 of 1996, Pub. L. No. 104-208, shall not be eligible  
31 for any developmental assistance.

32 2. For the purposes of this section,  
33 "developmental assistance" means any form of public  
34 assistance, including tax expenditures, made for the  
35 purpose of stimulating the economic development of a  
36 corporation, industry, geographic jurisdiction, or any  
37 other sector of the state's economy, including but not  
38 limited to public assistance involving industrial  
39 development bonds, training grants, loans, loan  
40 guarantees, enterprise zones, empowerment zones, tax  
41 increment financing, fee waivers, land price  
42 subsidies, infrastructure constructed or improved for  
43 the benefit of a single business or defined group of  
44 businesses at the time it is built or improved,  
45 matching funds, tax abatements, tax credits and tax  
46 discounts of every kind, including corporate,  
47 franchise, personal income, sales and use, raw  
48 materials, real property, job creation, individual  
49 investment, excise, utility, inventory, accelerated  
50 depreciation, and research and development tax credits

Page 4

1 and discounts.

2 Sec.\_\_\_\_. NEW SECTION. 644.1 UNFAIR TRADE  
3 PRACTICE.

4 The discharge of a United States citizen or lawful  
5 permanent resident alien employee by an employer of  
6 this state, who, on the date of the discharge employs  
7 an unauthorized alien, shall be an unfair trade  
8 practice. For the purpose of this section, "unfair  
9 trade practice" means any practice which offends  
10 established public policy. The discharged employee  
11 shall have a private cause of action for such unfair  
12 trade practice for damages due to discharge.

13 Sec.\_\_\_\_. NEW SECTION. 710B.1 ASSISTING  
14 UNAUTHORIZED ALIENS.

15 1. An employer, employee, or labor organization,  
16 or official member shall not knowingly assist an  
17 unauthorized alien in avoiding contact with state or  
18 federal officials.

19 2. For purposes of this section, an "unauthorized

20 alien" means a person who is not a citizen or legal  
21 resident and who has not been lawfully admitted to the  
22 United States pursuant to federal law.

23 3. A person who violates this section commits a  
24 class "D" felony.

25 Sec. \_\_\_\_ MEMORANDUM OF UNDERSTANDING –  
26 ENFORCEMENT OF FEDERAL IMMIGRATION LAW.

27 1. The attorney general is authorized and directed  
28 to negotiate the terms of a memorandum of  
29 understanding between the state of Iowa and the United  
30 States department of justice or the United States  
31 department of homeland security concerning the  
32 enforcement of federal immigration and custom laws,  
33 detention removals, and investigations in the state of  
34 Iowa. The agreement shall provide that costs incurred  
35 by the state for the detention and deportation of an  
36 unauthorized alien shall be reimbursed by the federal  
37 government.

38 2. The memorandum of understanding negotiated  
39 pursuant to subsection 1 shall be signed on behalf of  
40 this state by the attorney general and the governor or  
41 as otherwise required by the appropriate federal  
42 agency but shall not be implemented until money is  
43 appropriated for such purpose.

44 3. A local government, whether acting through its  
45 governing body or by an initiative, referendum, or any  
46 other process, shall not enact any ordinance,  
47 resolution, or policy that limits or prohibits a law  
48 enforcement officer, local officer, or local  
49 government employee from communicating or cooperating  
50 with federal officials with regard to the immigration

Page 5

1 status of any person within this state.

2 4. Notwithstanding any other provision of law, a  
3 government entity or official within the state of Iowa  
4 shall not prohibit, or in any way restrict, any  
5 government entity or official from sending to, or  
6 receiving from, the United States department of  
7 homeland security information regarding the  
8 citizenship or immigration status, lawful or unlawful,  
9 of any individual.

10 5. Notwithstanding any other provision of law, a  
11 person or agency shall not prohibit, or in any way  
12 restrict, a public employee from doing any of the  
13 following with respect to information regarding the  
14 immigration status, lawful or unlawful, of any  
15 individual:

16 a. Sending such information to, or requesting or  
17 receiving such information from, the United States  
18 department of homeland security.



19 b. Maintaining such information.  
 20 c. Exchanging such information with any other  
 21 federal, state, or local government entity.  
 22 6. Any natural or legal person lawfully domiciled  
 23 in this state may file for a writ of mandamus to  
 24 compel any noncooperating local or state governmental  
 25 agency to comply with this section."

26 19. Page 19, by inserting before line 10 the  
 27 following:

28 "Sec. \_\_\_\_ DEPARTMENT OF PUBLIC SAFETY – ILLEGAL  
 29 IMMIGRATION TASK FORCE. There is appropriated from  
 30 the general fund of the state to the department of  
 31 public safety for the fiscal year beginning July 1,  
 32 2008, and ending June 30, 2009, the following amount,  
 33 or so much thereof as is necessary, to be used for the  
 34 purposes designated:

35 For establishing an illegal immigration task force,  
 36 including salaries, support, maintenance,  
 37 miscellaneous purposes, and for not more than the  
 38 following full-time equivalent positions:

39 .....	\$565,000
40 .....	FTEs 12.00

41 Of the moneys appropriated in this section, the  
 42 department shall hire twelve state troopers for  
 43 purposes of the task force."

44 20. Page 19, by striking lines 14 and 15.

45 21. Title page, line 1, by inserting after the  
 46 word "to" the following: "unauthorized aliens and".

47 22. Title page, line 3, by striking the word  
 48 "employment," and inserting the following:  
 49 "employment and".

50 23. Title page, line 4, by striking the words

Page 6

1 "prohibiting employers from".

2 24. Title page, by striking lines 5 and 6.

3 25. Title page, line 7, by striking the words  
 4 "effective date" and inserting the following:  
 5 "appropriation".

6 26. By renumbering as necessary.

R. Olson of Polk offered the following amendment H-8545, to amendment H-8544, filed by him from the floor and moved its adoption:

H-8545

1 Amend the amendment, H-8544, to House File 2686 as  
 2 follows:

3 1. Page 2, line 23, by striking the words "as  
 4 defined in section 9H.1".

Amendment H-8545 was adopted.

R. Olson of Polk offered the following amendment H-8549, to amendment H-8544, filed by him from the floor and moved its adoption:

H-8549

- 1 Amend the amendment, H-8544, to House File 2686, as
- 2 follows:
- 3 1. Page 5, by striking lines 29 through 43 and
- 4 inserting the following: "IMMIGRATION TASK FORCE.
- 5 The department of public safety shall create an
- 6 illegal immigration task force, consisting of twelve
- 7 state troopers, to enforce immigration laws.""
- 8 2. Page 6, by striking lines 4 and 5 and
- 9 inserting the following: ""and an effective date"."

Amendment H-8549 was adopted.

R. Olson of Polk moved the adoption of amendment H-8544, as amended.

Roll call was requested by R. Olson of Polk and Wise of Lee.

On the question "Shall amendment H-8544, as amended, be adopted?" (H.F. 2686)

The ayes were, 86:

Alons	Anderson	Arnold	Bailey
Baudler	Bell	Berry	Boal
Bukta	Chambers	Clute	Cohoon
Dandekar	Davitt	De Boef	Deyoe
Dolecheck	Drake	Forristall	Frevert
Gaskill	Gayman	Gipp	Grassley
Greiner	Heaton	Horbach	Hunter
Huseman	Huser	Jacobs	Jacoby
Kaufmann	Kelley	Kressig	Kuhn
Lukan	Lykam	May	McCarthy
Mertz	Miller, H.	Miller, L.	Olson, D.
Olson, R.	Olson, S.	Olson, T.	Palmer
Paulsen	Pettengill	Quirk	Raecker
Rants	Rasmussen	Rayhons	Reasoner
Reichert	Roberts	Sands	Schickel
Schueller	Shomshor	Smith	Soderberg
Staed	Struyk	Swaim	Taylor, D.
Taylor, T.	Thomas	Tjepkes	Tymeson

Upmeyer	Van Engelenhoven	Van Fossen	Watts
Wendt	Wenthe	Whitaker	Whitead
Wienczek	Windschitl	Wise	Worthan
Zirkelbach	Mr. Speaker		
	Murphy		

The nays were, 12:

Abdul-Samad	Foege	Ford	Heddens
Jochum	Lensing	Mascher	Oldson
Petersen	Tomenga	Wessel-Kroeschell	Winckler

Absent or not voting, 2:

Granzow	Hoffman
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Amendment H-8544, as amended, was adopted.

Dandekar of Linn offered the following amendment H-8534 filed by her and moved its adoption:

H-8534

1 Amend House File 2686 as follows:  
 2 1. Page 9, by striking lines 15 through 33.  
 3 2. Page 9, by inserting after line 35 the  
 4 following:  
 5 "\_\_\_\_. "Employer" means any person, as defined in  
 6 section 4.1, engaged in doing business in this state  
 7 and includes the state of Iowa and its officers,  
 8 agencies, and political subdivisions."  
 9 3. Page 10, line 2, by striking the words "a  
 10 contractor", and inserting the following: "an  
 11 employer".  
 12 4. Page 10, by striking lines 5 through 19 and  
 13 inserting the following:  
 14 "\_\_\_\_. "Performing services" means providing any  
 15 service to any employer in this state for a fee."  
 16 5. Page 10, line 25, by striking the word  
 17 "contractor", and inserting the following:  
 18 "employer".  
 19 6. Page 10, line 26, by striking the word  
 20 "contractor", and inserting the following:  
 21 "employer".  
 22 7. Page 10, line 28, by striking the word  
 23 "contractor", and inserting the following:  
 24 "employer".  
 25 8. Page 10, line 30, by striking the word  
 26 "contractor", and inserting the following:  
 27 "employer".

- 28 9. Page 10, line 32, by striking the word  
29 "contractor", and inserting the following:  
30 "employer".
- 31 10. Page 11, line 2, by striking the words "A  
32 contractor", and inserting the following: "An  
33 employer".
- 34 11. Page 11, line 17, by striking the word  
35 "contractors", and inserting the following:  
36 "employers".
- 37 12. Page 11, line 18, by striking the words "a  
38 contractor", and inserting the following: "an  
39 employer".
- 40 13. Page 11, line 20, by striking the word  
41 "contractor", and inserting the following:  
42 "employer".
- 43 14. Page 11, line 24, by striking the word  
44 "contractor", and inserting the following:  
45 "employer".
- 46 15. Page 11, line 34, by striking the words "a  
47 contractor", and inserting the following: "an  
48 employer".
- 49 16. Page 12, lines 5 and 6, by striking the words  
50 "a contractor", and inserting the following: "an

## Page 2

- 1 employer".
- 2 17. Page 13, line 18, by striking the word  
3 "contractor", and inserting the following:  
4 "employer".
- 5 18. Page 13, line 20, by striking the words "A  
6 contractor", and inserting the following: "An  
7 employer".
- 8 19. Page 13, line 21, by striking the word  
9 "contractor's", and inserting the following:  
10 "employer's".
- 11 20. Page 13, line 28, by striking the words "A  
12 contractor", and inserting the following: "An  
13 employer".
- 14 21. Page 13, line 32, by striking the words "A  
15 contractor", and inserting the following: "An  
16 employer".
- 17 22. Page 13, line 35, by striking the words "A  
18 contractor", and inserting the following: "An  
19 employer".
- 20 23. Page 14, line 5, by striking the words "A  
21 contractor", and inserting the following: "An  
22 employer".
- 23 24. Page 14, line 7, by striking the words "A  
24 contractor", and inserting the following: "An  
25 employer".
- 26 25. Page 14, line 9, by striking the words "A

27 contractor", and inserting the following: "An  
28 employer".  
29 26. Page 14, line 12, by striking the words "A  
30 contractor", and inserting the following: "An  
31 employer".  
32 27. Page 14, lines 14 and 15, by striking the  
33 words "a contractor", and inserting the following:  
34 "an employer".  
35 28. Page 14, line 21, by striking the word  
36 "contractor", and inserting the following:  
37 "employer".  
38 29. Page 14, line 28, by striking the word  
39 "contractor's", and inserting the following:  
40 "employer's".  
41 30. Page 14, line 29, by striking the word  
42 "contractor", and inserting the following:  
43 "employer".  
44 31. Page 14, lines 30 and 31, by striking the  
45 words "a contractor", and inserting the following:  
46 "an employer".  
47 32. Page 14, by striking line 35 and inserting  
48 the following:  
49 "1. An employer or employer's agent shall not  
50 retaliate".

Page 3

1 33. Page 15, line 8, by striking the words "a  
2 contractor", and inserting the following: "an  
3 employer".  
4 34. Page 15, line 9, by striking the word  
5 "contractor's", and inserting the following:  
6 "employer's".  
7 35. Page 15, line 18, by striking the words "a  
8 contractor's", and inserting the following: "an  
9 employer's".  
10 36. Page 15, line 21, by striking the word  
11 "contractor", and inserting the following:  
12 "employer".  
13 37. Page 15, lines 28 and 29, by striking the  
14 words "a contractor", and inserting the following:  
15 "an employer".  
16 38. Page 16, line 3, by striking the word  
17 "contractor", and inserting the following:  
18 "employer".  
19 39. Page 16, line 10, by striking the word  
20 "contractor", and inserting the following:  
21 "employer".  
22 40. Page 16, by striking line 14 and inserting  
23 the following: "by an employer of one or more of the  
24 employer's employees".  
25 41. Page 16, line 16, by striking the words "a

26 contractor", and inserting the following: "an  
27 employer".

28 42. Page 16, line 21, by striking the word  
29 "contractor's", and inserting the following:  
30 "employer's".

31 43. By renumbering as necessary.

Amendment H-8534 lost.

Wessel-Kroeschell of Story offered the following amendment  
H-8499 filed by her and moved its adoption:

H-8499

1 Amend House File 2686 as follows:

2 1. Page 19, by inserting after line 9 the  
3 following:

4 "Sec.\_\_\_\_. LIVING WAGE IMPACT STUDY.

5 1. If funding is approved or appropriated to the  
6 state board of regents for such purposes, Iowa state  
7 university shall conduct a study regarding the  
8 economic, fiscal, and social impacts of establishing  
9 the living wage, also known as the self-sufficiency  
10 wage, in Iowa. The living wage in the study shall be  
11 based on a forty-hour work week, and the study shall  
12 provide all of the following:

13 a. A two-tiered living wage, one tier with  
14 benefits and one without benefits, for family sizes  
15 ranging from two people to six people for all  
16 ninety-nine counties.

17 b. The impact that a living wage would have on  
18 full-time workers, the multiplier effect of a living  
19 wage on the economy, and whether more jobs would be  
20 created by this multiplier effect.

21 c. How a living wage would impact public  
22 assistance programs, particularly whether it would  
23 reduce costs.

24 d. How a living wage would impact state and local  
25 economic development programs.

26 e. How a living wage would assist or hinder the  
27 housing market.

28 f. Taking into account paragraphs "b", "c", "d",  
29 and "e", examine whether there would be an overall  
30 positive impact on the economy considering possible  
31 business concerns of inflation and job loss.

32 g. Evaluate other states or metropolitan areas  
33 that have a living wage to provide examples of how a  
34 living wage could be implemented on a phased-in basis  
35 for all workers in this state, including the private  
36 and public sectors.

37 h. Any other recommendations that the individuals  
 38 assigned to the study believe are relevant to  
 39 establishing a living wage in this state.  
 40 2. An Iowa state university sociology professor,  
 41 an Iowa state university human development and family  
 42 studies professor, and an Iowa state university  
 43 economics professor, all who specialize in this area,  
 44 shall conduct and coordinate the study.  
 45 3. The department of workforce development, the  
 46 department of economic development, the department of  
 47 human services, the university of Iowa, the university  
 48 of northern Iowa, the child and family policy center,  
 49 the Iowa policy project, and representatives of labor  
 50 organizations and associations representing business

Page 2

1 and industry shall cooperate in conducting the study.  
 2 4. Iowa state university shall submit a report  
 3 about the findings of the study to the general  
 4 assembly by December 14, 2008."  
 5 2. Title page, line 5, by inserting before the  
 6 word "and" the following: "establishing a living wage  
 7 study."  
 8 3. By renumbering as necessary.

Roll call was requested by McCarthy of Polk and R. Olson of Polk.

On the question "Shall amendment H-8499 be adopted?" (H.F. 2686)

The ayes were, 99:

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	Horbach
Hunter	Huseman	Huser	Jacobs
Jacoby	Jochum	Kaufmann	Kelley
Kressig	Kuhn	Lensing	Lukan
Lykam	Mascher	May	McCarthy
Mertz	Miller, H.	Miller, L.	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	Wise
Worthan	Zirkelbach	Mr. Speaker Murphy	

The nays were, none.

Absent or not voting, 1:

Hoffman

Amendment H-8499 was adopted.

R. Olson of Polk asked and received unanimous consent to withdraw amendment H-8537 filed by him on April 15, 2008.

Jochum of Dubuque offered the following amendment H-8553 filed by her, Mascher of Johnson, Wessel-Kroeschell of Story, Lensing of Johnson, Smith of Marshall and Winckler of Scott, from the floor and moved its adoption:

H-8553

1 Amend House File 2686 as follows:  
 2 1. By striking everything after the enacting  
 3 clause and inserting the following:  
 4 "DIVISION I  
 5 WAGE PAYMENT COLLECTION  
 6 Section 1. Section 91A.2, subsection 3, Code 2007,  
 7 is amended to read as follows:  
 8 3. "Employee" means a natural person who is  
 9 employed in this state for wages by an employer.  
 10 Employee also includes a commission salesperson who  
 11 takes orders or performs services on behalf of a  
 12 principal and who is paid on the basis of commissions  
 13 but does not include persons who purchase for their  
 14 own account for resale.  
 15 a. For the purposes of this chapter, the following  
 16 persons engaged in agriculture are not employees:  
 17 ~~a.~~ (1) The spouse of the employer and relatives  
 18 of either the employer or spouse residing on the  
 19 premises of the employer.  
 20 ~~b.~~ (2) A person engaged in agriculture as an



21 owner-operator or tenant-operator and the spouse or  
 22 relatives of either who reside on the premises while  
 23 exchanging labor with the operator or for other mutual  
 24 benefit of any and all such persons.

25 e. ~~(3)~~ Neighboring persons engaged in agriculture  
 26 who are exchanging labor or other services.

27 (4) For the purposes of this chapter, persons  
 28 licensed under chapter 543B are not employees.

29 b. In order to establish the absence of an  
 30 employment relationship, a putative employer has the  
 31 burden to establish all of the following:

32 (1) The putative employer and putative employee  
 33 share the intention to create an independent  
 34 contractor relationship.

35 (2) The putative employer does not control or  
 36 direct the performance of services by the putative  
 37 employee.

38 (3) The putative employer is not responsible for  
 39 payment of wages to the putative employee.

40 (4) The putative employer does not have the right  
 41 to discharge the putative employee or terminate the  
 42 working relationship with the putative employee.

43 (5) The putative employer is not the authority in  
 44 charge of the work or for whose benefit the putative  
 45 employee is providing services.

46 Sec. 2. Section 91A.2, subsection 6, Code 2007, is  
 47 amended to read as follows:

48 6. "Liquidated damages" means the sum of five  
 49 percent multiplied by the amount of any wages that  
 50 were not paid or of any authorized expenses that were

Page 2

1 not reimbursed on a regular payday or on another day  
 2 pursuant to section 91A.3 multiplied by the total  
 3 number of days, excluding Sundays, legal holidays, and  
 4 the first seven days after the regular payday on which  
 5 wages were not paid or expenses were not reimbursed.  
 6 However, such sum shall not exceed twice the amount of  
 7 the unpaid wages and shall not accumulate ~~when an~~  
 8 ~~employer is subject to a petition filed in bankruptcy.~~

9 Sec. 3. Section 91A.6, subsections 1 and 2, Code  
 10 2007, are amended to read as follows:

11 1. An employer shall ~~after being notified by the~~  
 12 ~~commissioner pursuant to subsection 2~~ do the  
 13 following:

14 a. Notify its employees in writing at the time of  
 15 hiring what wages and regular paydays are designated  
 16 by the employer.

17 b. Notify, at least one pay period prior to the  
 18 initiation of any changes, its employees of any  
 19 changes in the arrangements specified in this

20 subsection 4 that reduce wages or alter the regular  
21 paydays. The notice shall either be in writing or  
22 posted at a place where employee notices are routinely  
23 posted.

24 c. Make available to its employees upon written  
25 request, a written statement enumerating employment  
26 agreements and policies with regard to vacation pay,  
27 sick leave, reimbursement for expenses, retirement  
28 benefits, severance pay, or other comparable matters  
29 with respect to wages. Notice of such availability  
30 shall be given to each employee in writing or by a  
31 notice posted at a place where employee notices are  
32 routinely posted.

33 d. Establish, maintain, and preserve for three  
34 calendar years the payroll records showing the hours  
35 worked, wages earned, and deductions made for each  
36 employee and any employment agreements entered into  
37 between an employer and employee. Failure to do so  
38 shall raise a rebuttable presumption that the employer  
39 did not pay the required minimum wage under section  
40 91D.1.

41 ~~2. The commissioner shall notify an employer to~~  
42 ~~comply with subsection 1 if the employer has paid a~~  
43 ~~claim for unpaid wages or nonreimbursed authorized~~  
44 ~~expenses and liquidated damages under section 91A.10~~  
45 ~~or if the employer has been assessed a civil money~~  
46 ~~penalty under section 91A.12. However, a court may,~~  
47 ~~when rendering a judgment for wages or nonreimbursed~~  
48 ~~authorized expenses and liquidated damages or~~  
49 ~~upholding a civil money penalty assessment, order that~~  
50 ~~an employer shall not be required to comply with the~~

Page 3

1 ~~provisions of subsection 1 or that an employer shall~~  
2 ~~be required to comply with the provisions of~~  
3 ~~subsection 1 for a particular period of time.~~

4 Sec. 4. Section 91A.8, Code 2007, is amended to  
5 read as follows:

6 **91A.8 VIOLATIONS BY EMPLOYER, DAMAGES RECOVERABLE**  
7 **BY AN EMPLOYEE UNDER THIS CHAPTER.**

8 1. A violation of this chapter shall occur any  
9 week when an individual employee was not paid the  
10 legally required wages under this chapter, state taxes  
11 were not withheld, or in the case of improper  
12 discharge, discrimination, or retaliation against an  
13 employee, every week after the improper discharge,  
14 discrimination, or retaliation has occurred until  
15 compensation is finally made.

16 2. When it has been shown that an employer has  
17 ~~intentionally~~ failed to pay an employee wages or  
18 reimburse expenses pursuant to section 91A.3, whether

19 as the result of a wage dispute or otherwise, the  
 20 employer shall be liable to the employee for ~~any the~~  
 21 unpaid wages or expenses ~~that are so intentionally~~  
 22 ~~failed to be paid or reimbursed~~, plus liquidated  
 23 damages, court costs, and any ~~attorney's~~ attorney fees  
 24 incurred in recovering the unpaid wages and determined  
 25 to have been usual and necessary. ~~In other instances~~  
 26 ~~the employer shall be liable only for unpaid wages or~~  
 27 ~~expenses, court costs and usual and necessary~~  
 28 ~~attorney's fees incurred in recovering the unpaid~~  
 29 ~~wages or expenses.~~

30 Sec. 5. Section 91A.9, subsection 2, Code 2007, is  
 31 amended to read as follows:

32 2. a. The commissioner may, consistent with due  
 33 process of law, enter any place of employment to  
 34 inspect records concerning wages and payrolls, to  
 35 question the employer and employees, and to  
 36 investigate such facts, conditions, or matters as are  
 37 deemed appropriate in determining whether any person  
 38 has violated the provisions of this chapter. ~~However,~~  
 39 ~~such entry by the commissioner shall only be in~~  
 40 ~~response to a written complaint.~~

41 b. A complaining employee may submit a written  
 42 request for confidentiality of identifying  
 43 information. Upon such request, the commissioner  
 44 shall determine if the commissioner can effectively  
 45 pursue the matter while keeping the identity of the  
 46 complaining employee confidential. If the  
 47 commissioner determines that an employee's identity  
 48 must be disclosed in order to effectively pursue the  
 49 matter, the commissioner may do so only with the  
 50 employee's consent. Otherwise, the commissioner shall

Page 4

1 keep the complaining employee's identity confidential  
 2 notwithstanding chapter 22.

3 Sec. 6. Section 91A.10, subsection 1, Code 2007,  
 4 is amended to read as follows:

5 1. a. Upon the written complaint of the employee  
 6 involved, the commissioner may determine whether wages  
 7 have not been paid and may constitute an enforceable  
 8 claim. If for any reason the commissioner decides not  
 9 to make such determination, the commissioner shall so  
 10 notify the complaining employee within fourteen days  
 11 of receipt of the complaint. The commissioner shall  
 12 otherwise notify the employee of such determination  
 13 within a reasonable time ~~and if it is determined.~~

14 b. Without regard to whether the commissioner  
 15 received a written complaint from an employee or  
 16 initiated an investigation, if the commissioner  
 17 determines that there is an enforceable claim, the

18 commissioner shall, with the consent of the  
 19 complaining employee, take an assignment in trust for  
 20 the wages and for any claim for liquidated damages  
 21 ~~without being bound by any of the. The technical~~  
 22 rules respecting the validity of the assignment shall  
 23 not apply. However, the commissioner shall not accept  
 24 any complaint for unpaid wages and liquidated damages  
 25 after one year from the date the wages became due and  
 26 payable.

27 Sec. 7. Section 91A.10, subsection 5, Code 2007,  
 28 is amended to read as follows:

29 ~~5. An employer shall not discharge or in any other~~  
 30 ~~manner discriminate against any employee because the~~  
 31 ~~employee has filed a complaint, assigned a claim, or~~  
 32 ~~brought an action under this section or has cooperated~~  
 33 ~~in bringing any action against an employer. An~~  
 34 employer or other person shall not discharge or in any  
 35 other manner discriminate or retaliate against an  
 36 employee or other person for exercising any right  
 37 provided under this chapter or any rules adopted  
 38 pursuant to this chapter, or against another employee  
 39 or person for providing assistance to an employee or  
 40 providing information regarding the employee or  
 41 person, or for testifying or planning to testify in  
 42 any investigation or proceeding regarding the employee  
 43 or person. Taking adverse action against an employee  
 44 or other person within ninety days of an employee's or  
 45 other person's engaging in the foregoing activities  
 46 raises a presumption that such action was retaliation,  
 47 which may be rebutted by clear and convincing evidence  
 48 that such action was taken for other permissible  
 49 reasons. Any employee may file a complaint with the  
 50 commissioner alleging discharge, ~~or~~ discrimination, or

Page 5

1 retaliation within thirty days after such violation  
 2 occurs. Upon receipt of the complaint, the  
 3 commissioner shall cause an investigation to be made  
 4 to the extent deemed appropriate. If the commissioner  
 5 determines from the investigation that the provisions  
 6 of this subsection have been violated, the  
 7 commissioner shall bring an action in the appropriate  
 8 district court against such person. The district  
 9 court shall have jurisdiction, for cause shown, to  
 10 restrain violations of this subsection and order all  
 11 appropriate relief including rehiring or reinstatement  
 12 of the employee to the former position with back pay.

13 Sec. 8. Section 91A.10, Code 2007, is amended by  
 14 adding the following new subsection:

15 NEW SUBSECTION. 6. A civil action to enforce this  
 16 section may also be maintained in any court of

17 competent jurisdiction by the commissioner or by any  
 18 party injured by a violation of this section. An  
 19 employer or other person who retaliates against an  
 20 employee or other person in violation of this section  
 21 shall be required to pay the person an amount set by  
 22 the commissioner or a court sufficient to compensate  
 23 the employee or other person and deter future  
 24 violations, but not less than one hundred fifty  
 25 dollars for each day that the violation continued.

26 Sec. 9. Section 91A.12, subsection 1, Code 2007,  
 27 is amended to read as follows:

28 1. Any employer who violates the provisions of  
 29 this chapter or the rules ~~promulgated under it~~ adopted  
 30 pursuant to this chapter shall be subject to a civil  
 31 money penalty of not more than ~~one~~ five hundred  
 32 dollars for each violation. The commissioner may  
 33 recover such civil money penalty according to the  
 34 provisions of subsections 2 ~~to~~ through 5. Any civil  
 35 money penalty recovered shall be deposited in the  
 36 general fund of the state.

#### 37 DIVISION II

#### 38 EMPLOYEE CLASSIFICATION

39 Sec. 10. NEW SECTION. 91G.1 PURPOSE.

40 The purpose of this chapter is to address the  
 41 practice of misclassifying employees as independent  
 42 contractors.

43 Sec. 11. NEW SECTION. 91G.2 DEFINITIONS.

44 1. "Commissioner" means the labor commissioner  
 45 appointed pursuant to section 91.2 or the labor  
 46 commissioner's designee.

47 2. "Construction" means any constructing,  
 48 altering, reconstructing, repairing, rehabilitating,  
 49 refinishing, refurbishing, remodeling, remediating,  
 50 renovating, custom fabricating, maintenance,

Page 6

1 landscaping, improving, wrecking, painting,  
 2 decorating, demolishing, and adding to or subtracting  
 3 from any building, structure, airport facility,  
 4 highway, roadway, street, alley, bridge, sewer, drain,  
 5 ditch, sewage disposal plant, water works, parking  
 6 facility, railroad, excavation or other project,  
 7 development, real property, or improvement, or to do  
 8 any part thereof, whether or not the performance of  
 9 the work described in this subsection involves an  
 10 addition to, or fabrication into, any structure,  
 11 project, development, real property, or improvement  
 12 described in this subsection of any material or  
 13 article of merchandise.

14 3. "Contractor" means any person, as defined in  
 15 section 4.1, engaged in construction. "Contractor"

16 includes general contractors, subcontractors, and the  
17 state of Iowa and its officers, agencies, and  
18 political subdivisions.

19 4. "Division" means the division of labor services  
20 of the department of workforce development.

21 5. "Interested party" means an individual  
22 performing services for a contractor who alleges a  
23 violation of this chapter or a person with an interest  
24 in compliance with this chapter.

25 6. "Performing services" means any constructing,  
26 altering, reconstructing, repairing, rehabilitating,  
27 refinishing, refurbishing, remodeling, remediating,  
28 renovating, custom fabricating, maintenance,  
29 landscaping, improving, wrecking, painting,  
30 decorating, demolishing, and adding to or subtracting  
31 from any building, structure, airport facility,  
32 highway, roadway, street, alley, bridge, sewer, drain,  
33 ditch, sewage disposal plant, water works, parking  
34 facility, railroad, excavation or other project,  
35 development, real property, or improvement, or to do  
36 any part thereof, whether or not the performance of  
37 the work described in this subsection involves an  
38 addition to, or fabrication into, any structure,  
39 project, development, real property, or improvement  
40 described in this subsection of any material or  
41 article of merchandise.

42 Sec. 12. NEW SECTION. 91G.3 STATUS OF  
43 INDIVIDUALS PERFORMING SERVICES.

44 1. An individual performing services shall be  
45 classified as an employee unless all of the following  
46 conditions are present and the contractor and the  
47 individual both intend to create an independent  
48 contractor relationship between the contractor and the  
49 individual:

50 a. The contractor does not control or direct the

Page 7

1 performance of services by the individual.

2 b. The contractor is not responsible for the  
3 payment of the individual's wages.

4 c. The contractor does not have the right to  
5 discharge the individual or terminate the employment  
6 relationship with the individual.

7 d. The contractor is not the authority in charge  
8 of the work or for whose benefit the individual is  
9 providing services.

10 2. An individual classified as an employee under  
11 this section shall also be classified as an employee  
12 pursuant to chapters 85, 85A, 85B, 88, 91A, and 96. A  
13 contractor commits a violation of this chapter by not  
14 treating the individual so classified under this

15 chapter as an employee pursuant to chapters 85, 85A,  
16 85B, 88, 91A, and 96.

17 3. An individual who is an owner-operator as  
18 described in section 85.61, subsection 11, and not  
19 deemed an employee under that subsection shall not be  
20 classified as an employee under this section.

21 Sec. 13. NEW SECTION. 91G.4 NOTICE OF LAW.

22 1. The commissioner shall create posters in both  
23 English and Spanish summarizing the requirements of  
24 this chapter. The English and Spanish versions of the  
25 poster shall be posted on the division's internet site  
26 and on bulletin boards in the workforce centers.

27 2. The commissioner shall provide the posters  
28 without charge to contractors upon request.

29 3. If a contractor violates section 91G.3 or 91G.8  
30 or rules adopted pursuant to any of those sections,  
31 the contractor shall post the English and Spanish  
32 versions of the poster created by the commissioner.  
33 The posters shall be posted in conspicuous locations  
34 at the places where notices to employees are normally  
35 posted at each job site and office of the contractor.

36 Sec. 14. NEW SECTION. 91G.5 ENFORCEMENT.

37 1. An interested party may file a complaint with  
38 the commissioner alleging a violation of section  
39 91G.3, 91G.4, or 91G.8 or rules adopted pursuant to  
40 any of those sections. An interested party who makes  
41 a complaint when the interested party knows such  
42 representation to be false commits a simple  
43 misdemeanor.

44 2. The commissioner shall adopt rules pursuant to  
45 and consistent with chapter 17A regarding  
46 investigations to determine whether a contractor has  
47 violated any provisions of this chapter or any rules  
48 adopted pursuant to this chapter.

49 3. A person acting in an official capacity related  
50 to services provided by the commissioner for the

Page 8

1 purposes of workplace safety training and education,  
2 pursuant to section 88.16, shall not file or  
3 investigate a complaint pursuant to this chapter if  
4 the information leading to the complaint was received  
5 due to services provided pursuant to section 88.16.

6 4. The commissioner shall enforce the provisions  
7 of this chapter. The commissioner may conduct  
8 investigations in connection with the administration  
9 and enforcement of this chapter and may visit and  
10 inspect, at all reasonable times, any places where  
11 individuals are performing services for a contractor  
12 and may inspect, at all reasonable times, documents  
13 related to the determination of whether an individual

14 is an employee under section 91G.3.

15 5. The commissioner and an employee of the  
16 commissioner shall be indemnified for any damages and  
17 legal expenses incurred as a result of the good-faith  
18 performance of the employee's official duties under  
19 this chapter, in regard to any claim for civil damages  
20 not specifically covered by the Iowa tort claims Act,  
21 chapter 669.

22 6. The commissioner may compel by subpoena the  
23 attendance and testimony of witnesses and the  
24 production of books, payrolls, records, papers, and  
25 other evidence in an investigation and may administer  
26 oaths to witnesses.

27 7. Upon the failure or refusal of any person to  
28 obey a subpoena, the commissioner may petition a  
29 district court of competent jurisdiction, and upon  
30 proper showing, the court may enter an order  
31 compelling the witness to appear and testify or  
32 produce documentary evidence. Failure to obey the  
33 court order is punishable as contempt of court.

34 8. A determination by the commissioner as to  
35 whether a violation of section 91G.3, 91G.4, or 91G.8  
36 or rules adopted pursuant to any of those sections has  
37 occurred shall be considered final agency action under  
38 chapter 17A.

39 9. If the commissioner determines upon  
40 investigation that a violation of section 91G.3,  
41 91G.4, or 91G.8 or rules adopted pursuant to any of  
42 those sections has occurred, the commissioner may do  
43 any of the following:

44 a. Issue and cause to be served on any party an  
45 order to cease and desist from any further violation.

46 b. Take affirmative or other action as deemed  
47 reasonable to eliminate the effect of any violation.

48 c. Collect the amount of any wages, salary,  
49 employment benefits, or other compensation denied or  
50 lost to an individual.

Page 9

1 d. Assess any civil penalty allowed by this  
2 chapter.

3 e. Refer matters to the county attorney upon  
4 determining that a criminal violation may have  
5 occurred.

6 10. Judicial review of any final agency action of  
7 the commissioner taken pursuant to this section may be  
8 sought in accordance with the terms of chapter 17A.

9 If a petition for judicial review is not filed within  
10 thirty days after service of the determination of the  
11 commissioner, the commissioner's determination shall  
12 be conclusive in connection with any petition for



13 enforcement filed by the commissioner and in such  
14 case, the clerk of court, unless otherwise ordered by  
15 the court, shall forthwith enter a decree enforcing  
16 the commissioner's determination and shall transmit a  
17 copy of the decree to the commissioner and the  
18 contractor named in the petition.

19 11. A contractor shall not be liable under this  
20 chapter for any other contractor's failure to properly  
21 classify individuals.

22 12. In any civil action to enforce the provisions  
23 of this chapter, the commissioner may be represented  
24 by an attorney employed by the division or, at the  
25 commissioner's request, by the attorney general.

26 Sec. 15. NEW SECTION. 91G.6 PENALTIES.

27 1. A contractor who violates section 91G.3, 91G.4,  
28 or 91G.8 or rules adopted pursuant to one of those  
29 sections is subject to a civil penalty not to exceed  
30 one thousand two hundred fifty dollars for a first  
31 violation as determined by the commissioner. A  
32 contractor is subject to a civil penalty not to exceed  
33 one thousand eight hundred seventy-five dollars for a  
34 second violation occurring within six years of a first  
35 violation as determined by the commissioner. A  
36 contractor shall be subject to a civil penalty not to  
37 exceed three thousand one hundred twenty-five dollars  
38 for a third or successive violation occurring within  
39 six years of a first violation as determined by the  
40 commissioner.

41 2. A contractor who violates any provision of  
42 section 91G.3, 91G.4, or 91G.8 or rules adopted  
43 pursuant to one of those sections commits a simple  
44 misdemeanor. A contractor who commits such a second  
45 violation within six years of a first violation  
46 commits a serious misdemeanor. A contractor who  
47 commits such a third or subsequent violation within  
48 six years of a first violation commits an aggravated  
49 misdemeanor.

50 3. A contractor who obstructs the commissioner,

Page 10

1 the employee of the commissioner, or another person  
2 authorized to inspect places where individuals are  
3 performing services for a contractor is subject to a  
4 civil penalty not to exceed one thousand eight hundred  
5 seventy-five dollars.

6 4. Each violation described in this section for  
7 each individual and for each day the violation  
8 continues constitutes a separate and distinct  
9 violation. In determining the amount of a civil  
10 penalty, the commissioner shall consider the  
11 appropriateness of the civil penalty to the contractor

12 and the gravity of the violation.

13 Sec. 16. NEW SECTION. 91G.7 STATE CONTRACT  
14 PROHIBITION.

15 For a second or subsequent violation of section  
16 91G.3 or 91G.4 determined by the commissioner to have  
17 occurred within six years of an earlier violation or  
18 for a first or subsequent violation of section 91G.8,  
19 the commissioner shall add the contractor's name to a  
20 list to be posted on the division's internet site and  
21 notify the violating contractor of the posting. A  
22 state contract shall not be awarded to a contractor  
23 whose name appears on the list until three years have  
24 elapsed from the date of the determination of the last  
25 violation.

26 Sec. 17. NEW SECTION. 91G.8 RETALIATION.

27 1. A contractor or contractor's agent shall not  
28 retaliate through discharge or in any other manner  
29 against an individual for any of the following:

30 a. Making a good-faith complaint to the  
31 commissioner or to a state or federal agency regarding  
32 a violation of section 91G.3 or 91G.4.

33 b. Testifying or otherwise cooperating in an  
34 investigation or proceeding under this chapter.

35 2. Such retaliation shall subject a contractor or  
36 contractor's agent to civil penalties and a  
37 prohibition on being awarded state contracts pursuant  
38 to this chapter and may give rise to a private right  
39 of action.

40 Sec. 18. NEW SECTION. 91G.9 DISPOSITION OF  
41 PENALTIES.

42 Any penalties assessed and collected by the  
43 commissioner pursuant to this chapter shall be  
44 deposited in the general fund of the state.

45 Sec. 19. NEW SECTION. 91G.10 PRIVATE RIGHT OF  
46 ACTION.

47 1. An individual, who has not received  
48 compensatory damages under section 91G.5, alleging a  
49 contractor's violation of this chapter or a rule  
50 adopted pursuant to this chapter and damages may file

Page 11

1 suit in district court against the contractor, in the  
2 county where the alleged violation occurred, or where  
3 any person who is party to the action resides, without  
4 regard to exhaustion of any alternative administrative  
5 remedies provided in this chapter. Actions may be  
6 brought by one or more aggrieved individuals for and  
7 on behalf of themselves and other individuals  
8 similarly situated.

9 2. If it is established that an individual has  
10 been damaged through a proceeding under subsection 1

11 by a contractor who has willfully violated a provision  
 12 of this chapter or a rule adopted pursuant to this  
 13 chapter, the individual shall be entitled to collect  
 14 the following:

15 a. The amount of any wages, salary, employment  
 16 benefits, or other compensation denied or lost to the  
 17 individual due to the violation or a retaliatory  
 18 action, and court costs and interest at the statutory  
 19 rate from the date of filing.

20 b. Punitive damages, not to exceed five times the  
 21 amount awarded in paragraph "a".

22 c. Reasonable attorney fees, if the contractor who  
 23 has damaged the individual has committed a second or  
 24 subsequent violation of section 91G.3, 91G.4, or  
 25 91G.8, or rules adopted pursuant to this chapter,  
 26 occurring within six years of a first violation.

27 3. The right of a damaged individual to bring an  
 28 action under this section terminates five years from  
 29 the date of the alleged violation by the contractor.

30 Sec. 20. NEW SECTION. 91G.11 COOPERATION.

31 1. All state agencies shall cooperate under this  
 32 chapter by sharing information concerning possible  
 33 misclassification by a contractor of one or more of  
 34 the contractor's employees as independent contractors.

35 2. Upon determining that a contractor  
 36 misclassified one or more employees as independent  
 37 contractors in violation of this chapter, the  
 38 commissioner shall notify the division administering  
 39 unemployment insurance services, the division of  
 40 workers' compensation, and the department of revenue,  
 41 each of which shall investigate the contractor's  
 42 compliance with applicable laws.

43 3. Cooperation under this chapter shall be  
 44 considered a duty of office for the heads of state  
 45 agencies or their designees. Failure to so cooperate  
 46 constitutes a violation of section 721.2, subsection  
 47 6.

48 Sec. 21. NEW SECTION. 91G.12 AGRICULTURAL  
 49 ACTIVITIES.

50 A person shall not be classified as an employee or

Page 12

1 a contractor under this chapter when the person  
 2 participates in agricultural activities on  
 3 agricultural land. Agricultural activities include  
 4 the raising, harvesting, handling, drying, processing,  
 5 or storage of crops used for feed, food, fuel, seed,  
 6 or fiber; the production, care, feeding, or keeping of  
 7 livestock; fencing; drainage; the handling or  
 8 transportation of crops or livestock; the storage,  
 9 treatment, land application, or disposal of livestock

10 manure; the application of fertilizers, soil  
11 conditioners, pesticides, and herbicides on crops;  
12 environmental protection or preservation activities;  
13 and any accessory or related activities.

14 Sec. 22. Section 84A.5, subsection 4, Code  
15 Supplement 2007, is amended to read as follows:

16 4. The division of labor services is responsible  
17 for the administration of the laws of this state under  
18 chapters 88, 88A, 88B, 89, 89A, 89B, 90A, 91, 91A,  
19 91C, 91D, 91E, 91G, 92, and 94A, and section 85.68.

20 The executive head of the division is the labor  
21 commissioner, appointed pursuant to section 91.2.

22 Sec. 23. Section 85.61, subsection 11, paragraph  
23 b, Code Supplement 2007, is amended to read as  
24 follows:

25 b. (1) "Worker" or "employee" includes an inmate  
26 as defined in section 85.59 and a person described in  
27 section 85.60.

28 (2) "Worker" or "employee" includes an individual  
29 who is classified as an employee pursuant to section  
30 91G.3.

31 Sec. 24. Section 86.45, subsection 2, Code 2007,  
32 is amended by adding the following new paragraph:  
33 NEW PARAGRAPH. j. To cooperate with the division  
34 of labor services, the division of the department of  
35 workforce development that administers unemployment  
36 insurance services, and the department of revenue  
37 pursuant to chapter 91G by sharing information  
38 concerning possible misclassification of one or more  
39 employees as independent contractors.

40 Sec. 25. Section 88.3, subsection 4, Code 2007, is  
41 amended to read as follows:

42 4. "Employee" means an employee of an employer who  
43 is employed in a business of the employer. "Employee"  
44 also means an inmate as defined in section 85.59, when  
45 the inmate works in connection with the maintenance of  
46 the institution, in an industry maintained in the  
47 institution, or while otherwise on detail to perform  
48 services for pay. "Employee" also means a volunteer  
49 involved in responses to hazardous waste incidences.  
50 The employer of a volunteer is that entity which

Page 13

1 provides or which is required to provide workers'  
2 compensation coverage for the volunteer. "Employee"  
3 includes an individual who is classified as an  
4 employee pursuant to section 91G.3.

5 Sec. 26. Section 91.4, subsection 5, Code  
6 Supplement 2007, is amended to read as follows:

7 5. The director of the department of workforce  
8 development, in consultation with the labor

9 commissioner, shall, at the time provided by law, make  
 10 an annual report to the governor setting forth in  
 11 appropriate form the business and expense of the  
 12 division of labor services for the preceding year, the  
 13 number of disputes or violations processed by the  
 14 division and the disposition of the disputes or  
 15 violations, and other matters pertaining to the  
 16 division which are of public interest, together with  
 17 recommendations for change or amendment of the laws in  
 18 this chapter and chapters 88, 88A, 88B, 89, 89A, 89B,  
 19 90A, 91A, 91C, 91D, 91E, 91G, 92, and 94A, and section  
 20 85.68, and the recommendations, if any, shall be  
 21 transmitted by the governor to the first general  
 22 assembly in session after the report is filed.

23 Sec. 27. Section 91A.2, subsection 3, unnumbered  
 24 paragraph 1, Code 2007, is amended to read as follows:

25 "Employee" means a natural person who is employed  
 26 in this state for wages by an employer. Employee also  
 27 includes a commission salesperson who takes orders or  
 28 performs services on behalf of a principal and who is  
 29 paid on the basis of commissions but does not include  
 30 persons who purchase for their own account for resale.  
 31 "Employee" includes an individual who is classified as  
 32 an employee pursuant to section 91G.3. For the  
 33 purposes of this chapter, the following persons  
 34 engaged in agriculture are not employees:

35 Sec. 28. Section 96.11, Code Supplement 2007, is  
 36 amended by adding the following new subsection:

37 NEW SUBSECTION. 17. INTERAGENCY COOPERATION.

38 a. All state agencies shall cooperate with the  
 39 director and the department pursuant to chapter 91G by  
 40 sharing information concerning possible  
 41 misclassification of employees as independent  
 42 contractors.

43 b. Cooperation under this chapter shall be  
 44 considered a duty of office for the heads of the state  
 45 agencies or their designees. Failure to so cooperate  
 46 constitutes a violation of section 721.2, subsection  
 47 6.

48 Sec. 29. Section 96.19, subsection 18, paragraph  
 49 a, subparagraph (2), Code 2007, is amended to read as  
 50 follows:

Page 14

1 (2) Any individual who, under the usual common law  
 2 rules applicable in determining the employer-employee  
 3 relationship, has the status of an employee, or any  
 4 individual who is classified as an employee pursuant  
 5 to section 91G.3, or

6 DIVISION III

7 SEVERABILITY AND EFFECTIVE DATE

8 Sec. 30. SEVERABILITY. The provisions of this Act  
9 are severable in the manner provided by section 4.12.

10 Sec. 31. EFFECTIVE DATE. This Act takes effect  
11 January 1, 2009."

12 2. Title page, by striking lines 1 through 7 and  
13 inserting the following: "An Act relating to wage  
14 payment collection and employment classification  
15 issues arising between employers and individuals who  
16 provide services to employers and including an  
17 effective date."

Roll call was requested by Jochum of Dubuque and Hunter of Polk.

On the question "Shall amendment H-8553 be adopted?" (H.F. 2686)

The ayes were, 23:

Abdul-Samad	Foege	Ford	Frevort
Heddens	Hunter	Huser	Jacoby
Jochum	Lensing	Mascher	Oldson
Olson, D.	Olson, T.	Petersen	Schueller
Smith	Taylor, D.	Taylor, T.	Wendt
Wessel-Kroeschell	Whitead	Winckler	

The nays were, 75:

Alons	Anderson	Arnold	Bailey
Baudler	Bell	Berry	Boal
Bukta	Chambers	Clute	Cohon
Dandekar	Davitt	De Boef	Deyoe
Dolecheck	Drake	Forristall	Gaskill
Gayman	Gipp	Grassley	Greiner
Heaton	Horbach	Huseman	Jacobs
Kaufmann	Kelley	Kressig	Kuhn
Lukan	Lykam	May	McCarthy
Mertz	Miller, H.	Miller, L.	Olson, R.
Olson, S.	Palmer	Paulsen	Pettengill
Quirk	Raecker	Rants	Rasmussen
Rayhons	Reasoner	Reichert	Roberts
Sands	Schickel	Shomshor	Soderberg
Staed	Struyk	Swaim	Thomas
Tjepkes	Tomenga	Tymeson	Upmeyer
Van Engelenhoven	Van Fossen	Watts	Wenthe
Whitaker	Wiencek	Windschitl	Wise
Worthan	Zirkelbach	Mr. Speaker	
		Murphy	

Absent or not voting, 2:

Granzow                      Hoffman

Amendment H-8553 lost.

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?" (H.F. 2686)

The ayes were, 84:

Alons	Anderson	Arnold	Bailey
Baudler	Bell	Berry	Boal
Bukta	Chambers	Clute	Cohoon
Dandekar	Davitt	De Boef	Deyoe
Dolecheck	Drake	Forristall	Frevert
Gaskill	Gayman	Gipp	Granzow
Grassley	Greiner	Heaton	Hoffman
Horbach	Huseman	Huser	Jacobs
Kaufmann	Kelley	Kressig	Kuhn
Lukan	Lykam	May	McCarthy
Mertz	Miller, H.	Miller, L.	Olson, D.
Olson, R.	Olson, S.	Palmer	Paulsen
Pettengill	Quirk	Raecker	Rants
Rasmussen	Rayhons	Reasoner	Reichert
Roberts	Sands	Schickel	Schueller
Shomshor	Soderberg	Staed	Struyk
Swaim	Taylor, D.	Taylor, T.	Thomas
Tjepkes	Tymeson	Upmeyer	Van Engelenhoven
Van Fossen	Watts	Wendt	Wenthe
Whitaker	Whitead	Wiencek	Windschitl
Wise	Worthan	Zirkelbach	Mr. Speaker Murphy

The nays were, 16:

Abdul-Samad	Foege	Ford	Heddens
Hunter	Jacoby	Jochum	Lensing
Mascher	Oldson	Olson, T.	Petersen
Smith	Tomenga	Wessel-Kroeschell	Winckler

Absent or not voting, none.

The bill having received a constitutional majority was declared to have passed the House and the title, as amended, was agreed to.

## IMMEDIATE MESSAGE

McCarthy of Polk asked and received unanimous consent that **House File 2686** be immediately messaged to the Senate.

## BILLS ENROLLED, SIGNED AND SENT TO GOVERNOR

The Chief Clerk of the House submitted the following report:

Mr. Speaker: The Chief Clerk of the House respectfully reports that the following bills have been examined and found correctly enrolled, signed by the Speaker of the House and the President of the Senate, and presented to the Governor for his approval on this 16<sup>th</sup> day of April, 2008: House Files 2103, 2145, 2393 and 2570.

MARK W. BRANDSGARD  
Chief Clerk of the House

Report adopted.

## 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\2851 | Evelyn Murguia, Burlington – For celebrating her 80 <sup>th</sup> birthday.                              |
| 2008\2852 | Ted and Charlotte Schwenker, Burlington – For celebrating their 50 <sup>th</sup> wedding anniversary.    |
| 2008\2853 | Richard and Virginia Goughnour, Burlington – For celebrating their 55 <sup>th</sup> wedding anniversary. |
| 2008\2854 | Emmet and Karleen O’Toole, Letts – For celebrating their 50 <sup>th</sup> wedding anniversary.           |
| 2008\2855 | Marion and Donna Stark, Kellerton – For celebrating their 50 <sup>th</sup> wedding anniversary.          |
| 2008\2856 | Maurine Krebill, Donnellson – For celebrating her 90 <sup>th</sup> birthday.                             |
| 2008\2857 | Allen and Shirley Stevens, Delta – For celebrating their 50 <sup>th</sup> wedding anniversary.           |



- 2008\2858 Roger and Sandy Frakes, Ollie – For celebrating their 50<sup>th</sup> wedding anniversary.
- 2008\2859 Ed and Janet Maschmann, Victor – For celebrating their 50<sup>th</sup> wedding anniversary.
- 2008\2860 Bob and Dorothy Dow, Oskaloosa – For celebrating their 50<sup>th</sup> wedding anniversary.
- 2008\2861 Lloyd and Frances Pilkington, North English – For celebrating their 50<sup>th</sup> wedding anniversary.
- 2008\2862 Annabell Allen, North English – For celebrating her 75<sup>th</sup> birthday.
- 2008\2863 Rex W. McFall, Oskaloosa – For his 47 years of dedicated service at McGregor’s Furniture.
- 2008\2864 Carroll Kienol, Waterloo – For his 35 years of dedicated service to the Waterloo Police Department.
- 2008\2865 Jerry and Patricia Jaramillo, Kellerton – For celebrating their 50<sup>th</sup> wedding anniversary.
- 2008\2866 Wanda Freeberg, Truro – For celebrating her 90<sup>th</sup> birthday.
- 2008\2867 Charles and Charlotte Krogh, Exira – For celebrating their 60<sup>th</sup> wedding anniversary.
- 2008\2868 Drew Flickinger, Dubuque – For attaining the rank of Eagle Scout, the highest rank in the Boy Scouts of America.
- 2008\2869 Bradley Hauptmann, Garner – For attaining the rank of Eagle Scout, the highest rank in the Boy Scouts of America.
- 2008\2870 Vern and Geneva Van Zanten, Pella – For celebrating their 50<sup>th</sup> wedding anniversary.
- 2008\2871 Roger Squier, Mason City – For celebrating his 93<sup>rd</sup> birthday.
- 2008\2872 Margaret Squier, Mason City – For celebrating her 90<sup>th</sup> birthday.
- 2008\2873 Joseph and Rose Schlueter, Mason City – For celebrating their 60<sup>th</sup> wedding anniversary.
- 2008\2874 Pete Faust, Clear Lake – For being the Iowa winner of the ANCOR National Association Award for Outstanding Direct Support Professional.
- 2008\2875 Wayne Crawford, Independence – For celebrating his 90<sup>th</sup> birthday.
- 2008\2876 South O’Brien Jazz Band – For winning the 2008 Class 2A Iowa Jazz Championship.

- 2008\2877 George and Darlene Konicek, Clutier – For celebrating their 60<sup>th</sup> wedding anniversary.
- 2008\2878 Bessie Gary, Toledo – For celebrating her 90<sup>th</sup> birthday.
- 2008\2879 Rodney and Inez Deters, Wellsburg – For celebrating their 58<sup>th</sup> wedding anniversary.
- 2008\2880 Aurelia Jazz Band, Aurelia – For receiving 2<sup>nd</sup> place in the 2008 Class 1A Iowa Jazz Championship.

## HOUSE STUDY BILL COMMITTEE ASSIGNMENT

### H.S.B. 793 Appropriations

Relating to long-term care insurance, and providing for penalties, an applicability date, repeals, and an appropriation and providing an effective date.

### 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 APPROPRIATIONS

**Committee Bill** (Formerly House Study Bill 793), relating to long-term care insurance, and providing for penalties, an applicability date, repeals, and an appropriation and providing an effective date.

Fiscal Note is not required.

Recommended **Do Pass** April 16, 2008.

### COMMITTEE ON STATE GOVERNMENT

**Senate File 2411**, a bill for an act relating to open records and public meetings and providing an effective date and making an appropriation.

Fiscal Note is not required.

Recommended **Amend and Do Pass with Amendment H-8546** April 15, 2008.

**Pursuant to Rule 31.7, Senate File 2411 was referred to the committee on appropriations.**

## COMMITTEE ON WAYS AND MEANS

**Senate File 2415**, a bill for an act allowing certain counties to participate in a pilot project for emergency response districts and providing for a district tax levy.

Fiscal Note is not required.

Recommended **Do Pass** April 16, 2008.

**Senate File 2418**, a bill for an act relating to notice provided to certain households about the availability of volunteer or free income tax assistance programs and the federal and state earned income tax credits.

Fiscal Note is not required.

Recommended **Do Pass** April 16, 2008.

**Senate File 2419**, a bill for an act relating to the property tax exemption for speculative shell buildings and including effective and retroactive applicability date provisions.

Fiscal Note is not required.

Recommended **Do Pass** April 16, 2008.

**Committee Bill** (Formerly House File 2444), relating to targeted jobs withholding credit agreements for certain pilot project cities located in border counties

Fiscal Note is not required.

Recommended **Amend and Do Pass** April 16, 2008.

**Committee Bill** (Formerly House File 2573), concerning bingo conducted during county fairs and community festivals and providing an effective date.

Fiscal Note is not required.

Recommended **Do Pass** April 16, 2008.

## RESOLUTIONS FILED

**HR 153**, by Wessel-Kroeschell, Heddens, D. Olson, Winckler, Staed, Mertz, Dandekar, Ford, T. Olson, Swaim, R. Olson, Lensing, Hunter, Reasoner, Shomshor, Quirk, D. Taylor, Palmer, Wenthe, Huser, Gayman, Murphy, Abdul-Samad, Petersen, Wise, Reichert, Smith, Jacoby, Wendt, Thomas, Bailey, Kuhn, Zirkelbach, H. Miller, Berry, Cohoon, Bell, Jochum, Gaskill, Kressig, Mascher, Davitt, Kelley, Whitaker, Bukta, Whitead, Lykam and Frevert, a resolution honoring the 2007 Iowa State University Cyclones women's volleyball team for

a phenomenal 2007 season that culminated in the team's appearance in the NCAA Women's Volleyball Tournament Regional semifinal.

Laid over under **Rule 25**.

**HR 154**, by Wessel-Kroeschell, Gaskill, Heddens, D. Olson, Winckler, Staed, Mertz, Dandekar, Ford, T. Olson, Swaim, R. Olson, Lensing, Hunter, Reasoner, Shomshor, Quirk, D. Taylor, Palmer, Windschitl, Huser, Abdul-Samad, Petersen, Wise, Reichert, Gayman, Smith, Jacoby, Wendt, Thomas, Bailey, Kuhn, H. Miller, Berry, Cohoon, Bell, Jochum, Kressig, Mascher, Davitt, Murphy, Kelley, Whitaker, Bukta, Whitead, Lykam and Frevert, a resolution honoring the Iowa State University Cyclone wrestling team and head coach Cael Sanderson for their second consecutive Big 12 Conference team championship.

Laid over under **Rule 25**.

**HR 155**, by Wessel-Kroeschell and Heddens, a resolution honoring Iowa State University track student-athlete and Fort Dodge native Lisa Koll.

Laid over under **Rule 25**.

#### AMENDMENTS FILED

H—8541	H.F.	2662	Senate Amendment
H—8542	H.F.	2687	Wise of Lee
H—8543	H.F.	2381	R. Olson of Polk
H—8546	S.F.	2411	Committee on State Government
H—8547	S.F.	2402	Watts of Dallas
H—8548	S.F.	2406	Ford of Polk
H—8550	H.F.	2688	Reichert of Muscatine
H—8551	H.F.	2633	Senate Amendment
H—8552	H.F.	2612	Senate Amendment
H—8554	H.F.	2662	Winckler of Scott
Wessel-Kroeschell of Story			Lensing of Johnson
Mascher of Johnson			Jochum of Dubuque
Frevert of Palo Alto			Petersen of Polk
Kelley of Black Hawk			

On motion by McCarthy of Polk the House adjourned at 5:32 p.m., until 9:00 a.m., Thursday, April 17, 2008

State of Iowa  
2009

# JOURNAL OF THE HOUSE

## 2009 REGULAR SESSION EIGHTY-THIRD GENERAL ASSEMBLY

Convened January 12, 2009  
Adjourned April 25, 2009

Volume II  
April 14, 2009—April 25, 2009

**CHESTER J. CULVER, Governor**  
**PATRICK J. MURPHY, Speaker of the House**  
**JOHN P. KIBBIE, President of the Senate**

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# JOURNAL OF THE HOUSE

Ninety-third Calendar Day - Sixty-first Session Day

Hall of the House of Representatives  
Des Moines, Iowa, Tuesday, April 14, 2009

The House met pursuant to adjournment at 9:07 a.m., Speaker Murphy in the chair.

Prayer was offered by Reverend Dan Merchant, pastor of the Cedar Street Baptist Church, Tipton. He was the guest of Representative Jeff Kaufmann of Cedar County.

## PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Blake Grotewold, House Page from Lake Mills.

The Journal of Monday, April 13, 2009 was approved.

## SPECIAL PRESENTATION

Bell of Jasper introduced to the House, May May Ng from the New C K International Cultural and Economic Center in West Des Moines and with her was Mr. Wang Huai, Mrs. Wang, Shi Xue Qin and Mr. Cheng, Wang Ping with the Zhejiang Fareast Leather Industrial Company, Ltd., the largest pigskin tannery in the world from China, for which Iowa is a supplier.

The House rose and expressed its welcome.

Whitaker of Van Buren asked and received unanimous consent for the immediate consideration of House Resolution 45.

## ADOPTION OF HOUSE RESOLUTION 45

Kressig of Black Hawk, Kelley of Black Hawk, Berry of Black Hawk and Burt of Black Hawk called up for consideration **House Resolution 45**, a resolution honoring and commemorating the University of Northern Iowa Panther Men's Basketball Team and Head Coach Ben Jacobson, and moved its adoption.

The motion prevailed and the resolution was adopted.

On motion by Whitaker of Van Buren, the House was recessed at 9:19 a.m., until 2:15 p.m.

#### AFTERNOON SESSION

The House reconvened at 2:35 p.m., Speaker Murphy in the chair.

#### 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 April 14, 2009, passed the following bill in which the concurrence of the House is asked:

Senate File 483, a bill for an act relating to state taxes by limiting tax credits available under certain economic development programs and agricultural assets transfer agreements, eliminating the carryback of net operating losses, modifying refund interest provisions, and including retroactive applicability date and other applicability date provisions.

MICHAEL E. MARSHALL, Secretary

McCarthy of Polk asked and received unanimous consent for the immediate consideration of House Resolution 44.

#### ADOPTION OF HOUSE RESOLUTION 44

Abdul-Samad of Polk, Smith of Marshall, Wessel-Kroeschell of Story, Thede of Scott, Upmeyer of Hancock, L. Miller of Scott, Heddens of Story and Heaton of Henry called up for consideration **House Resolution 44**, a resolution expressing support for improved adolescent health, and moved its adoption.

The motion prevailed and the resolution was adopted.

#### SENATE MESSAGE CONSIDERED

**Senate File 483**, by committee on ways and means, a bill for an act relating to state taxes by limiting tax credits available under certain economic development programs and agricultural assets transfer agreements, eliminating the carryback of net operating

losses, modifying refund interest provisions, and including retroactive applicability date and other applicability date provisions.

Read first time and referred to committee on **ways and means**.

McCarthy of Polk asked and received unanimous consent for the immediate consideration of Senate File 470.

## CONSIDERATION OF BILLS Appropriations Calendar

**Senate File 470**, a bill for an act relating to the funding of, the operation of, and appropriation of moneys to the college student aid commission, the department for the blind, the department of education, and the state board of regents, providing for related matters, and providing effective dates, with report of committee recommending passage, was taken up for consideration.

The House stood at ease at 3:04 p.m. till the fall of the gavel.

The House resumed session at 3:49 p.m., Speaker Murphy in the chair.

McCarthy of Polk asked and received unanimous consent to suspend Rule 31, related to the timely filing of amendments, for amendments that were currently filed.

The House resumed consideration of Senate File 470.

Winckler of Scott offered amendment H-1574 filed by her from the floor and division was requested as follows:

H-1574

1 Amend Senate File 470, as amended, passed, and  
2 reprinted by the Senate, as follows:

H-1574A

3 1. Page 1, by inserting before line 1 the  
4 following:  
5 "DIVISION I  
6 EDUCATION APPROPRIATIONS"  
7 2. Page 17, by striking lines 6 through 12.  
8 3. Page 33, line 9, by inserting after the word  
9 "this" the following: "division of this".  
10 4. Page 33, line 12, by inserting after the word  
11 "this" the following: "division of this".



12 5. Page 33, line 15, by inserting after the word  
13 "this" the following: "division of this".

H-1574B

14 6. Page 33, by inserting before line 18 the  
15 following:  
16 "DIVISION II  
17 RESEARCH AND DEVELOPMENT SCHOOL  
18 Sec.\_\_\_\_. NEW SECTION. 256G.1 LEGISLATIVE  
19 INTENT.

20 It is the intent of the general assembly to develop  
21 a state research and development prekindergarten  
22 through grade twelve school in order to do the  
23 following:

- 24 1. To raise and sustain the level of all  
25 prekindergarten through grade twelve students'  
26 educational attainment and personal development  
27 through innovative and promising teaching practice.
- 28 2. To enhance the preparation and professional  
29 competence of the educators in this state through  
30 collaborative inquiry and exchange of professional  
31 knowledge in teaching and learning.
- 32 3. To focus on research that transforms teaching  
33 practice to meet the changing needs of this state's  
34 educational system.

35 Sec.\_\_\_\_. NEW SECTION. 256G.2 DEFINITIONS.

36 For purposes of this chapter:

- 37 1. "Department" means the department of education.
- 38 2. "Director" means the director of the department  
39 of education.
- 40 3. "President" means the president of the  
41 university of northern Iowa.
- 42 4. "Research and development school" means a  
43 prekindergarten through grade twelve research,  
44 development, demonstration, and dissemination school  
45 using expanded facilities at the center for early  
46 development education, also known as the Price  
47 laboratory school, in Cedar Falls.

48 5. "University" means the university of northern  
49 Iowa.

50 Sec.\_\_\_\_. NEW SECTION. 256G.3 RESEARCH AND

Page 2

1 DEVELOPMENT SCHOOL FUNDING.

- 2 1. a. (1) The university and the board of  
3 directors of the Cedar Falls community school district  
4 shall develop a student transfer policy for the  
5 research and development school that will protect and  
6 promote the quality and integrity of the teacher  
7 education program and the viability of the education

8 program of the Cedar Falls community school district.

9 (2) The policy shall include, in order of  
10 consideration, the reasons for which a request to  
11 transfer to the research and development school will  
12 be allowed by the school district. The research and  
13 development school may deny any request for transfer  
14 under the policy and such denial for transfer is not  
15 subject to appeal under section 290.1. The research  
16 and development school shall report the transfer and  
17 enrollment of a new student directly to the  
18 department.

19 b. The research and development school shall  
20 create and maintain a basic geographic boundary line  
21 agreement with the Cedar Falls community school  
22 district. The boundary line agreement shall ensure  
23 that students currently receiving priority access to  
24 the center for early development education through  
25 open enrollment shall continue to have priority access  
26 to the research and development school. If such an  
27 agreement cannot be reached, the boundary line for the  
28 research and development school shall be the official  
29 boundary line of the Cedar Falls community school  
30 district.

31 c. Open enrollment under section 282.18 applies to  
32 the research and development school.

33 2. If funding is appropriated for the purposes of  
34 this subsection, the school budget review committee  
35 may grant supplemental funding to the research and  
36 development school for its research component if  
37 additional funding beyond the funding provided by the  
38 university is available under section 257.31,  
39 subsection 5, paragraph "o".

40 3. Funds provided by the university for the center  
41 for early development education under section 262.71  
42 shall be redirected as applicable to support the  
43 research component at the research and development  
44 school.

45 Sec. \_\_\_\_\_. NEW SECTION. 256G.4 RESEARCH AND  
46 DEVELOPMENT SCHOOL – GOVERNANCE.

47 1. The board of regents shall be the governing  
48 entity of the research and design school and as such  
49 shall be responsible for the faculty, facility,  
50 grounds, and staffing.

Page 3

1 2. The department shall be the accreditation  
2 agency and as such shall serve as the authority on  
3 teacher qualification requirements and waiver  
4 provisions.

5 3. a. A fifteen-member advisory council is  
6 created, composed of the following members:

- 7 (1) Three standing committee members as follows:  
8 (a) The director.  
9 (b) The president.  
10 (c) The director of the research and development  
11 school, serving as an ex officio, nonvoting member.  
12 (2) Eight members shall be jointly recommended for  
13 membership by the president and the director and shall  
14 be jointly approved by the state board of regents and  
15 the state board of education, shall serve three-year  
16 staggered terms, and shall be eligible to serve for  
17 two consecutive three-year terms on the council in  
18 addition to any partial, initial term:  
19 (a) One member representing prekindergarten  
20 through grade twelve teachers.  
21 (b) One member representing prekindergarten  
22 through grade twelve administrators.  
23 (c) One member representing area education  
24 agencies.  
25 (d) One member representing Iowa state university  
26 of science and technology.  
27 (e) One member representing the university of  
28 Iowa.  
29 (f) One member representing parents of students at  
30 the research and development school.  
31 (g) One member representing business and industry.  
32 (h) One member representing private colleges in  
33 the state.  
34 (3) Four members of the general assembly serving  
35 as ex officio, nonvoting members, one representative  
36 to be appointed by the speaker of the house of  
37 representatives, one representative to be appointed by  
38 the minority leader of the house of representatives,  
39 one senator to be appointed by the majority leader of  
40 the senate after consultation with the president of  
41 the senate, and one senator to be appointed by the  
42 minority leader of the senate.  
43 b. (1) The advisory council shall review and  
44 evaluate the educational processes and results of the  
45 research and development school.  
46 (2) The advisory council shall provide an annual  
47 report to the president, the director, the state board  
48 of regents, and the state board of education.  
49 4. a. A nine-member standing institutional  
50 research committee, appointed by the president and the

Page 4

- 1 director, is created, composed of the following  
2 members:  
3 (1) The director of research at the research and  
4 development school or the person designated with this  
5 responsibility.

- 6 (2) One member representing the university of  
 7 northern Iowa.
- 8 (3) One member representing Iowa state university  
 9 of science and technology.
- 10 (4) One member representing the university of  
 11 Iowa.
- 12 (5) One member representing business and industry.
- 13 (6) One member representing prekindergarten  
 14 through grade twelve students.
- 15 (7) One member representing the political  
 16 community.
- 17 (8) One member representing the department.
- 18 (9) One member representing private colleges in  
 19 the state.
- 20 b. The appointed members should collectively  
 21 possess the following characteristics:
- 22 (1) Be well informed about the educational needs  
 23 of students in the state.
- 24 (2) Be aware of and understand the standards and  
 25 protocol for educational research.
- 26 (3) Understand the dissemination of  
 27 prekindergarten through grade twelve research results.
- 28 (4) Understand the impact of educational research.
- 29 (5) Be knowledgeable about compliance with human  
 30 subject protection protocol.
- 31 c. The committee shall serve as the clearinghouse  
 32 for the investigative and applied research at the  
 33 research and development school.
- 34 d. The committee shall create research protocols,  
 35 approve research proposals, review the quality and  
 36 results of performed research, and provide support for  
 37 dissemination efforts.
- 38 Sec.\_\_\_\_. Section 257.6, subsection 1, paragraph  
 39 b, Code 2009, is amended by striking the paragraph.
- 40 Sec.\_\_\_\_. Section 257.31, subsection 5, Code 2009,  
 41 is amended by adding the following new paragraph:  
 42 NEW PARAGRAPH. o. Lack of funding for research at  
 43 the research and development school established under  
 44 chapter 256G.
- 45 Sec.\_\_\_\_. Section 282.18, Code 2009, is amended by  
 46 adding the following new subsection:  
 47 NEW SUBSECTION. 15A. If a request under this  
 48 section is for transfer to a laboratory school, as  
 49 described in chapter 256G, the student, who is the  
 50 subject of the request, shall be included in the basic

Page 5

- 1 enrollment of the student's district of residence and  
 2 the board of directors of the district of residence  
 3 shall pay to a laboratory school the state cost per  
 4 pupil for the previous school year, plus any moneys

5 received for the pupil as a result of the non-English  
6 speaking weighting under section 280.4, subsection 3,  
7 for the previous school year multiplied by the state  
8 cost per pupil for the previous year.

9 Sec.\_\_\_\_. RESEARCH AND DEVELOPMENT SCHOOL –  
10 INFRASTRUCTURE FUNDING STUDY. The department of  
11 education, in collaboration with representatives of  
12 the university of northern Iowa, as designated by the  
13 president, shall create a report about potential  
14 access to various infrastructure funding for the  
15 research and development school including but not  
16 limited to funds from the secure an advanced vision  
17 for education fund under section 423F.2 for  
18 infrastructure purposes as allowed under section  
19 423F.3. The department shall submit the report,  
20 including recommended adjustments to the Code of Iowa,  
21 to the general assembly and the governor by January  
22 15, 2010.

23 Sec.\_\_\_\_. RESEARCH AND DEVELOPMENT SCHOOL  
24 INFRASTRUCTURE.

25 1. a. There is appropriated from the general fund  
26 of the state to the university of northern Iowa for  
27 the fiscal year beginning July 1, 2009, and ending  
28 June 30, 2010, the following amount, or so much  
29 thereof as is necessary, to be used for the purposes  
30 designated:

31 For a contract with a design firm to evaluate the  
32 condition of the center for early development  
33 education in Cedar Falls and determine an approximate  
34 cost of both renovation of the current facility and  
35 new construction with a recommendation as to which is  
36 more feasible:

37 ..... \$ 35,000

38 b. The design firm's recommendation shall consider  
39 the following property elements:

- 40 (1) Grounds, utility, and paving systems.
- 41 (2) Exterior systems, including the roof, walls,  
42 windows, exterior doors, and structural components.
- 43 (3) Interior systems, including walls, doors,  
44 floors, and ceilings.
- 45 (4) Fire and life safety issues.
- 46 (5) Readily achievable design features meeting the  
47 requirements of the federal Americans With  
48 Disabilities Act.
- 49 (6) Heating, ventilation, and air conditioning  
50 including control mechanisms.

- 1 (7) Electrical and electrical distribution system.
- 2 (8) Plumbing.
- 3 (9) Fire protection.

4 (10) Elevators.

5 (11) Special construction.

6 c. The design firm shall report in fiscal year  
7 2010-2011 to the president, the director, and the  
8 transition team the results of its evaluation and  
9 recommendation.

10 2. The renovation or rebuilding of the center for  
11 early development education shall be funded from a  
12 direct appropriation from the rebuild Iowa  
13 infrastructure fund created in section 8.57.  
14 Leadership in energy and environmental design  
15 certification shall be sought in order that the  
16 research and development school serve as a model of  
17 energy efficiency and design.

18 3. A three-year timeline to establish the research  
19 and development school is proposed for the university  
20 and the department. A transition team, appointed by  
21 the president and the director, shall develop and  
22 implement specific transition plans for the first year  
23 of the transition and for the entire three-year  
24 transition period in order to establish a functioning  
25 research and development school at the end of the  
26 transition period. The transition team shall use the  
27 recommendations for each year of the transition as  
28 submitted in the report of the committees required by  
29 2008 Iowa Acts, chapter 1101, to oversee the  
30 transition."

Winckler of Scott moved the adoption of amendment H-1574A.

A non-record roll call was requested.

The ayes were 50, nays 40.

Amendment H-1574A was adopted.

Raecker of Polk offered the following amendment H-1564 filed by him and moved its adoption:

H-1564

1 Amend Senate File 470, as amended, passed, and  
2 reprinted by the Senate, as follows:

3 1. Page 6, by striking lines 11 through 18 and  
4 inserting the following:

5 "\_\_\_\_. SCHOOL FOOD SERVICE

6 For use as state matching funds for federal  
7 programs that shall be disbursed according to federal  
8 regulations, including salaries, support, maintenance,

9 miscellaneous purposes, and for not more than the  
10 following full-time equivalent positions:  
11 ..... \$ 2,266,069  
12 ..... FTEs 17.43

13 a. Notwithstanding section 256.7, subsection 29;  
14 section 256.9, subsection 60; and section 256.11,  
15 subsection 6, as amended by 2008 Iowa Acts, chapter  
16 1187, section 142, the nutritional content standards  
17 established by the state board of education pursuant  
18 to section 256.7, subsection 29, and the physical  
19 activity requirements established pursuant to section  
20 256.11, subsection 6, paragraph "b" are applicable for  
21 school districts and accredited nonpublic schools July  
22 1, 2011. It is the intent of the general assembly  
23 that the state board of education adopt rules  
24 establishing nutritional content and physical activity  
25 guidelines for school districts and accredited  
26 nonpublic schools that will replace the nutritional  
27 content standards and physical activity requirements  
28 established under the healthy kids Act enacted  
29 pursuant to 2008 Iowa Acts, chapter 1147, division XI.  
30 The state board of education shall submit a report to  
31 the general assembly by January 15, 2010, suggesting  
32 revisions of the Iowa Code to replace the Code  
33 provisions related to nutritional content standards  
34 and physical activity requirements enacted by 2008  
35 Iowa Acts, chapter 1147, division XI, with nutritional  
36 content and physical activity guidelines.  
37 b. By September 1, 2009, the board of directors of  
38 each school district and the authorities in charge of  
39 each accredited nonpublic school shall adopt a  
40 physical activity policy and a nutritional content  
41 policy for foods and beverages sold or provided on  
42 school grounds during the school day exclusive of the  
43 food provided by any federal school food program or  
44 pursuant to an agreement with any agency of the  
45 federal government in accordance with the provisions  
46 of chapter 283A."  
47 2. By renumbering as necessary.

D. Olson of Boone in the chair at 4:18 p.m.

Roll call was requested by Raecker of Polk and Hagenow of Polk.

Rule 75 was invoked.

On the question "Shall amendment H-1564 be adopted?" (S.F. 470)

The ayes were, 43:

Alons	Anderson	Arnold	Baudler
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, 55:

Abdul-Samad	Bailey	Beard	Bell
Berry	Bukta	Burt	Cphoon
Ficken	Ford	Frevrt	Gaskill
Gayman	Heddens	Hunter	Huser
Isenhardt	Jacoby	Kearns	Kelley
Kressig	Kuhn	Lensing	Lykam
Marek	Mascher	McCarthy	Mertz
Murphy, Spkr.	Oldson	Olson, R.	Olson, T.
Palmer	Petersen	Quirk	Reasoner
Reichert	Schueller	Shomshor	Smith
Steckman	Swaim	Taylor, D.	Taylor, T.
Thede	Thomas	Wendt	Wenthe
Wessel-Kroeschell	Whitaker	Whitead	Willems
Winckler	Zirkelbach	Olson, D., Presiding	

Absent or not voting, 2:

Chambers                      Miller, H.

Amendment H-1564 lost.

## LEAVE OF ABSENCE

Leave of absence was granted as follows:

H. Miller of Webster on request of Speaker Murphy.

Raecker of Polk asked and received unanimous consent that amendment H-1565 be deferred.

Winckler of Scott offered the following amendment H-1569 filed by Winckler, T. Olson of Linn, Willems of Linn, Steckman of Cerro



Gordo, Thede of Scott, Petersen of Polk, Abdul-Samad of Polk, Marek of Washington, Gaskill of Wapello, Ficken of Buchanan and Mascher of Johnson from the floor and moved its adoption:

H-1569

1 Amend Senate File 470, as amended, passed, and  
2 reprinted by the Senate, as follows:

3 1. Page 6, by striking line 22 and inserting the  
4 following:

5 "..... \$ 8,778,427"

6 2. Page 8, by inserting after line 8 the  
7 following:

8 "d. Of the amount appropriated in this subsection  
9 for deposit in the school ready children grants  
10 account of the Iowa empowerment fund, \$916,700 shall  
11 be used for support of professional development and  
12 training activities for persons working in early care,  
13 health, and education by the Iowa empowerment board in  
14 collaboration with representation from the Iowa state  
15 university of science and technology cooperative  
16 extension service in agriculture and home economics,  
17 the university of northern Iowa, the department of  
18 education, area education agencies, community  
19 colleges, child care resource and referral services,  
20 and community empowerment area boards. Expenditures  
21 shall be limited to professional development and  
22 training activities agreed upon by the parties  
23 participating in the collaboration."

24 3. Page 8, by striking lines 25 through 30 and  
25 inserting the following: "other copayment  
26 provisions."

27 4. Page 10, by striking line 29 and inserting the  
28 following:

29 "..... \$157,397,951"

30 5. By striking page 10, line 33, through page 11,  
31 line 12, and inserting the following:

32	"a. Merged Area I.....	\$ 7,834,173
33	b. Merged Area II.....	\$ 8,448,233
34	c. Merged Area III.....	\$ 7,777,907
35	d. Merged Area IV.....	\$ 3,820,476
36	e. Merged Area V.....	\$ 8,571,647
37	f. Merged Area VI.....	\$ 7,437,574
38	g. Merged Area VII.....	\$ 11,063,570
39	h. Merged Area IX.....	\$ 13,732,138
40	i. Merged Area X.....	\$ 23,773,305
41	j. Merged Area XI.....	\$ 23,762,557
42	k. Merged Area XII.....	\$ 9,030,417
43	l. Merged Area XIII.....	\$ 9,193,528
44	m. Merged Area XIV.....	\$ 3,873,630
45	n. Merged Area XV.....	\$ 12,152,732

46 o. Merged Area XVI ..... \$ 6,953,064"  
 47 6. Page 13, by striking line 3 and inserting the  
 48 following:  
 49 " ..... \$235,045,570"  
 50 7. Page 15, by striking line 15 and inserting the

Page 2

1 following:  
 2 " ..... \$184,643,881"  
 3 8. Page 16, by striking line 21 and inserting the  
 4 following:  
 5 " ..... \$ 83,634,208"

6 9. Page 18, by inserting after line 11 the  
 7 following:  
 8 "Sec.\_\_\_\_ STATE DEPARTMENT OR AGENCY COST-SAVING  
 9 MEASURES. For the fiscal year beginning July 1, 2009,  
 10 and ending June 30, 2010, a state department or state  
 11 agency to which an appropriation is made pursuant to  
 12 this Act shall do the following:

13 1. Submit electronically any report the department  
 14 or agency is required to submit to the general  
 15 assembly. Notwithstanding any provision to the  
 16 contrary, the department or agency shall not submit a  
 17 printed copy of any report to the general assembly.

18 2. Develop and implement procedures that result in  
 19 cost savings for office supplies, service contracts,  
 20 professional services, video conferencing, use of the  
 21 Iowa telecommunications network, equipment purchases,  
 22 and interstate and intrastate travel by state  
 23 employees and members of state boards, committees,  
 24 commissions, and councils for which the department or  
 25 agency provides administrative services.

26 3. Require employees, in order to receive expense  
 27 reimbursement, to submit actual receipts for meals and  
 28 other costs. To the extent possible, receipts shall  
 29 be submitted electronically. Reimbursement up to the  
 30 maximum amount shall only be allowed in an amount  
 31 equal to the sum of the receipts submitted by an  
 32 employee."

33 10. Page 19, line 5, by inserting before the word  
 34 "If" the following: "Revenues received by a school  
 35 district attributed to a school district's weighted  
 36 enrollment pursuant to this paragraph shall be  
 37 expended for the purpose for which the weighting was  
 38 assigned under this paragraph."

39 11. Page 24, lines 24 and 25, by striking the  
 40 words "scholarship or grant moneys" and inserting the  
 41 following: "assistance under programs".

42 12. Page 24, line 30, by inserting after the word  
 43 "system." the following: "The institutions shall  
 44 annually submit to the commission enrollment, course

45 completion, grades, and other information useful in  
 46 determining successful educational programs and  
 47 services for students who have been assigned a unique  
 48 student identifier in this state and who are receiving  
 49 moneys administered by the commission. The commission  
 50 shall share information submitted pursuant to this

Page 3

1 subsection with the department of education as  
 2 appropriate."  
 3 13. By renumbering, redesignating, and correcting  
 4 internal references as necessary.

Roll call was requested by Paulsen of Linn and Dolecheck of Ringgold.

On the question "Shall amendment H-1569 be adopted?" (S.F. 470)

The ayes were, 98:

Abdul-Samad	Alons	Anderson	Arnold
Bailey	Baudler	Beard	Bell
Berry	Bukta	Burt	Cohoon
Cownie	De Boef	Deyoe	Dolecheck
Drake	Ficken	Ford	Forristall
Frevert	Gaskill	Gayman	Grassley
Hagenow	Heaton	Heddens	Helland
Horbach	Hunter	Huseman	Huser
Isenhardt	Jacoby	Kaufmann	Kearns
Kelley	Koester	Kressig	Kuhn
Lensing	Lukan	Lykam	Marek
Mascher	May	McCarthy	Mertz
Miller, L.	Murphy, Spkr.	Oldson	Olson, R.
Olson, S.	Olson, T.	Palmer	Paulsen
Petersen	Pettengill	Quirk	Raecker
Rants	Rayhons	Reasoner	Reichert
Roberts	Sands	Schueller	Schulte
Schultz	Shomshor	Smith	Soderberg
Sorenson	Steckman	Struyk	Swaim
Sweeney	Taylor, D.	Taylor, T.	Thede
Thomas	Tjepkes	Tymeson	Upmeyer
Van Engelenhoven	Wagner	Watts	Wendt
Wenthe	Wessel-Kroeschell	Whitaker	Whitead
Willems	Winckler	Windschitl	Worthan
Zirkelbach	Olson, D., Presiding		

The nays were, none.

Absent or not voting, 2:

Chambers                      Miller, H.

Amendment H-1569 was adopted, placing out of order amendment H-1551 filed by Heaton of Henry on April 13, 2009.

Raecker of Polk offered the following amendment H-1553 filed by him and moved its adoption:

H-1553

1 Amend Senate File 470, as amended, passed, and  
2 reprinted by the Senate, as follows:

3 1. Page 12, line 17, by inserting before the word  
4 "The" the following: "(1)".

5 2. Page 12, by inserting after line 19 the  
6 following:

7 "(2) For the fiscal year beginning July 1, 2009,  
8 and ending June 30, 2010, the state board of regents  
9 shall direct each institution of higher education  
10 under its control to reduce the amount the institution  
11 expends for the purchase of library books and other  
12 library materials to an amount equal to not less than  
13 fifty percent of the amount the institution used for  
14 the purchase of library books and other library  
15 materials in the previous fiscal year."

16 3. By renumbering as necessary.

Roll call was requested by Raecker of Polk and Paulsen of Linn.

On the question "Shall amendment H-1553 be adopted?" (S.F. 470)

The ayes were, 43:

Alons	Anderson	Arnold	Baudler
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, 54:

Abdul-Samad	Beard	Bell	Berry
Bukta	Burt	Cphoon	Ficken
Ford	Frevert	Gaskill	Gayman
Heddens	Hunter	Huser	Isenhardt
Jacoby	Kearns	Kelley	Kressig
Kuhn	Lensing	Lykam	Marek
Mascher	McCarthy	Mertz	Murphy, Spkr.
Oldson	Olson, R.	Olson, T.	Palmer
Petersen	Quirk	Reasoner	Reichert
Schueller	Shomshor	Smith	Steckman
Swaim	Taylor, D.	Taylor, T.	Thede
Thomas	Wendt	Wenthe	Wessel-Kroeschell
Whitaker	Whitead	Willems	Winckler
Zirkelbach	Olson, D., Presiding		

Absent or not voting, 3:

Bailey	Chambers	Miller, H.
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Amendment H-1553 lost.

Kaufmann of Cedar offered the following amendment H-1572 filed by him from the floor and moved its adoption:

H-1572

1 Amend Senate File 470, as amended, passed, and  
 2 reprinted by the Senate, as follows:  
 3 1. Page 12, line 17, by inserting before the word  
 4 "The" the following: "(1)".  
 5 2. Page 12, by inserting after line 19 the  
 6 following:  
 7 "(2) For the fiscal year beginning July 1, 2009,  
 8 and ending June 30, 2010, the state board of regents  
 9 shall limit the number of leaves of absence granted  
 10 pursuant to section 262.9, subsection 13, to not more  
 11 than the equivalent of 3.7 percent of the faculty  
 12 members employed by the institutions."  
 13 3. By renumbering as necessary.

Roll call was requested by Kaufmann of Cedar and Paulsen of Linn.

On the question "Shall amendment H-1572 be adopted?" (S.F. 470)

The ayes were, 44:

Alons	Anderson	Arnold	Baudler
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	Whitaker	Windschitl	Worthan

The nays were, 54:

Abdul-Samad	Bailey	Beard	Bell
Berry	Bukta	Burt	Cphoon
Ficken	Ford	Frevert	Gaskill
Gayman	Heddens	Hunter	Huser
Isenhardt	Jacoby	Kearns	Kelley
Kressig	Kuhn	Lensing	Lykam
Marek	Mascher	McCarthy	Mertz
Murphy, Spkr.	Oldson	Olson, R.	Olson, T.
Palmer	Petersen	Quirk	Reasoner
Reichert	Schueller	Shomshor	Smith
Steckman	Swaim	Taylor, D.	Taylor, T.
Thede	Thomas	Wendt	Wenthe
Wessel-Kroeschell	Whitead	Willems	Winckler
Zirkelbach	Olson, D., Presiding		

Absent or not voting, 2:

Chambers                      Miller, H.

Amendment H-1572 lost.

Frevert of Palo Alto offered amendment H-1573 filed by her and Winckler of Scott from the floor as follows:

H-1573

1 Amend Senate File 470, as amended, passed, and  
 2 reprinted by the Senate, as follows:  
 3 1. Page 16, by inserting after line 9 the  
 4 following:  
 5 "(1) (a) Iowa state university shall not reduce  
 6 the amount that it allocates to support the college of  
 7 veterinary medicine from any other source due to the  
 8 appropriation made in this lettered paragraph.

9 (b) Subparagraph subdivision (a) does not apply to  
10 a reduction made to support the college of veterinary  
11 medicine if the same percentage of reduction imposed  
12 on the college of veterinary medicine is also imposed  
13 on all of Iowa state university's budget units.  
14 (2)".  
15 2. By renumbering, relettering, redesignating,  
16 and correcting internal references as necessary.

Sweeney of Hardin offered amendment H-1582, to amendment H-1573, filed by Sweeney, Kaufmann of Cedar, Pettengill of Benton, Struyk of Pottawattamie and Forristall of Pottawattamie from the floor as follows:

#### H-1582

1 Amend the amendment, H-1573, to Senate File 470, as  
2 amended, passed, and reprinted by the Senate, as  
3 follows:  
4 1. By striking page 1, line 3, through page 1,  
5 line 14, and inserting the following:  
6 "\_\_\_\_. Page 15, by inserting after line 29 the  
7 following:  
8 "(1) Iowa state university of science and  
9 technology shall not reduce the amount that it  
10 allocates to support the cooperative extension service  
11 in agriculture and home economics from any other  
12 source due to the appropriation made in this lettered  
13 paragraph.  
14 (2) Subparagraph (1) does not apply to a reduction  
15 made to support the cooperative extension service in  
16 agriculture and home economics if the same percentage  
17 of reduction imposed on the cooperative extension  
18 service in agriculture and home economics is also  
19 imposed on all of Iowa state university's budget  
20 units."  
21 \_\_\_\_\_. Page 16, by inserting after line 9 the  
22 following:  
23 "(1) (a) Iowa state university of science and  
24 technology shall not reduce the amount that it  
25 allocates to support the college of veterinary  
26 medicine from any other source due to the  
27 appropriation made in this lettered paragraph.  
28 (b) Subparagraph subdivision (a) does not apply to  
29 a reduction made to support the college of veterinary  
30 medicine if the same percentage of reduction imposed  
31 on the college of veterinary medicine is also imposed  
32 on all of Iowa state university's budget units.  
33 (2)".  
34 \_\_\_\_\_. Page 17, by inserting after line 18 the

35 following:

36 "a. The state board of regents shall not reduce  
37 the amount that it allocates to support the state  
38 school for the deaf from any other source due to the  
39 appropriation made in this subsection.

40 b. Paragraph "a" does not apply to a reduction  
41 made to support the state school for the deaf if the  
42 same percentage of reduction imposed on the state  
43 school for the deaf is also imposed on all of the  
44 state board of regents' budget units."

45 \_\_\_\_\_. Page 17, by inserting after line 24 the  
46 following:

47 "a. The state board of regents shall not reduce  
48 the amount that it allocates to support the Iowa  
49 braille and sight saving school from any other source  
50 due to the appropriation made in this subsection.

Page 2

1 b. Paragraph "a" does not apply to a reduction  
2 made to support the Iowa braille and sight saving  
3 school if the same percentage of reduction imposed on  
4 the Iowa braille and sight saving school is also  
5 imposed on all of the state board of regents' budget  
6 units.""

Winckler of Scott rose on a point of order that amendment H-1582 was not germane, to amendment H-1573.

The Speaker ruled the point well taken and amendment H-1582 not germane, to amendment H-1573.

Sweeney of Hardin moved to suspend the rules to consider amendment H-1582.

Roll call was requested by Sweeney of Hardin and Paulsen of Linn.

On the question "Shall the rules be suspended to consider amendment H-1582?" (S.F. 470)

The ayes were, 44:

Alons	Anderson	Arnold	Baudler
Cownie	De Boef	Deyoe	Dolecheck
Drake	Forristall	Grassley	Hagenow
Heaton	Helland	Horbach	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	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	Heddens	Hunter	Huser
Isenhardt	Jacoby	Kearns	Kelley
Kressig	Kuhn	Lensing	Lykam
Marek	Mascher	McCarthy	Murphy, Spkr.
Oldson	Olson, T.	Palmer	Petersen
Quirk	Reasoner	Reichert	Schueller
Smith	Steckman	Swaim	Taylor, D.
Taylor, T.	Thede	Thomas	Wendt
Wenthe	Wessel-Kroeschell	Whitaker	Whitead
Willems	Winckler	Zirkelbach	Olson, D., Presiding

Absent or not voting, 4:

Chambers	Miller, H.	Olson, R.	Shomshor
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The motion to suspend the rules lost.

Frevert of Palo Alto moved the adoption of amendment H-1573.

Roll call was requested by Struyk of Pottawattamie and Paulsen of Linn.

Rule 75 was invoked.

On the question "Shall amendment H-1573 be adopted?" (S.F. 470)

The ayes were, 96:

Abdul-Samad	Alons	Anderson	Arnold
Bailey	Baudler	Beard	Bell
Berry	Bukta	Burt	Cohoon
Cownie	De Boef	Deyoe	Dolecheck
Drake	Ficken	Ford	Forristall
Frevert	Gaskill	Gayman	Grassley
Hagenow	Heaton	Heddens	Helland
Horbach	Hunter	Huseman	Huser
Isenhardt	Jacoby	Kaufmann	Kearns

Kelley	Koester	Kressig	Kuhn
Lensing	Lukan	Lykam	Marek
Mascher	May	McCarthy	Mertz
Miller, L.	Murphy, Spkr.	Oldson	Olson, S.
Olson, T.	Palmer	Paulsen	Petersen
Pettengill	Quirk	Raecker	Rants
Rayhons	Reasoner	Reichert	Roberts
Sands	Schueller	Schulte	Schultz
Smith	Soderberg	Sorenson	Steckman
Struyk	Swaim	Sweeney	Taylor, D.
Taylor, T.	Thede	Thomas	Tjepkes
Tymeson	Upmeyer	Van Engelenhoven	Wagner
Watts	Wendt	Wenthe	Wessel-Kroeschell
Whitaker	Whitead	Willems	Winckler
Windschitl	Worthan	Zirkelbach	Olson, D., Presiding

The nays were, none.

Absent or not voting, 4:

Chambers	Miller, H.	Olson, R.	Shomshor
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Amendment H-1573 was adopted.

Van Engelenhoven of Marion offered the following amendment H-1546 filed by him and moved its adoption:

H-1546

1 Amend Senate File 470, as amended, passed, and  
 2 reprinted by the Senate, as follows:  
 3 1. Page 18, by inserting after line 11 the  
 4 following:  
 5 "Sec. \_\_\_\_\_. OUT-OF-STATE TRAVEL – RESTRICTIONS.  
 6 Notwithstanding any provision to the contrary, for the  
 7 fiscal year beginning July 1, 2009, and ending June  
 8 30, 2010, out-of-state travel by an employee of a  
 9 department or state agency to which appropriations are  
 10 made pursuant to the provisions of this Act shall not  
 11 be authorized unless the executive council authorizes  
 12 the travel as necessary for the performance of  
 13 official state business."  
 14 2. By renumbering as necessary.

Amendment H-1546 was adopted.

May of Dickinson offered the following amendment H-1547 filed by him and moved its adoption:

H-1547

1 Amend Senate File 470, as amended, passed, and  
 2 reprinted by the Senate, as follows:  
 3 1. Page 18, by inserting after line 11 the  
 4 following:  
 5 "Sec. \_\_\_\_\_. MISCELLANEOUS DEPARTMENT EXPENSES –  
 6 MANDATORY REDUCTION. For the fiscal year beginning  
 7 July 1, 2009, and ending June 30, 2010, the  
 8 appropriations from the general fund of the state to a  
 9 state department or state agency to which  
 10 appropriations are made pursuant to this Act are  
 11 reduced by such amount, as necessary to effect a 20  
 12 percent reduction in the amount appropriated for  
 13 expenditures for printing, binding, and  
 14 communications, and a 50 percent reduction in the  
 15 amount appropriated for expenditures for advertising  
 16 and publicity. The reduction of the individual  
 17 appropriations shall be determined by the department  
 18 of management in consultation with the affected  
 19 departments and agencies on the basis of the expected  
 20 expenditures for such items by the affected state  
 21 department or agency for the fiscal year without the  
 22 reductions required by this section. The specific  
 23 amount that each individual appropriation is reduced  
 24 shall be outlined in a memorandum prepared by the  
 25 department of management which shall be submitted to  
 26 the general assembly and legislative services agency  
 27 within 30 days of the effective date of this section  
 28 of this Act. The reduction of an individual  
 29 appropriation pursuant to this section shall be in  
 30 addition to any other reduction required by law and  
 31 general fund appropriations reduced pursuant to this  
 32 section shall not be expended for any other purposes  
 33 but shall be retained in the general fund of the  
 34 state."  
 35 2. By renumbering as necessary.

Roll call was requested by May of Dickinson and Hagenow of Polk.

On the question "Shall amendment H-1547 be adopted?" (S.F. 470)

The ayes were, 43:

Alons	Anderson	Arnold	Baudler
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, 55:

Abdul-Samad	Bailey	Beard	Bell
Berry	Bukta	Burt	Cohoon
Ficken	Ford	Frevert	Gaskill
Gayman	Heddens	Hunter	Huser
Isenhardt	Jacoby	Kearns	Kelley
Kressig	Kuhn	Lensing	Lykam
Marek	Mascher	McCarthy	Mertz
Murphy, Spkr.	Oldson	Olson, R.	Olson, T.
Palmer	Petersen	Quirk	Reasoner
Reichert	Schueller	Shomshor	Smith
Steckman	Swaim	Taylor, D.	Taylor, T.
Thede	Thomas	Wendt	Wenthe
Wessel-Kroeschell	Whitaker	Whitead	Willems
Winckler	Zirkelbach	Olson, D., Presiding	

Absent or not voting, 2:

Chambers                      Miller, H.

Amendment H-1547 lost.

Dolecheck of Ringgold offered the following amendment H-1552 filed by him and moved its adoption:

H-1552

1 Amend Senate File 470, as amended, passed, and  
 2 reprinted by the Senate, as follows:  
 3 1. Page 18, by inserting after line 11 the  
 4 following:  
 5 "Sec. \_\_\_\_ Section 8.62, Code 2009, is amended by  
 6 adding the following new subsection:  
 7 NEW SUBSECTION. 4. Notwithstanding any provision  
 8 of this section and section 8.39 to the contrary, if a  
 9 full-time equivalent position funded with an  
 10 appropriation from the general fund of the state  
 11 remains vacant for a period of at least six months,  
 12 the agency to which the appropriation was made shall  
 13 revert to the general fund of the state at the close  
 14 of the fiscal year the salary and benefits cost of  
 15 that position for the period of the vacancy."  
 16 2. By renumbering as necessary.

Roll call was requested by Dolecheck of Ringgold and Paulsen of Linn.

On the question "Shall amendment H-1552 be adopted?" (S.F. 470)

The ayes were, 43:

Alons	Anderson	Arnold	Baudler
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, 55:

Abdul-Samad	Bailey	Beard	Bell
Berry	Bukta	Burt	Cphoon
Ficken	Ford	Frevrt	Gaskill
Gayman	Heddens	Hunter	Huser
Isenhart	Jacoby	Kearns	Kelley
Kressig	Kuhn	Lensing	Lykam
Marek	Mascher	McCarthy	Mertz
Murphy, Spkr.	Oldson	Olson, R.	Olson, T.
Palmer	Petersen	Quirk	Reasoner
Reichert	Schueller	Shomshor	Smith
Steckman	Swaim	Taylor, D.	Taylor, T.
Thede	Thomas	Wendt	Wenthe
Wessel-Kroeschell	Whitaker	Whitead	Willems
Winckler	Zirkelbach	Olson, D., Presiding	

Absent or not voting, 2:

Chambers                      Miller, H.

Amendment H-1552 lost.

Raecker of Polk offered the following amendment H-1554 filed by him and moved its adoption:

H-1554

- 1 Amend Senate File 470, as amended, passed, and
- 2 reprinted by the Senate, as follows:

- 3 1. Page 18, by inserting after line 11 the  
 4 following:  
 5 "Sec.\_\_\_\_. OFFICE EXPENSES – MANDATORY REDUCTION.  
 6 For the fiscal year beginning July 1, 2009, and ending  
 7 June 30, 2010, the appropriations from the general  
 8 fund of the state to a state department or state  
 9 agency to which appropriations are made pursuant to  
 10 this Act are reduced by such amount, as necessary to  
 11 effect a 50 percent reduction in the amount  
 12 appropriated for expenditures for office supplies,  
 13 service contracts, and equipment purchases. The  
 14 reduction of the individual appropriations shall be  
 15 determined by the department of management in  
 16 consultation with the affected departments and  
 17 agencies on the basis of the expected expenditures for  
 18 such items by the affected state department or agency  
 19 for the fiscal year without the reduction required by  
 20 this section. The specific amount that each  
 21 individual appropriation is reduced shall be outlined  
 22 in a memorandum prepared by the department of  
 23 management which shall be submitted to the general  
 24 assembly and legislative services agency within 30  
 25 days of the effective date of this section of this  
 26 Act. The reduction of an individual appropriation  
 27 pursuant to this section shall be in addition to any  
 28 other reduction required by law and general fund  
 29 appropriations reduced pursuant to this section shall  
 30 not be expended for any other purposes but shall be  
 31 retained in the general fund of the state."  
 32 2. By renumbering as necessary.

Roll call was requested by Raecker of Polk and Paulsen of Linn.

On the question "Shall amendment H-1554 be adopted?" (S.F. 470)

The ayes were, 43:

Alons	Anderson	Arnold	Baudler
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, 54:

Abdul-Samad	Beard	Bell	Berry
Bukta	Burt	Cphoon	Ficken
Ford	Frevert	Gaskill	Gayman
Heddens	Hunter	Huser	Isenhart
Jacoby	Kearns	Kelley	Kressig
Kuhn	Lensing	Lykam	Marek
Mascher	McCarthy	Mertz	Murphy, Spkr.
Oldson	Olson, R.	Olson, T.	Palmer
Petersen	Quirk	Reasoner	Reichert
Schueller	Shomshor	Smith	Steckman
Swaim	Taylor, D.	Taylor, T.	Thede
Thomas	Wendt	Wenthe	Wessel-Kroeschell
Whitaker	Whitead	Willems	Winckler
Zirkelbach	Olson, D., Presiding		

Absent or not voting, 3:

Bailey	Chambers	Miller, H.
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Amendment H-1554 lost.

With the adoption of amendment H-1569, amendment H-1557 filed by Koester of Polk on April 13, 2009 was placed out of order.

Tymeson of Madison offered the following amendment H-1555 filed by her and moved its adoption:

H-1555

1 Amend Senate File 470, as amended, passed, and  
 2 reprinted by the Senate, as follows:  
 3 1. Page 18, by inserting after line 11 the  
 4 following:  
 5 "Sec.\_\_\_\_. EXPENDITURES FOR CELLULAR TELEPHONES  
 6 AND PERSONAL DIGITAL ASSISTANTS PROHIBITED.  
 7 Notwithstanding any provision to the contrary, other  
 8 than for employees performing inspections or who are  
 9 otherwise normally performing their primary duties  
 10 away from a fixed location more than 70 percent of the  
 11 time, for the fiscal year beginning July 1, 2009, a  
 12 department receiving appropriations in this Act shall  
 13 not expend moneys appropriated from the general fund  
 14 of the state to pay for or reimburse the initial or  
 15 associated service costs for cellular telephones,  
 16 personal digital assistant devices, or handheld  
 17 computers. However, the executive council may  
 18 authorize an exception on a case-by-case basis, to

- 19 address an emergency situation for a period of time  
 20 not more than three consecutive calendar months in  
 21 length or to complete the minimum period specified  
 22 under the terms of a lease or contract."  
 23 2. By renumbering as necessary.

Roll call was requested by Tymeson of Madison and Sweeney of Hardin.

On the question "Shall amendment H-1555 be adopted?" (S.F. 470)

The ayes were, 43:

Alons	Anderson	Arnold	Baudler
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, 54:

Abdul-Samad	Bailey	Beard	Bell
Berry	Bukta	Burt	Cphoon
Ficken	Ford	Frevrt	Gaskill
Gayman	Heddens	Hunter	Huser
Isenhardt	Jacoby	Kearns	Kelley
Kressig	Kuhn	Lensing	Lykam
Marek	Mascher	McCarthy	Mertz
Murphy, Spkr.	Oldson	Olson, R.	Olson, T.
Palmer	Petersen	Quirk	Reasoner
Reichert	Schueller	Shomshor	Smith
Steckman	Swaim	Taylor, D.	Taylor, T.
Thede	Thomas	Wendt	Wenthe
Wessel-Kroeschell	Whitaker	Willems	Winckler
Zirkelbach	Olson, D., Presiding		

Absent or not voting, 3:

Chambers	Miller, H.	Whitead
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Amendment H-1555 lost.



Rants of Woodbury offered the following amendment H-1556 filed by him and moved its adoption:

H-1556

- 1 Amend Senate File 470, as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 18, by inserting after line 11 the
- 4 following:
- 5 "Sec. \_\_\_\_\_. VEHICLE PURCHASES DEFERRED.
- 6 Notwithstanding any provision to the contrary, except
- 7 as otherwise provided by this section, the department
- 8 of administrative services shall defer the purchase of
- 9 replacement motor vehicles paid for from the general
- 10 fund of the state or from such moneys credited to the
- 11 depreciation fund maintained pursuant to section
- 12 8A.365. The purchase deferral is applicable to the
- 13 remainder of the fiscal year beginning July 1, 2008,
- 14 commencing on the effective date of this section and
- 15 to the succeeding fiscal year. However, the executive
- 16 council may authorize an exception to allow purchase
- 17 of a replacement vehicle when the purchase is less
- 18 costly than all other alternatives."
- 19 2. Page 33, by inserting after line 14 the
- 20 following:
- 21 "\_\_\_\_. The section of this Act providing for
- 22 vehicle purchases to be deferred, being deemed of
- 23 immediate importance, takes effect upon enactment."
- 24 3. Title page, line 1, by inserting after the
- 25 word "to" the following: "state government by
- 26 providing for".
- 27 4. Title page, line 4, by inserting after the
- 28 word "matters" the following: "and the deference of
- 29 vehicle purchases".
- 30 5. By renumbering as necessary.

Winckler of Scott rose on a point of order that amendment H-1556 was not germane.

The Speaker ruled the point well taken and amendment H-1556 not germane.

Rants of Woodbury moved to suspend the rules to consider amendment H-1556.

Roll call was requested by Rants of Woodbury and Sands of Louisa.

On the question "Shall the rules be suspended to consider amendment H-1556?" (S.F. 470)

The ayes were, 43:

Alons	Anderson	Arnold	Baudler
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, 55:

Abdul-Samad	Bailey	Beard	Bell
Berry	Bukta	Burt	Cphoon
Ficken	Ford	Frevrt	Gaskill
Gayman	Heddens	Hunter	Huser
Isenhardt	Jacoby	Kearns	Kelley
Kressig	Kuhn	Lensing	Lykam
Marek	Mascher	McCarthy	Mertz
Murphy, Spkr.	Oldson	Olson, R.	Olson, T.
Palmer	Petersen	Quirk	Reasoner
Reichert	Schueller	Shomshor	Smith
Steckman	Swaim	Taylor, D.	Taylor, T.
Thede	Thomas	Wendt	Wenthe
Wessel-Kroeschell	Whitaker	Whitead	Willems
Winckler	Zirkelbach	Olson, D., Presiding	

Absent or not voting, 2:

Chambers                      Miller, H.

The motion to suspend the rules lost.

Heaton of Henry offered the following amendment H-1562 filed by him and moved its adoption:

H-1562

- 1 Amend Senate File 470, as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 18, by inserting after line 26 the
- 4 following:
- 5 "Sec. \_\_\_\_ Section 256C.6, subsection 3, paragraph
- 6 a, Code 2009, is amended by striking the paragraph."
- 7 2. By renumbering as necessary.

Roll call was requested by Heaton of Henry and Horbach of Tama.

On the question "Shall amendment H-1562 be adopted?" (S.F. 470)

The ayes were, 43:

Alons	Anderson	Arnold	Baudler
Cownie	De Boef	Deyoe	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	Swaim	Sweeney	Tjepkes
Tymeson	Upmeyer	Van Engelenhoven	Wagner
Watts	Windschitl	Worthan	

The nays were, 51:

Bailey	Beard	Bell	Berry
Bukta	Burt	Cphoon	Dolecheck
Ficken	Ford	Frevrt	Gaskill
Gayman	Heddens	Hunter	Huser
Isenhardt	Jacoby	Kearns	Kelley
Kressig	Kuhn	Lensing	Lykam
Marek	Mascher	McCarthy	Oldson
Olson, R.	Olson, T.	Palmer	Petersen
Quirk	Reasoner	Reichert	Schueller
Smith	Steckman	Taylor, D.	Taylor, T.
Thede	Thomas	Wendt	Wenthe
Wessel-Kroeschell	Whitaker	Whitead	Willems
Winckler	Zirkelbach	Olson, D., Presiding	

Absent or not voting, 6:

Abdul-Samad	Chambers	Mertz	Miller, H.
Murphy, Spkr.	Shomshor		

Amendment H-1562 lost.

McCarthy of Polk asked and received unanimous consent that Senate File 470 be deferred and that the bill retain its place on the calendar.

On motion by McCarthy of Polk, the House was recessed at 6:19 p.m., until 6:50 p.m.

## EVENING SESSION

The House reconvened at 7:02 p.m., D. Olson of Boone 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 April 14, 2009, refused to concur in the House amendment and passed the following bill in which the concurrence of the Senate was asked:

Senate File 323, a bill for an act relating to the provision of certain information regarding a child in foster care to the foster care provider.

Also: That the Senate has on April 14, 2009, passed the following bill in which the concurrence of the House is asked:

Senate File 465, a bill for an act relating to identity theft protection by requiring reporting and by making changes to the duties of county recorders, the fees collected by the county recorders, and the county land record information system.

Also: That the Senate has on April 14, 2009, passed the following bill in which the concurrence of the House is asked:

Senate File 480, a bill for an act relating to the eligibility for tax credits and income reductions for qualified expenditures under the film, television, and video project promotion program, providing for a fee, and providing an applicability date provision.

MICHAEL E. MARSHALL, Secretary

## QUORUM CALL

A non-record roll call was requested to determine that a quorum was present. The vote revealed eighty-two members present, eighteen absent.

McCarthy of Polk asked and received unanimous consent to resume consideration of Senate File 470.

Heaton of Henry offered the following amendment H-1563 filed by him and moved its adoption:

H-1563

- 1 Amend Senate File 470, as amended, passed, and
- 2 reprinted by the Senate, as follows:

- 3 1. Page 18, by inserting after line 26 the  
 4 following:  
 5 "Sec. \_\_\_\_\_. Section 256C.6, subsection 2, paragraph  
 6 b, Code 2009, is amended to read as follows:  
 7 b. Notwithstanding section 8.33, moneys  
 8 appropriated in this subsection that remain  
 9 unencumbered or unobligated at the close of the fiscal  
 10 year shall not revert but shall remain available for  
 11 expenditure for the purposes designated until the  
 12 close of the succeeding fiscal year. Notwithstanding  
 13 section 8.39, moneys appropriated in this subsection  
 14 are not subject to transfer."  
 15 2. Page 33, by inserting after line 14 the  
 16 following:  
 17 "\_\_\_\_\_. The section of this Act amending section  
 18 256C.6, subsection 2, paragraph "b", being deemed of  
 19 immediate importance, takes effect upon enactment."  
 20 3. By renumbering as necessary.

Roll call was requested by Heaton of Henry and Upmeyer of Hancock.

On the question "Shall amendment H-1563 be adopted?" (S.F. 470)

The ayes were, 43:

Alons	Anderson	Arnold	Baudler
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, 54:

Abdul-Samad	Bailey	Beard	Bell
Berry	Bukta	Burt	Cohoon
Ficken	Ford	Frevert	Gaskill
Gayman	Heddens	Hunter	Huser
Isenhardt	Jacoby	Kearns	Kelley
Kressig	Kuhn	Lensing	Lykam
Marek	Mascher	McCarthy	Murphy, Spkr.
Oldson	Olson, R.	Olson, T.	Palmer
Petersen	Quirk	Reasoner	Reichert
Schueller	Shomshor	Smith	Steckman

Swaim	Taylor, D.	Taylor, T.	Thede
Thomas	Wendt	Wenthe	Wessel-Kroeschell
Whitaker	Whitead	Willems	Winckler
Zirkelbach	Olson, D., Presiding		

Absent or not voting, 3:

Chambers	Mertz	Miller, H.
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Amendment H-1563 lost.

Windschitl of Harrison offered the following amendment H-1571 filed by him from the floor and moved its adoption:

H-1571

1 Amend Senate File 470, as amended, passed, and  
 2 reprinted by the Senate, as follows:  
 3 1. Page 18, by inserting after line 26 the  
 4 following:  
 5 "Sec.\_\_\_\_. Section 256.7, Code 2009, is amended by  
 6 adding the following new subsection:  
 7 NEW SUBSECTION. 30. Adopt rules requiring the  
 8 board of directors of each public school and the  
 9 authorities in charge of each nonpublic school to  
 10 cause the pledge of allegiance to be recited at the  
 11 beginning of each school day. Persons reciting the  
 12 pledge of allegiance shall stand holding their right  
 13 hand over their heart. A student shall not be  
 14 compelled, against the student's objections or those  
 15 of the student's parent or guardian, to recite the  
 16 pledge of allegiance, but shall be required to  
 17 maintain a respectful silence. A nonpublic school is  
 18 exempt from this requirement if the authorities in  
 19 charge of a nonpublic school determine that this  
 20 requirement conflicts with the school's religious  
 21 doctrines."  
 22 2. By renumbering as necessary.

Roll call was requested by Windschitl of Harrison and Sorenson of Warren.

On the question "Shall amendment H-1571 be adopted?" (S.F. 470)

The ayes were, 95:

Abdul-Samad	Alons	Anderson	Arnold
Bailey	Baudler	Beard	Bell

Berry	Bukta	Burt	Cohoon
Cownie	De Boef	Deyoe	Dolecheck
Drake	Ficken	Ford	Forristall
Frevert	Gaskill	Gayman	Grassley
Hagenow	Heaton	Heddens	Helland
Horbach	Hunter	Huseman	Huser
Isenhardt	Jacoby	Kaufmann	Kearns
Kelley	Koester	Kressig	Kuhn
Lensing	Lukan	Lykam	Marek
May	McCarthy	Miller, L.	Murphy, Spkr.
Oldson	Olson, R.	Olson, S.	Olson, T.
Palmer	Paulsen	Petersen	Pettengill
Quirk	Raecker	Rants	Rayhons
Reasoner	Reichert	Roberts	Sands
Schueller	Schulte	Schultz	Shomshor
Smith	Soderberg	Sorenson	Steckman
Struyk	Swaim	Sweeney	Taylor, D.
Taylor, T.	Thede	Thomas	Tjepkes
Tymeson	Upmeyer	Van Engelenhoven	Wagner
Watts	Wendt	Wenthe	Whitaker
Whitead	Willems	Winckler	Windschitl
Worthan	Zirkelbach	Olson, D., Presiding	

The nays were, none.

Absent or not voting, 5:

Chambers	Mascher	Mertz	Miller, H.
Wessel-Kroeschell			

Amendment H-1571 was adopted.

Soderberg of Plymouth offered the following amendment H-1545 filed by him and Heaton of Henry and moved its adoption:

H-1545

1 Amend Senate File 470, as amended, passed, and  
 2 reprinted by the Senate, as follows:  
 3 1. Page 24, by inserting after line 11 the  
 4 following:  
 5 "Sec. \_\_\_\_ Section 260C.14, Code 2009, is amended  
 6 by adding the following new subsection:  
 7 **NEW SUBSECTION.** 23. Be prohibited from selling,  
 8 offering, or otherwise providing, or collaborating or  
 9 contracting with alumni associations or foundations  
 10 affiliated with the community college, to sell, offer,  
 11 or otherwise provide information related to an  
 12 individual student enrolled or formerly enrolled in  
 13 the institution, an individual who applies for

14 enrollment to the institution, or an individual who  
 15 purchases a ticket to an event sponsored by the  
 16 institution or held on institutional grounds without  
 17 the express written consent of the student or  
 18 individual."

19 2. Page 24, line 22, by striking the word  
 20 "subsection" and inserting the following:  
 21 "subsections".

22 3. Page 24, by inserting after line 30 the  
 23 following:

24 "NEW SUBSECTION. 11. Withhold state assistance  
 25 from any postsecondary educational institution that  
 26 sells, offers, or otherwise provides, or collaborates  
 27 or contracts with an alumni association or foundation  
 28 affiliated with the institution, to sell, offer, or  
 29 otherwise provide information related to an individual  
 30 student enrolled or formerly enrolled in the  
 31 institution, an individual who applies for enrollment  
 32 to the institution, or an individual who purchases a  
 33 ticket to an event sponsored by the institution or  
 34 held on institutional grounds without the express  
 35 written consent of the student or individual."

36 4. Page 27, line 19, by striking the word  
 37 "subsection" and inserting the following:  
 38 "subsections".

39 5. Page 27, by inserting after line 21 the  
 40 following:

41 "NEW SUBSECTION. 33. Prohibit the institutions of  
 42 higher education under its control from selling,  
 43 offering, or otherwise providing, or collaborating or  
 44 contracting with alumni associations or foundations  
 45 affiliated with the institutions to sell, offer, or  
 46 otherwise provide information related to an individual  
 47 student enrolled or formerly enrolled in the  
 48 institution, an individual who applies for enrollment  
 49 to the institution, or an individual who purchases a  
 50 ticket to an event sponsored by the institution or

Page 2

1 held on institutional grounds under charge of the  
 2 state board of regents without the express written  
 3 consent of the student or individual."

4 6. By renumbering as necessary.

Roll call was requested by Soderberg of Plymouth and Smith of Marshall.

On the question "Shall amendment H-1545 be adopted?" (S.F. 470)



The ayes were, 43:

Alons	Anderson	Arnold	Baudler
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, 55:

Abdul-Samad	Bailey	Beard	Bell
Berry	Bukta	Burt	Cphoon
Ficken	Ford	Frevrt	Gaskill
Gayman	Heddens	Hunter	Huser
Isenhardt	Jacoby	Kearns	Kelley
Kressig	Kuhn	Lensing	Lykam
Marek	Mascher	McCarthy	Mertz
Murphy, Spkr.	Oldson	Olson, R.	Olson, T.
Palmer	Petersen	Quirk	Reasoner
Reichert	Schueller	Shomshor	Smith
Steckman	Swaim	Taylor, D.	Taylor, T.
Thede	Thomas	Wendt	Wenthe
Wessel-Kroeschell	Whitaker	Whitead	Willems
Winckler	Zirkelbach	Olson, D., Presiding	

Absent or not voting, 2:

Chambers                      Miller, H.

Amendment H-1545 lost.

Kaufmann of Cedar offered the following amendment H-1549 filed by him and Struyk of Pottawattamie and moved its adoption:

H-1549

- 1 Amend Senate File 470, as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 27, line 18, by striking the word
- 4 "subsection" and inserting the following:
- 5 "subsections".
- 6 2. Page 27, by inserting after line 21 the
- 7 following:
- 8 "NEW SUBSECTION. 33. Annually, by October 1,

9 submit in a report to the general assembly the  
 10 following information for the previous fiscal year:  
 11 a. Total revenue received from each local school  
 12 district as a result of high school students enrolled  
 13 in courses under the postsecondary enrollment options  
 14 program at the institutions of higher learning under  
 15 the board's control.  
 16 b. Unduplicated headcount of high school students  
 17 enrolled in courses under the postsecondary enrollment  
 18 options program at the institutions of higher learning  
 19 under the board's control.  
 20 c. Total credits earned by high school students  
 21 enrolled in courses under the postsecondary enrollment  
 22 options program at the institutions of higher learning  
 23 under the board's control, broken down by degree  
 24 program.  
 25 d. The compensation and benefits paid to the  
 26 members of the board pursuant to section 7E.6.  
 27 e. The contracted salary and benefits and any  
 28 other expenses related to support for governmental  
 29 affairs efforts, including expenditures for liaisons  
 30 and lobbying activities for the board and its  
 31 institutions.  
 32 f. The contracted salaries, including but not  
 33 limited to bonus wages and benefits, including but not  
 34 limited to annuity payments or any other benefit  
 35 covered using state funds of any kind for  
 36 administrators of the institutions governed by the  
 37 board."  
 38 3. By renumbering as necessary.

Roll call was requested by Paulsen of Linn and Upmeyer of Hancock.

On the question "Shall amendment H-1549 be adopted?" (S.F. 470)

The ayes were, 98:

Abdul-Samad	Alons	Anderson	Arnold
Bailey	Baudler	Beard	Bell
Berry	Bukta	Burt	Cohoon
Cownie	De Boef	Deyoe	Dolecheck
Drake	Ficken	Ford	Forristall
Frevert	Gaskill	Gayman	Grassley
Hagenow	Heaton	Heddens	Helland
Horbach	Hunter	Huseman	Huser
Isenhart	Jacoby	Kaufmann	Kearns
Kelley	Koester	Kressig	Kuhn
Lensing	Lukan	Lykam	Marek
Mascher	May	McCarthy	Mertz
Miller, L.	Murphy, Spkr.	Oldson	Olson, R.

Olson, S.	Olson, T.	Palmer	Paulsen
Petersen	Pettengill	Quirk	Raecker
Rants	Rayhons	Reasoner	Reichert
Roberts	Sands	Schueller	Schulte
Schultz	Shomshor	Smith	Soderberg
Sorenson	Steckman	Struyk	Swaim
Sweeney	Taylor, D.	Taylor, T.	Thede
Thomas	Tjepkes	Tymeson	Upmeyer
Van Engelenhoven	Wagner	Watts	Wendt
Wenthe	Wessel-Kroeschell	Whitaker	Whitead
Willems	Winckler	Windschitl	Worthan
Zirkelbach	Olson, D., Presiding		

The nays were, none.

Absent or not voting, 2:

Chambers                      Miller, H.

Amendment H-1549 was adopted.

Baudler of Adair offered the following amendment H-1548 filed by him and moved its adoption:

H-1548

1 Amend Senate File 470, as amended, passed, and  
 2 reprinted by the Senate, as follows:  
 3 1. Page 27, by inserting after line 31 the  
 4 following:  
 5 "Sec. \_\_\_\_ NEW SECTION. 279.54 DISPLAY OF UNITED  
 6 STATES FLAG IN CLASSROOMS.  
 7 In addition to the requirements of section 280.5,  
 8 the board of directors of each school district shall  
 9 cause a United States flag, manufactured in the United  
 10 States and in good condition to be displayed during  
 11 school hours in each public school gymnasium or  
 12 assembly hall in the district. The size of the flag  
 13 shall be not less than two feet by three feet."  
 14 2. By renumbering as necessary.

Roll call was requested by Baudler of Adair and Paulsen of Linn.

On the question "Shall amendment H-1548 be adopted?" (S.F. 470)

The ayes were, 96:

Abdul-Samad	Alons	Anderson	Arnold
Bailey	Baudler	Beard	Bell
Berry	Bukta	Burt	Cohoon
Cownie	De Boef	Deyoe	Dolecheck
Drake	Ficken	Ford	Forristall
Frevert	Gaskill	Gayman	Grassley
Hagenow	Heaton	Heddens	Helland
Horbach	Hunter	Huseman	Huser
Isenhart	Jacoby	Kaufmann	Kearns
Kelley	Koester	Kressig	Kuhn
Lensing	Lukan	Lykam	Marek
May	McCarthy	Mertz	Miller, L.
Murphy, Spkr.	Oldson	Olson, R.	Olson, S.
Olson, T.	Palmer	Paulsen	Petersen
Pettengill	Quirk	Raecker	Rants
Rayhons	Reasoner	Reichert	Roberts
Sands	Schueller	Schulte	Schultz
Shomshor	Smith	Soderberg	Sorenson
Steckman	Struyk	Swaim	Sweeney
Taylor, D.	Taylor, T.	Thede	Thomas
Tjepkes	Tymeson	Upmeyer	Van Engelenhoven
Wagner	Watts	Wendt	Wenthe
Whitaker	Whitead	Willems	Winckler
Windschitl	Worthan	Zirkelbach	Olson, D., Presiding

The nays were, none.

Absent or not voting, 4:

Chambers	Mascher	Miller, H.	Wessel-Kroeschell
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Amendment H-1548 was adopted.

De Boef of Keokuk offered the following amendment H-1550 filed by her and moved its adoption:

H-1550

1 Amend Senate File 470, as amended, passed, and  
 2 reprinted by the Senate, as follows:  
 3 1. Page 27, by inserting after line 31 the  
 4 following:  
 5 "Sec. \_\_\_\_ NEW SECTION. 280.29 INTERNET  
 6 RESTRICTIONS.  
 7 The board of directors of each public school  
 8 district and the authorities in charge of each  
 9 nonpublic school shall adopt a policy restricting  
 10 school officials and school employees from posting

11 student photographs and other identifying information  
 12 about a student on an internet social networking  
 13 website without obtaining permission of the student or  
 14 the student's parent or guardian if the student is  
 15 under eighteen years old. This section does not apply  
 16 to photographs or other information posted on the  
 17 school's internet website related to a student's  
 18 involvement with school-related activities or  
 19 accomplishments."  
 20 2. By renumbering as necessary.

Roll call was requested by De Boef of Keokuk and Tymeson of Madison.

On the question "Shall amendment H-1550 be adopted?" (S.F. 470)

The ayes were, 98:

Abdul-Samad	Alons	Anderson	Arnold
Bailey	Baudler	Beard	Bell
Berry	Bukta	Burt	Cohoon
Cownie	De Boef	Deyoe	Dolecheck
Drake	Ficken	Ford	Forristall
Frevert	Gaskill	Gayman	Grassley
Hagenow	Heaton	Heddens	Helland
Horbach	Hunter	Huseman	Huser
Isenhardt	Jacoby	Kaufmann	Kearns
Kelley	Koester	Kressig	Kuhn
Lensing	Lukan	Lykam	Marek
Mascher	May	McCarthy	Mertz
Miller, L.	Murphy, Spkr.	Oldson	Olson, R.
Olson, S.	Olson, T.	Palmer	Paulsen
Petersen	Pettengill	Quirk	Raecker
Rants	Rayhons	Reasoner	Reichert
Roberts	Sands	Schueller	Schulte
Schultz	Shomshor	Smith	Soderberg
Sorenson	Steckman	Struyk	Swaim
Sweeney	Taylor, D.	Taylor, T.	Thede
Thomas	Tjepkes	Tymeson	Upmeyer
Van Engelenhoven	Wagner	Watts	Wendt
Wenthe	Wessel-Kroeschell	Whitaker	Whitead
Willems	Winckler	Windschitl	Worthan
Zirkelbach	Olson, D., Presiding		

The nays were, none.

Absent or not voting, 2:

Chambers                      Miller, H.

Amendment H-1550 was adopted.

Wendt of Woodbury offered the following amendment H-1535 filed by him and moved its adoption:

H-1535

- 1 Amend Senate File 470, as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 33, by striking line 6 and inserting the
- 4 following:
- 5 "Sec.\_\_\_\_. Chapter 7K, Code 2009, is repealed."

Amendment H-1535 was adopted, placing out of order amendment H-1566 filed by Tymeson of Madison from the floor.

Winckler of Scott offered amendment H-1574B as found on pages 1396 through 1402 of the House Journal.

Raecker of Polk rose on a point of order that amendment H-1574B was not germane.

The Speaker ruled the point not well taken and amendment H-1574B germane.

Winckler of Scott moved the adoption of amendment H-1574B.

Roll call was requested by Koester of Polk and Hagenow of Polk.

On the question "Shall amendment H-1574B be adopted?" (S.F. 470)

The ayes were, 51:

Abdul-Samad	Bailey	Beard	Bell
Berry	Bukta	Cphoon	Ficken
Frevert	Gaskill	Gayman	Heddens
Hunter	Isenhardt	Jacoby	Kearns
Kelley	Kressig	Kuhn	Lensing
Lykam	Marek	Mascher	McCarthy
Mertz	Murphy, Spkr.	Oldson	Olson, R.
Olson, T.	Petersen	Quirk	Reasoner
Reichert	Schueller	Shomshor	Smith
Steckman	Swaim	Taylor, D.	Taylor, T.
Thede	Thomas	Wendt	Wenthe

Wessel-Kroeschell	Whitaker	Whitead	Willems
Winckler	Zirkelbach	Olson, D., Presiding	

The nays were, 44:

Alons	Anderson	Arnold	Baudler
Cownie	De Boef	Deyoe	Dolecheck
Drake	Forristall	Grassley	Hagenow
Heaton	Helland	Horbach	Huseman
Huser	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

Absent or not voting, 5:

Burt	Chambers	Ford	Miller, H.
Palmer			

Amendment H-1574B was adopted.

Raecker of Polk offered the following amendment H-1565, previously deferred, filed by him and moved its adoption:

H-1565

1 Amend Senate File 470, as amended, passed, and  
2 reprinted by the Senate, as follows:  
3 1. Page 6, by striking lines 11 through 18 and  
4 inserting the following:  
5 "\_\_\_\_. SCHOOL FOOD SERVICE  
6 For use as state matching funds for federal  
7 programs that shall be disbursed according to federal  
8 regulations, including salaries, support, maintenance,  
9 miscellaneous purposes, and for not more than the  
10 following full-time equivalent positions:  
11 ..... \$ 2,266,069  
12 ..... FTEs 17.43  
13 Notwithstanding section 256.7, subsection 29;  
14 section 256.9, subsection 60; and section 256.11,  
15 subsection 6, as amended by 2008 Iowa Acts, chapter  
16 1187, section 142, school districts and accredited  
17 nonpublic schools shall not be required to comply with  
18 the nutritional content standards established by the  
19 state board of education pursuant to section 256.7,  
20 subsection 29, or the physical activity requirements  
21 established pursuant to section 256.11, subsection 6,

22 until July 1, 2010."

23 2. By renumbering as necessary.

Roll call was requested by Raecker of Polk and Alons of Sioux.

On the question "Shall amendment H-1565 be adopted?" (S.F. 470)

The ayes were, 44:

Alons	Anderson	Arnold	Baudler
Cownie	De Boef	Deyoe	Dolecheck
Drake	Forristall	Grassley	Hagenow
Heaton	Helland	Horbach	Huseman
Kaufmann	Koester	Lukan	May
Miller, L.	Olson, S.	Palmer	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	Heddens	Hunter	Huser
Isenhardt	Jacoby	Kearns	Kelley
Kressig	Kuhn	Lensing	Lykam
Marek	Mascher	McCarthy	Mertz
Murphy, Spkr.	Oldson	Olson, R.	Olson, T.
Petersen	Quirk	Reasoner	Schueller
Shomshor	Smith	Steckman	Swaim
Taylor, D.	Taylor, T.	Thede	Thomas
Wendt	Wenthe	Wessel-Kroeschell	Whitaker
Whitead	Willems	Winckler	Zirkelbach
Olson, D., Presiding			

Absent or not voting, 3:

Chambers	Miller, H.	Reichert
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Amendment H-1565 lost.

McCarthy of Polk asked and received unanimous consent to suspend the rules to consider amendment H-1596, amendment H-1597 and amendment H-1598.



Sweeney of Hardin offered the following amendment H-1597 filed by her from the floor and moved its adoption:

H-1597

- 1 Amend Senate File 470, as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 15, by inserting after line 29 the
- 4 following:
- 5 "(1) Iowa state university of science and
- 6 technology shall not reduce the amount that it
- 7 allocates to support the cooperative extension service
- 8 in agriculture and home economics from any other
- 9 source due to the appropriation made in this lettered
- 10 paragraph.
- 11 (2) Subparagraph (1) does not apply to a reduction
- 12 made to support the cooperative extension service in
- 13 agriculture and home economics if the same percentage
- 14 of reduction imposed on the cooperative extension
- 15 service in agriculture and home economics is also
- 16 imposed on all of Iowa state university's budget
- 17 units."
- 18 2. By renumbering as necessary.

Roll call was requested by Sweeney of Hardin and R. Olson of Polk.

On the question "Shall amendment H-1597 be adopted?" (S.F. 470)

The ayes were, 48:

Alons	Anderson	Arnold	Baudler
Cownie	De Boef	Deyoe	Dolecheck
Drake	Forristall	Grassley	Hagenow
Heaton	Helland	Horbach	Huseman
Huser	Isenhardt	Kaufmann	Koester
Lukan	Marek	May	Mertz
Miller, L.	Olson, S.	Paulsen	Pettengill
Raecker	Rants	Rayhons	Roberts
Sands	Schulte	Schultz	Soderberg
Sorenson	Struyk	Sweeney	Thomas
Tjepkes	Tymeson	Upmeyer	Van Engelenhoven
Wagner	Watts	Windschitl	Worthan

The nays were, 50:

Abdul-Samad	Bailey	Beard	Bell
Berry	Bukta	Burt	Cphoon
Ficken	Ford	Frevrt	Gaskill
Gayman	Heddens	Hunter	Jacoby
Kearns	Kelley	Kressig	Kuhn

Lensing	Lykam	Mascher	McCarthy
Murphy, Spkr.	Oldson	Olson, R.	Olson, T.
Palmer	Petersen	Quirk	Reasoner
Reichert	Schuessler	Shomshor	Smith
Steckman	Swaim	Taylor, D.	Taylor, T.
Thede	Wendt	Wenthe	Wessel-Kroeschell
Whitaker	Whitead	Willems	Winckler
Zirkelbach	Olson, D., Presiding		

Absent or not voting, 2:

Chambers                      Miller, H.

Amendment H-1597 lost.

Forristall of Pottawattamie offered the following amendment H-1596 filed by him and Struyk of Pottawattamie from the floor and moved its adoption:

H-1596

- 1 Amend Senate File 470, as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 17, by inserting after line 18 the
- 4 following:
- 5 "a. The state board of regents shall not reduce
- 6 the amount that it allocates to support the state
- 7 school for the deaf from any other source due to the
- 8 appropriation made in this subsection.
- 9 b. Paragraph "a" does not apply to a reduction
- 10 made to support the state school for the deaf if the
- 11 same percentage of reduction imposed on the state
- 12 school for the deaf is also imposed on all of the
- 13 state board of regents' budget units."
- 14 2. By renumbering as necessary.

Roll call was requested by Wagner of Linn and Zirkelbach of Jones.

On the question "Shall amendment H-1596 be adopted?" (S.F. 470)

The ayes were, 46:

Alons	Anderson	Arnold	Baudler
Cownie	De Boef	Deyoe	Dolecheck
Drake	Forristall	Grassley	Hagenow
Heaton	Helland	Horbach	Huseman
Huser	Kaufmann	Koester	Lukan
May	Mertz	Miller, L.	Olson, S.
Paulsen	Pettengill	Raecker	Rants

Rayhons	Roberts	Sands	Schulte
Schultz	Shomshor	Soderberg	Sorenson
Struyk	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	Heddens	Hunter	Isenhart
Jacoby	Kearns	Kelley	Kressig
Kuhn	Lensing	Lykam	Marek
Mascher	McCarthy	Murphy, Spkr.	Oldson
Olson, R.	Olson, T.	Palmer	Petersen
Quirk	Reasoner	Reichert	Schueller
Smith	Steckman	Swaim	Taylor, D.
Taylor, T.	Thede	Thomas	Wendt
Wenthe	Wessel-Kroeschell	Whitaker	Whitead
Willems	Winckler	Zirkelbach	Olson, D., Presiding

Absent or not voting, 2:

Chambers                      Miller, H.

Amendment H-1596 lost.

Pettengill of Benton offered the following amendment H-1598 filed by her from the floor and moved its adoption:

H-1598

1 Amend Senate File 470, as amended, passed, and  
 2 reprinted by the Senate, as follows:  
 3 1. Page 17, by inserting after line 24 the  
 4 following:  
 5 "a. The state board of regents shall not reduce  
 6 the amount that it allocates to support the Iowa  
 7 braille and sight saving school from any other source  
 8 due to the appropriation made in this subsection.  
 9 b. Paragraph "a" does not apply to a reduction  
 10 made to support the Iowa braille and sight saving  
 11 school if the same percentage of reduction imposed on  
 12 the Iowa braille and sight saving school is also  
 13 imposed on all of the state board of regents' budget  
 14 units."

Roll call was requested by Pettengill of Benton and Lukan of Dubuque.

On the question "Shall amendment H-1598 be adopted?" (S.F. 470)

The ayes were, 46:

Alons	Anderson	Arnold	Baudler
Berry	Cownie	De Boef	Deyoe
Dolecheck	Drake	Forristall	Grassley
Hagenow	Heaton	Helland	Horbach
Huseman	Huser	Kaufmann	Koester
Lukan	May	Mertz	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, 50:

Abdul-Samad	Bailey	Beard	Bell
Bukta	Burt	Cphoon	Ficker
Ford	Frevert	Gaskill	Gayman
Heddens	Hunter	Isenhardt	Jacoby
Kearns	Kelley	Kressig	Kuhn
Lensing	Lykam	Marek	Mascher
McCarthy	Oldson	Olson, R.	Olson, T.
Palmer	Petersen	Quirk	Reasoner
Reichert	Schueller	Smith	Steckman
Swaim	Taylor, D.	Taylor, T.	Thede
Thomas	Wendt	Wenthe	Wessel-Kroeschell
Whitaker	Whitead	Willems	Winckler
Zirkelbach	Olson, D., Presiding		

Absent or not voting, 4:

Chambers	Miller, H.	Murphy, Spkr.	Shomshor
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Amendment H-1598 lost.

Winckler 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. 470)

The ayes were, 55:

Abdul-Samad	Bailey	Beard	Bell
Berry	Bukta	Burt	Cohoon
Ficken	Ford	Frevert	Gaskill
Gayman	Heddens	Hunter	Huser
Isenhardt	Jacoby	Kearns	Kelley
Kressig	Kuhn	Lensing	Lykam
Marek	Mascher	McCarthy	Mertz
Murphy, Spkr.	Oldson	Olson, R.	Olson, T.
Palmer	Petersen	Quirk	Reasoner
Reichert	Schueller	Shomshor	Smith
Steckman	Swaim	Taylor, D.	Taylor, T.
Thede	Thomas	Wendt	Wenthe
Wessel-Kroeschell	Whitaker	Whitead	Willems
Winckler	Zirkelbach	Olson, D., Presiding	

The nays were, 43:

Alons	Anderson	Arnold	Baudler
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	

Absent or not voting, 2:

Chambers                      Miller, H.

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

### Unfinished Business Calendar

**Senate File 236**, a bill for an act relating to psychiatric medical institution for children services and providing an effective date, with report of committee recommending amendment and passage, was taken up for consideration.

Heddens of Story offered the following amendment H-1147 filed by the committee on human resources and moved its adoption:

H-1147

- 1 Amend Senate File 236, as amended, passed, and  
 2 reprinted by the Senate, as follows:  
 3 1. Page 2, line 32, by inserting after the word  
 4 "reduced" the following: ", while maintaining access  
 5 to treatment options that are in the best interests of  
 6 the child and the child's family".

The committee amendment H-1147 was adopted.

Heddens of Story 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. 236)

The ayes were, 98:

Abdul-Samad	Alons	Anderson	Arnold
Bailey	Baudler	Beard	Bell
Berry	Bukta	Burt	Cohoon
Cownie	De Boef	Deyoe	Dolecheck
Drake	Ficken	Ford	Forristall
Frevert	Gaskill	Gayman	Grassley
Hagenow	Heaton	Heddens	Helland
Horbach	Hunter	Huseman	Huser
Isenhardt	Jacoby	Kaufmann	Kearns
Kelley	Koester	Kressig	Kuhn
Lensing	Lukan	Lykam	Marek
Mascher	May	McCarthy	Mertz
Miller, L.	Murphy, Spkr.	Oldson	Olson, R.
Olson, S.	Olson, T.	Palmer	Paulsen
Petersen	Pettengill	Quirk	Raecker
Rants	Rayhons	Reasoner	Reichert
Roberts	Sands	Schueller	Schulte
Schultz	Shomshor	Smith	Soderberg
Sorenson	Steckman	Struyk	Swaim
Sweeney	Taylor, D.	Taylor, T.	Thede
Thomas	Tjepkes	Tymeson	Upmeyer
Van Engelenhoven	Wagner	Watts	Wendt
Wenthe	Wessel-Kroeschell	Whitaker	Whitead
Willems	Winckler	Windschitl	Worthan
Zirkelbach	Olson, D., Presiding		

The nays were, none.

Absent or not voting, 2:

Chambers

Miller, H.

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

Speaker Murphy in the chair at 10:24 p.m.

**Senate File 433**, a bill for an act relating to the classification and assessment of violations in health care facilities and assisted living programs and providing penalties, with report of committee recommending passage, was taken up for consideration.

Berry of Black Hawk offered the following amendment H-1448 filed by her and moved its adoption:

H-1448

1 Amend Senate File 433, as amended, passed, and  
2 reprinted by the Senate, as follows:  
3 1. Page 2, by inserting after line 1 the  
4 following:  
5 "Sec.\_\_\_\_. Section 135C.36, subsection 2, Code  
6 2009, is amended to read as follows:  
7 2. A Class II violation is one which has a direct  
8 or immediate relationship to the health, safety or  
9 security of residents of a health care facility, but  
10 which presents no imminent danger nor substantial  
11 probability of death or physical harm to them. A  
12 physical condition or one or more practices within a  
13 facility, including either physical abuse of any  
14 resident or failure to treat any resident with  
15 consideration, respect and full recognition of the  
16 resident's dignity and individuality, in violation of  
17 a specific rule adopted by the department, may  
18 constitute a Class II violation. A violation of  
19 section 135C.14, subsection 8, or section 135C.31 and  
20 rules adopted under those sections shall be at least a  
21 Class II violation and may be a Class I violation. A  
22 Class II violation shall be corrected within a stated  
23 period of time determined by the department and  
24 specified in the citation issued under section  
25 135C.40. The stated period of time specified in the  
26 citation may subsequently be modified by the  
27 department for good cause shown. A licensee is subject  
28 to a penalty of not less than one hundred nor more  
29 than five hundred dollars for each Class II violation  
30 for which the licensee's facility is cited, however

31 the director may, upon written request of the  
 32 facility, waive the penalty if the violation is  
 33 corrected within the time specified in the citation.  
 34 The department shall adopt rules in accordance with  
 35 chapter 17A establishing criteria for the granting or  
 36 denial of a waiver request."  
 37 2. Page 2, by striking lines 4 through 10.  
 38 3. By striking page 2, line 27, through page 3,  
 39 line 15, and inserting the following:  
 40 "1. If the director determines, based on the  
 41 findings of an inspection or investigation of a health  
 42 care facility, that the facility is in violation of  
 43 this chapter or rules adopted under this chapter, the  
 44 director within five working days after making the  
 45 determination, may issue a written citation to the  
 46 facility. The citation shall be served upon the  
 47 facility personally, by electronic mail, or by  
 48 certified mail, except that a citation for a Class III  
 49 violation may be sent by ordinary mail. Each citation  
 50 shall specifically describe the nature of the

Page 2

1 violation, identifying the Code section or subsection  
 2 or the rule or standard violated, and the  
 3 classification of the violation under section 135C.36.  
 4 Where appropriate, the citation shall also state the  
 5 period of time allowed for correction of the  
 6 violation, which shall in each case be the shortest  
 7 period of time the department deems feasible. Failure  
 8 to correct a violation within the time specified,  
 9 unless the licensee shows that the failure was due to  
 10 circumstances beyond the licensee's control, shall  
 11 subject the facility to a further penalty of fifty  
 12 dollars for each day that the violation continues  
 13 after the time specified for correction."  
 14 4. Page 4, by inserting after line 10 the  
 15 following:  
 16 "Sec. \_\_\_\_ NEW SECTION. 135.40A ISSUANCE OF  
 17 FINAL FINDINGS.  
 18 The department shall issue the final findings of an  
 19 inspection or investigation of a health care facility  
 20 within ten working days after completion of the  
 21 on-site inspection or investigation. The final  
 22 findings shall be served upon the facility personally,  
 23 by electronic mail, or by certified mail."  
 24 5. Page 5, by striking line 4 and inserting the  
 25 following: "interventions that have an impact on  
 26 the".  
 27 6. By renumbering as necessary.



Amendment H-1448 was adopted.

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. 433)

The ayes were, 97:

Abdul-Samad	Alons	Anderson	Arnold
Bailey	Baudler	Beard	Bell
Berry	Bukta	Burt	Cohoon
Cownie	De Boef	Deyoe	Dolecheck
Drake	Ficken	Ford	Forristall
Frevert	Gaskill	Gayman	Grassley
Hagenow	Heaton	Heddens	Helland
Horbach	Hunter	Huseman	Huser
Isenhart	Jacoby	Kaufmann	Kearns
Kelley	Koester	Kressig	Kuhn
Lensing	Lukan	Lykam	Marek
May	McCarthy	Mertz	Miller, L.
Oldson	Olson, D.	Olson, R.	Olson, S.
Olson, T.	Palmer	Paulsen	Petersen
Pettengill	Quirk	Raecker	Rants
Rayhons	Reasoner	Reichert	Roberts
Sands	Schueller	Schulte	Schultz
Shomshor	Smith	Soderberg	Sorenson
Steckman	Struyk	Swaim	Sweeney
Taylor, D.	Taylor, T.	Thede	Thomas
Tjepkes	Tymeson	Upmeyer	Van Engelenhoven
Wagner	Watts	Wendt	Wenthe
Wessel-Kroeschell	Whitaker	Whitead	Willems
Winckler	Windschitl	Worthan	Zirkelbach
Mr. Speaker			
Murphy			

The nays were, 1:

Mascher

Absent or not voting, 2:

Chambers

Miller, H.

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 **Senate Files 236, 433 and 470** be immediately messaged to the Senate.

## SENATE MESSAGES CONSIDERED

**Senate File 465**, by committee on ways and means, a bill for an act relating to identity theft protection by requiring reporting and by making changes to the duties of county recorders, the fees collected by the county recorders, and the county land record information system.

Read first time and **passed on file**.

**Senate File 480**, by committee on ways and means, a bill for an act relating to the eligibility for tax credits and income reductions for qualified expenditures under the film, television, and video project promotion program, providing for a fee, and providing an applicability date provision.

Read first time and **passed on file**.

## REPORT OF THE CHIEF CLERK OF THE HOUSE

MR. SPEAKER: Pursuant to House Rule 42, I report that in engrossing bills the following correction was made:

**House Amendment to Senate File 415**

1. Page 1, line 25 – Change proscribed to prescribed.

MARK W. BRANDSGARD  
Chief Clerk of the House

## HOUSE FILES REREFERRED TO COMMITTEES

The Speaker announced the following House files, previously placed on the calendar, were referred to the following committees:

HF 178	Human Resources
HF 179	Human Resources
HF 282	Education
HF 310	Local Government
HF 320	State Government
HF 486	Public Safety
HF 495	Education
HF 561	Transportation
HF 589	Education
HF 630	Commerce
HF 673	Economic Growth
HF 675	State Government
HF 681	Labor
HF 683	Labor
HF 685	Commerce
HF 692	Human Resources
HF 701	Labor
HF 709	State Government
HF 715	Environmental Protection
HF 721	Natural Resources
HF 727	Labor
HF 732	Education
HF 740	Environmental Protection
HF 745	Public Safety
HF 746	Public Safety
HF 755	Veteran Affairs
HF 757	Environmental Protection
HF 760	Education
HF 761	Education
HF 763	Agriculture
HF 765	Economic Growth
HF 766	State Government
HF 768	Commerce
HF 770	Judiciary
HF 771	Human Resources
HF 772	Judiciary

HF 773	Human Resources
HF 784	Transportation
HF 786	Transportation
HF 787	State Government
HF 789	State Government
HF 792	Labor
HF 793	Labor
HF 796	State Government
HF 799	Transportation
HF 800	Transportation
HF 802	Environmental Protection

### EXPLANATION OF VOTE

I was necessarily absent from the House chamber on Monday evening April, 13, 2009. Had I been present, I would have voted "nay" on Senate File 472.

KOESTER of Polk

### BILL ENROLLED, SIGNED AND SENT TO GOVERNOR

The Chief Clerk of the House submitted the following report:

Mr. Speaker: The Chief Clerk of the House respectfully reports that the following bill has been examined and found correctly enrolled, signed by the Speaker of the House and the President of the Senate, and presented to the Governor for his approval on this 14 day of April, 2009: House File 776.

MARK W. BRANDSGARD  
Chief Clerk of the House

Report adopted.

### 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

- 2009\3623 Dick and Esther Rozeboom, Hull – For celebrating their 60<sup>th</sup> wedding anniversary.
- 2009\3624 Mike and Sarah Ver Steeg – For receiving the Gary Wergin Good Neighbor Award from the Iowa Department of Agriculture and Land Stewardship
- 2009\3625 Harold and Erlene Lehn – For celebrating their 50<sup>th</sup> wedding anniversary.
- 2009\3626 Shorty and Shirley Shaull, Ladora – For celebrating their 50<sup>th</sup> wedding anniversary.
- 2009\3627 William Offenburger, Chariton – For celebrating his 80<sup>th</sup> birthday.
- 2009\3628 Howard and Clare Kirkwood, Ryan – For celebrating their 70<sup>th</sup> wedding anniversary.
- 2009\3629 Burdette Bailey, Guthrie Center – For celebrating his 86<sup>th</sup> birthday.
- 2009\3630 Fred Marsh, Eldora – For celebrating his 80<sup>th</sup> birthday.
- 2009\3631 Merv Reifschneider, Hubbard – For celebrating his 80<sup>th</sup> birthday.
- 2009\3632 Cody J. Hancock, Troop 5200 – Hawkeye Area Council in Cedar Rapids – For attaining the rank of Eagle Scout, the highest rank in the Boy Scouts of America.
- 2009\3633 Jeanette (Purdy) Dotson, Wapello – For celebrating her 80<sup>th</sup> birthday.
- 2009\3634 Bob and Joyce Pfeifer, Richland – For celebrating 60<sup>th</sup> wedding anniversary.
- 2009\3635 Gertrude Vogt, Williamsburg – For celebrating her 90<sup>th</sup> birthday.

#### SUBCOMMITTEE ASSIGNMENT

##### **Senate File 471**

Appropriations: Reichert, Chair; Jacoby and Watts.

#### COMMITTEE RECOMMENDATION

MR. SPEAKER: The Chief Clerk of the House respectfully reports that the following committee recommendation has been received and is on file in the office of the Chief Clerk.

MARK W. BRANDSGARD  
Chief Clerk of the House

## COMMITTEE ON APPROPRIATIONS

**Senate File 475**, a bill for an act relating to and making appropriations to the justice system, and including effective and retroactive applicability date provisions.

Fiscal Note is not required.

Recommended **Amend and Do Pass with Amendment H-1580** April 14, 2009.

## RESOLUTIONS FILED

**HR 47**, by Kearns, T. Taylor, Hunter, Ficken, Steckman, Wenthe, Wendt, Thomas, Smith, Thede, Whitead, Beard, T. Olson, Bukta, Kuhn, Kressig, Bell, Isenhardt, Lensing, Mascher, Frevert, Jacoby, Lykam, Willems, Reasoner, Abdul-Samad, Reichert, D. Taylor, Gayman, Murphy, Whitaker, Shomshor, D. Olson, Quirk, Schueller, Marek, Palmer, Zirkelbach, Berry, Heddens, Winckler, Mertz, R. Olson, Swaim, Burt, Cohoon, Kelley, Oldson, Bailey, Huser, Koester, Lukan, Gaskill, Petersen and H. Miller, a resolution urging the spending of federal economic recovery funds on products that are made and services that are preformed in the United States.

Laid over under **Rule 25**.

**HR 48**, by Wessel-Kroeschell and Heddens, a resolution to honor Judie A. Hoffman for a lifetime of public service and dedication to the public good.

Laid over under **Rule 25**.

## AMENDMENTS FILED

H—1567	H.F.	777	Tymeson of Madison
H—1568	H.F.	807	Rants of Woodbury
H—1570	H.F.	807	Rants of Woodbury
H—1575	H.F.	777	Tymeson of Madison
H—1576	H.F.	807	Wagner of Linn
H—1577	S.F.	404	Thomas of Clayton Beard of Winneshiek Kressig of Black Hawk
H—1578	S.F.	432	Whitaker of Van Buren Wenthe of Fayette Zirkelbach of Jones

			Reichert of Muscatine
			S. Olson of Clinton
H—1579	S.F.	413	Cownie of Polk
H—1580	S.F.	475	Committee on Appropriations
H—1581	S.F.	483	Thomas of Clayton
H—1583	H.F.	807	Helland of Polk
H—1584	H.F.	807	Helland of Polk
H—1585	H.F.	807	Alons of Sioux
H—1586	H.F.	807	Alons of Sioux
H—1587	H.F.	807	Lukan of Dubuque
H—1588	H.F.	712	Swaim of Davis
			Palmer of Mahaska
			R. Olson of Polk
H—1589	H.F.	712	Swaim of Davis
			Palmer of Mahaska
			R. Olson of Polk
H—1590	H.F.	234	Smith of Marshall
H—1591	H.F.	807	Pettengill of Benton
H—1592	H.F.	807	Pettengill of Benton
H—1593	H.F.	807	May of Dickinson
H—1594	H.F.	807	May of Dickinson
H—1595	H.F.	807	May of Dickinson
H—1599	H.F.	819	Rants of Woodbury
H—1600	H.F.	807	Paulsen of Linn
H—1601	H.F.	807	Deyoe of Story
H—1602	H.F.	807	Upmeyer of Hancock
H—1603	H.F.	818	Thomas of Clayton
H—1604	H.F.	756	Swaim of Davis
H—1605	S.F.	451	Watts of Dallas
H—1606	S.F.	475	Raecker of Polk
H—1607	S.F.	475	Tjepkes of Webster
H—1608	S.F.	475	Anderson of Page
H—1609	S.F.	475	Anderson of Page
H—1610	S.F.	475	Alons of Sioux
H—1611	S.F.	475	Tjepkes of Webster
H—1612	S.F.	475	Reichert of Muscatine
H—1613	S.F.	475	Worthan of Buena Vista
H—1614	H.F.	791	Horbach of Tama
H—1615	H.F.	791	Horbach of Tama
H—1616	S.F.	475	Hunter of Polk
H—1617	S.F.	451	Windschitl of Harrison

H—1618	H.F.	791	Horbach of Tama
H—1619	H.F.	791	Horbach of Tama
H—1620	S.F.	475	Worthan of Buena Vista

On motion by McCarthy of Polk the House adjourned at 10:37 p.m., until 9:00 a.m., Wednesday, April 15, 2009.



# JOURNAL OF THE HOUSE

Ninety-fourth Calendar Day - Sixty-second Session Day

Hall of the House of Representatives  
Des Moines, Iowa, Wednesday, April 15, 2009

The House met pursuant to adjournment at 9:18 a.m., Kressig of Black Hawk in the chair.

Prayer was offered by Reverend Melissa Drake of Silver Creek and Hancock United Methodist Churches, Hancock. She is a former Page and the granddaughter of Representative Jack Drake of Cass County.

## PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Katie McKnight, House Page from Des Moines.

The Journal of Tuesday, April 14, 2009 was approved.

On motion by Gayman of Scott, the House was recessed at 9:23 a.m., until 11:00 a.m.

## MORNING SESSION

The House reconvened at 11:13 a.m., Speaker Murphy in the chair.

McCarthy of Polk asked and received unanimous consent for the immediate consideration of Senate File 475.

## CONSIDERATION OF BILLS

### Appropriations Calendar

**Senate File 475**, a bill for an act relating to and making appropriations to the justice system, and including effective and retroactive applicability date provisions, with report of committee recommending amendment and passage, was taken up for consideration.

## LEAVE OF ABSENCE

Leave of absence was granted as follows:

Watts of Dallas, until his return, on request of Roberts of Carroll.

McCarthy of Polk asked and received unanimous consent to suspend Rule 31, related to the timely filing of amendments, to consider amendments that have been filed thus far.

T. Taylor of Linn offered the following amendment H-1580 filed by the committee on appropriations and moved its adoption:

H-1580

- 1 Amend Senate File 475, as passed by the Senate, as
- 2 follows:
- 3 1. Page 21, line 28, by striking the word and
- 4 figure "subsection 6" and inserting the following:
- 5 "subsection 7".

The committee amendment H-1580 was adopted.

Rants of Woodbury offered amendment H-1621 filed by him from the floor as follows:

H-1621

- 1 Amend Senate File 475, as passed by the Senate, as
- 2 follows:
- 3 1. Page 1, line 22, by striking the figure
- 4 "2,400,000" and inserting the following: "4,000,000".
- 5 2. Page 21, by inserting after line 1 the
- 6 following:
- 7 "Sec.\_\_\_\_. VEHICLE PURCHASES DEFERRED.
- 8 1. Notwithstanding any provision to the contrary,
- 9 except as otherwise provided by this section, the
- 10 department of administrative services shall defer the
- 11 purchase of replacement motor vehicles paid for from
- 12 the general fund of the state or from such moneys
- 13 credited to the depreciation fund maintained pursuant
- 14 to section 8A.365. The purchase deferral is
- 15 applicable to the remainder of the fiscal year
- 16 beginning July 1, 2008, commencing on the effective
- 17 date of this section, and to the succeeding fiscal
- 18 year. This section does not apply to the purchase of
- 19 motor vehicles for the department of public safety,

20 division of state patrol. The executive council may  
 21 authorize an exception to such deferral requirement to  
 22 allow purchase of a replacement vehicle when the  
 23 purchase is less costly than all other alternatives.  
 24 2. The \$1.6 million in savings achieved by  
 25 deferring the purchase of motor vehicles pursuant to  
 26 this section is appropriated to the department of  
 27 justice for victim assistance grants."  
 28 3. Page 23, line 11, by striking the words "The  
 29 section" and inserting the following:  
 30 "1. The section".  
 31 4. Page 23, by inserting after line 14 the  
 32 following:  
 33 "2. The section of this Act providing for deferral  
 34 of the purchase of motor vehicles, being deemed of  
 35 immediate importance, takes effect upon enactment."

T. Taylor of Linn rose on a point of order that amendment H-1621 was not germane.

The Speaker ruled the point well taken and amendment H-1621 not germane.

Rants of Woodbury moved to suspend the rules to consider amendment H-1621.

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-1621?" (S.F. 475)

The ayes were, 42:

Alons	Anderson	Arnold	Baudler
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
Windschitl	Worthan		

The nays were, 55:

Abdul-Samad	Beard	Bell	Berry
Bukta	Burt	Cphoon	Ficken
Ford	Frevert	Gaskill	Gayman
Heddens	Hunter	Huser	Isenhardt
Jacoby	Kearns	Kelley	Kressig
Kuhn	Lensing	Lykam	Marek
Mascher	McCarthy	Mertz	Miller, H.
Oldson	Olson, D.	Olson, R.	Olson, T.
Palmer	Petersen	Quirk	Reasoner
Reichert	Schueller	Shomshor	Smith
Steckman	Swaim	Taylor, D.	Taylor, T.
Thede	Thomas	Wendt	Wenthe
Wessel-Kroeschell	Whitaker	Whitead	Willems
Winckler	Zirkelbach	Mr. Speaker	
		Murphy	

Absent or not voting, 3:

Bailey	Chambers	Watts
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The motion to suspend the rules lost.

Worthan of Buena Vista offered the following amendment H-1620 filed by him and moved its adoption:

T. Olson of Linn in the chair at 11:50 a.m.

H-1620

1 Amend Senate File 475, as passed by the Senate, as  
 2 follows:  
 3 1. Page 2, by inserting after line 30 the  
 4 following:  
 5 " \_\_\_\_\_. As a condition of receiving funding  
 6 appropriated in this section, for the fiscal year  
 7 beginning July 1, 2009, and ending June 30, 2010, the  
 8 department of justice shall comply with all of the  
 9 following requirements:  
 10 a. The rates and fees set by the department of  
 11 justice to provide services for the fiscal year shall  
 12 not exceed the rates and fees set for providing  
 13 services as of January 1, 2009.  
 14 b. The department of justice shall not seek  
 15 reimbursement from other state agencies, commissions,  
 16 boards, or other similar entities in an amount that  
 17 exceeds the total amount reimbursed to the department  
 18 of justice by those other state agencies, commissions,

19 boards, or other similar entities for the fiscal year  
 20 beginning July 1, 2008."

Roll call was requested by Worthan of Buena Vista and Paulsen of Linn.

On the question "Shall amendment H-1620 be adopted?" (S.F. 475)

The ayes were, 42:

Alons	Anderson	Arnold	Baudler
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
Windschitl	Worthan		

The nays were, 55:

Abdul-Samad	Bailey	Beard	Bell
Berry	Bukta	Burt	Cohoon
Ficken	Ford	Frevert	Gaskill
Gayman	Heddens	Hunter	Huser
Isenhardt	Jacoby	Kearns	Kelley
Kressig	Kuhn	Lensing	Lykam
Marek	Mascher	McCarthy	Mertz
Miller, H.	Oldson	Olson, D.	Olson, R.
Palmer	Petersen	Quirk	Reasoner
Reichert	Schueller	Shomshor	Smith
Steckman	Swaim	Taylor, D.	Taylor, T.
Thede	Thomas	Wendt	Wenthe
Wessel-Kroeschell	Whitaker	Whitead	Willems
Winckler	Zirkelbach	Olson, T., Presiding	

Absent or not voting, 3:

Chambers	Murphy, Spkr.	Watts
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Amendment H-1620 lost.

Hunter of Polk asked and received unanimous consent to withdraw amendment H-1616 filed by him on April 14, 2009.

Raecker of Polk offered the following amendment H-1606 filed by him and moved its adoption:

H-1606

1 Amend Senate File 475, as passed by the Senate, as  
2 follows:  
3 1. Page 21, by inserting after line 1 the  
4 following:  
5 "Sec.\_\_\_\_. OFFICE EXPENSES – MANDATORY REDUCTION.  
6 For the fiscal year beginning July 1, 2009, and ending  
7 June 30, 2010, the appropriations from the general  
8 fund of the state to a state department or state  
9 agency to which appropriations are made pursuant to  
10 this Act are reduced by such amount, as necessary to  
11 effect a 50 percent reduction in the amount  
12 appropriated for expenditures for office supplies,  
13 service contracts, and equipment purchases. However,  
14 equipment that is critical to the execution of the  
15 duties of officers of the department of corrections or  
16 the department of public safety, is exempt from the  
17 reduction. The reduction of the individual  
18 appropriations shall be determined by the department  
19 of management in consultation with the affected  
20 departments and agencies on the basis of the expected  
21 expenditures for such items by the affected state  
22 department or agency for the fiscal year without the  
23 reduction required by this section. The specific  
24 amount that each individual appropriation is reduced  
25 shall be outlined in a memorandum prepared by the  
26 department of management which shall be submitted to  
27 the general assembly and legislative services agency  
28 within 30 days of the effective date of this section  
29 of this Act. The reduction of an individual  
30 appropriation pursuant to this section shall be  
31 applied prior to any reductions in full-time  
32 equivalent positions. The reduction of an individual  
33 appropriation pursuant to this section shall be in  
34 addition to any other reduction required by law and  
35 general fund appropriations reduced pursuant to this  
36 section shall not be expended for any other purposes  
37 but shall be retained in the general fund of the  
38 state."  
39 2. By renumbering as necessary.

Roll call was requested by Raecker of Polk and Worthan of Buena Vista.

On the question "Shall amendment H-1606 be adopted?" (S.F. 475)

The ayes were, 41:

Alons	Anderson	Arnold	Cownie
De Boef	Deyoe	Dolecheck	Drake
Forristall	Grassley	Hagenow	Heaton
Helland	Horbach	Huseman	Kaufmann
Koester	Lukan	May	Miller, L.
Olson, S.	Pettengill	Raecker	Rants
Rayhons	Roberts	Sands	Schulte
Schultz	Soderberg	Sorenson	Struyk
Sweeney	Tjepkes	Tymeson	Upmeyer
Van Engelenhoven	Wagner	Watts	Windschitl
Worthan			

The nays were, 52:

Abdul-Samad	Bailey	Beard	Bell
Berry	Bukta	Burt	Cphoon
Ficken	Ford	Frevert	Gaskill
Gayman	Heddens	Hunter	Huser
Isenhardt	Jacoby	Kearns	Kelley
Kressig	Kuhn	Lensing	Marek
Mascher	Mertz	Miller, H.	Oldson
Olson, D.	Palmer	Petersen	Quirk
Reasoner	Reichert	Schueller	Shomshor
Smith	Steckman	Swaim	Taylor, D.
Taylor, T.	Thede	Thomas	Wendt
Wenthe	Wessel-Kroeschell	Whitaker	Whitead
Willems	Winckler	Zirkelbach	Olson, T., Presiding

Absent or not voting, 7:

Baudler	Chambers	Lykam	McCarthy
Murphy, Spkr.	Olson, R.	Paulsen	

Amendment H-1606 lost.

Tjepkes of Webster asked and received unanimous consent to withdraw amendment H-1607 filed by him on April 14, 2009.

Anderson of Page asked and received unanimous consent to withdraw amendment H-1608 filed by him on April 14, 2009.

Anderson of Page offered the following amendment H-1609 filed by him and moved its adoption:

H-1609

1 Amend Senate File 475, as passed by the Senate, as  
 2 follows:  
 3 1. Page 21, by inserting after line 1 the  
 4 following:  
 5 "Sec. \_\_\_\_ EXPENDITURES FOR CELLULAR TELEPHONES  
 6 AND PERSONAL DIGITAL ASSISTANTS PROHIBITED.  
 7 Notwithstanding any provision to the contrary, other  
 8 than for employees covered under a collective  
 9 bargaining agreement, employees performing  
 10 inspections, or employees whose use of the devices  
 11 addressed by this section is critical in the execution  
 12 of the duties of the employee, or employees who are  
 13 otherwise normally performing their primary duties  
 14 away from a fixed location more than 70 percent of the  
 15 time, for the fiscal year beginning July 1, 2009, a  
 16 department receiving appropriations in this Act shall  
 17 not expend moneys appropriated from the general fund  
 18 of the state to pay for or reimburse the initial or  
 19 associated service costs for cellular telephones,  
 20 personal digital assistant devices, or handheld  
 21 computers. However, the executive council may  
 22 authorize an exception on a case-by-case basis, to  
 23 address an emergency situation for a period of time  
 24 not more than three consecutive calendar months in  
 25 length or to complete the minimum period specified  
 26 under the terms of a lease or contract."  
 27 2. By renumbering as necessary.

Roll call was requested by Anderson of Page and Worthan of Buena Vista.

On the question "Shall amendment H-1609 be adopted?" (S.F. 475)

The ayes were, 41:

Alons	Anderson	Arnold	Cownie
De Boef	Deyoe	Dolecheck	Drake
Forristall	Grassley	Hagenow	Heaton
Helland	Horbach	Huseman	Kaufmann
Koester	Lukan	May	Miller, L.
Olson, S.	Pettengill	Raecker	Rants
Rayhons	Roberts	Sands	Schulte
Schultz	Soderberg	Sorenson	Struyk
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	Heddens	Hunter	Huser
Isenhardt	Jacoby	Kearns	Kelley
Kressig	Kuhn	Lensing	Marek
Mascher	Miller, H.	Oldson	Olson, D.
Olson, R.	Palmer	Petersen	Quirk
Reasoner	Reichert	Schueller	Shomshor
Smith	Steckman	Swaim	Taylor, D.
Taylor, T.	Thede	Thomas	Wendt
Wenthe	Wessel-Kroeschell	Whitaker	Whitead
Willems	Winckler	Zirkelbach	Olson, T., Presiding

Absent or not voting, 7:

Baudler	Chambers	Lykam	McCarthy
Mertz	Murphy, Spkr.	Paulsen	

Amendment H-1609 lost.

Alons of Sioux offered the following amendment H-1610 filed by him and moved its adoption:

H-1610

1 Amend Senate File 475, as passed by the Senate, as  
 2 follows:  
 3 1. Page 21, by inserting after line 1 the  
 4 following:  
 5 "Sec.\_\_\_\_. CORRECTIONAL OFFICER AND PEACE OFFICER  
 6 – PRIORITY. As a condition of receiving an  
 7 appropriation in this Act, the department of  
 8 corrections and the department of public safety shall  
 9 make every effort to preserve correctional officer and  
 10 peace officer positions through the reduction of  
 11 administrative and related overhead costs."

Roll call was requested by Alons of Sioux and Raecker of Polk.

On the question "Shall amendment H-1610 be adopted?" (S.F. 475)

The ayes were, 93:

Abdul-Samad	Alons	Anderson	Arnold
Bailey	Beard	Bell	Berry
Bukta	Burt	Cohoon	Cownie

De Boef	Deyoe	Dolecheck	Drake
Ficken	Ford	Forristall	Frevort
Gaskill	Gayman	Grassley	Hagenow
Heaton	Heddens	Helland	Horbach
Hunter	Huseman	Huser	Isenhart
Jacoby	Kaufmann	Kearns	Kelley
Koester	Kressig	Kuhn	Lensing
Lukan	Marek	Mascher	May
Mertz	Miller, H.	Miller, L.	Oldson
Olson, D.	Olson, R.	Olson, S.	Palmer
Petersen	Pettengill	Quirk	Raecker
Rants	Rayhons	Reasoner	Reichert
Roberts	Sands	Schueller	Schulte
Schultz	Smith	Soderberg	Sorenson
Steckman	Struyk	Swaim	Sweeney
Taylor, D.	Taylor, T.	Thede	Thomas
Tjepkes	Tymeson	Upmeyer	Van Engelenhoven
Wagner	Watts	Wendt	Wenthe
Wessel-Kroeschell	Whitaker	Whitead	Willems
Winckler	Windschitl	Worthan	Zirkelbach
Olson, T., Presiding			

The nays were, none.

Absent or not voting, 7:

Baudler	Chambers	Lykam	McCarthy
Murphy, Spkr.	Paulsen	Shomshor	

Amendment H-1610 was adopted.

Tjepkes of Webster asked and received unanimous consent to withdraw amendment H-1611 filed by him on April 14, 2009.

Reichert of Muscatine offered amendment H-1612 filed by him as follows:

H-1612

- 1 Amend Senate File 475, as passed by the Senate, as
- 2 follows:
- 3 1. Page 21, by inserting after line 1 the
- 4 following:
- 5 "Sec. \_\_\_\_ DEPARTMENT OF ADMINISTRATIVE SERVICES
- 6 – MULTIPLE SOURCE OFFICE FURNITURE CONTRACT.
- 7 1. The department of administrative services
- 8 shall, as soon as practicable, utilize a request for
- 9 proposals process to establish a multiple source
- 10 purchasing contract or contracts pursuant to section

11 8A.311, subsection 23, to allow governmental entities,  
12 as defined in section 8A.101, to purchase office  
13 furniture. The request for proposals shall indicate  
14 to prospective vendors that purchases from a contract  
15 shall be subject to the requirements of section  
16 904.808.

17 2. The request for proposals shall express a  
18 preference for awarding a contract or contracts to an  
19 Iowa-based furniture manufacturer consistent with the  
20 preference requirements of section 8A.311, subsection

21 1. In addition, the multiple source contract or  
22 contracts shall provide that furniture manufacturers  
23 make available to Iowa state industries, for purchase  
24 or for acquisition under applicable warranty and  
25 provisions, suitable materials to refurbish and  
26 recycle office furniture obtained from the  
27 manufacturer pursuant to the contract or contracts so  
28 as to extend the useful life of the furniture. The  
29 multiple source contract or contracts shall provide  
30 that governmental entities, as defined in section  
31 8A.101, shall be allowed to purchase, subject to the  
32 requirements of section 904.808, office furniture  
33 included in the contract."

34 2. Page 21, by inserting before line 2 the  
35 following:

36 "Sec. \_\_\_\_ Section 8A.311, Code 2009, is amended  
37 by adding the following new subsection:  
38 NEW SUBSECTION. 23. The director may establish  
39 through a competitive selection process a multiple  
40 source office furniture purchasing contract for  
41 governmental entities, excluding institutions under  
42 the control of the state board of regents, and shall  
43 adopt rules governing the process for the governmental  
44 entities to purchase through the contract. The  
45 director may also enter into an agreement with the  
46 state board of regents to allow governmental entities  
47 to purchase, subject to the requirements of this  
48 subsection, office furniture under contracts  
49 established by an institution under the control of the  
50 state board of regents if the institution authorizes

Page 2

1 the purchase. The rules shall provide that  
2 governmental entities notify the department if the  
3 governmental entity is purchasing office furniture or  
4 is entering into a construction contract in which  
5 acquisition of office furniture is included. The  
6 rules shall provide that the department, upon receipt  
7 of notification from a governmental entity, shall,  
8 within two business days, notify Iowa state industries  
9 which shall determine whether, pursuant to section

10 904.808, the governmental entity can purchase from the  
 11 multiple source office furniture purchasing contract  
 12 or an office furniture contract established by an  
 13 institution under the control of the state board of  
 14 regents. Governmental entities who purchase office  
 15 furniture pursuant to a contract established by the  
 16 department or an institution under the control of the  
 17 state board of regents shall be deemed to satisfy any  
 18 otherwise applicable competitive bidding  
 19 requirements."  
 20 3. By renumbering as necessary.

Reichert of Muscatine offered the following amendment H-1624, to amendment H-1612, filed by him from the floor and moved its adoption:

H-1624

1 Amend the amendment, H-1612, to Senate File 475, as  
 2 passed by the Senate, as follows:  
 3 1. Page 1, line 44, by inserting after the word  
 4 "contract" the following: ", subject to the  
 5 requirements of section 904.808".  
 6 2. Page 1, line 48, by inserting after the word  
 7 "subsection" the following: "and section 904.808".  
 8 3. Page 2, line 2, by inserting after the word  
 9 "department" the following: ", at least ninety days  
 10 prior to purchase,".

Amendment H-1624 was adopted.

Reichert of Muscatine moved the adoption of amendment H-1612, as amended.

Roll call was requested by Raecker of Polk and Upmeyer of Hancock.

On the question "Shall amendment H-1612 be adopted?" (S.F. 475)

The ayes were, 95:

Alons	Anderson	Arnold	Bailey
Beard	Bell	Berry	Bukta
Burt	Cohoon	Cownie	De Boef
Deyoe	Dolecheck	Drake	Ficken
Ford	Forristall	Frevert	Gaskill
Gayman	Grassley	Hagenow	Heaton
Heddens	Helland	Horbach	Hunter

Huseman	Huser	Isenhardt	Jacoby
Kaufmann	Kearns	Kelley	Koester
Kressig	Kuhn	Lensing	Lukan
Lykam	Marek	Mascher	May
McCarthy	Mertz	Miller, L.	Murphy, Spkr.
Oldson	Olson, D.	Olson, R.	Olson, S.
Palmer	Paulsen	Pettengill	Quirk
Raecker	Rants	Rayhons	Reasoner
Reichert	Roberts	Sands	Schueller
Schulte	Schultz	Shomshor	Smith
Soderberg	Sorenson	Steckman	Struyk
Swaim	Sweeney	Taylor, D.	Taylor, T.
Thede	Thomas	Tjepkes	Tymeson
Upmeyer	Van Engelenhoven	Wagner	Watts
Wendt	Wenthe	Wessel-Kroeschell	Whitaker
Whitead	Willems	Winckler	Windschitl
Worthan	Zirkelbach	Olson, T., Presiding	

The nays were, 1:

Petersen

Absent or not voting, 4:

Abdul-Samad	Baudler	Chambers	Miller, H.
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Amendment H-1612, as amended, was adopted.

Worthan of Buena Vista offered the following amendment H-1613 filed by him and moved its adoption:

H-1613

1 Amend Senate File 475, as passed by the Senate, as  
 2 follows:  
 3 1. Page 21, by inserting after line 1 the  
 4 following:  
 5 "Sec.\_\_\_\_. EXPENSE REIMBURSEMENT – REQUIREMENTS.  
 6 Notwithstanding any provision to the contrary, for the  
 7 fiscal year beginning July 1, 2009, and ending June  
 8 30, 2010, the director of a department or state agency  
 9 to which appropriations are made pursuant to the  
 10 provisions of this Act shall require employees, in  
 11 order to receive reimbursement for expenses, to submit  
 12 actual receipts for meals and other costs.  
 13 Reimbursement up to the maximum amount shall only be  
 14 allowed in an amount equal to the sum of the actual  
 15 receipts submitted."  
 16 2. By renumbering as necessary.

Roll call was requested by Worthan of Buena Vista and Zirkelbach of Jones.

On the question "Shall amendment H-1613 be adopted?" (S.F. 475)

The ayes were, 42:

Alons	Anderson	Arnold	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, 55:

Bailey	Beard	Bell	Berry
Bukta	Burt	Cphoon	Ficken
Ford	Frevert	Gaskill	Gayman
Heddens	Hunter	Huser	Isenhart
Jacoby	Kearns	Kelley	Kressig
Kuhn	Lensing	Lykam	Marek
Mascher	McCarthy	Mertz	Miller, H.
Murphy, Spkr.	Oldson	Olson, D.	Olson, R.
Palmer	Petersen	Quirk	Reasoner
Reichert	Schueller	Shomshor	Smith
Steckman	Swaim	Taylor, D.	Taylor, T.
Thede	Thomas	Wendt	Wenthe
Wessel-Kroeschell	Whitaker	Whitead	Willems
Winckler	Zirkelbach	Olson, T., Presiding	

Absent or not voting, 3:

Abdul-Samad	Baudler	Chambers
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Amendment H-1613 lost.

Anderson of Page asked and received unanimous consent to suspend the rules for the immediate consideration of amendment H-1622.

Anderson of Page offered the following amendment H-1622 filed by him from the floor and moved its adoption:

H-1622

1 Amend Senate File 475, as passed by the Senate, as  
 2 follows:  
 3 1. Page 4, by inserting after line 26 the  
 4 following:  
 5 "As a condition of receiving the appropriation in  
 6 this paragraph "g", the inmates housed at the Clarinda  
 7 lodge shall be transferred to correctional facilities  
 8 other than the Clarinda correctional facility on or  
 9 before the effective date of this Act."

Speaker Murphy in the chair at 1:00 p.m.

Roll call was requested by Anderson of Page and Raecker of Polk.

On the question "Shall amendment H-1622 be adopted?" (S.F. 475)

The ayes were, 44:

Alons	Anderson	Arnold	Baudler
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	Swaim	Sweeney
Tjepkes	Tymeson	Upmeyer	Van Engelenhoven
Wagner	Watts	Windschitl	Worthan

The nays were, 54:

Bailey	Beard	Bell	Berry
Bukta	Burt	Cohoon	Ficken
Ford	Frevert	Gaskill	Gayman
Heddens	Hunter	Huser	Isenhardt
Jacoby	Kearns	Kelley	Kressig
Kuhn	Lensing	Lykam	Marek
Mascher	McCarthy	Mertz	Miller, H.
Oldson	Olson, D.	Olson, R.	Olson, T.
Palmer	Petersen	Quirk	Reasoner
Reichert	Schueller	Shomshor	Smith
Steckman	Taylor, D.	Taylor, T.	Thede
Thomas	Wendt	Wenthe	Wessel-Kroeschell
Whitaker	Whitead	Willems	Winckler
Zirkelbach	Mr. Speaker Murphy		

Absent or not voting, 2:

Abdul-Samad            Chambers

Amendment H-1622 lost.

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.

On the question "Shall the bill pass?" (S.F. 475)

The ayes were, 55:

Bailey	Beard	Bell	Berry
Bukta	Burt	Cphoon	Ficken
Ford	Frevert	Gaskill	Gayman
Heddens	Hunter	Huser	Isenhardt
Jacoby	Kearns	Kelley	Kressig
Kuhn	Lensing	Lykam	Marek
Mascher	McCarthy	Mertz	Miller, H.
Oldson	Olson, D.	Olson, R.	Olson, T.
Palmer	Petersen	Quirk	Reasoner
Reichert	Schueller	Shomshor	Smith
Steckman	Swaim	Taylor, D.	Taylor, T.
Thede	Thomas	Wendt	Wenthe
Wessel-Kroeschell	Whitaker	Whitead	Willems
Winckler	Zirkelbach	Mr. Speaker	
		Murphy	

The nays were, 43:

Alons	Anderson	Arnold	Baudler
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	

Absent or not voting, 2:

Abdul-Samad            Chambers



The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

#### ADOPTION OF HOUSE RESOLUTION 37

Raecker of Polk, Helland of Polk and Ford of Polk called up for consideration **House Resolution 37**, a resolution commemorating the 100<sup>th</sup> anniversary of the Drake Relays, and moved its adoption.

The motion prevailed and the resolution was adopted.

#### INTRODUCTION OF BILL

**House File 825**, by committee on government oversight, a bill for an act relating to regulatory requirements involving boarding homes and dependent adults and providing an appropriation and a penalty.

Read first time and referred to committee on **appropriations**.

On motion by McCarthy of Polk, the House was recessed at 1:21 p.m., until 2:00 p.m.

#### AFTERNOON SESSION

The House reconvened at 2:10 p.m., Bukta of Clinton 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.

#### SENATE AMENDMENT CONSIDERED

Lensing of Johnson called up for consideration **Senate File 137**, a bill for an act providing that wage discrimination is an unfair employment practice under the Iowa civil rights Act and providing an enhanced remedy, amended by the House, further amended by the Senate and moved that the House concur in the following Senate amendment H-1453 to the House amendment:

H-1453

- 1 Amend the House amendment, S-3110, to Senate File
- 2 137, as passed by the Senate, as follows:
- 3 1. Page 1, line 19, by striking the words "and
- 4 wanton".

The motion prevailed and the House concurred in the Senate amendment H-1453, to the House amendment.

Lensing of Johnson moved that the bill, as amended by the House, further amended by the Senate and concurred in by the House, be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 137)

The ayes were, 87:

Anderson	Arnold	Bailey	Baudler
Beard	Bell	Berry	Burt
Cohoon	Cownie	Deyoe	Drake
Ficken	Forristall	Frevert	Gaskill
Gayman	Grassley	Hagenow	Heaton
Heddens	Helland	Horbach	Hunter
Huseman	Huser	Isenhart	Jacoby
Kaufmann	Kearns	Kelley	Koester
Kressig	Kuhn	Lensing	Lukan
Lykam	Marek	Mascher	May
Mertz	Miller, H.	Miller, L.	Murphy, Spkr.
Oldson	Olson, D.	Olson, R.	Olson, S.
Olson, T.	Palmer	Petersen	Quirk
Raecker	Rants	Rayhons	Roberts
Sands	Schueller	Schulte	Shomshor
Smith	Soderberg	Sorenson	Steckman
Struyk	Swaim	Sweeney	Taylor, D.
Taylor, T.	Thede	Thomas	Tjepkes
Tymeson	Upmeyer	Van Engelenhoven	Wagner
Watts	Wendt	Wenthe	Wessel-Kroeschell
Whitaker	Whitead	Willems	Winckler
Windschitl	Zirkelbach	Bukta,	
		Presiding	

The nays were, 7:

Alons	De Boef	Dolecheck	Paulsen
Pettengill	Schultz	Worthan	

Absent or not voting, 6:

Abdul-Samad	Chambers	Ford	McCarthy
Reasoner	Reichert		

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

Speaker Murphy in the chair at 2:42 p.m.

### Unfinished Business Calendar

**House File 814**, a bill for an act modifying provisions applicable to facilities qualifying for wind energy production and renewable energy tax credits and including effective and retroactive applicability provisions, was taken up for consideration.

### SENATE FILE 456 SUBSTITUTED FOR HOUSE FILE 814

Lensing of Johnson asked and received unanimous consent to substitute Senate File 456 for House File 814.

**Senate File 456**, a bill for an act modifying provisions applicable to facilities qualifying for wind energy production and renewable energy tax credits and including effective and retroactive applicability date provisions, was taken up for consideration.

Lensing 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. 456)

The ayes were, 94:

Alons	Anderson	Arnold	Bailey
Baudler	Beard	Bell	Berry
Bukta	Burt	Cohon	Cownie
De Boef	Deyoe	Dolecheck	Drake
Ficken	Forristall	Frevert	Gaskill
Gayman	Grassley	Hagenow	Heaton
Heddens	Helland	Horbach	Huseman
Huser	Isenhardt	Jacoby	Kaufmann
Kearns	Kelley	Koester	Kressig
Kuhn	Lensing	Lukan	Lykam

Marek	Mascher	May	Mertz
Miller, H.	Miller, L.	Oldson	Olson, D.
Olson, R.	Olson, S.	Olson, T.	Palmer
Paulsen	Petersen	Pettengill	Quirk
Raecker	Rants	Rayhons	Reasoner
Reichert	Roberts	Sands	Schueller
Schulte	Schultz	Shomshor	Smith
Soderberg	Sorenson	Steckman	Struyk
Swaim	Sweeney	Taylor, D.	Taylor, T.
Thede	Thomas	Tjepkes	Tymeson
Upmeyer	Van Engelenhoven	Wagner	Wendt
Wenthe	Wessel-Kroeschell	Whitaker	Whitead
Willems	Winckler	Windschitl	Worthan
Zirkelbach	Mr. Speaker		
	Murphy		

The nays were, 2:

Hunter	Watts
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Absent or not voting, 4:

Abdul-Samad	Chambers	Ford	McCarthy
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The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

### HOUSE FILE 814 WITHDRAWN

Lensing of Johnson asked and received unanimous consent to withdraw House File 814 from further consideration by the House.

**House File 810**, a bill for an act providing for the establishment of small wind innovation zones, providing for the applicability of tax credits, and including effective and retroactive applicability date provisions, was taken up for consideration.

D. Olson of Boone offered the following amendment H-1558 filed by him and moved its adoption:

H-1558

- 1 Amend House File 810 as follows:
- 2 1. Page 3, by striking lines 2 through 4 and
- 3 inserting the following: "shall qualify for the
- 4 renewable energy tax credit pursuant to chapter 476C."
- 5 2. By striking page 3, line 13, through page 5,

- 6 line 16.  
7 3. By renumbering as necessary.

Amendment H-1558 was adopted.

D. Olson of Boone moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 810)

The ayes were, 96:

Alons	Anderson	Arnold	Bailey
Baudler	Beard	Bell	Berry
Bukta	Burt	Cphoon	Cownie
De Boef	Deyoe	Dolecheck	Drake
Ficken	Forristall	Frevert	Gaskill
Gayman	Grassley	Hagenow	Heaton
Heddens	Helland	Horbach	Hunter
Huseman	Huser	Isenhardt	Jacoby
Kaufmann	Kearns	Kelley	Koester
Kressig	Kuhn	Lensing	Lukan
Lykam	Marek	Mascher	May
Mertz	Miller, H.	Miller, L.	Oldson
Olson, D.	Olson, R.	Olson, S.	Olson, T.
Palmer	Paulsen	Petersen	Pettengill
Quirk	Raecker	Rants	Rayhons
Reasoner	Reichert	Roberts	Sands
Schueller	Schulte	Schultz	Shomshor
Smith	Soderberg	Sorenson	Steckman
Struyk	Swaim	Sweeney	Taylor, D.
Taylor, T.	Thede	Thomas	Tjepkes
Tymeson	Upmeyer	Van Engelenhoven	Wagner
Watts	Wendt	Wenthe	Wessel-Kroeschell
Whitaker	Whitead	Willems	Winckler
Windschitl	Worthan	Zirkelbach	Mr. Speaker Murphy

The nays were, none.

Absent or not voting, 4:

Abdul-Samad	Chambers	Ford	McCarthy
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The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

**House File 817**, a bill for an act relating to the research activities tax credit for innovative renewable energy generation components and making an appropriation and providing applicability date provisions, was taken up for consideration.

Wendt of Woodbury 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. 817)

The ayes were, 95:

Alons	Anderson	Arnold	Bailey
Baudler	Beard	Bell	Berry
Bukta	Burt	Cohoon	Cownie
De Boef	Deyoe	Dolecheck	Drake
Ficken	Forristall	Frevert	Gaskill
Gayman	Grassley	Hagenow	Heaton
Heddens	Helland	Horbach	Huseman
Huser	Isenhardt	Jacoby	Kaufmann
Kearns	Kelley	Koester	Kressig
Kuhn	Lensing	Lukan	Lykam
Marek	Mascher	May	Mertz
Miller, H.	Miller, L.	Oldson	Olson, D.
Olson, R.	Olson, S.	Olson, T.	Palmer
Paulsen	Petersen	Pettengill	Quirk
Raecker	Rants	Rayhons	Reasoner
Reichert	Roberts	Sands	Schueller
Schulte	Schultz	Shomshor	Smith
Soderberg	Sorenson	Steckman	Struyk
Swaim	Sweeney	Taylor, D.	Taylor, T.
Thede	Thomas	Tjepkes	Tymeson
Upmeyer	Van Engelenhoven	Wagner	Watts
Wendt	Wenthe	Wessel-Kroeschell	Whitaker
Whitead	Willems	Winckler	Windschitl
Worthan	Zirkelbach	Mr. Speaker	
		Murphy	

The nays were, 1:

Hunter

Absent or not voting, 4:

Abdul-Samad	Chambers	Ford	McCarthy
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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

Whitaker of Van Buren asked and received unanimous consent that the following bills be immediately messaged to the Senate: **House Files 810 and 817 and Senate Files 456 and 475.**

The House stood at ease at 3:14 p.m., until the fall of the gavel.

The House resumed session at 5:00 p.m., T. Olson of Linn 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 April 15, 2009, passed the following bill in which the concurrence of the Senate was asked:

House File 722, a bill for an act relating to regulation of certain conservation and recreation activities under the jurisdiction of the department of natural resources, modifying fees, establishing an upland game bird study advisory committee, making penalties applicable, and providing an immediate effective date.

Also: That the Senate has on April 15, 2009, passed the following bill in which the concurrence of the House is asked:

Senate File 116, a bill for an act providing that the casual sales exemption under the state sales tax does not apply to the sales of all-terrain vehicles, snowmobiles, off-road motorcycles, and off-road utility vehicles.

Also: That the Senate has on April 15, 2009, passed the following bill in which the concurrence of the House is asked:

Senate File 484, a bill for an act relating to regulatory requirements involving boarding homes and dependent adults and providing an appropriation and a penalty.

MICHAEL E. MARSHALL, Secretary

## SENATE MESSAGE CONSIDERED

**Senate File 484**, by committee on government oversight, a bill for an act relating to regulatory requirements involving boarding homes and dependent adults and providing an appropriation and a penalty.

Read first time and referred to committee on **appropriations.**

## SENATE AMENDMENT CONSIDERED

Burt of Black Hawk called up for consideration **House File 705**, a bill for an act concerning community safe rooms and storm shelters in newly constructed public buildings, amended by the Senate, and moved that the House concur in the following Senate amendment H-1440:

H-1440

1 Amend House File 705, as amended, passed, and  
2 reprinted by the House, as follows:  
3 1. Page 1, line 3, by striking the word  
4 "community".  
5 2. Page 1, line 5, by striking the word  
6 "COMMUNITY".  
7 3. Page 1, line 11, by striking the word  
8 "community".  
9 4. Page 1, line 16, by striking the word  
10 "community".  
11 5. Page 1, line 18, by striking the word  
12 "authorized" and inserting the following: "required".  
13 6. Page 1, line 20, by striking the word  
14 "community".  
15 7. Page 1, line 22, by striking the figure "2010"  
16 and inserting the following: "2011".  
17 8. Page 1, by inserting after line 24 the  
18 following:  
19 "The commissioner may provide education and  
20 training to promote the use of best practices in the  
21 design, construction, and maintenance of buildings,  
22 safe rooms, and shelters to reduce the risk of  
23 personal injury from tornadoes or other severe  
24 weather.  
25 Sec.\_\_\_\_. STATE BUILDING CODE – SAFE ROOMS AND  
26 STORM SHELTERS – RULEMAKING. The initial  
27 administrative rules required to be adopted pursuant  
28 to section 103A.8C, as enacted by this Act, shall be  
29 adopted by the state building code commissioner on or  
30 after February 1, 2010, but no later than April 1,  
31 2010, and shall not become effective prior to July 1,  
32 2010.  
33 Sec.\_\_\_\_. SAFE ROOMS AND STORM SHELTERS – BEST  
34 PRACTICES REVIEW – REPORT. The state building code  
35 commissioner, in cooperation with the department of  
36 public defense, the department of natural resources,  
37 and the rebuild Iowa office, shall review and assess  
38 best practices in the design, construction, and  
39 maintenance of buildings, safe rooms, and storm  
40 shelters to reduce the risk of personal injury from



41 tornadoes and other severe weather. The commissioner  
 42 shall report the findings of the review and assessment  
 43 to the governor and the general assembly by December  
 44 15, 2009. The review and assessment shall be  
 45 conducted as part of the rulemaking process for the  
 46 initial rulemaking required pursuant to this Act and  
 47 section 103A.8C, as enacted by this Act, and shall  
 48 include public comment received during that process."  
 49 9. Title page, line 1, by striking the word  
 50 "community".

Page 2

1 10. Title page, line 2, by striking the word  
 2 "public".  
 3 11. By renumbering as necessary.

The motion prevailed and the House concurred in the Senate amendment H-1440.

Burt of Black Hawk moved that the bill, as amended by the Senate and concurred in by the House, be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 705)

The ayes were, 97:

Abdul-Samad	Alons	Anderson	Arnold
Bailey	Baudler	Beard	Bell
Berry	Bukta	Burt	Cohoon
Cownie	De Boef	Deyoe	Dolecheck
Drake	Ficken	Forristall	Frevert
Gaskill	Gayman	Grassley	Hagenow
Heaton	Heddens	Helland	Horbach
Hunter	Huseman	Huser	Isenhardt
Kaufmann	Kearns	Kelley	Koester
Kressig	Kuhn	Lensing	Lukan
Lykam	Marek	Mascher	May
McCarthy	Mertz	Miller, H.	Miller, L.
Murphy, Spkr.	Oldson	Olson, D.	Olson, R.
Olson, S.	Palmer	Paulsen	Petersen
Pettengill	Quirk	Raecker	Rants
Rayhons	Reasoner	Reichert	Roberts
Sands	Schueller	Schulte	Schultz
Shomshor	Smith	Soderberg	Sorenson
Steckman	Struyk	Swaim	Sweeney
Taylor, D.	Taylor, T.	Thede	Thomas

Tjepkes	Tymeson	Upmeyer	Van Engelenhoven
Wagner	Watts	Wendt	Wenthe
Wessel-Kroeschell	Whitaker	Whitead	Willems
Winckler	Windschitl	Worthan	Zirkelbach
Olson, T., Presiding			

The nays were, none.

Absent or not voting, 3:

Chambers	Ford	Jacoby
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The bill having received a constitutional majority was declared to have passed the House and the title, as amended, was agreed to.

### Unfinished Business Calendar

**House File 818**, a bill for an act relating to the eligibility for tax credits and income reductions for qualified expenditures under the film, television, and video project promotion program, providing for a fee, and providing an applicability date provision, was taken up for consideration.

Horbach of Tama offered the following amendment H-1540 filed by him and moved its adoption:

H-1540

- 1 Amend House File 818 as follows:
- 2 1. Page 1, lines 11 and 12, by striking the words
- 3 "used to administer the program" and inserting the
- 4 following: "deposited in the general fund of the
- 5 state".

Amendment H-1540 lost.

Thomas of Clayton offered the following amendment H-1603 filed by him and moved its adoption:

H-1603

- 1 Amend House File 818 as follows:
- 2 1. Page 1, by inserting before line 15 the
- 3 following:
- 4 "Sec. \_\_\_\_ Section 15.393, subsection 2, paragraph
- 5 a, subparagraph (1), Code 2009, is amended to read as

6 follows:

7 (1) For tax years beginning on or after January 1,  
8 2007, a qualified expenditure tax credit shall be  
9 allowed against the taxes imposed in chapter 422,  
10 divisions II, III, and V, and in chapter 432, and  
11 against the moneys and credits tax imposed in section  
12 533.329, for a portion of a taxpayer's qualified  
13 expenditures in a project registered under the  
14 program. The tax credit shall equal an amount not to  
15 exceed twenty-five percent of the qualified  
16 expenditures on a project. The department may  
17 negotiate the amount of the tax credit. An individual  
18 may claim a tax credit under this paragraph "a" of a  
19 partnership, limited liability company, S corporation,  
20 estate, or trust electing to have income taxed  
21 directly to the individual. The amount claimed by the  
22 individual shall be based upon the pro rata share of  
23 the individual's earnings from the partnership,  
24 limited liability company, S corporation, estate, or  
25 trust. Any tax credit in excess of the taxpayer's  
26 liability for the tax year may be credited to the tax  
27 liability for the following five years or until  
28 depleted, whichever is earlier. A tax credit shall  
29 not be carried back to a tax year prior to the tax  
30 year in which the taxpayer claims the tax credit."

31 2. Page 2, line 35, by inserting after the word  
32 "eligible" the following: "and negotiable".

33 3. Page 3, by inserting before line 1 the  
34 following:

35 "Sec. \_\_\_\_ Section 15.393, subsection 2, paragraph  
36 b, subparagraph (1), Code 2009, is amended to read as  
37 follows:

38 (1) For tax years beginning on or after January 1,  
39 2007, an investment tax credit shall be allowed  
40 against the taxes imposed in chapter 422, divisions  
41 II, III, and V, and in chapter 432, and against the  
42 moneys and credits tax imposed in section 533.329, for  
43 a portion of a taxpayer's investment in a project  
44 registered under the program. The tax credit shall  
45 equal ~~twenty five percent of the investment in the~~  
46 ~~project, except that the tax credit shall~~ an amount  
47 not to exceed twenty-five percent of the qualified  
48 expenditures on the project. The department may  
49 negotiate the amount of the tax credit. An individual  
50 may claim a tax credit under this paragraph of a

Page 2

1 partnership, limited liability company, S corporation,  
2 estate, or trust electing to have income taxed  
3 directly to the individual. The amount claimed by the  
4 individual shall be based upon the pro rata share of

5 the individual's earnings from the partnership,  
 6 limited liability company, S corporation, estate, or  
 7 trust. Any tax credit in excess of the taxpayer's  
 8 liability for the tax year may be credited to the tax  
 9 liability for the following five years or until  
 10 depleted, whichever is earlier. A tax credit shall  
 11 not be carried back to a tax year prior to the tax  
 12 year in which the taxpayer claims the tax credit. A  
 13 taxpayer shall not claim a tax credit under this  
 14 paragraph "b" for qualified expenditures for which a  
 15 tax credit is claimed under paragraph "a".  
 16 4. By renumbering as necessary.

Amendment H-1603 was adopted.

### SENATE FILE 480 SUBSTITUTED FOR HOUSE FILE 818

Thomas of Clayton asked and received unanimous consent to substitute Senate File 480 for House File 818.

**Senate File 480**, a bill for an act relating to the eligibility for tax credits and income reductions for qualified expenditures under the film, television, and video project promotion program, providing for a fee, and providing an applicability date provision, was taken up for consideration.

Thomas of Clayton 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. 480)

The ayes were, 96:

Abdul-Samad	Alons	Anderson	Arnold
Bailey	Baudler	Beard	Bell
Berry	Bukta	Burt	Cohoon
Cownie	De Boef	Deyoe	Dolecheck
Drake	Ficken	Forristall	Frevert
Gaskill	Gayman	Grassley	Hagenow
Heaton	Heddens	Helland	Horbach
Huseman	Huser	Isenhart	Kaufmann
Kearns	Kelley	Koester	Kressig
Kuhn	Lensing	Lukan	Lykam
Marek	Mascher	May	McCarthy
Mertz	Miller, H.	Miller, L.	Murphy, Spkr.
Oldson	Olson, D.	Olson, R.	Olson, S.

Palmer	Paulsen	Petersen	Pettengill
Quirk	Raecker	Rants	Rayhons
Reasoner	Reichert	Roberts	Sands
Schueller	Schulte	Schultz	Shomshor
Smith	Soderberg	Sorenson	Steckman
Struyk	Swaim	Sweeney	Taylor, D.
Taylor, T.	Thede	Thomas	Tjepkes
Tymeson	Upmeyer	Van Engelenhoven	Wagner
Watts	Wendt	Wenthe	Wessel-Kroeschell
Whitaker	Whitead	Willems	Winckler
Windschitl	Worthan	Zirkelbach	Olson, T., Presiding

The nays were, 1:

Hunter

Absent or not voting, 3:

Chambers                      Ford                      Jacoby

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

### HOUSE FILE 818 WITHDRAWN

Thomas of Clayton asked and received unanimous consent to withdraw House File 818 from further consideration by the House.

### IMMEDIATE MESSAGES

McCarthy of Polk asked and received unanimous consent that the following bills be immediately messaged to the Senate: **House File 705** and **Senate File 480**.

McCarthy of Polk asked and received unanimous consent for meetings of the committee on appropriations and ways and means upon adjournment.

### MOTION TO RECONSIDER (Senate File 137)

I move to reconsider the vote by which Senate File 137 passed the House on April 15, 2009.

LENSING of Johnson

**BILLS ENROLLED, SIGNED AND SENT TO GOVERNOR**

The Chief Clerk of the House submitted the following report:

Mr. Speaker: The Chief Clerk of the House respectfully reports that the following bills have been examined and found correctly enrolled, signed by the Speaker of the House and the President of the Senate, and presented to the Governor for his approval on this 15 day of April, 2009: House Files 381, 672 and 707.

**MARK W. BRANDSGARD**  
Chief Clerk of the House

Report adopted.

**PRESENTATION OF VISITORS**

The Speaker announced that the following visitors were present in the House chamber:

The A.G.W.S.R. Girls State Champion Basketball Team, Ackley, Iowa, accompanied by Coach Dall and Assistant Coach Dan Karsjens. By Sweeney of Hardin and Heaton of Henry.

**COMMUNICATION RECEIVED**

The following communication was received and filed in the office of the Chief Clerk:

**DEPARTMENT OF EDUCATION**

Report on the Iowa Early Intervention Block Grant Program, pursuant to Chapter 256D.3, Code of Iowa.

**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

2009\3636 Sadie Kusters, Orange City – For celebrating her 90<sup>th</sup> birthday.

- 2009\3637 Nick Urban, Le Mars Troop 188 – For attaining the rank of Eagle Scout, the highest rank in the Boy Scouts of America.
- 2009\3638 Ryan DeVos, Le Mars Troop 188 – For attaining the rank of Eagle Scout, the highest rank in the Boy Scouts of America
- 2009\3639 Tyler Anderson, Le Mars Troop 188 – For attaining the rank of Eagle Scout, the highest rank in the Boy Scouts of America.
- 2009\3640 Andrew Thiesen, Le Mars Troop 188 – For attaining the rank of Eagle Scout, the highest rank in the Boy Scouts of America.
- 2009\3641 Alex Cook, Le Mars Troop 188 – For attaining the rank of Eagle Scout, the highest rank in the Boy Scouts of America.
- 2009\3642 Charles Varley, Jr., Stuart – For celebrating his 80<sup>th</sup> birthday.
- 2009\3643 Becky Olafsen, Monona – For her 36 years of dedicated service to the children of the Postville Community School District.
- 2009\3644 Donna Ginter, Dubuque – For celebrating her 80<sup>th</sup> birthday.
- 2009\3645 Bill and Barb Kelzer, Dubuque – For celebrating their 50<sup>th</sup> wedding anniversary.
- 2009\3646 Mabel and Richard Hafner, Dubuque – For celebrating their 72<sup>nd</sup> wedding anniversary.
- 2009\3647 John Koolstra, Hull – For celebrating his 75<sup>th</sup> birthday.
- 2009\3648 James Vander Sluis, Rock Valley – For celebrating his 75<sup>th</sup> birthday.
- 2009\3649 Paul Reinke, Larchwood – For celebrating his 75<sup>th</sup> birthday.
- 2009\3650 Agnes Scholten, Hull – For celebrating her 75<sup>th</sup> birthday.
- 2009\3651 Kathryn Slykhuis, Boyden – For celebrating her 75<sup>th</sup> birthday.
- 2009\3652 Doris Wiarda, Rock Rapids – For celebrating her 75<sup>th</sup> birthday.
- 2009\3653 Rallyn Van Beek, Sioux Center – For celebrating his 75<sup>th</sup> birthday.
- 2009\3654 Joanne Kringen, Rock Rapids – For celebrating her 75<sup>th</sup> birthday.
- 2009\3655 Elizabeth Arends, Little Rock – For celebrating her 75<sup>th</sup> birthday.
- 2009\3656 Herlon Vander Schaaf, Sioux Center – For celebrating his 75<sup>th</sup> birthday.
- 2009\3657 Ella De Gooyer, Sioux Center – For celebrating her 75<sup>th</sup> birthday.

- 2009\3658 Marlene Doherty, Larchwood – For celebrating her 75<sup>th</sup> birthday.
- 2009\3659 Henry Hoekstra, Hull – For celebrating his 75<sup>th</sup> birthday.
- 2009\3660 Ronald Hasche, Rock Rapids – For celebrating his 80<sup>th</sup> birthday.
- 2009\3661 Ann Vander Maten, Boyden – For celebrating her 80<sup>th</sup> birthday.
- 2009\3662 Ruth Horstman, Sioux Center – For celebrating her 80<sup>th</sup> birthday.
- 2009\3663 Harold Boer, Sioux Center – For celebrating his 80<sup>th</sup> birthday.
- 2009\3664 David Visser, George – For celebrating his 80<sup>th</sup> birthday.
- 2009\3665 Alydia Post, Rock Valley – For celebrating her 85<sup>th</sup> birthday.
- 2009\3666 Martin Halma, Inwood – For celebrating his 85<sup>th</sup> birthday.
- 2009\3667 Wallace Mouw, Sioux Center – For celebrating his 85<sup>th</sup> birthday.
- 2009\3668 Dolores Lens, Inwood – For celebrating her 90<sup>th</sup> birthday.
- 2009\3669 Gustave Streyle, Hull – For celebrating his 90<sup>th</sup> birthday.
- 2009\3670 Jacob Weerheim, Rock Rapids – For celebrating his 90<sup>th</sup> birthday.
- 2009\3671 Joan Kooiker, Orange City – For celebrating her 90<sup>th</sup> birthday.
- 2009\3672 George Jansen, George – For celebrating his 95<sup>th</sup> birthday.
- 2009\3673 Jim and Anita Snook, Derby – For celebrating their 50<sup>th</sup> wedding anniversary.
- 2009\3674 Richard and Jane Hullinger, Humeston – For celebrating their 50<sup>th</sup> wedding anniversary.
- 2009\3675 Kelly Barnes, Chariton – For celebrating his 75<sup>th</sup> birthday.

#### SUBCOMMITTEE ASSIGNMENTS

##### **House File 825**

Appropriations: Jacoby, Chair; Heddens and Watts.

##### **Senate File 459**

Ways and Means: D. Olson, Chair; Helland and Isenhart.

##### **Senate File 466**

Ways and Means: Willems, Chair; Isenhart and Wagner.



**Senate File 479**

Ways and Means: Isenhart, Chair; Grassley and Willems.

**COMMITTEE RECOMMENDATION**

**MR. SPEAKER:** The Chief Clerk of the House respectfully reports that the following committee recommendation has been received and is on file in the office of the Chief Clerk.

**MARK W. BRANDSGARD**  
Chief Clerk of the House

**COMMITTEE ON GOVERNMENT OVERSIGHT**

**Committee Bill** (Formerly House Study Bill 289), relating to regulatory requirements involving boarding homes and dependent adults and providing a penalty.

Fiscal Note is not required.

Recommended **Amend and Do Pass** April 15, 2009.

**RESOLUTION FILED**

**HCR 8**, by Paulsen, a concurrent resolution to suspend joint rule 20 of the joint rules of the Senate and House of Representatives for the Eighty-third General Assembly to allow for the consideration of House Joint resolution 6.

Referred to committee on **administration and rules**.

**AMENDMENTS FILED**

H—1623	H.F.	813	Gaskill of Wapello
H—1625	H.F.	819	Rants of Woodbury
H—1626	S.F.	344	Raecker of Polk
H—1627	S.F.	344	Paulsen of Linn
H—1628	S.F.	344	Kaufmann of Cedar
H—1629	H.F.	756	Isenhart of Dubuque
			Kearns of Lee
			Bukta of Clinton
			Beard of Winneshiek
			Reichert of Muscatine

Gayman of Scott  
Winckler of Scott  
Lykam of Scott

Thede of Scott  
Cohon of Des Moines

On motion by McCarthy of Polk the House adjourned at 5:31 p.m., until 9:00 a.m., Thursday, April 16, 2009.

# JOURNAL OF THE HOUSE

Ninety-fifth Calendar Day - Sixty-third Session Day

Hall of the House of Representatives  
Des Moines, Iowa, Thursday, April 16, 2009

The House met pursuant to adjournment at 9:18 a.m., Zirkelbach of Jones in the chair.

Prayer was offered by Reverend Jane Shepherd, pastor of Gowrie United Methodist Church, Gowrie. She was the guest of Representative David Tjepkes from Webster County.

## PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Nicole Pratt, House Page from Cedar Rapids.

The Journal of Wednesday, April 15, 2009 was approved.

## MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on April 15, 2009, passed the following bill in which the concurrence of the Senate was asked:

House File 243, a bill for an act providing for gender balance on local boards, commissions, committees, and councils, and including an applicability provision.

Also: That the Senate has on April 15, 2009, amended and passed the following bill in which the concurrence of the House is asked:

House File 811, a bill for an act relating to and making appropriations for health and human services and including other related provisions and appropriations, providing penalties, making penalties applicable and providing effective, retroactive, and applicability date provisions.

Also: That the Senate has on April 15, 2009, passed the following bill in which the concurrence of the House is asked:

Senate File 464, a bill for an act relating to motor fuel containing biodiesel, providing for tax credits, making penalties applicable, and including effective date and applicability provisions.

MICHAEL E. MARSHALL, Secretary

## SENATE MESSAGES CONSIDERED

**Senate File 116**, by Beall, a bill for an act providing that the casual sales exemption under the state sales tax does not apply to the sales of all-terrain vehicles, snowmobiles, off-road motorcycles, and off-road utility vehicles.

Read first time and referred to committee on **ways and means**.

**Senate File 464**, by committee on ways and means, a bill for an act relating to motor fuel, by providing for a biodiesel quality standard for energy security and sustainability, ethanol blended gasoline and biodiesel blended fuel designations and tax credits, penalties, and effective dates.

Read first time and referred to committee on **ways and means**.

On motion by Whitaker of Van Buren, the House was recessed at 9:23 a.m., until 1:00 p.m.

## AFTERNOON SESSION

The House reconvened at 1:33 p.m., Zirkelbach of Jones 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 April 16, 2009, concurred in the House amendment and passed the following bill in which the concurrence of the Senate was asked:

Senate File 236, a bill for an act relating to psychiatric medical institution for children services and providing an effective date.

Also: That the Senate has on April 16, 2009, concurred in the House amendment and passed the following bill in which the concurrence of the Senate was asked:

Senate File 403, a bill for an act concerning the sale of beer by native wineries.

Also: That the Senate has on April 16, 2009, concurred in the House amendment and passed the following bill in which the concurrence of the Senate was asked:

Senate File 415, a bill for an act relating to the acquisition of title to disaster-affected abandoned property by cities in certain years.

Also: That the Senate has on April 16, 2009, concurred in the House amendment and passed the following bill in which the concurrence of the Senate was asked:

Senate File 452, a bill for an act directing the office of energy independence to establish a community grant program for energy efficiency projects, and allocating appropriated amounts for purposes of funding the program.

Also: That the Senate has on April 16, 2009, concurred in the House amendment and passed the following bill in which the concurrence of the Senate was asked:

Senate File 472, a bill for an act relating to and making appropriations to the judicial branch, and providing an effective date.

MICHAEL E. MARSHALL, Secretary

## CONSIDERATION OF BILLS Unfinished Business Calendar

**House File 777**, a bill for an act relating to open records and public meetings, including creation of the Iowa public information board, and providing an effective date and making an appropriation, was taken up for consideration.

Lensing of Johnson offered amendment H-1337 filed by the committee on state government as follows:

H-1337

- 1 Amend House File 777 as follows:
- 2 1. Page 2, line 34, by striking the word "four"
- 3 and inserting the following: "twenty-four".
- 4 2. Page 3, line 8, by striking the word "four"
- 5 and inserting the following: "twenty-four".
- 6 3. By striking page 4, line 34, through page 5,
- 7 line 15, and inserting the following:
- 8 "(3) Reasonably relied upon a decision of a court,
- 9 ~~or~~ a formal opinion of the attorney general, or the
- 10 attorney for the governmental body, given in writing,
- 11 or as memorialized in the minutes of the meeting at
- 12 which an oral opinion was given, or an advisory
- 13 opinion of the attorney general or the attorney for
- 14 the governmental body, given in writing.
- 15 Sec. \_\_\_\_\_. Section 21.8, subsection 1, unnumbered
- 16 paragraph 1, Code 2009, is amended to read as follows:
- 17 A governmental body may conduct a meeting and

18 individual members of a governmental body may  
 19 participate in meetings of a governmental body by  
 20 electronic means only in circumstances where ~~such a~~  
 21 meeting in person is impossible or impractical and  
 22 only if the governmental body complies with all of the  
 23 following:"

24 4. Page 5, line 22, by inserting after the word  
 25 "objectives." the following: "Ambiguity in the  
 26 construction or application of this chapter should be  
 27 resolved in favor of openness."

28 5. Page 6, line 11, by striking the word  
 29 "feasible" and inserting the following: "reasonable".

30 6. Page 6, line 13, by striking the word  
 31 "feasible" and inserting the following: "reasonable".

32 7. Page 6, line 29, by striking the word "ten"  
 33 and inserting the following: "seven".

34 8. Page 6, by striking lines 30 through 33 and  
 35 inserting the following: "of the request unless  
 36 further delay is necessary because of good cause,  
 37 which is communicated".

38 9. Page 7, by striking lines 13 and 14 and  
 39 inserting the following: "requester shall be entitled  
 40 to file a".

41 10. Page 7, by inserting after line 16 the  
 42 following:

43 "Sec. \_\_\_\_ Section 22.3, subsection 2, Code 2009,  
 44 is amended to read as follows:

45 2. All expenses of the examination and copying  
 46 shall be paid by the person desiring to examine or  
 47 copy. The lawful custodian may charge a reasonable  
 48 fee for the services of the lawful custodian or the  
 49 custodian's authorized designee in supervising the  
 50 examination and copying of the records or in reviewing

Page 2

1 the records for confidential information prior to  
 2 release. If the lawful custodian is an executive  
 3 branch agency, the lawful custodian shall provide such  
 4 services at no charge to a requestor for up to three  
 5 hours per month. If copy equipment is available at  
 6 the office of the lawful custodian of any public  
 7 records, the lawful custodian shall provide any person  
 8 a reasonable number of copies of any public record in  
 9 the custody of the office upon the payment of a fee.  
 10 The fee for the copying service as determined by the  
 11 lawful custodian shall not exceed the actual cost of  
 12 providing the service. Actual costs shall include  
 13 only those expenses directly attributable to  
 14 supervising the examination of and making and  
 15 providing copies of public records. Actual costs  
 16 shall not include charges for ordinary expenses or

17 costs such as employment benefits, depreciation,  
18 maintenance, electricity, or insurance associated with  
19 the administration of the office of the lawful  
20 custodian."

21 11. Page 7, by striking lines 17 through 23 and  
22 inserting the following:

23 "Sec.\_\_\_\_. Section 22.7, subsection 7, Code 2009,  
24 is amended to read as follows:

25 7. Appraisals or appraisal information concerning  
26 the ~~sale or~~ purchase of real or personal property for  
27 public purposes, prior to ~~public announcement of a~~  
28 ~~project the execution of any contract for such sale or~~  
29 purchase or the submission of the appraisal to the  
30 property owner or other interest holders as provided  
31 in section 6B.45.

32 Sec.\_\_\_\_. Section 22.7, subsection 8, Code 2009,  
33 is amended to read as follows:

34 8. ~~Iowa department of economic development~~  
35 information Information on an industrial or commercial  
36 development prospect with which the Iowa department of of  
37 economic development or a city is currently  
38 negotiating, prior to submission by the department or  
39 the city of a proposal for financial assistance or  
40 other incentives for the prospect for approval by the  
41 director of the department or by the governing body of  
42 the city."

43 12. Page 11, line 19, by striking the word  
44 "subsection" and inserting the following:  
45 "subsections".

46 13. By striking page 11, line 21, through page  
47 12, line 5, and inserting the following:

48 "a. The identity and qualifications of an  
49 applicant for employment by a government body."

50 14. Page 12, by inserting after line 5 the

Page 3

1 following:

2 "NEW SUBSECTION. 63. TENTATIVE, PRELIMINARY, OR  
3 DRAFT MATERIALS. Tentative, preliminary, draft,

4 speculative, or research material, created prior to  
5 its final completion for the purpose for which it is  
6 intended and in a form prior to the form in which it  
7 is submitted for use in the final formulation,  
8 recommendation, adoption, or execution of any official  
9 policy or action by a public official authorized to  
10 make such decisions for the government body. The  
11 final document shall be a public record at the time  
12 the document is adopted or executed as the official  
13 policy or action of a government body.

14 Sec.\_\_\_\_. NEW SECTION. 22.7A SOCIAL SECURITY  
15 NUMBERS IN PUBLIC RECORDS.

16 1. To the greatest extent feasible, a government  
 17 body shall not disclose a person's social security  
 18 number unless the disclosure is authorized by law.  
 19 2. A government body shall make reasonable efforts  
 20 to exclude social security numbers from public  
 21 records, as follows:  
 22 a. Exclude social security numbers on licenses,  
 23 permits, and other documents that may be readily  
 24 observed by the public.  
 25 b. Give individuals the option not to submit a  
 26 social security number to the government body unless  
 27 submission of the social security number is essential  
 28 to the provision of services by the government body or  
 29 is required by law.  
 30 c. Make any other efforts to prevent social  
 31 security numbers from being included in public records  
 32 and to protect such numbers from disclosure.  
 33 3. If a public record contains a social security  
 34 number, the government body shall, to the extent  
 35 practicable, make reasonable efforts to redact the  
 36 social security number prior to releasing the record  
 37 if such redaction does not materially affect the value  
 38 of the public record and is permitted by law. The  
 39 redaction of a social security number from a public  
 40 record shall not delay public access to the public  
 41 record except for the time required to perform the  
 42 actual redaction. As used in this subsection,  
 43 "redact" means to render the social security number  
 44 unreadable or truncated so that no more than the last  
 45 four digits of the social security number may be  
 46 accessed as part of the record.  
 47 4. A government body that solicits information  
 48 containing a person's social security number or that  
 49 is the lawful custodian of public records containing  
 50 social security numbers shall, if subject to chapter

Page 4

1 17A, adopt rules or, if a political subdivision or  
 2 other public body, adopt guidelines to administer the  
 3 use and disclosure of social security numbers  
 4 consistent with this section."  
 5 15. By striking page 12, line 29, through page  
 6 13, line 9, and inserting the following:  
 7 "(3) Reasonably relied upon a decision of a court,  
 8 ~~or an a formal~~ opinion of the attorney general,<sup>1</sup> or the  
 9 attorney for the ~~governmental~~ government body, give  
 10 in writing, or as memorialized in the minutes of the  
 11 meeting at which an oral opinion was given, or an  
 12 advisory opinion of the attorney general or the  
 13 attorney for the government body, given in writing."  
 14 16. By striking page 14, line 20, through page



15 22, line 15, and inserting the following:  
16 "Sec.\_\_\_\_. NEW SECTION. 23.1 OPEN MEETINGS,  
17 PUBLIC RECORDS, AND PRIVACY ADVISORY COMMITTEE.  
18 1. COMMITTEE ESTABLISHED. An open meetings,  
19 public records, and privacy advisory committee is  
20 established to serve as a resource for public access  
21 to government information in light of the policy of  
22 this state to provide as much public access to  
23 government information and proceedings as is  
24 consistent with the public interest and the need to  
25 protect individuals against undue invasions of  
26 personal privacy.  
27 2. MEMBERSHIP.  
28 a. The advisory committee shall consist of  
29 seventeen members, including thirteen voting members  
30 and four nonvoting members.  
31 (1) The voting members shall be the following:  
32 (a) One member representing municipal interests  
33 recommended by the Iowa league of cities, appointed by  
34 the governor.  
35 (b) One member representing county or regional  
36 interests recommended by the Iowa state association of  
37 counties, appointed by the governor.  
38 (c) One member representing school district  
39 interests recommended by the Iowa association of  
40 school boards, appointed by the governor.  
41 (d) One member representing law enforcement  
42 interests recommended by the Iowa state sheriffs' and  
43 deputies' association and the Iowa state police  
44 association, appointed by the governor.  
45 (e) One member representing executive branch  
46 interests, appointed by the governor.  
47 (f) One member representing freedom of information  
48 advocacy group interests recommended by the Iowa  
49 freedom of information council, appointed by the  
50 governor.

Page 5

1 (g) One member representing newspaper and  
2 broadcasting interests recommended by the Iowa  
3 newspaper association, appointed by the governor.  
4 (h) Two public members, appointed by the governor.  
5 (i) The attorney general or the attorney general's  
6 designee.  
7 (j) The citizens' aide or the citizens' aide's  
8 designee.  
9 (k) A representative from the department of  
10 administrative services with expertise in electronic  
11 records.  
12 (l) One member representing the judicial branch as  
13 designated by the chief justice of the supreme court.

- 14 (2) The nonvoting members of the advisory  
15 committee shall be two state representatives, one  
16 appointed by the speaker of the house of  
17 representatives and one appointed by the minority  
18 leader of the house of representatives, and two state  
19 senators, one appointed by the majority leader of the  
20 senate and one appointed by the minority leader of the  
21 senate.
- 22 b. A majority of the advisory committee members  
23 shall constitute a quorum.
- 24 3. DUTIES. The advisory committee shall:
- 25 a. Serve as the central coordinator of information  
26 about the public's right to access government  
27 information and proceedings. The advisory committee  
28 shall provide basic information about the requirements  
29 of chapters 21 and 22 and other relevant freedom of  
30 information laws and shall also provide information  
31 about best practices for state and local governments  
32 to comply with and to enforce such laws.
- 33 b. Serve as a resource to support the  
34 establishment and maintenance of a central publicly  
35 accessible internet site that provides specific  
36 guidance to members of the public about utilizing the  
37 relevant law to be better informed and active  
38 participants in open government.
- 39 c. Serve as a resource to support education and  
40 training about chapters 21 and 22 and other relevant  
41 freedom of information laws to lawful custodians and  
42 other persons subject to the requirements of such  
43 laws.
- 44 d. Make recommendations to the governor and the  
45 general assembly by proposing legislation relating to  
46 issues involving public access to government  
47 information, including but not limited to  
48 accessibility to certain categories of government  
49 records, to public employment applications, and to  
50 information unduly invading personal privacy.

Page 6

- 1 e. Aid the general assembly in evaluating the  
2 impact of legislation affecting public access to  
3 government information.
- 4 f. Conduct public hearings, conferences,  
5 workshops, and other meetings as necessary to address  
6 problems and suggest solutions concerning access to  
7 government information and proceedings.
- 8 g. Review the collection, maintenance, and use of  
9 government records by lawful custodians to ensure that  
10 confidential records and information are handled to  
11 adequately protect personal privacy interests.
- 12 4. MEETINGS. The advisory committee shall elect a

13 chairperson and vice chairperson. The committee shall  
14 meet at least three times per year but may meet as  
15 often as necessary. At least one of the meetings  
16 shall be held during the regular legislative session.  
17 Meetings may be called by the chairperson or at the  
18 request of four members. The advisory committee is  
19 subject to the open meetings requirements of chapter  
20 21.

21 5. EXPENSES OR COMPENSATION.

22 a. A member of the general assembly shall be paid,  
23 in accordance with section 2.10, per diem and  
24 necessary travel and actual expenses incurred in  
25 attending meetings of the advisory committee.

26 b. Public members appointed by the governor shall  
27 receive reimbursement for actual and necessary  
28 expenses incurred while serving in their official  
29 capacity.

30 6. FUNDING. The advisory committee may seek  
31 grants, appropriations, and outside funding to fund  
32 the costs of public hearings, conferences, workshops,  
33 and other activities of the committee. Contributions  
34 to support the work of the committee shall not be  
35 accepted from a political party with a pecuniary or  
36 other vested interest in the outcome of the issues  
37 considered by the committee.

38 7. STAFFING. The legislative services agency  
39 shall provide staffing and administrative support for  
40 the advisory committee. In addition, the committee  
41 may contract for administrative, professional, and  
42 clerical services subject to the availability of  
43 funding.

44 8. REPORT. The advisory committee shall conduct  
45 an evaluation of the effectiveness of the enforcement  
46 provisions in chapters 21 and 22 and shall submit a  
47 report of its findings and recommendations to the  
48 governor and the general assembly no later than  
49 January 10, 2011."

50 17. By striking page 22, line 25, through page

Page 7

1 23, line 16.

2 18. Title page, by striking lines 2 and 3 and  
3 inserting the following: "the creation of the open  
4 meetings, public records, and privacy advisory  
5 committee."

6 19. By renumbering as necessary.

Tymeson of Madison asked and received unanimous consent to withdraw amendment H-1575 to the committee amendment H-1337 filed by her on April 14, 2009.

Lensing of Johnson offered the following amendment H-1476, to the committee amendment H-1337, filed by her and moved its adoption:

H-1476

1 Amend the amendment, H-1337, to House File 777 as  
2 follows:

3 1. Page 1, by striking lines 2 through 5 and  
4 inserting the following:

5 "\_\_\_\_. Page 2, by striking lines 9 through 17 and  
6 inserting the following:

7 "Sec.\_\_\_\_. Section 21.1, Code 2009, is amended by  
8 striking the section and inserting in lieu thereof the  
9 following:

10 21.1 INTENT – DECLARATION OF POLICY.

11 1. The general assembly recognizes that open  
12 government is a cornerstone to ensuring and protecting  
13 the free exchange of information from government to  
14 the people and it is therefore the intent of the  
15 general assembly to do all of the following:

16 a. Provide access to governmental information as  
17 an essential function of government and an integral  
18 part of the routine duties of governmental officers  
19 and employees.

20 b. Balance transparency in government with the  
21 need to protect personal privacy.

22 c. Recognize barriers that may impede the public's  
23 access to governmental information and participation  
24 in governmental functions and remove those barriers.

25 d. Ensure and facilitate the public's right to  
26 access and review governmental information.

27 2. Ambiguity in the construction or application of  
28 this chapter should be resolved in favor of  
29 openness.""

30 2. Page 1, by striking lines 24 through 27 and  
31 inserting the following:

32 "\_\_\_\_. By striking page 5, line 16, through page  
33 6, line 6, and inserting the following:

34 "Sec.\_\_\_\_. NEW SECTION. 22.0A INTENT –  
35 DECLARATION OF POLICY.

36 1. The general assembly recognizes that open  
37 government is a cornerstone to ensuring and protecting  
38 the free exchange of information from government to  
39 the people and it is therefore the intent of the  
40 general assembly to do all of the following:

41 a. Provide access to governmental information as  
42 an essential function of government and an integral  
43 part of the routine duties of government officers and  
44 employees.

45 b. Balance transparency in government with the

- 46 need to protect personal privacy.  
47 c. Recognize barriers that may impede the public's  
48 access to governmental information and participation  
49 in governmental functions and remove those barriers.  
50 d. Ensure and facilitate the public's right to

Page 2

- 1 access and review government information.  
2 2. Ambiguity in the construction or application of  
3 this chapter should be resolved in favor of openness.  
4 Sec.\_\_\_\_. Section 22.2, subsection 1, Code 2009,  
5 is amended to read as follows:  
6 1. a. Every person shall have the right to  
7 examine and copy a public record and to publish or  
8 otherwise disseminate a public record or the  
9 information contained in a public record.  
10 b. Unless otherwise provided for by law, the right  
11 to examine a public record shall include the right to  
12 examine a public record without charge while the  
13 public record is in the physical possession of the  
14 custodian of the public record. ~~The~~  
15 c. Unless otherwise provided for by law, the right  
16 to copy a public record shall include the right to  
17 make photographs or photographic copies while the  
18 public record is in the possession of the custodian of  
19 the public record. If a public record exists in  
20 electronic form, the governmental body shall provide a  
21 copy of the public record in electronic form, if  
22 reasonable. All rights under this section are in  
23 addition to the right to obtain a certified copy of a  
24 public record under section 622.46."  
25 3. Page 1, by striking lines 32 and 33.  
26 4. Page 1, by striking lines 43 and 44 and  
27 inserting the following:  
28 ""Sec.\_\_\_\_. Section 22.3, Code 2009, is amended to  
29 read as follows:  
30 22.3 SUPERVISION – FEES.  
31 1. The examination and copying of public records  
32 shall be done under the supervision of the lawful  
33 custodian of the records or the custodian's authorized  
34 designee. The lawful custodian shall not require the  
35 physical presence of a person requesting or receiving  
36 a copy of a public record and shall fulfill requests  
37 for a copy of a public record received in writing, by  
38 telephone, or by electronic means. Fulfillment of a  
39 request for a copy of a public record may be  
40 contingent upon receipt of payment of expenses to be  
41 incurred in fulfilling the request and such estimated  
42 expenses shall be communicated to the requester upon  
43 receipt of the request who shall be responsible for  
44 payment of such expenses once the requester authorizes

45 the copy of the public record. The lawful custodian  
 46 may adopt and enforce reasonable rules regarding the  
 47 examination and copying of the records and the  
 48 protection of the records against damage or  
 49 disorganization. The lawful custodian shall provide a  
 50 suitable place for the examination and copying of the

Page 3

1 records, but if it is impracticable to do the  
 2 examination and copying of the records in the office  
 3 of the lawful custodian, the person desiring to  
 4 examine or copy shall pay any necessary expenses of  
 5 providing a place for the examination and copying."

6 5. Page 2, by striking lines 43 through 49 and  
 7 inserting the following:  
 8 "\_\_\_\_. By striking page 11, line 20, through page  
 9 12, line 5."

10 6. Page 2, line 50, by striking the words and  
 11 figure "after line 5" and inserting the following:  
 12 "before line 6".

13 7. Page 3, by striking lines 2 through 13 and  
 14 inserting the following:

15 ""NEW SUBSECTION. 62. DRAFTS, MEMORANDA, OR  
 16 NOTES. Drafts, memoranda, or notes in preliminary  
 17 form. However, such a record considered or used in  
 18 the final formulation, recommendation, adoption, or  
 19 execution of any official policy or action by a public  
 20 official authorized to make such decisions for the  
 21 governmental body shall be available for examination  
 22 and copying at the time the record is distributed to a  
 23 majority of the government body for consideration or  
 24 is adopted or executed as the official policy or  
 25 official action of a government body."

26 8. Page 4, by inserting after line 13 the  
 27 following:

28 "\_\_\_\_. Page 13, by striking lines 30 and 31 and  
 29 inserting the following: "of the parties involved.  
 30 the factual and legal nature of the dispute, and the  
 31 terms of the settlement.""

32 9. By striking page 4, line 27, through page 5,  
 33 line 13, and inserting the following:

34 "2. MEMBERSHIP.

35 a. The advisory committee shall consist of  
 36 seventeen members including twelve voting members and  
 37 five nonvoting members.

38 (1) The voting members shall be the following:

39 (a) One member representing municipal interests  
 40 recommended by the Iowa league of cities, appointed by  
 41 the governor.

42 (b) One member representing county or regional  
 43 interests recommended by the Iowa state association of

44 counties, appointed by the governor.

45 (c) One member representing educational interests  
46 jointly recommended by the Iowa association of school  
47 boards, the Iowa association of community college  
48 trustees, and the state board of regents, appointed by  
49 the governor.

50 (d) One member representing freedom of information

Page 4

1 advocacy group interests recommended by the Iowa  
2 freedom of information council, appointed by the  
3 governor.

4 (e) One member representing newspaper interests  
5 recommended by the Iowa newspaper association,  
6 appointed by the governor.

7 (f) One member representing broadcasting interests  
8 recommended by the Iowa broadcasters association,  
9 appointed by the governor.

10 (g) Three public members, appointed by the  
11 governor.

12 (h) The attorney general or the attorney general's  
13 designee.

14 (i) The citizens' aide or the citizens' aide's  
15 designee.

16 (j) The director of the department of cultural  
17 affairs or the director's designee."

18 10. Page 5, line 15, by inserting after the word  
19 "be" the following: "a representative from the  
20 department of administrative services with expertise  
21 in electronic records,".

22 11. Page 5, by striking lines 39 through 43 and  
23 inserting the following:

24 "c. Make training opportunities available to  
25 lawful custodians, government bodies, governmental  
26 bodies, and other persons subject to the requirements  
27 of chapters 21 and 22 and require all newly employed  
28 persons who have responsibilities in relation to  
29 chapters 21 and 22 to receive training upon initial  
30 employment and to require all employees to receive  
31 annual training thereafter approved by the advisory  
32 committee."

33 12. Page 5, by striking lines 44 through 50 and  
34 inserting the following:

35 "d. Make recommendations to the governor and the  
36 general assembly by proposing legislation relating to  
37 issues involving public access to meetings of a  
38 governmental body and to records of a government body  
39 including but not limited to the following issues:

40 (1) The categorization of government records.

41 (2) Public employment applications.

42 (3) Information unduly invading personal privacy

43 including personal information on mailing lists and  
44 opt-in provisions relating to such lists.  
45 (4) Serial meetings of less than a majority of a  
46 governmental body.  
47 (5) Definitions of what constitutes a governmental  
48 body for purposes of chapter 21 and what constitutes a  
49 government body for purposes of chapter 22."  
50 13. Page 6, line 46, by striking the figure "22"

Page 5

1 and inserting the following: "22, including an  
2 evaluation of the manner in which complaints are  
3 handled by the citizens' aide, the appropriate county  
4 attorney, and the attorney general,".  
5 14. Page 6, line 47, by inserting after the word  
6 "recommendations" the following: "including a  
7 recommendation relating to the need to establish a  
8 separate enforcement agency, if necessary,".  
9 15. Page 6, by inserting after line 49 the  
10 following:  
11 "\_\_\_\_. Page 22, by inserting before line 25 the  
12 following:  
13 "Sec.\_\_\_\_. APPOINTMENTS TO OPEN MEETINGS, PUBLIC  
14 RECORDS, AND PRIVACY ADVISORY COMMITTEE. The  
15 recommending entities for appointments to the open  
16 meetings, public records, and privacy advisory  
17 committee shall consult with one another prior to  
18 submitting final recommendations to the governor to  
19 avoid violations of sections 69.16 and 69.16A.""  
20 16. By renumbering as necessary.

Amendment H-1476 was adopted.

Lensing of Johnson offered the following amendment H-1631, to the committee amendment H-1337, filed by her from the floor and moved its adoption:

H-1631

1 Amend the amendment, H-1337, to House File 777, as  
2 follows:  
3 1. Page 2, by inserting after line 42 the  
4 following:  
5 "\_\_\_\_. By striking page 8, line 26, through page  
6 9, line 29."  
7 2. By renumbering as necessary.



Amendment H-1631 was adopted.

On motion by Lensing of Johnson, the committee amendment H-1337, as amended, was adopted.

Kaufmann of Cedar offered the following amendment H-1398 filed by Kaufmann, et al., and moved its adoption:

H-1398

1 Amend House File 777 as follows:  
2 1. Page 1, by inserting before line 1 the  
3 following:  
4 "Section 1. Section 6B.14, subsection 2, Code  
5 2009, is amended to read as follows:  
6 2. Prior to the meeting of the commission, the  
7 commission or a commissioner shall not communicate  
8 with the applicant, property owner, or tenant, or  
9 their agents, regarding the condemnation proceedings.  
10 The commissioners shall meet in open session to view  
11 the property and to receive evidence, but may and  
12 shall deliberate and vote in closed open session.  
13 ~~When deliberating in closed session, the meeting is~~  
14 ~~closed to all persons who are not commissioners except~~  
15 ~~for personnel from the sheriff's office if such~~  
16 ~~personnel is requested by the commission.~~ After  
17 deliberations commence, the commission and each  
18 commissioner is prohibited from communicating with any  
19 party to the proceeding unless such communication  
20 occurs in the presence of or with the consent of the  
21 property owner and the other parties who appeared  
22 before the commission or their agents. However, if  
23 the commission is deliberating in closed session, and  
24 after deliberations commence the commission requires  
25 further information from a party or a witness, the  
26 commission shall notify the property owner and the  
27 acquiring agency that they are allowed to attend the  
28 meeting at which such additional information shall be  
29 provided but only for that period of time during which  
30 the additional information is being provided. The  
31 property owner and the acquiring agency shall be given  
32 a reasonable opportunity to attend the meeting. The  
33 commission shall keep minutes of all its meetings  
34 showing the date, time, and place, the members  
35 present, and the action taken at each meeting. The  
36 minutes shall show the results of each vote taken and  
37 information sufficient to indicate the vote of each  
38 member present. ~~The vote of each member present shall~~  
39 ~~be made public at the open session.~~ The minutes shall  
40 be public records open to public inspection."

- 41 2. Page 5, by inserting after line 15 the  
 42 following:  
 43 "Sec. \_\_\_\_ NEW SECTION. 21.12 CONDEMNATION  
 44 PROCEEDINGS – DELIBERATIONS.  
 45 Compensation commissioners shall meet, deliberate,  
 46 and vote in open session when condemning private land  
 47 through the process established in chapter 6B pursuant  
 48 to section 6B.14, subsection 2."  
 49 3. By renumbering as necessary.

Roll call was requested by Kaufmann of Cedar and Koester of Polk.

On the question "Shall amendment H-1398 be adopted?" (H.F. 777)

The ayes were, 44:

Alons	Anderson	Arnold	Baudler
Beard	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	Taylor, D.
Tjepkes	Tymeson	Upmeyer	Van Engelenhoven
Wagner	Watts	Windschitl	Worthan

The nays were, 53:

Abdul-Samad	Bailey	Bell	Berry
Bukta	Burt	Cphoon	Ficken
Frevert	Gaskill	Gayman	Heddens
Hunter	Huser	Isenhart	Jacoby
Kearns	Kelley	Kressig	Kuhn
Lensing	Lykam	Marek	Mascher
McCarthy	Mertz	Miller, H.	Oldson
Olson, D.	Olson, R.	Olson, T.	Palmer
Petersen	Quirk	Reasoner	Reichert
Schueller	Shomshor	Smith	Steckman
Struyk	Swaim	Taylor, T.	Thede
Thomas	Wendt	Wenthe	Wessel-Kroeschell
Whitaker	Whitead	Willems	Winckler
Zirkelbach, Presiding			

Absent or not voting, 3:

Chambers	Ford	Murphy, Spkr.
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Amendment H-1398 lost.

Tymeson of Madison asked and received unanimous consent to withdraw amendment H-1567 filed by her on April 14, 2009.

Lensing 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?" (H.F. 777)

The ayes were, 99:

Abdul-Samad	Alons	Anderson	Arnold
Bailey	Baudler	Beard	Bell
Berry	Bukta	Burt	Cohoon
Cownie	De Boef	Deyoe	Dolecheck
Drake	Ficken	Ford	Forristall
Frevert	Gaskill	Gayman	Grassley
Hagenow	Heaton	Heddens	Helland
Horbach	Hunter	Huseman	Huser
Isenhardt	Jacoby	Kaufmann	Kearns
Kelley	Koester	Kressig	Kuhn
Lensing	Lukan	Lykam	Marek
Mascher	May	McCarthy	Mertz
Miller, H.	Miller, L.	Murphy, Spkr.	Oldson
Olson, D.	Olson, R.	Olson, S.	Olson, T.
Palmer	Paulsen	Petersen	Pettengill
Quirk	Raecker	Rants	Rayhons
Reasoner	Reichert	Roberts	Sands
Schueller	Schulte	Schultz	Shomshor
Smith	Soderberg	Sorenson	Steckman
Struyk	Swaim	Sweeney	Taylor, D.
Taylor, T.	Thede	Thomas	Tjepkes
Tymeson	Uppmeyer	Van Engelenhoven	Wagner
Watts	Wendt	Wenthe	Wessel-Kroeschell
Whitaker	Whitead	Willems	Winckler
Windschitl	Worthan	Zirkelbach,	
		Presiding	

The nays were, none.

Absent or not voting, 1:

Chambers

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

MOTION TO RECONSIDER WITHDRAWN  
(Senate File 137)

Lensing of Johnson asked and received unanimous consent to withdraw the motion to reconsider **Senate File 137**, a bill for an act providing that wage discrimination is an unfair employment practice under the Iowa civil rights Act and providing an enhanced remedy, filed by her on April 15, 2009.

The House stood at ease at 2:14 p.m., until the fall of the gavel.

The House resumed session at 3:13 p.m., Zirkelbach of Jones in the chair.

INTRODUCTION OF BILL

**House File 824**, by committee on ways and means, a bill for an act relating to providing sales, use, and property tax exemptions and sales tax refunds for certain data processing businesses and including an applicability date provision.

Read first time and placed on the **ways and means calendar**.

SENATE AMENDMENT CONSIDERED

Gaskill of Wapello called up for consideration **House File 670**, a bill for an act relating to absentee voting by requiring the counting of absentee ballots to begin the day before the general election, amended by the Senate, and moved that the House concur in the following Senate amendment H-1442:

H-1442

- 1 Amend House File 670, as passed by the House, as
- 2 follows:
- 3 1. Page 1, line 32, by striking the word "shall"
- 4 and inserting the following: "may".
- 5 2. Page 1, line 34, by inserting after the word
- 6 "ballots." the following: "However, if in the
- 7 preceding general election the counting of absentee
- 8 ballots was not completed by 10:00 p.m. on election
- 9 day, the commissioner shall convene the special
- 10 precinct election board on the day before the next
- 11 general election to begin counting absentee ballots."

- 12 3. Title page, line 1, by striking the words "by  
 13 requiring" and inserting the following: "and".  
 14 4. Title page, line 2, by striking the words "to  
 15 begin" and inserting the following: "beginning on".

The motion prevailed and the House concurred in the Senate amendment H-1442.

Gaskill of Wapello moved that the bill, as amended by the Senate and concurred in by the House, be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 670)

The ayes were, 98:

Abdul-Samad	Alons	Anderson	Arnold
Bailey	Baudler	Beard	Bell
Berry	Bukta	Burt	Cohoon
Cownie	De Boef	Deyoe	Dolecheck
Drake	Ficken	Ford	Forristall
Frevert	Gaskill	Gayman	Grassley
Hagenow	Heaton	Heddens	Helland
Horbach	Hunter	Huseman	Huser
Isenhardt	Jacoby	Kaufmann	Kearns
Kelley	Koester	Kressig	Kuhn
Lensing	Lukan	Lykam	Marek
Mascher	May	McCarthy	Mertz
Miller, H.	Miller, L.	Murphy, Spkr.	Oldson
Olson, D.	Olson, R.	Olson, S.	Olson, T.
Palmer	Paulsen	Petersen	Pettengill
Quirk	Raecker	Rants	Rayhons
Reasoner	Reichert	Roberts	Sands
Schueller	Schulte	Shomshor	Smith
Soderberg	Sorenson	Steckman	Struyk
Swaim	Sweeney	Taylor, D.	Taylor, T.
Thede	Thomas	Tjepkes	Tymeson
Upmeyer	Van Engelenhoven	Wagner	Watts
Wendt	Wenthe	Wessel-Kroeschell	Whitaker
Whitead	Willems	Winckler	Windschitl
Worthan	Zirkelbach,		
	Presiding		

The nays were, 1:

Schultz

Absent or not voting, 1:

Chambers

The bill having received a constitutional majority was declared to have passed the House and the title, as amended, was agreed to.

### HOUSE REFUSED TO CONCUR

Bukta of Clinton called up for consideration **House File 671**, a bill for an act providing volunteer emergency services providers protection from employment termination, amended by the Senate, and moved that the House concur in the following Senate amendment H-1441:

H-1441

1 Amend House File 671, as passed by the House, as  
2 follows:

3 1. Page 1, by inserting before line 1 the  
4 following:

5 "Section 1. Section 80.28, subsection 2, paragraph  
6 b, unnumbered paragraph 1, as amended by 2009 Iowa  
7 Acts, Senate File 108, section 1, is amended to read  
8 as follows:

9 The following members, to be appointed by the  
10 governor ~~from nominees submitted by volunteer and~~  
11 ~~professional organizations associated with the~~  
12 ~~following:~~

13 Sec. 2. Section 80.28, subsection 3, as amended by  
14 2009 Iowa Acts, Senate File 108, section 3, is amended  
15 to read as follows:

16 3. The voting members of the board shall be  
17 appointed in compliance with sections 69.16 and  
18 69.16A. Members shall elect a chairperson and vice  
19 chairperson from the board membership, who shall serve  
20 two-year terms. The members appointed by the governor  
21 shall be appointed to three-year staggered terms and  
22 the terms shall commence and end as provided by  
23 section 69.19. The governor shall solicit and  
24 consider recommendations from professional or  
25 volunteer organizations in making appointments to the  
26 board. If a vacancy occurs among the voting members,  
27 a successor shall be appointed to serve the unexpired  
28 term. A successor shall be appointed in the same  
29 manner and subject to the same qualifications as the  
30 original appointment to serve the unexpired term. The  
31 voting members of the board are entitled to receive  
32 reimbursement for actual expenses incurred while

33 engaged in the performance of official duties from  
34 funds appropriated to the department of public safety  
35 and the state department of transportation for that  
36 purpose. The departments shall enter into an  
37 agreement to provide administrative assistance and  
38 support to the board."

39 2. Page 2, by inserting after line 19 the  
40 following:

41 "Sec.\_\_\_\_. Section 357J.4, Code 2009, is amended  
42 to read as follows:

43 357J.4 DISTRICT – BOUNDARY CHANGES.

44 1. The boundary lines of a district may include  
45 any incorporated or unincorporated areas within a  
46 county.

47 2. The boundary lines of a district shall not be  
48 changed after the district is established except as  
49 provided in this subsection.

50 a. The boundary lines of a district shall be

Page 2

1 changed and shall become effective immediately upon  
2 approval of all of the following:

3 (1) The commission.

4 (2) The board of township trustees of the area  
5 proposed to be included or excluded from the district.

6 (3) The district fire chief.

7 (4) The assistant fire chief who is responsible  
8 for delivery of fire protection service and emergency  
9 medical service within the area proposed to be  
10 excluded from the district, if applicable.

11 (5) The fire chief of a fire department in the  
12 area proposed to be included in the district, if  
13 applicable.

14 b. The boundary lines of a district shall be  
15 changed to exclude a city or the unincorporated areas  
16 of a township if the commission receives a written  
17 request from the governing body of the city or the  
18 board of township trustees, as applicable, requesting  
19 exclusion from the district. However, a boundary  
20 change under this paragraph shall become effective no  
21 earlier than eighteen months following receipt of the  
22 written request.

23 Sec.\_\_\_\_. EFFECTIVE AND RETROACTIVE APPLICABILITY

24 DATES. The sections of this Act amending section  
25 80.28, being deemed of immediate importance, take  
26 effect upon enactment and apply retroactively to March  
27 19, 2009. The section of this Act amending section  
28 357J.4, being deemed of immediate importance, takes  
29 effect upon enactment and applies retroactively to  
30 July 1, 2008."

31 3. Title page, by striking lines 1 and 2 and

32 inserting the following: "An Act relating to public  
 33 safety by providing volunteer emergency services  
 34 providers protection from employment termination,  
 35 providing for the membership of the public safety  
 36 communications interoperability board, providing for  
 37 modifications in the boundaries of emergency response  
 38 districts, and including effective and retroactive  
 39 applicability date provisions."  
 40 4. By renumbering as necessary.

The motion lost and the House refused to concur in the Senate amendment H-1441.

### Unfinished Business Calendar

**House File 815**, a bill for an act relating to articulation agreements between public postsecondary institutions and to the dissemination of articulation information, was taken up for consideration.

Wendt of Woodbury 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. 815)

The ayes were, 99:

Abdul-Samad	Alons	Anderson	Arnold
Bailey	Baudler	Beard	Bell
Berry	Bukta	Burt	Cohoon
Cownie	De Boef	Deyoe	Dolecheck
Drake	Ficken	Ford	Forristall
Frevert	Gaskill	Gayman	Grassley
Hagenow	Heaton	Heddens	Helland
Horbach	Hunter	Huseman	Huser
Isenhardt	Jacoby	Kaufmann	Kearns
Kelley	Koester	Kressig	Kuhn
Lensing	Lukan	Lykam	Marek
Mascher	May	McCarthy	Mertz
Miller, H.	Miller, L.	Murphy, Sprk.	Oldson
Olson, D.	Olson, R.	Olson, S.	Olson, T.
Palmer	Paulsen	Petersen	Pettengill
Quirk	Raecker	Rants	Rayhons
Reasoner	Reichert	Roberts	Sands
Schueller	Schulte	Schultz	Shomshor
Smith	Soderberg	Sorenson	Steckman
Struyk	Swaim	Sweeney	Taylor, D.



Taylor, T.	Thede	Thomas	Tjepkes
Tymeson	Upmeyer	Van Engelenhoven	Wagner
Watts	Wendt	Wenthe	Wessel-Kroeschell
Whitaker	Whitead	Willems	Winckler
Windschitl	Worthan	Zirkelbach, Presiding	

The nays were, none.

Absent or not voting, 1:

Chambers

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

### IMMEDIATE MESSAGES

McCarthy of Polk asked and received unanimous consent that the following bills be immediately messaged to the Senate: **House Files 670, 671, 777, 815** and **Senate File 137**.

### Regular Calendar

**Senate File 318**, a bill for an act pertaining to the duties and regulations under the purview of the labor commissioner, with report of committee recommending passage, was taken up for consideration.

Willems of Linn moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 318)

The ayes were, 99:

Abdul-Samad	Alons	Anderson	Arnold
Bailey	Baudler	Beard	Bell
Berry	Bukta	Burt	Cphoon
Cownie	De Boef	Deyoe	Dolecheck
Drake	Ficken	Ford	Forristall
Frevert	Gaskill	Gayman	Grassley
Hagenow	Heaton	Heddens	Helland
Horbach	Hunter	Huseman	Huser
Isenhardt	Jacoby	Kaufmann	Kearns
Kelley	Koester	Kressig	Kuhn
Lensing	Lukan	Lykam	Marek

Mascher	May	McCarthy	Mertz
Miller, H.	Miller, L.	Murphy, Spkr.	Oldson
Olson, D.	Olson, R.	Olson, S.	Olson, T.
Palmer	Paulsen	Petersen	Pettengill
Quirk	Raecker	Rants	Rayhons
Reasoner	Reichert	Roberts	Sands
Schueller	Schulte	Schultz	Shomshor
Smith	Soderberg	Sorenson	Steckman
Struyk	Swaim	Sweeney	Taylor, D.
Taylor, T.	Thede	Thomas	Tjepkes
Tymeson	Upmeyer	Van Engelenhoven	Wagner
Watts	Wendt	Wenthe	Wessel-Kroeschell
Whitaker	Whitead	Willems	Winckler
Windschitl	Worthan	Zirkelbach, Presiding	

The nays were, none.

Absent or not voting, 1:

Chambers

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

### Unfinished Business Calendar

**House File 520**, a bill for an act relating to the definition of resident for purposes of tuition and fees for qualified veterans at Iowa's public universities and community colleges, was taken up for consideration.

Mascher of Johnson offered the following amendment H-1428 filed by her and moved its adoption:

H-1428

1 Amend house File 520 as follows:  
 2 1. By striking everything after the enacting  
 3 clause and inserting the following:  
 4 "Section 1. Section 260C.14, subsection 14, Code  
 5 2009, is amended to read as follows:  
 6 14. a. In its discretion, adopt rules relating to  
 7 the classification of students enrolled in the  
 8 community college who are residents of Iowa's sister  
 9 states as residents or nonresidents for tuition and  
 10 fee purposes.  
 11 b. (1) Adopt rules to classify as residents for  
 12 purposes of tuition and mandatory fees, qualified

13 veterans and qualified military persons and their  
14 spouses and dependent children who are domiciled in  
15 this state while enrolled in a community college. A  
16 spouse or dependent child of a military person or  
17 veteran shall not be deemed a resident under this  
18 paragraph "b" unless the qualified military person or  
19 qualified veteran meets the requirements of  
20 subparagraph (2), subparagraph division (b) or (c), as  
21 appropriate.

22 (2) For purposes of this paragraph "b", unless the  
23 context otherwise requires:

24 (a) "Dependent child" means a student who was  
25 claimed by a qualified military person or qualified  
26 veteran as a dependent on the qualified military  
27 person's or qualified veteran's internal revenue  
28 service tax filing for the previous tax year.

29 (b) "Qualified military person" means a person on  
30 active duty in the military service of the United  
31 States who is stationed at Rock Island arsenal. If  
32 the qualified military person is transferred,  
33 deployed, or restationed while the person's spouse or  
34 child is enrolled in the community college, the spouse  
35 or child shall continue to be classified as a resident  
36 until the close of the fiscal year in which the spouse  
37 or child is enrolled.

38 (c) "Qualified veteran" means a person who meets  
39 the following requirements:

40 (i) Is eligible for benefits, or has exhausted the  
41 benefits, under the federal Post-9/11 Veterans  
42 Educational Assistance Act of 2008.

43 (ii) Is domiciled in this state.

44 Sec. 2. Section 262.9, subsection 16, Code 2009,  
45 is amended to read as follows:

46 16. a. In its discretion, adopt rules relating to  
47 the classification of students enrolled in  
48 institutions of higher education under the board who  
49 are residents of Iowa's sister states as residents or  
50 nonresidents for fee purposes.

Page 2

1 b. (1) Adopt rules to classify as residents for  
2 purposes of tuition and mandatory fees, qualified  
3 veterans and qualified military persons and their  
4 spouses and dependent children who are domiciled in  
5 this state while enrolled in an institution of higher  
6 education under the board. A spouse or dependent  
7 child of a military person or veteran shall not be  
8 deemed a resident under this paragraph "b" unless the  
9 qualified military person or qualified veteran meets  
10 the requirements of subparagraph (2), subparagraph  
11 division (b) or (c), as appropriate.

12 (2) For purposes of this paragraph "b", unless the  
13 context otherwise requires:

14 (a) "Dependent child" means a student who was  
15 claimed by a qualified military person or qualified  
16 veteran as a dependent on the qualified military  
17 person's or qualified veteran's internal revenue  
18 service tax filing for the previous tax year.

19 (b) "Qualified military person" means a person on  
20 active duty in the military service of the United  
21 States who is stationed at Rock Island arsenal. If  
22 the qualified military person is transferred,  
23 deployed, or restationed while the person's spouse or  
24 child is enrolled in an institution of higher  
25 education under the control of the board, the spouse  
26 or child shall continue to be classified as a resident  
27 until the close of the fiscal year in which the spouse  
28 or child is enrolled.

29 (c) "Qualified veteran" means a person who meets  
30 the following requirements:

31 (i) Is eligible for benefits, or has exhausted the  
32 benefits, under the federal Post-9/11 Veterans  
33 Educational Assistance Act of 2008.

34 (ii) Is domiciled in this state."

35 2. Title page, line 2, by inserting after the  
36 word "veterans" the following: ", and certain  
37 military persons, and their spouses and dependent  
38 children".

Amendment H-1428 was adopted, placing out of order amendment H-1114 filed by Mascher of Johnson on March 5, 2009, amendment H-1172 filed by Watts of Dallas and Heaton of Henry on March 16, 2009, amendment H-1173 filed by Watts of Dallas on March 16, 2009, amendment H-1174 filed by Watts of Dallas on March 16, 2009 and amendment H-1177 filed by Mascher of Johnson on March 17, 2009.

T. Olson of Linn in the chair at 3:39 p.m.

#### SENATE FILE 451 SUBSTITUTED FOR HOUSE FILE 520

Mascher of Johnson asked and received unanimous consent to substitute Senate File 451 for House File 520.

**Senate File 451**, a bill for an act relating to the definition of resident for purposes of tuition and fees for qualified veterans, and certain military persons, and their spouses and dependent children at

Iowa's public universities and community colleges, was taken up for consideration.

Windschitl of Harrison offered amendment H-1617 filed by him as follows:

H-1617

1 Amend Senate File 451, as passed by the Senate, as  
2 follows:  
3 1. Page 1, by inserting before line 1 the  
4 following:  
5 "Section 1. Section 252B.7A, Code 2009, is amended  
6 by adding the following new subsection:  
7 NEW SUBSECTION. 1A. Disability compensation for  
8 service-related injuries or non-service-connected  
9 pension benefits received by a party from the United  
10 States department of veterans affairs, with the  
11 exception of any portion of such compensation  
12 attributable to the computation for each additional  
13 child or each additional school child over eighteen  
14 years of age and attending school at an institution  
15 including but not limited to a community college as  
16 defined in section 260C.2 or an institution of higher  
17 education under the board of regents pursuant to  
18 chapter 262, shall not be considered income for the  
19 purposes of determining a parent's income under this  
20 section."  
21 2. Page 3, by inserting after line 2 the  
22 following:  
23 "Sec. \_\_\_\_\_. Section 598.11, Code 2009, is amended  
24 by adding the following new subsection:  
25 NEW SUBSECTION. 4. The court shall not consider  
26 disability compensation for service-related injuries  
27 or non-service-connected pension benefits received by  
28 a party from the United States department of veterans  
29 affairs, with the exception of any portion of such  
30 compensation attributable to the computation for each  
31 additional child or each additional school child over  
32 eighteen years of age and attending school at an  
33 institution including but not limited to a community  
34 college as defined in section 260C.2 or an institution  
35 of higher education under the board of regents  
36 pursuant to chapter 262, in determining the amount of  
37 temporary support awarded under this section.  
38 Sec. \_\_\_\_\_. Section 598.13, Code 2009, is amended by  
39 adding the following new subsection:  
40 NEW SUBSECTION. 3. Disability compensation for  
41 service-related injuries or non-service-connected  
42 pension benefits received by a party from the United

43 States department of veterans affairs, with the  
 44 exception of any portion of such compensation  
 45 attributable to the computation for each additional  
 46 child or each additional school child over eighteen  
 47 years of age and attending school at an institution  
 48 including but not limited to a community college as  
 49 defined in section 260C.2 or an institution of higher  
 50 education under the board of regents pursuant to

Page 2

1 chapter 262, shall not be considered income or  
 2 property for the purposes of disclosing the financial  
 3 status of such party.

4 Sec.\_\_\_\_. Section 598.21, Code 2009, is amended by  
 5 adding the following new subsection:

6 NEW SUBSECTION. 6A. VETERANS' DISABILITY  
 7 COMPENSATION OR NON-SERVICE-CONNECTED PENSION

8 BENEFITS. Disability compensation for service-related  
 9 injuries or non-service-connected pension benefits

10 received by a party from the United States department  
 11 of veterans affairs, with the exception of any portion  
 12 of such compensation attributable to the computation  
 13 for each additional child or each additional school  
 14 child over eighteen years of age and attending school  
 15 at an institution including but not limited to a  
 16 community college as defined in section 260C.2 or an  
 17 institution of higher education under the board of  
 18 regents pursuant to chapter 262, shall not be  
 19 considered property for the purposes of this section.

20 Sec.\_\_\_\_. Section 598.21A, Code 2009, is amended  
 21 by adding the following new subsection:

22 NEW SUBSECTION. 3. VETERANS' DISABILITY  
 23 COMPENSATION OR NON-SERVICE-CONNECTED PENSION

24 BENEFITS. Disability compensation for service-related  
 25 injuries or non-service-connected pension benefits

26 received by a party from the United States department  
 27 of veterans affairs, with the exception of any portion  
 28 of such compensation attributable to the computation  
 29 for each additional child or each additional school  
 30 child over eighteen years of age and attending school  
 31 at an institution including but not limited to a  
 32 community college as defined in section 260C.2 or an  
 33 institution of higher education under the board of  
 34 regents pursuant to chapter 262, shall not be  
 35 considered income for the purposes of this section.

36 Sec.\_\_\_\_. Section 598.21B, subsection 2, paragraph  
 37 b, Code 2009, is amended by adding the following new  
 38 subparagraph:

39 NEW SUBPARAGRAPH. (4) For purposes of calculating  
 40 a support obligation under this section, disability  
 41 compensation for service-related injuries or

42 non-service-connected pension benefits received by a  
43 party from the United States department of veterans  
44 affairs, with the exception of any portion of such  
45 compensation attributable to the computation for each  
46 additional child or each additional school child over  
47 eighteen years of age and attending school at an  
48 institution including but not limited to a community  
49 college as defined in section 260C.2 or an institution  
50 of higher education under the board of regents

Page 3

1 pursuant to chapter 262, shall not be considered  
2 income.  
3 Sec. \_\_\_\_\_. Section 598.21C, Code 2009, is amended  
4 by adding the following new subsection:  
5 NEW SUBSECTION. 1A. VETERANS' DISABILITY  
6 COMPENSATION OR NON-SERVICE-CONNECTED PENSION  
7 BENEFITS. Changes in the amount of disability  
8 compensation for service-related benefits or  
9 non-service-connected pension benefits received by a  
10 party from the United States department of veterans  
11 affairs, with the exception of any portion of such  
12 compensation attributable to the computation for each  
13 additional child or each additional school child over  
14 eighteen years of age and attending school at an  
15 institution including but not limited to a community  
16 college as defined in section 260C.2 or an institution  
17 of higher education under the board of regents  
18 pursuant to chapter 262, shall not be considered a  
19 substantial change in circumstances for the purposes  
20 of this section."  
21 3. Title page, line 1, by inserting after the  
22 word "to" the following: "veterans and their spouses,  
23 dependent children, and school children, including the  
24 consideration of disability compensation for purposes  
25 related to former spouses, dependent children, and  
26 school children and".  
27 4. By renumbering as necessary.

Zirkelbach of Jones rose on a point of order that amendment H-1617 was not germane.

The Speaker ruled the point well taken and amendment H-1617 not germane.

Windschitl of Harrison moved to suspend the rules to consider amendment H-1617.

Roll call was requested by Zirkelbach of Jones and Windschitl of Harrison.

On the question "Shall the rules be suspended to consider amendment H-1617?" (S.F. 451)

The ayes were, 43:

Alons	Anderson	Arnold	Baudler
Beard	Cownie	De Boef	Deyoe
Dolecheck	Drake	Forristall	Grassley
Hagenow	Heaton	Helland	Horbach
Huseman	Kaufmann	Koester	Lukan
May	Miller, L.	Olson, S.	Paulsen
Raecker	Rants	Rayhons	Roberts
Sands	Schulte	Schultz	Soderberg
Sorenson	Struyk	Sweeney	Tjepkes
Tymeson	Upmeyer	Van Engelenhoven	Wagner
Watts	Windschitl	Worthan	

The nays were, 55:

Abdul-Samad	Bailey	Bell	Berry
Bukta	Burt	Cphoon	Ficken
Ford	Frevert	Gaskill	Gayman
Heddens	Hunter	Huser	Isenhart
Jacoby	Kearns	Kelley	Kressig
Kuhn	Lensing	Lykam	Marek
Mascher	McCarthy	Mertz	Miller, H.
Murphy, Spkr.	Oldson	Olson, D.	Olson, R.
Palmer	Petersen	Pettengill	Reasoner
Reichert	Schueller	Shomshor	Smith
Steckman	Swaim	Taylor, D.	Taylor, T.
Thede	Thomas	Wendt	Wenthe
Wessel-Kroeschell	Whitaker	Whitead	Willems
Winckler	Zirkelbach	Olson, T., Presiding	

Absent or not voting, 2:

Chambers                      Quirk

The motion to suspend the rules lost.

Watts of Dallas offered the following amendment H-1605 filed by him and moved its adoption:



H-1605

- 1 Amend Senate File 451, as passed by the Senate, as  
 2 follows:  
 3 1. Page 1, by striking line 10 and inserting the  
 4 following: "children who have been domiciled in the  
 5 state for at least six months immediately prior to  
 6 admission to the community college and who remain  
 7 domiciled in this state while enrolled in the".  
 8 2. Page 1, line 30, by striking the words "meets  
 9 the".  
 10 3. Page 1, by striking line 31.  
 11 4. Page 1, line 32, by striking the words "(i)  
 12 Is" and inserting the following: "is".  
 13 5. Page 1, by striking line 35.  
 14 6. Page 2, line 10, by striking the word "are"  
 15 and inserting the following: "have been domiciled in  
 16 the state for at least six months immediately prior to  
 17 admission to the community college and who remain".  
 18 7. Page 2, line 32, by striking the words "meets  
 19 the".  
 20 8. Page 2, by striking line 33.  
 21 9. Page 2, line 34, by striking the words "(i)  
 22 Is" and inserting the following: "is".  
 23 10. Page 3, by striking line 2.

Roll call was requested by McCarthy of Polk and Palmer of Mahaska.

On the question "Shall amendment H-1605 be adopted?" (S.F. 451)

The ayes were, 20:

Alons	Baudler	De Boef	Deyoe
Helland	Huseman	Koester	May
Olson, S.	Paulsen	Pettengill	Rayhons
Roberts	Schultz	Soderberg	Struyk
Tjepkes	Upmeyer	Wagner	Watts

The nays were, 79:

Abdul-Samad	Anderson	Arnold	Bailey
B Beard	Bell	Berry	Bukta
Burt	Cohoon	Cownie	Dolecheck
Drake	Ficken	Ford	Forristall
Frevert	Gaskill	Gayman	Grassley
Hagenow	Heaton	Heddens	Horbach
Hunter	Huser	Isenhart	Jacoby
Kaufmann	Kearns	Kelley	Kressig
Kuhn	Lensing	Lukan	Lykam

Marek	Mascher	McCarthy	Mertz
Miller, H.	Miller, L.	Murphy, Spkr.	Oldson
Olson, D.	Olson, R.	Palmer	Petersen
Quirk	Raecker	Rants	Reasoner
Reichert	Sands	Schueller	Schulte
Shomshor	Smith	Sorenson	Steckman
Swaim	Sweeney	Taylor, D.	Taylor, T.
Thede	Thomas	Tymeson	Van Engelenhoven
Wendt	Wenthe	Wessel-Kroeschell	Whitaker
Whitead	Willems	Winckler	Windschitl
Worthan	Zirkelbach	Olson, T., Presiding	

Absent or not voting, 1:

Chambers

Amendment H-1605 lost.

Mascher of Johnson offered the following amendment H-1427 filed by her and moved its adoption:

H-1427

- 1 Amend Senate File 451, as passed by the Senate, as
- 2 follows:
- 3 1. Page 2, line 8, by inserting after the word
- 4 "of" the following: "undergraduate".
- 5 2. Title page, line 2, by inserting before the
- 6 word "tuition" the following: "undergraduate".

Amendment H-1427 was adopted.

Watts of Dallas asked unanimous consent to suspend Rule 31, related to the timely filing of amendments, for the consideration of amendment H-1634.

Objection was raised.

Roll call was requested by Watts of Dallas and Windschitl of Harrison.

On the question "Shall the rules be suspended to consider amendment H-1634?" (S.F. 451)

The ayes were, 27:

Alons	Anderson	Arnold	De Boef
Deyoe	Dolecheck	Drake	Heaton

Helland	Horbach	Huseman	Koester
Lukan	May	Miller, L.	Olson, S.
Pettengill	Rayhons	Roberts	Sands
Schultz	Struyk	Tjepkes	Tymeson
Van Engelenhoven	Watts	Windschitl	

The nays were, 67:

Abdul-Samad	Bailey	Beard	Bell
Berry	Bukta	Burt	Cohoon
Cownie	Ficken	Ford	Frevert
Gaskill	Gayman	Grassley	Heddens
Hunter	Huser	Isenhart	Jacoby
Kaufmann	Kearns	Kelley	Kressig
Kuhn	Lensing	Lykam	Marek
Mascher	McCarthy	Mertz	Miller, H.
Murphy, Spkr.	Oldson	Olson, D.	Olson, R.
Palmer	Paulsen	Petersen	Quirk
Raecker	Rants	Reasoner	Reichert
Schueller	Shomshor	Smith	Soderberg
Steckman	Swaim	Sweeney	Taylor, D.
Taylor, T.	Thede	Thomas	Upmeyer
Wagner	Wendt	Wenthe	Wessel-Kroeschell
Whitaker	Whitead	Willems	Winckler
Worthan	Zirkelbach	Olson, T., Presiding	

Absent or not voting and 6:

Baudler	Chambers	Forristall	Hagenow
Schulte	Sorenson		

The motion to suspend the rules lost.

Mascher of Johnson moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 451)

The ayes were, 98:

Abdul-Samad	Alons	Anderson	Arnold
Bailey	Baudler	Beard	Bell
Berry	Bukta	Burt	Cohoon
Cownie	De Boef	Deyoe	Dolecheck
Drake	Ficken	Ford	Forristall
Frevert	Gaskill	Gayman	Grassley
Hagenow	Heaton	Heddens	Helland
Horbach	Hunter	Huseman	Huser

Isenhart	Jacoby	Kaufmann	Kearns
Kelley	Koester	Kressig	Kuhn
Lensing	Lukan	Lykam	Marek
Mascher	May	McCarthy	Mertz
Miller, H.	Miller, L.	Murphy, Spkr.	Oldson
Olson, D.	Olson, R.	Olson, S.	Palmer
Paulsen	Petersen	Pettengill	Quirk
Raecker	Rants	Rayhons	Reasoner
Reichert	Roberts	Sands	Schueller
Schulte	Schultz	Shomshor	Smith
Soderberg	Sorenson	Steckman	Struyk
Swaim	Sweeney	Taylor, D.	Taylor, T.
Thede	Thomas	Tjepkes	Tymeson
Upmeyer	Van Engelenhoven	Wagner	Wendt
Wenthe	Wessel-Kroeschell	Whitaker	Whitead
Willems	Winckler	Windschitl	Worthan
Zirkelbach	Olson, T., Presiding		

The nays were, 1:

Watts

Absent or not voting, 1:

Chambers

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

### HOUSE FILE 520 WITHDRAWN

Mascher of Johnson asked and received unanimous consent to withdraw House File 520 from further consideration by the House.

### IMMEDIATE MESSAGES

McCarthy of Polk asked and received unanimous consent that the following bills be immediately messaged to the Senate: **Senate Files 318** and **451**.

### Appropriations Calendar

**Senate File 344**, a bill for an act relating to the requirements of certain financial assistance programs administered by the department of economic development including a reorganization of the grow Iowa values fund and creating a grow Iowa values financial

assistance program, with report of committee recommending passage, was taken up for consideration.

Zirkelbach of Jones in the chair at 4:15 p.m.

Raecker of Polk offered the following amendment H-1626 filed by him and moved its adoption:

H-1626

- 1 Amend Senate File 344, as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 8, by inserting before line 27 the
- 4 following:
- 5 "bb. The state board of regents shall submit to
- 6 the economic development board each fiscal year a plan
- 7 describing all proposed expenditures of the moneys
- 8 received from the department pursuant to this
- 9 subsection. The economic development board shall
- 10 approve, deny, modify, or defer all proposed
- 11 expenditures under the plan."
- 12 2. Page 10, line 23, by inserting after the
- 13 figure "260C.18A." the following: "The community
- 14 colleges shall submit to the economic development
- 15 board each fiscal year a plan describing all proposed
- 16 expenditures of the moneys received from the
- 17 department pursuant to this subsection. The economic
- 18 development board shall approve, deny, modify, or
- 19 defer all proposed expenditures under the plan. Based
- 20 on the plan submitted and the action of the economic
- 21 development board in regard to the plan, the
- 22 department shall release the moneys allocated in this
- 23 subsection for deposit in the appropriate workforce
- 24 training and economic development fund."
- 25 3. By renumbering as necessary.

Roll call was requested by Raecker of Polk and Kaufmann of Cedar.

On the question "Shall amendment H-1626 be adopted?" (S.F. 344)

The ayes were, 43:

Alons	Anderson	Arnold	Baudler
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, 56:

Abdul-Samad	Bailey	Beard	Bell
Berry	Bukta	Burt	Cohoon
Ficken	Ford	Frevert	Gaskill
Gayman	Heddens	Hunter	Huser
Isenhardt	Jacoby	Kearns	Kelley
Kressig	Kuhn	Lensing	Lykam
Marek	Mascher	McCarthy	Mertz
Miller, H.	Murphy, Spkr.	Oldson	Olson, D.
Olson, R.	Olson, T.	Palmer	Petersen
Quirk	Reasoner	Reichert	Schueller
Shomshor	Smith	Steckman	Swaim
Taylor, D.	Taylor, T.	Thede	Thomas
Wendt	Wenthe	Wessel-Kroeschell	Whitaker
Whitead	Willems	Winckler	Zirkelbach, Presiding

Absent or not voting, 1:

Chambers

Amendment H-1626 lost.

Koester of Polk asked and received unanimous consent to withdraw amendment H-1317 filed by him on March 26, 2009.

Paulsen of Linn asked and received unanimous consent to withdraw amendment H-1627 filed by him on April 15, 2009.

Kaufmann of Cedar asked and received unanimous consent to withdraw amendment H-1316 filed by him on March 26, 2009.

Kaufmann of Cedar asked and received unanimous consent to withdraw amendment H-1628 filed by him on April 15, 2009.

Rants of Woodbury asked unanimous consent to consider amendment H-1633.

Objection was raised.

Rants of Woodbury moved to suspend the rules for the consideration of amendment H-1633.

The Speaker ruled the motion out of order.

Paulsen of Linn asked unanimous consent to suspend the rules for the immediate consideration of amendment H-1633.

Objection was raised.

Paulsen of Linn moved to suspend the rules for the immediate consideration of amendment H-1633.

Roll call was requested by Paulsen of Linn and Rants of Woodbury.

On the question "Shall the rules be suspended to consider amendment H-1633?" (S.F. 344)

The ayes were, 45:

Alons	Anderson	Arnold	Baudler
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	Wendt	Whitead	Windschitl
Worthan			

The nays were, 50:

Abdul-Samad	Bailey	Beard	Bell
Berry	Burt	Cohoon	Bicken
Ford	Frevert	Gaskill	Gayman
Heddens	Hunter	Huser	Isenhardt
Jacoby	Kearns	Kelley	Kressig
Kuhn	Lensing	Lykam	Marek
Mascher	McCarthy	Mertz	Oldson
Olson, D.	Olson, R.	Olson, T.	Palmer
Petersen	Quirk	Reasoner	Reichert
Schueller	Smith	Steckman	Swaim
Taylor, D.	Taylor, T.	Thede	Thomas

Wenthe Winckler	Wessel-Kroeschell Zirkelbach, Presiding	Whitaker	Willems
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Absent or not voting, 5:

Bukta Shomshor	Chambers	Miller, H.	Murphy, Spkr.
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The motion to suspend the rules lost.

Wenthe of Fayette 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. 344)

The ayes were, 90:

Abdul-Samad	Alons	Anderson	Arnold
Bailey	Baudler	Beard	Bell
Berry	Bukta	Burt	Cohoon
Cownie	De Boef	Deyoe	Dolecheck
Drake	Ficken	Ford	Forristall
Frevert	Gaskill	Gayman	Grassley
Hagenow	Heaton	Heddens	Horbach
Huseman	Isenhart	Jacoby	Kaufmann
Kearns	Kelley	Koester	Kressig
Kuhn	Lensing	Lukan	Lykam
Marek	Mascher	May	McCarthy
Mertz	Miller, H.	Miller, L.	Murphy, Spkr.
Oldson	Olson, D.	Olson, R.	Olson, S.
Olson, T.	Palmer	Paulsen	Petersen
Quirk	Rants	Rayhons	Reasoner
Roberts	Schueller	Schulte	Schultz
Shomshor	Smith	Soderberg	Sorenson
Steckman	Struyk	Swaim	Sweeney
Taylor, D.	Taylor, T.	Thede	Thomas
Tjepkes	Upmeyer	Van Engelenhoven	Wagner
Watts	Wendt	Wenthe	Wessel-Kroeschell
Whitaker	Whitead	Willems	Winckler
Worthan	Zirkelbach, Presiding		

The nays were, 8:

Helland	Hunter	Huser	Pettengill
Raecker	Sands	Tymeson	Windschitl



Absent or not voting, 2:

Chambers

Reichert

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

### INTRODUCTION OF BILLS

**House File 826**, by committee on ways and means, a bill for an act relating to the comprehensive recycling planning task force.

Read first time and placed on the **ways and means calendar**.

**House File 827**, by committee on ways and means, a bill for an act directing the regents institutions to conduct an Iowa climate change impacts review.

Read first time and placed on the **ways and means calendar**.

### IMMEDIATE MESSAGE

McCarthy of Polk asked and received unanimous consent that **Senate File 344** be immediately messaged to the Senate.

### SENATE FILES PLACED ON THE UNFINISHED BUSINESS CALENDAR

McCarthy of Polk asked and received unanimous consent to place the following Senate Files on the Unfinished Business Calendar:

Senate File 3

Senate File 224

Senate File 389

Senate File 434

On motion by McCarthy of Polk, the House was recessed at 4:44 p.m., until the conclusion of the meeting of the committees on appropriations and ways and means.

### EVENING SESSION

The House reconvened at 5:24 p.m., Upmeyer of Hancock in the chair.

## BILLS SIGNED BY THE GOVERNOR

A communication was received from the Governor announcing that on April 15, 2009, he approved and transmitted to the Secretary of State the following bills:

House File 776, an Act prohibiting the use of false caller identification for campaign purposes and providing penalties.

Senate File 43, an Act relating to the abatement or refund of property taxes for certain religious, literary, and charitable societies and including effective and retroactive applicability date provisions.

Senate File 225, an Act allowing the purchase of service credit under the statewide fire and police retirement system for prior service under the retirement system.

Senate File 322, an Act relating to the technical administration of the tax and related laws by the department of revenue, including administration of income taxes, sales and use taxes, fees for new vehicle registrations, and property taxes and including a retroactive applicability date provision.

Senate File 355, an Act relating to mortgage lending by establishing licensing requirements applicable to mortgage loan originators; making specified modifications to existing licensing provisions relating to mortgage bankers and brokers, regulated loans, and industrial loans; and providing penalties and effective dates.

Senate File 407, an Act relating to the rights and responsibilities of Iowa veterans home members.

Senate File 440, an Act relating to prescription drug coverage for health care facility residents eligible for federal veterans affairs benefits.

## 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

- |           |  |
|-----------|--|
| 2009\3676 | Art Brown, Patterson – For celebrating his 90 <sup>th</sup> birthday.                                      |
| 2009\3677 | Zelma Libby, Winterset – For celebrating her 90 <sup>th</sup> birthday.                                    |
| 2009\3678 | LaVere Cumings, Winterset – For celebrating her 96 <sup>th</sup> birthday.                                 |
| 2009\3679 | Gregory and Marjorie Schaefers, Center Point – For celebrating their 50 <sup>th</sup> wedding anniversary. |

- 2009\3680 Vernon and Sarah Retting, Bondurant – For celebrating their 50<sup>th</sup> wedding anniversary.
- 2009\3681 Carroll and Joyce Rose, Bondurant – For celebrating their 50<sup>th</sup> wedding anniversary.
- 2009\3682 Richard Sutton, Cedar Rapids – For attaining the rank of Eagle Scout, the highest rank in the Boy Scouts of America.
- 2009\3683 Darrell and Shirley Goetzinger, Marion – For celebrating their 50<sup>th</sup> wedding anniversary.

#### SUBCOMMITTEE ASSIGNMENTS

##### **House File 823**

Ways and Means: D. Olson, Chair; Frevert and Hagenow.

##### **Senate File 476**

Ways and Means: Reasoner, Chair; Bukta and Kaufmann.

##### **Senate File 484**

Appropriations: Jacoby, Chair; Heddens and Watts.

#### HOUSE STUDY BILL COMMITTEE ASSIGNMENT

##### **H.S.B. 292 Appropriations**

Relating to the issuance of bonds and making of appropriations for capital and other essential purposes.

#### 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 APPROPRIATIONS

**Senate File 471**, a bill for an act relating to energy efficiency and renewable energy, including allocating appropriated amounts from the Iowa power fund to fund tax credits for innovative renewable energy generation components, transferring authority over specified energy-related measures and programs from the department

of natural resources to the office of energy independence, providing transition provisions relating to the transfer of authority, and providing an effective date.

Fiscal Note is not required.

Recommended **Do Pass** April 15, 2009.

**Pursuant to Rule 31, Senate File 471 was referred to the committee on ways and means.**

#### COMMITTEE ON WAYS AND MEANS

**Senate File 476**, a bill for an act relating to a quality assurance assessment program, nursing facility reimbursements, and providing monetary penalties, contingencies, and effective dates.

Fiscal Note is not required.

Recommended **Do Pass** April 16, 2009.

**Committee Bill** (Formerly House File 750), relating to providing sales, use, and property tax exemptions and sales tax refunds for certain data processing businesses and including an applicability date provision.

Fiscal Note is not required.

Recommended **Do Pass** April 15, 2009.

**Committee Bill** (Formerly House File 764), relating to the comprehensive recycling planning task force.

Fiscal Note is not required.

Recommended **Amend and Do Pass** April 15, 2009.

**Committee Bill** (Formerly House File 769), directing the regents institutions to review and prepare a report regarding the state's vulnerability to climatic change.

Fiscal Note is not required.

Recommended **Amend and Do Pass** April 15, 2009.

#### AMENDMENTS FILED

H—1630	H.F.	811	Senate Amendment
H—1632	H.F.	756	Mertz of Kossuth
H—1635	S.F.	3	Alons of Sioux

On motion by McCarthy of Polk the House adjourned at 5:25 p.m., until 10:30 a.m., Friday, April 17, 2009.

# JOURNAL OF THE HOUSE

Ninety-sixth Calendar Day - Sixty-fourth Session Day

Hall of the House of Representatives  
Des Moines, Iowa, Friday, April 17, 2009

The House met pursuant to adjournment at 11:04 a.m., Oldson of Polk in the chair.

Prayer was offered by Mark W. Brandsgard, Chief Clerk of the House.

## PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Mark Brandsgard, Chief Clerk of the House.

The Journal of Thursday, April 16, 2009 was approved.

## MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on April 8, 2009, concurred in the House amendment and passed the following bill in which the concurrence of the Senate was asked:

Senate File 419, a bill for an act relating to matters under the purview of the department of transportation, including provisions for the administration of the department, driver licensing, vehicle regulation, the motor fuel tax formula, and the issuance of citations, establishing a cap on annual deposits to the TIME-21 fund, providing a penalty, and providing effective and retroactive applicability dates.

Also: That the Senate has on April 16, 2009, passed the following bill in which the concurrence of the House is asked:

Senate File 461, a bill for an act providing for petition and election to approve the use of increased local sales and services tax revenues to fund urban renewal projects.

Also: That the Senate has on April 16, 2009, passed the following bill in which the concurrence of the House is asked:

Senate File 481, a bill for an act relating to historic preservation and cultural and entertainment district tax credits by increasing the aggregate amount of credits that may be approved, changing the amounts allocated to various projects, and modifying certain administrative duties of the department of cultural affairs.

MICHAEL E. MARSHALL, Secretary

## INTRODUCTION OF BILL

**House File 828**, by committee on appropriations, a bill for an act relating to the issuance of bonds and making of appropriations for capital and other essential purposes.

Read first time and placed on the **appropriations calendar**.

## SENATE MESSAGES CONSIDERED

**Senate File 461**, by committee on ways and means, a bill for an act providing for petition and election to approve the use of increased local sales and services tax revenues to fund urban renewal projects.

Read first time and referred to committee on **ways and means**.

**Senate File 481**, by committee on ways and means, a bill for an act relating to historic preservation and cultural and entertainment district tax credits by increasing the aggregate amount of credits that may be approved, changing the amounts allocated to various projects, and modifying certain administrative duties of the department of cultural affairs.

Read first time and **passed on file**.

## BILLS ENROLLED, SIGNED AND SENT TO GOVERNOR

The Chief Clerk of the House submitted the following report:

MR. SPEAKER: The Chief Clerk of the House respectfully reports that the following bills have been examined and found correctly enrolled, signed by the Speaker of the House and the President of the Senate, and presented to the Governor for his approval on this 17<sup>th</sup> day of April, 2009: House Files 266,468,697 and 762.

MARK W. BRANDSGARD

Chief Clerk of the House

Report adopted.

## SUBCOMMITTEE ASSIGNMENT

**Senate File 483**

Ways and Means: Thomas, Chair; Isenhart and Struyk.

## 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 APPROPRIATIONS

**Senate File 376**, a bill for an act relating to the issuance of bonds including the issuance of annual appropriation bonds, creating an annual appropriation bonds debt service fund and an appropriation bonds capitals fund, making and revising appropriations, and including effective date provisions.

Fiscal Note is not required.

Recommended **Amend and Do Pass with Amendment H-1637** April 16, 2009.

**Senate File 474**, a bill for an act relating to the bonding authorization of the state board of regents for flood repair, restoration, replacement, and mitigation at the state university of Iowa.

Fiscal Note is not required.

Recommended **Do Pass** April 16, 2009.

**Senate File 484**, a bill for an act relating to regulatory requirements involving boarding homes and dependent adults and providing an appropriation and a penalty.

Fiscal Note is not required.

Recommended **Do Pass** April 16, 2009.

**Committee Bill** (Formerly House Study Bill 292), relating to the issuance of bonds and making of appropriations for capital and other essential purposes.

Fiscal Note is not required.

Recommended **Do Pass** April 16, 2009.

### AMENDMENTS FILED

H—1636	S.F.	224	Quirk of Chickasaw
H—1637	S.F.	376	Committee on Appropriations

On motion by Heddens of Story the House adjourned at 11:05 a.m., until 10:00 a.m., Monday, April 20, 2009.

# JOURNAL OF THE HOUSE

Ninety-ninth Calendar Day - Sixty-fifth Session Day

Hall of the House of Representatives  
Des Moines, Iowa, Monday, April 20, 2009

The House met pursuant to adjournment at 10:13 a.m., Speaker Murphy in the chair.

Prayer was offered by Reverend Jim Magelson, pastor of Trinity Lutheran Church, Mason City. He was the guest of Representative Sharon Steckman of Cerro Gordo County.

## PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Nicole Westergaard, House Page from Newell.

The Journal of Friday, April 17, 2009 was approved.

## LEAVE OF ABSENCE

Leave of absence was granted as follows:

Sweeney of Hardin, until her arrival, on request of Roberts of Carroll; Rants of Woodbury on request of Paulsen of Linn.

Reasoner of Union asked and received unanimous consent for the immediate consideration of House File 824.

## CONSIDERATION OF BILLS Ways and Means Calendar

**House File 824**, a bill for an act relating to providing sales, use, and property tax exemptions and sales tax refunds for certain data processing businesses and including an applicability date provision, 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?" (H.F. 824)

The ayes were, 91

Abdul-Samad	Alons	Anderson	Arnold
Baudler	Beard	Bell	Bukta
Burt	Cohoon	Cownie	De Boef
Deyoe	Dolecheck	Drake	Ficken
Forristall	Frevert	Gaskill	Gayman
Grassley	Hagenow	Heaton	Heddens
Helland	Horbach	Huseman	Huser
Isenhart	Jacoby	Kaufmann	Kearns
Kelley	Koester	Kressig	Kuhn
Lensing	Lukan	Lykam	Marek
Mascher	May	McCarthy	Mertz
Miller, H.	Miller, L.	Oldson	Olson, D.
Olson, R.	Olson, S.	Olson, T.	Palmer
Paulsen	Petersen	Pettengill	Quirk
Raecker	Rayhons	Reasoner	Reichert
Roberts	Sands	Schueller	Schulte
Schultz	Shomshor	Smith	Soderberg
Sorenson	Steckman	Struyk	Swaim
Thede	Thomas	Tjepkes	Tymeson
Upmeyer	Van Engelenhoven	Wagner	Watts
Wendt	Wenthe	Wessel-Kroeschell	Whitaker
Whitead	Willems	Winckler	Windschitl
Worthan	Zirkelbach	Mr. Speaker	
		Murphy	

The nays were, 1:

Hunter

Absent or not voting, 8:

Bailey	Berry	Chambers	Ford
Rants	Sweeney	Taylor, D.	Taylor, T.

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

## LEAVE OF ABSENCE

Leave of absence was granted as follows:

Raecker of Polk, until his return, on request of Paulsen of Linn.

### Unfinished Business Calendar

**House File 819**, a bill for an act relating to historic preservation and cultural and entertainment district tax credits by increasing the aggregate amount of credits that may be approved, changing the amounts allocated to various projects, and modifying certain administrative duties of the department of cultural affairs, was taken up for consideration.

Paulsen of Linn asked and received unanimous consent to withdraw amendment H-1599 filed by him on April 14, 2009, placing out of order amendment H-1625 filed by Rants of Woodbury on April 15, 2009.

#### SENATE FILE 481 SUBSTITUTED FOR HOUSE FILE 819

Steckman of Cerro Gordo asked and received unanimous consent to substitute Senate File 481 for House File 819.

**Senate File 481**, a bill for an act relating to historic preservation and cultural and entertainment district tax credits by increasing the aggregate amount of credits that may be approved, changing the amounts allocated to various projects, and modifying certain administrative duties of the department of cultural affairs, was taken up for consideration.

Steckman of Cerro Gordo 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. 481)

The ayes were, 89:

Abdul-Samad	Alons	Anderson	Arnold
Baudler	Beard	Bell	Berry
Bukta	Burt	Cphoon	Cownie
De Boef	Deyoe	Dolecheck	Drake
Ficken	Forristall	Frevert	Gaskill
Gayman	Grassley	Hagenow	Heaton
Heddens	Helland	Horbach	Huseman
Huser	Isenhardt	Jacoby	Kaufmann
Kearns	Kelley	Koester	Kressig
Kuhn	Lensing	Lukan	Lykam

Marek	Mascher	May	McCarthy
Mertz	Miller, H.	Miller, L.	Oldson
Olson, D.	Olson, S.	Palmer	Paulsen
Petersen	Pettengill	Quirk	Raecker
Rayhons	Reasoner	Reichert	Roberts
Sands	Schueller	Schulte	Schultz
Shomshor	Smith	Soderberg	Sorenson
Steckman	Struyk	Swaim	Thede
Thomas	Tjepkes	Tymeson	Upmeyer
Van Engelenhoven	Wagner	Watts	Wendt
Wenthe	Wessel-Kroeschell	Whitaker	Whitead
Winckler	Windschitl	Worthan	Zirkebach
Mr. Speaker			
Murphy			

The nays were, 3:

Hunter	Olson, R.	Willems
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Absent or not voting, 7:

Bailey	Chambers	Ford	Rants
Sweeney	Taylor, D.	Taylor, T.	

### RULE 76 INVOKED

Under the provision of Rule 76, conflict of interest, T. Olson of Linn refrained from voting.

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

### HOUSE FILE 819 WITHDRAWN

Steckman of Cerro Gordo asked and received unanimous consent to withdraw House File 819 from further consideration by the House.

### IMMEDIATE MESSAGE

McCarthy of Polk asked and received unanimous consent that **House File 824** and **Senate File 481** be immediately messaged to the Senate.

**Senate File 389**, a bill for an act relating to health care, health care providers, and health care coverage, providing penalties, and providing retroactive and other effective dates, with report of

committee recommending amendment and passage, was taken up for consideration.

Smith of Marshall asked and received unanimous consent to withdraw the committee amendment H-1324 filed by the committee on human resources on March 27, 2009.

Smith of Marshall offered amendment H-1638 filed by him and Upmeyer of Hancock from the floor as follows:

H-1638

- 1 Amend Senate File 389, as amended, passed, and  
 2 reprinted by the Senate, as follows:  
 3 1. By striking everything after the enacting  
 4 clause and inserting the following:  
 5 "DIVISION I  
 6 LEGISLATIVE HEALTH CARE COVERAGE COMMISSION  
 7 Section 1. LEGISLATIVE HEALTH CARE COVERAGE  
 8 COMMISSION.  
 9 1. A legislative health care coverage commission  
 10 is created under the authority of the legislative  
 11 council.  
 12 a. The commission shall include the following  
 13 persons who are ex officio, nonvoting members of the  
 14 commission:  
 15 (1) The commissioner of insurance, or a designee.  
 16 (2) The director of human services, or a designee.  
 17 (3) The director of public health, or a designee.  
 18 (4) Four members of the general assembly, one  
 19 appointed by the speaker of the house of  
 20 representatives, one appointed by the minority leader  
 21 of the house of representatives, one appointed by the  
 22 majority leader of the senate, and one appointed by  
 23 the minority leader of the senate.  
 24 b. The commission shall include the following  
 25 persons who are voting members of the commission and  
 26 who are appointed by the legislative council:  
 27 (1) A person who represents the association of  
 28 business and industry.  
 29 (2) A person who represents the federation of Iowa  
 30 insurers.  
 31 (3) A person who represents the Iowa federation of  
 32 labor.  
 33 (4) One health care provider, designated by the  
 34 executive committee of the medical assistance advisory  
 35 council.  
 36 (5) A person who represents the Iowa association  
 37 of health underwriters.

38 (6) Three consumers.

39 (7) A person who represents an organization of  
40 small businesses.

41 2. The legislative council may employ or contract  
42 with a coordinator to assist the commission in  
43 carrying out its duties. The coordinator shall gather  
44 and coordinate information for the use of the  
45 commission in its deliberations concerning health  
46 reform initiatives and activities related to the  
47 medical home system advisory council, the electronic  
48 health information advisory council and executive  
49 committee, the prevention and chronic care management  
50 advisory council, the direct care worker task force,

Page 2

1 the health and long-term care access technical  
2 advisory committee, the clinicians advisory panel, the  
3 long-term living initiatives of the department of  
4 elder affairs, medical assistance and hawk-i program  
5 expansions and initiatives, prevention and wellness  
6 initiatives including but not limited to those  
7 administered through the Iowa healthy communities  
8 initiative pursuant to section 135.27 and through the  
9 governor's council on physical fitness and nutrition,  
10 health care transparency activities, and other health  
11 care reform-related advisory bodies and activities  
12 that provide direction and promote collaborative  
13 efforts among health care providers involved in the  
14 initiatives and activities. The legislative services  
15 agency shall provide administrative support to the  
16 commission.

17 3. The legislative council shall appoint one  
18 voting member as chairperson and one as vice  
19 chairperson. Legislative members of the commission  
20 are eligible for per diem and reimbursement of actual  
21 expenses as provided in section 2.10. The consumers  
22 appointed to the commission are entitled to receive a  
23 per diem as specified in section 7E.6 for each day  
24 spent in performance of duties as a member, and shall  
25 be reimbursed for all actual and necessary expenses  
26 incurred in the performance of duties as a member of  
27 the commission.

28 4. The commission shall develop an Iowa health  
29 care reform strategic plan which includes but is not  
30 limited to a review and analysis of, and  
31 recommendations and prioritization of recommendations  
32 for, the following:

33 a. Options for the coordination of a children's  
34 health care network in the state that provides health  
35 care coverage to all children without such coverage;  
36 utilizes, modifies, and enhances existing public

37 programs; maximizes the ability of the state to obtain  
38 federal funding and reimbursement for such programs;  
39 and provides access to private, affordable health care  
40 coverage for children who are not otherwise eligible  
41 for health care coverage through public programs.

42 b. Options for children, adults, and families to  
43 transition seamlessly among public and private health  
44 care coverage options.

45 c. Options for subsidized and unsubsidized health  
46 care coverage programs which offer public and private,  
47 adequate and affordable health care coverage including  
48 but not limited to options to purchase coverage with  
49 varying levels of benefits including basic or  
50 catastrophic benefits, an intermediate level of

Page 3

1 benefits, and comprehensive benefits coverage. The  
2 commission shall also consider options and make  
3 recommendations for providing an array of benefits  
4 that may include physical, mental, and dental health  
5 care coverage.

6 d. Options to offer a program to provide coverage  
7 under a state health or medical group insurance plan  
8 to nonstate public employees, including employees of  
9 counties, cities, schools, area education agencies,  
10 and community colleges, and employees of nonprofit  
11 employers and small employers and to pool such  
12 employees with the state plan.

13 e. The ramifications of requiring each employer in  
14 the state with more than ten employees to adopt and  
15 maintain a cafeteria plan that satisfies section 125  
16 of the Internal Revenue Code of 1986.

17 f. Options for development of a long-term strategy  
18 to provide access to affordable health care coverage  
19 to the uninsured in Iowa, particularly adults, and  
20 development of a structure to implement that strategy  
21 including consideration of whether to utilize an  
22 existing government agency or a newly created entity.

23 5. As part of developing the strategic plan, the  
24 commission shall collaborate with health insurance  
25 experts to do including but not limited to the  
26 following:

27 a. Design solutions to issues relating to  
28 guaranteed issuance of insurance, preexisting  
29 condition exclusions, portability, and allowable  
30 pooling and rating classifications.

31 b. Formulate principles that ensure fair and  
32 appropriate practices relating to issues involving  
33 individual health care policies such as rescission and  
34 preexisting condition clauses, and that provide for a  
35 binding third-party review process to resolve disputes

36 related to such issues.

37 c. Design affordable, portable health care  
38 coverage options for low-income children, adults, and  
39 families.

40 d. Design a proposed premium schedule for health  
41 care coverage options which includes the development  
42 of rating factors that are consistent with market  
43 conditions.

44 e. Design protocols to limit the transfer from  
45 employer-sponsored or other private health care  
46 coverage to state-developed health care coverage  
47 plans.

48 6. The commission may request from any state  
49 agency or official information and assistance as  
50 needed to perform its duties pursuant to this section.

Page 4

1 A state agency or official shall furnish the  
2 information or assistance requested within the  
3 authority and resources of the state agency or  
4 official. This subsection does not allow the  
5 examination or copying of any public record required  
6 by law to be kept confidential.

7 7. The commission shall provide progress reports  
8 to the legislative council every quarter summarizing  
9 the commission's activities.

10 8. The commission shall provide a progress report  
11 to the general assembly by January 1, 2010,  
12 summarizing the commission's activities thus far, that  
13 includes but is not limited to recommendations and  
14 prioritization of recommendations for subsidized and  
15 unsubsidized health care coverage programs which offer  
16 public and private and adequate and affordable health  
17 care coverage for adults. The commission shall  
18 collaborate with health insurance experts to ensure  
19 that health care coverage for adults that is  
20 consistent with the commission's recommendations and  
21 priorities is available for purchase by the public by  
22 July 1, 2010.

23 9. The commission shall provide a report to the  
24 general assembly by January 1, 2011, summarizing the  
25 commission's activities since the last report.

26 10. The commission shall conclude its  
27 deliberations by July 1, 2011, and shall submit a  
28 final report to the general assembly by October 1,  
29 2011, summarizing the commission's activities  
30 particularly pertaining to the availability of health  
31 care coverage programs for adults, analyzing issues  
32 studied, and setting forth options, recommendations,  
33 and priorities for an Iowa health care reform  
34 strategic plan that will ensure that all Iowans have

35 access to health care coverage which meets minimum  
 36 standards of quality and affordability. The  
 37 commission may include any other information the  
 38 commission deems relevant and necessary.

39 11. This section is repealed on December 31, 2011.

40 COORDINATING AMENDMENTS

41 Sec. 2. Section 514E.1, subsections 15 and 22,  
 42 Code 2009, are amended by striking the subsections.

43 Sec. 3. Section 514E.2, subsection 3, unnumbered  
 44 paragraph 1, Code 2009, is amended to read as follows:

45 The association shall submit to the commissioner a  
 46 plan of operation for the association and any  
 47 amendments necessary or suitable to assure the fair,  
 48 reasonable, and equitable administration of the  
 49 association. ~~The plan of operation shall include~~  
 50 ~~provisions for the development of a comprehensive~~

Page 5

1 ~~health care coverage plan as provided in section~~  
 2 ~~514E.5. In developing the comprehensive plan the~~  
 3 ~~association shall give deference to the~~  
 4 ~~recommendations made by the advisory council as~~  
 5 ~~provided in section 514E.6, subsection 1. The~~  
 6 ~~association shall approve or disapprove but shall not~~  
 7 ~~modify recommendations made by the advisory council.~~  
 8 ~~Recommendations that are approved shall be included in~~  
 9 ~~the plan of operation submitted to the commissioner.~~  
 10 ~~Recommendations that are disapproved shall be~~  
 11 ~~submitted to the commissioner with reasons for the~~  
 12 ~~disapproval. The plan of operation becomes effective~~  
 13 ~~upon approval in writing by the commissioner prior to~~  
 14 ~~the date on which the coverage under this chapter must~~  
 15 ~~be made available. After notice and hearing, the~~  
 16 ~~commissioner shall approve the plan of operation if~~  
 17 ~~the plan is determined to be suitable to assure the~~  
 18 ~~fair, reasonable, and equitable administration of the~~  
 19 ~~association, and provides for the sharing of~~  
 20 ~~association losses, if any, on an equitable and~~  
 21 ~~proportionate basis among the member carriers. If the~~  
 22 ~~association fails to submit a suitable plan of~~  
 23 ~~operation within one hundred eighty days after the~~  
 24 ~~appointment of the board of directors, or if at any~~  
 25 ~~later time the association fails to submit suitable~~  
 26 ~~amendments to the plan, the commissioner shall adopt,~~  
 27 ~~pursuant to chapter 17A, rules necessary to implement~~  
 28 ~~this section. The rules shall continue in force until~~  
 29 ~~modified by the commissioner or superseded by a plan~~  
 30 ~~submitted by the association and approved by the~~  
 31 ~~commissioner. In addition to other requirements, the~~  
 32 ~~plan of operation shall provide for all of the~~  
 33 ~~following:~~



34 Sec. 4. Sections 514E.5 and 514E.6, Code 2009, are  
35 repealed.

36 Sec. 5. EFFECTIVE DATE. This division of this  
37 Act, being deemed of immediate importance, takes  
38 effect upon enactment.

39 DIVISION II

40 HEALTH CARE COVERAGE OF ADULT CHILDREN

41 Sec. 6. Section 422.7, Code 2009, is amended by  
42 adding the following new subsection:

43 NEW SUBSECTION. 29A. If the health benefits  
44 coverage or insurance of the taxpayer includes  
45 coverage of a nonqualified tax dependent as determined  
46 by the federal internal revenue service, subtract, to  
47 the extent included, the amount of the value of such  
48 coverage attributable to the nonqualified tax  
49 dependent.

50 Sec. 7. Section 509.3, subsection 8, Code 2009, is

Page 6

1 amended to read as follows:

2 8. A provision that the insurer will permit  
3 continuation of existing coverage or reenrollment in  
4 previously existing coverage for an individual who  
5 meets the requirements of section 513B.2, subsection  
6 14, paragraph "a", "b", "c", "d", or "e", and who is  
7 an unmarried child of an insured or enrollee who so  
8 elects, at least through the policy anniversary date  
9 on or after the date the child marries, ceases to be a  
10 resident of this state, or attains the age of  
11 twenty-five years old, whichever occurs first, or so  
12 long as the unmarried child maintains full-time status  
13 as a student in an accredited institution of  
14 postsecondary education.

15 In addition to the provisions required in  
16 subsections 1 through ~~7~~ 8, the commissioner shall  
17 require provisions through the adoption of rules  
18 implementing the federal Health Insurance Portability  
19 and Accountability Act, Pub. L. No. 104-191.

20 Sec. 8. Section 509A.13B, Code 2009, is amended to  
21 read as follows:

22 509A.13B CONTINUATION OF DEPENDENT COVERAGE OF  
23 CHILDREN – CONTINUATION OR REENROLLMENT.

24 If a governing body, a county board of supervisors,  
25 or a city council has procured accident or health care  
26 coverage for its employees under this chapter such  
27 coverage shall permit continuation of existing  
28 coverage or reenrollment in previously existing  
29 coverage for an individual who meets the requirements  
30 of section 513B.2, subsection 14, paragraph "a", "b",  
31 "c", "d", or "e", and who is an unmarried child of an  
32 insured or enrollee who so elects, at least through

33 the policy anniversary date on or after the date the  
 34 child marries, ceases to be a resident of this state,  
 35 or attains the age of twenty-five years old, whichever  
 36 occurs first, or so long as the unmarried child  
 37 maintains full-time status as a student in an  
 38 accredited institution of postsecondary education.  
 39 Sec. 9. Section 514A.3B, subsection 2, Code 2009,  
 40 is amended to read as follows:

41 2. An insurer issuing an individual policy or  
 42 contract of accident and health insurance which  
 43 provides coverage for children of the insured shall  
 44 permit continuation of existing coverage or  
 45 reenrollment in previously existing coverage for an  
 46 individual who meets the requirements of section  
 47 513B.2, subsection 14, paragraph "a", "b", "c", "d",  
 48 or "e", and who is an unmarried child of an insured or  
 49 enrollee who so elects, at least through the policy  
 50 anniversary date on or after the date the child

Page 7

1 marries, ceases to be a resident of this state, or  
 2 attains the age of twenty-five years old, whichever  
 3 occurs first, or so long as the unmarried child  
 4 maintains full-time status as a student in an  
 5 accredited institution of postsecondary education.  
 6 Sec. 10. **NEW SECTION.** 514B.9A COVERAGE OF  
 7 CHILDREN – CONTINUATION OR REENROLLMENT.  
 8 A health maintenance organization which provides  
 9 health care coverage pursuant to an individual or  
 10 group health maintenance organization contract  
 11 regulated under this chapter for children of an  
 12 enrollee shall permit continuation of existing  
 13 coverage or reenrollment in previously existing  
 14 coverage for an individual who meets the requirements  
 15 of section 513B.2, subsection 14, paragraph "a", "b",  
 16 "c", "d", or "e", and who is an unmarried child of an  
 17 enrollee who so elects, at least through the policy  
 18 anniversary date on or after the date the child  
 19 marries, ceases to be a resident of this state, or  
 20 attains the age of twenty-five years old, whichever  
 21 occurs first, or so long as the unmarried child  
 22 maintains full-time status as a student in an  
 23 accredited institution of postsecondary education.  
 24 Sec. 11. **APPLICABILITY.** The sections of this Act  
 25 amending section 509.3, subsection 8, 509A.13B, and  
 26 514A.3B, subsection 2, and enacting section 514B.9A,  
 27 apply to policies, contracts, or plans of accident and  
 28 health insurance delivered, issued for delivery,  
 29 continued, or renewed in this state on or after July  
 30 1, 2009.  
 31 Sec. 12. **RETROACTIVE APPLICABILITY DATE.** The

32 section of this Act enacting section 422.7, subsection  
 33 29A, applies retroactively to January 1, 2009, for tax  
 34 years beginning on or after that date.

35 DIVISION III

36 MEDICAL ASSISTANCE AND HAWK-I PROVISIONS

37 COVERAGE FOR ALL INCOME-ELIGIBLE CHILDREN

38 Sec. 13. NEW SECTION. 249A.3A MEDICAL ASSISTANCE  
 39 – ALL INCOME-ELIGIBLE CHILDREN.

40 The department shall provide medical assistance to  
 41 individuals under nineteen years of age who meet the  
 42 income eligibility requirements for the state medical  
 43 assistance program and for whom federal financial  
 44 participation is or becomes available for the cost of  
 45 such assistance.

46 Sec. 14. NEW SECTION. 514I.8A HAWK-I – ALL  
 47 INCOME-ELIGIBLE CHILDREN.

48 The department shall provide coverage to  
 49 individuals under nineteen years of age who meet the  
 50 income eligibility requirements for the hawk-i program

Page 8

1 and for whom federal financial participation is or  
 2 becomes available for the cost of such coverage.

3 REQUIRED APPLICATION FOR DEPENDENT CHILD HEALTH CARE  
 4 COVERAGE

5 Sec. 15. Section 422.12M, Code 2009, is amended to  
 6 read as follows:

7 422.12M INCOME TAX FORM – INDICATION OF DEPENDENT  
 8 CHILD HEALTH CARE COVERAGE.

9 1. The director shall draft the income tax form to  
 10 ~~allow require~~ beginning with the tax returns for tax  
 11 year ~~2008~~ 2010, a person who files an individual or  
 12 joint income tax return with the department under  
 13 section 422.13 to indicate the presence or absence of  
 14 health care coverage for each dependent child for whom  
 15 an exemption is claimed.

16 2. Beginning with the income tax return for tax  
 17 year ~~2008~~ 2010, a person who files an individual or  
 18 joint income tax return with the department under  
 19 section 422.13, ~~may shall~~ report on the income tax  
 20 return, in the form required, the presence or absence  
 21 of health care coverage for each dependent child for  
 22 whom an exemption is claimed.

23 a. If the taxpayer indicates on the income tax  
 24 return that a dependent child does not have health  
 25 care coverage, and the income of the taxpayer's tax  
 26 return does not exceed the highest level of income  
 27 eligibility standard for the medical assistance  
 28 program pursuant to chapter 249A or the hawk-i program  
 29 pursuant to chapter 514I, the department shall send a  
 30 notice to the taxpayer indicating that the dependent

31 child may be eligible for the medical assistance  
 32 program or the hawk-i program and providing  
 33 information to the taxpayer about how to enroll the  
 34 dependent child in the programs appropriate program.  
 35 The taxpayer shall submit an application for the  
 36 appropriate program within ninety days of receipt of  
 37 the enrollment information.

38 ~~b. Notwithstanding any other provision of law to~~  
 39 ~~the contrary, a taxpayer shall not be subject to a~~  
 40 ~~penalty for not providing the information required~~  
 41 ~~under this section.~~

42 ~~e. b.~~ The department shall consult with the  
 43 department of human services in developing the tax  
 44 return form and the information to be provided to tax  
 45 filers under this section.

46 3. The department, in cooperation with the  
 47 department of human services, shall adopt rules  
 48 pursuant to chapter 17A to administer this section,  
 49 including rules defining "health care coverage" for  
 50 the purpose of indicating its presence or absence on

Page 9

1 the tax form.

2 4. The department, in cooperation with the  
 3 department of human services, shall report, annually,  
 4 to the governor and the general assembly all of the  
 5 following:

6 a. The number of Iowa families, by income level,  
 7 claiming the state income tax exemption for dependent  
 8 children.

9 b. The number of Iowa families, by income level,  
 10 claiming the state income tax exemption for dependent  
 11 children ~~who also~~ and whether they indicate the  
 12 presence or absence of health care coverage for the  
 13 dependent children.

14 ~~c. The effect of the reporting requirements and~~  
 15 ~~provision of information requirements under this~~  
 16 ~~section on the number and percentage of children in~~  
 17 ~~the state who are uninsured. The number of Iowa~~  
 18 families, by income level, claiming the state income  
 19 tax exemption for dependent children who receive  
 20 information from the department pursuant to subsection  
 21 2 and who subsequently apply for and are enrolled in  
 22 the appropriate program.

23 PREGNANT WOMEN INCOME ELIGIBILITY FOR MEDICAID

24 Sec. 16. Section 249A.3, subsection 1, paragraph  
 25 1, Code 2009, is amended to read as follows:

26 1. (1) Is an infant whose income is not more than  
 27 two hundred percent of the federal poverty level, as  
 28 defined by the most recently revised income guidelines  
 29 published by the United States department of health

30 and human services.

31 (2) Additionally, effective July 1, 2009, medical  
32 assistance shall be provided to ~~an~~ a pregnant woman or  
33 infant whose family income is at or below three  
34 hundred percent of the federal poverty level, as  
35 defined by the most recently revised poverty income  
36 guidelines published by the United States department  
37 of health and human services, if otherwise eligible.  
38 Sec. 17. Section 514I.8, subsection 1, Code 2009,  
39 is amended to read as follows:

40 1. Effective July 1, 1998, and notwithstanding any  
41 medical assistance program eligibility criteria to the  
42 contrary, medical assistance shall be provided to, or  
43 on behalf of, an eligible child under the age of  
44 nineteen whose family income does not exceed one  
45 hundred thirty-three percent of the federal poverty  
46 level, as defined by the most recently revised poverty  
47 income guidelines published by the United States  
48 department of health and human services.  
49 Additionally, effective July 1, 2000, and  
50 notwithstanding any medical assistance program

Page 10

1 eligibility criteria to the contrary, medical  
2 assistance shall be provided to, or on behalf of, an  
3 eligible infant whose family income does not exceed  
4 two hundred percent of the federal poverty level, as  
5 defined by the most recently revised poverty income  
6 guidelines published by the United States department  
7 of health and human services. Effective July 1, 2009,  
8 and notwithstanding any medical assistance program  
9 eligibility criteria to the contrary, medical  
10 assistance shall be provided to, or on behalf of, a  
11 pregnant woman or an eligible child who is an infant  
12 and whose family income is at or below three hundred  
13 percent of the federal poverty level, as defined by  
14 the most recently revised poverty income guidelines  
15 published by the United States department of health  
16 and human services.

17 IMPROVING ACCESS AND RETENTION

18 Sec. 18. Section 249A.4, Code 2009, is amended by  
19 adding the following new subsection:

20 NEW SUBSECTION. 16. Implement the premium  
21 assistance program options described under the federal  
22 Children's Health Insurance Program Reauthorization  
23 Act of 2009, Pub. L. No. 111-3, for the medical  
24 assistance program. The department may adopt rules as  
25 necessary to administer these options.

26 Sec. 19. NEW SECTION. 509.3A CREDITABLE  
27 COVERAGE.

28 For the purposes of any policies of group accident

29 or health insurance or combination of such policies  
 30 issued in this state, "creditable coverage" means  
 31 health benefits or coverage provided to an individual  
 32 under any of the following:  
 33 1. A group health plan.  
 34 2. Health insurance coverage.  
 35 3. Part A or Part B Medicare pursuant to Title  
 36 XVIII of the federal Social Security Act.  
 37 4. Medicaid pursuant to Title XIX of the federal  
 38 Social Security Act, other than coverage consisting  
 39 solely of benefits under section 1928 of that Act.  
 40 5. 10 U.S.C. ch. 55.  
 41 6. A health or medical care program provided  
 42 through the Indian health service or a tribal  
 43 organization.  
 44 7. A state health benefits risk pool.  
 45 8. A health plan offered under 5 U.S.C. ch. 89.  
 46 9. A public health plan as defined under federal  
 47 regulations.  
 48 10. A health benefit plan under section 5(e) of  
 49 the federal Peace Corps Act, 22 U.S.C. } 2504(e).  
 50 11. An organized delivery system licensed by the

Page 11

1 director of public health.  
 2 12. A short-term limited duration policy.  
 3 13. The hawk-i program authorized by chapter 514I.  
 4 Sec. 20. Section 513B.2, subsection 8, Code 2009,  
 5 is amended by adding the following new paragraph:  
 6 NEW PARAGRAPH. m. The hawk-i program authorized  
 7 by chapter 514I.  
 8 Sec. 21. Section 514A.3B, subsection 1, Code 2009,  
 9 is amended to read as follows:  
 10 1. An insurer which accepts an individual for  
 11 coverage under an individual policy or contract of  
 12 accident and health insurance shall waive any time  
 13 period applicable to a preexisting condition exclusion  
 14 or limitation period requirement of the policy or  
 15 contract with respect to particular services in an  
 16 individual health benefit plan for the period of time  
 17 the individual was previously covered by qualifying  
 18 previous coverage as defined in section 513C.3, by  
 19 chapter 249A or 514I, or by Medicare coverage provided  
 20 pursuant to Title XVIII of the federal Social Security  
 21 Act that provided benefits with respect to such  
 22 services, provided that the ~~qualifying previous~~  
 23 coverage was continuous to a date not more than  
 24 sixty-three days prior to the effective date of the  
 25 new policy or contract. ~~Any days of coverage provided~~  
 26 ~~to an individual pursuant to chapter 249A or 514I, or~~  
 27 ~~Medicare coverage provided pursuant to Title XVIII of~~

28 ~~the federal Social Security Act, do not constitute~~  
 29 ~~qualifying previous coverage. Such days of chapter~~  
 30 ~~249A or 514I or Medicare coverage shall be counted as~~  
 31 ~~part of the maximum sixty three day grace period and~~  
 32 ~~shall not constitute a basis for the waiver of any~~  
 33 ~~preexisting condition exclusion or limitation period.~~

34 Sec. 22. Section 514A.3B, Code 2009, is amended by  
 35 adding the following new subsection:

36 NEW SUBSECTION. 3. For the purposes of any  
 37 policies of accident and sickness insurance issued in  
 38 this state, "creditable coverage" means health  
 39 benefits or coverage provided to an individual under  
 40 any of the following:

- 41 a. A group health plan.
- 42 b. Health insurance coverage.
- 43 c. Part A or Part B Medicare pursuant to Title
- 44 XVIII of the federal Social Security Act.
- 45 d. Medicaid pursuant to Title XIX of the federal
- 46 Social Security Act, other than coverage consisting
- 47 solely of benefits under section 1928 of that Act.
- 48 e. 10 U.S.C. ch. 55.
- 49 f. A health or medical care program provided
- 50 through the Indian health service or a tribal

Page 12

- 1 organization.
- 2 g. A state health benefits risk pool.
- 3 h. A health plan offered under 5 U.S.C. ch. 89.
- 4 i. A public health plan as defined under federal
- 5 regulations.
- 6 j. A health benefit plan under section 5(e) of the
- 7 federal Peace Corps Act, 22 U.S.C. §2504(e).
- 8 k. An organized delivery system licensed by the
- 9 director of public health.
- 10 l. A short-term limited duration policy.
- 11 m. The hawk-i program authorized by chapter 514I.

12 Sec. 23. Section 514I.1, subsection 4, Code 2009,  
 13 is amended to read as follows:

14 4. It is the intent of the general assembly that  
 15 the hawk-i program be an integral part of the  
 16 continuum of health insurance coverage and that the  
 17 program be developed and implemented in such a manner  
 18 as to facilitate movement of families between health  
 19 insurance providers and to facilitate the transition  
 20 of families to private sector health insurance  
 21 coverage. ~~It is the intent of the general assembly in~~  
 22 ~~developing such continuum of health insurance coverage~~  
 23 ~~and in facilitating such transition, that beginning~~  
 24 ~~July 1, 2009, the department implement the hawk i~~  
 25 ~~expansion program.~~

26 Sec. 24. Section 514I.2, subsection 8, Code 2009,

27 is amended by striking the subsection.

28 Sec. 25. Section 514I.3, Code 2009, is amended by  
29 adding the following new subsection:

30 NEW SUBSECTION. 6. Health care coverage provided  
31 under this chapter in accordance with Title XXI of the  
32 federal Social Security Act shall be recognized as  
33 prior creditable coverage for the purposes of private  
34 individual and group health insurance coverage.

35 Sec. 26. Section 514I.4, subsection 2, Code 2009,  
36 is amended to read as follows:

37 2. a. The director, with the approval of the  
38 board, may contract with participating insurers to  
39 provide dental-only services.

40 b. ~~The director, with the approval of the board,~~  
41 ~~may contract with participating insurers to provide~~  
42 ~~the supplemental dental-only coverage to otherwise~~  
43 ~~eligible children who have private health care~~  
44 ~~coverage as specified in the federal Children's Health~~  
45 ~~Insurance Program Reauthorization Act of 2009, Pub. L.~~  
46 ~~No. 111-3.~~

47 Sec. 27. Section 514I.4, subsection 5, paragraphs  
48 a and b, Code 2009, are amended to read as follows:

49 a. Develop a joint program application form ~~not to~~  
50 ~~exceed two pages in length, which is consistent with~~

Page 13

1 ~~the rules of the board,~~ which is easy to understand,  
2 complete, and concise, ~~and which, to the greatest~~  
3 ~~extent possible, coordinates with the supplemental~~  
4 ~~forms, and the same application and renewal~~  
5 ~~verification process for both the hawk-i and medical~~  
6 ~~assistance ~~program~~ programs.~~

7 b. (1) Establish the family cost sharing amounts  
8 for children of families with incomes of one hundred  
9 fifty percent or more but not exceeding two hundred  
10 percent of the federal poverty level, of not less than  
11 ten dollars per individual and twenty dollars per  
12 family, if not otherwise prohibited by federal law,  
13 with the approval of the board.

14 (2) Establish for children of families with  
15 incomes exceeding two hundred percent but not  
16 exceeding three hundred percent of the federal poverty  
17 level, family cost-sharing amounts, and graduated  
18 premiums based on a rationally developed sliding fee  
19 schedule, in accordance with federal law, with the  
20 approval of the board.

21 Sec. 28. Section 514I.5, subsection 7, paragraph  
22 1, Code 2009, is amended to read as follows:

23 1. Develop options and recommendations to allow  
24 children eligible for the hawk-i ~~or hawk-i expansion~~  
25 program to participate in qualified employer-sponsored



26 health plans through a premium assistance program.  
27 The options and recommendations shall ensure  
28 reasonable alignment between the benefits and costs of  
29 the hawk-i and hawk-i expansion programs program and  
30 the employer-sponsored health plans consistent with  
31 federal law. ~~The options and recommendations shall be~~  
32 ~~completed by January 1, 2009, and submitted to the~~  
33 ~~governor and the general assembly for consideration as~~  
34 ~~part of the hawk-i and hawk-i expansion programs. In~~  
35 addition, the board shall implement the premium  
36 assistance program options described under the federal  
37 Children's Health Insurance Program Reauthorization  
38 Act of 2009, Pub. L. No. 111-3, for the hawk-i  
39 program.

40 Sec. 29. Section 514I.5, subsection 8, paragraph  
41 e, Code 2009, is amended by adding the following new  
42 subparagraph:

43 NEW SUBPARAGRAPH. (15) Translation and  
44 interpreter services as specified pursuant to the  
45 federal Children's Health Insurance Program  
46 Reauthorization Act of 2009, Pub. L. No. 111-3.

47 Sec. 30. Section 514I.5, subsection 8, paragraph  
48 g, Code 2009, is amended to read as follows:

49 g. Presumptive eligibility criteria for the  
50 program. Beginning January 1, 2010, presumptive

Page 14

1 eligibility shall be provided for eligible children.

2 Sec. 31. Section 514I.5, subsection 9, Code 2009,  
3 is amended to read as follows:

4 9. a. The hawk-i board may provide approval to  
5 the director to contract with participating insurers  
6 to provide dental-only services. In determining  
7 whether to provide such approval to the director, the  
8 board shall take into consideration the impact on the  
9 overall program of single source contracting for  
10 dental services.

11 b. The hawk-i board may provide approval to the  
12 director to contract with participating insurers to  
13 provide the supplemental dental-only coverage to  
14 otherwise eligible children who have private health  
15 care coverage as specified in the federal Children's  
16 Health Insurance Program Reauthorization Act of 2009,  
17 Pub. L. No. 111-3.

18 Sec. 32. Section 514I.6, subsections 2 and 3, Code  
19 2009, are amended to read as follows:

20 2. Provide or reimburse accessible, quality  
21 medical or dental services.

22 3. Require that any plan provided by the  
23 participating insurer establishes and maintains a  
24 conflict management system that includes methods for

25 both preventing and resolving disputes involving the  
 26 health or dental care needs of eligible children, and  
 27 a process for resolution of such disputes.

28 Sec. 33. Section 514I.6, subsection 4, paragraph  
 29 a, Code 2009, is amended to read as follows:

30 a. A list of providers of medical or dental  
 31 services under the plan.

32 Sec. 34. Section 514I.7, subsection 2, paragraph  
 33 d, Code 2009, is amended to read as follows:

34 d. Monitor and assess the medical and dental care  
 35 provided through or by participating insurers as well  
 36 as complaints and grievances.

37 Sec. 35. Section 514I.8, subsection 2, paragraph  
 38 c, Code 2009, is amended to read as follows:

39 c. Is a member of a family whose income does not  
 40 exceed ~~two~~ three hundred percent of the federal  
 41 poverty level, as defined in 42 U.S.C. § 9902(2),  
 42 including any revision required by such section, and  
 43 in accordance with the federal Children's Health  
 44 Insurance Program Reauthorization Act of 2009, Pub. L.  
 45 No. 111-3.

46 Sec. 36. Section 514I.10, Code 2009, is amended by  
 47 adding the following new subsection:

48 NEW SUBSECTION. 2A. Cost sharing for an eligible  
 49 child whose family income exceeds two hundred percent  
 50 but does not exceed three hundred percent of the

Page 15

1 federal poverty level may include copayments and  
 2 graduated premium amounts which do not exceed the  
 3 limitations of federal law.

4 Sec. 37. Section 514I.11, subsections 1 and 3,  
 5 Code 2009, are amended to read as follows:

6 1. A hawk-i trust fund is created in the state  
 7 treasury under the authority of the department of  
 8 human services, in which all appropriations and other  
 9 revenues of the program ~~and the hawk i expansion~~  
 10 ~~program~~ such as grants, contributions, and participant  
 11 payments shall be deposited and used for the purposes  
 12 of the program ~~and the hawk i expansion program~~. The  
 13 moneys in the fund shall not be considered revenue of  
 14 the state, but rather shall be funds of the program.

15 3. Moneys in the fund are appropriated to the  
 16 department and shall be used to offset any program ~~and~~  
 17 ~~hawk i expansion program~~ costs.

18 Sec. 38. MEDICAL ASSISTANCE PROGRAM –  
 19 PROGRAMMATIC AND PROCEDURAL PROVISIONS. The  
 20 department of human services shall adopt rules  
 21 pursuant to chapter 17A to provide for all of the  
 22 following:

23 1. To allow for the submission of one pay stub per

24 employer by an individual as verification of earned  
25 income for the medical assistance program when it is  
26 indicative of future income.

27 2. To allow for an averaging of three years of  
28 income for self-employed families to establish  
29 eligibility for the medical assistance program.

30 3. To extend the period for annual renewal by  
31 medical assistance members by mailing the renewal form  
32 to the member on the first day of the month prior to  
33 the month of renewal.

34 4. To provide for all of the following in  
35 accordance with the requirements for qualification for  
36 the performance bonus payments described under the  
37 federal Children's Health Insurance Program  
38 Reauthorization Act of 2009, Pub. L. No. 111-3:

39 a. Utilization of joint applications and  
40 supplemental forms, and the same application and  
41 renewal verification processes for the medical  
42 assistance and hawk-i programs.

43 b. Implementation of administrative or paperless  
44 verification at renewal for the medical assistance  
45 program.

46 c. Utilization of presumptive eligibility when  
47 determining a child's eligibility for the medical  
48 assistance program.

49 d. Utilization of the express lane option,  
50 including utilization of other public program

Page 16

1 databases to reach and enroll children in the medical  
2 assistance program.

3 5. To provide translation and interpretation  
4 services under the medical assistance program as  
5 specified pursuant to the federal Children's Health  
6 Insurance Program Reauthorization Act of 2009, Pub. L.  
7 No. 111-3.

8 **Sec. 39. HAWK-I PROGRAM – PROGRAMMATIC AND**  
9 **PROCEDURAL PROVISIONS.** The hawk-i board, in  
10 consultation with the department of human services,  
11 shall adopt rules pursuant to chapter 17A to provide  
12 for all of the following:

13 1. To allow for the submission of one pay stub per  
14 employer by an individual as verification of earned  
15 income for the hawk-i program when it is indicative of  
16 future income.

17 2. To allow for an averaging of three years of  
18 income for self-employed families to establish  
19 eligibility for the hawk-i program.

20 3. To provide for all of the following in  
21 accordance with the requirements for qualification for  
22 the performance bonus payments described under the

23 federal Children's Health Insurance Program  
 24 Reauthorization Act of 2009, Pub. L. No. 111-3:  
 25 a. Utilization of joint applications and  
 26 supplemental forms, and the same application and  
 27 renewal verification processes for the hawk-i and  
 28 medical assistance programs.  
 29 b. Implementation of administrative or paperless  
 30 verification at renewal for the hawk-i program.  
 31 c. Utilization of presumptive eligibility when  
 32 determining a child's eligibility for the hawk-i  
 33 program.  
 34 d. Utilization of the express lane option,  
 35 including utilization of other public program  
 36 databases to reach and enroll children in the hawk-i  
 37 program.  
 38 Sec. 40. DEMONSTRATION GRANTS – CHIPRA. The  
 39 department of human services in cooperation with the  
 40 department of public health and other appropriate  
 41 agencies, shall apply for grants available under the  
 42 Children's Health Insurance Program Reauthorization  
 43 Act of 2009, Pub. L. No. 111-3, to promote outreach  
 44 activities and quality child health outcomes under the  
 45 medical assistance and hawk-i programs.  
 46 Sec. 41. Section 514I.12, Code 2009, is repealed.  
 47 Sec. 42. EFFECTIVE DATE. The section of this  
 48 division of this Act amending section 422.12M, takes  
 49 effect July 1, 2010.

#### 50 DIVISION IV

Page 17

#### 1 VOLUNTEER HEALTH CARE PROVIDERS

2 Sec. 43. Section 135.24, Code 2009, is amended to  
 3 read as follows:

#### 4 135.24 VOLUNTEER HEALTH CARE PROVIDER PROGRAM 5 ESTABLISHED – IMMUNITY FROM CIVIL LIABILITY.

6 1. The director shall establish within the  
 7 department a program to provide to eligible hospitals,  
 8 clinics, free clinics, field dental clinics, specialty  
 9 health care provider offices, or other health care  
 10 facilities, health care referral programs, or  
 11 charitable organizations, free medical, dental,  
 12 chiropractic, pharmaceutical, nursing, optometric,  
 13 psychological, social work, behavioral science,  
 14 podiatric, physical therapy, occupational therapy,  
 15 respiratory therapy, and emergency medical care  
 16 services given on a voluntary basis by health care  
 17 providers. A participating health care provider shall  
 18 register with the department and obtain from the  
 19 department a list of eligible, participating  
 20 hospitals, clinics, free clinics, field dental  
 21 clinics, specialty health care provider offices, or

22 other health care facilities, health care referral  
23 programs, or charitable organizations.  
24 2. The department, in consultation with the  
25 department of human services, shall adopt rules to  
26 implement the volunteer health care provider program  
27 which shall include the following:  
28 a. Procedures for registration of health care  
29 providers deemed qualified by the board of medicine,  
30 the board of physician assistants, the dental board,  
31 the board of nursing, the board of chiropractic, the  
32 board of psychology, the board of social work, the  
33 board of behavioral science, the board of pharmacy,  
34 the board of optometry, the board of podiatry, the  
35 board of physical and occupational therapy, the board  
36 of respiratory care, and the Iowa department of public  
37 health, as applicable.  
38 b. Procedures for registration of free clinics,  
39 ~~and field dental clinics, and specialty health care~~  
40 provider offices.  
41 c. Criteria for and identification of hospitals,  
42 clinics, free clinics, field dental clinics, specialty  
43 health care provider offices, or other health care  
44 facilities, health care referral programs, or  
45 charitable organizations, eligible to participate in  
46 the provision of free medical, dental, chiropractic,  
47 pharmaceutical, nursing, optometric, psychological,  
48 social work, behavioral science, podiatric, physical  
49 therapy, occupational therapy, respiratory therapy, or  
50 emergency medical care services through the volunteer

Page 18

1 health care provider program. A free clinic, a field  
2 dental clinic, a specialty health care provider  
3 office, a health care facility, a health care referral  
4 program, a charitable organization, or a health care  
5 provider participating in the program shall not bill  
6 or charge a patient for any health care provider  
7 service provided under the volunteer health care  
8 provider program.  
9 d. Identification of the services to be provided  
10 under the program. The services provided may include,  
11 but shall not be limited to, obstetrical and  
12 gynecological medical services, psychiatric services  
13 provided by a physician licensed under chapter 148,  
14 dental services provided under chapter 153, or other  
15 services provided under chapter 147A, 148A, 148B,  
16 148C, 149, 151, 152, 152B, 152E, 154, 154B, 154C,  
17 154D, 154F, or 155A.  
18 3. A health care provider providing free care  
19 under this section shall be considered an employee of  
20 the state under chapter 669, shall be afforded

21 protection as an employee of the state under section  
 22 669.21, and shall not be subject to payment of claims  
 23 arising out of the free care provided under this  
 24 section through the health care provider's own  
 25 professional liability insurance coverage, provided  
 26 that the health care provider has done all of the  
 27 following:

28 a. Registered with the department pursuant to  
 29 subsection 1.

30 b. Provided medical, dental, chiropractic,  
 31 pharmaceutical, nursing, optometric, psychological,  
 32 social work, behavioral science, podiatric, physical  
 33 therapy, occupational therapy, respiratory therapy, or  
 34 emergency medical care services through a hospital,  
 35 clinic, free clinic, field dental clinic, specialty  
 36 health care provider office, or other health care  
 37 facility, health care referral program, or charitable  
 38 organization listed as eligible and participating by  
 39 the department pursuant to subsection 1.

40 4. A free clinic providing free care under this  
 41 section shall be considered a state agency solely for  
 42 the purposes of this section and chapter 669 and shall  
 43 be afforded protection under chapter 669 as a state  
 44 agency for all claims arising from the provision of  
 45 free care by a health care provider registered under  
 46 subsection 3 who is providing services at the free  
 47 clinic in accordance with this section or from the  
 48 provision of free care by a health care provider who  
 49 is covered by adequate medical malpractice insurance  
 50 as determined by the department, if the free clinic

Page 19

1 has registered with the department pursuant to  
 2 subsection 1.

3 5. A field dental clinic providing free care under  
 4 this section shall be considered a state agency solely  
 5 for the purposes of this section and chapter 669 and  
 6 shall be afforded protection under chapter 669 as a  
 7 state agency for all claims arising from the provision  
 8 of free care by a health care provider registered  
 9 under subsection 3 who is providing services at the  
 10 field dental clinic in accordance with this section or  
 11 from the provision of free care by a health care  
 12 provider who is covered by adequate medical  
 13 malpractice insurance, as determined by the  
 14 department, if the field dental clinic has registered  
 15 with the department pursuant to subsection 1.

16 5A. A specialty health care provider office  
 17 providing free care under this section shall be  
 18 considered a state agency solely for the purposes of  
 19 this section and chapter 669 and shall be afforded

20 protection under chapter 669 as a state agency for all  
21 claims arising from the provision of free care by a  
22 health care provider registered under subsection 3 who  
23 is providing services at the specialty health care  
24 provider office in accordance with this section or  
25 from the provision of free care by a health care  
26 provider who is covered by adequate medical  
27 malpractice insurance, as determined by the  
28 department, if the specialty health care provider  
29 office has registered with the department pursuant to  
30 subsection 1.

31 6. For the purposes of this section:

32 a. "Charitable organization" means a charitable  
33 organization within the meaning of section 501(c)(3)  
34 of the Internal Revenue Code.

35 b. "Field dental clinic" means a dental clinic  
36 temporarily or periodically erected at a location  
37 utilizing mobile dental equipment, instruments, or  
38 supplies, as necessary, to provide dental services.

39 c. "Free clinic" means a facility, other than a  
40 hospital or health care provider's office which is  
41 exempt from taxation under section 501(c)(3) of the  
42 Internal Revenue Code and which has as its sole  
43 purpose the provision of health care services without  
44 charge to individuals who are otherwise unable to pay  
45 for the services.

46 d. "Health care provider" means a physician  
47 licensed under chapter 148, a chiropractor licensed  
48 under chapter 151, a physical therapist licensed  
49 pursuant to chapter 148A, an occupational therapist  
50 licensed pursuant to chapter 148B, a podiatrist

Page 20

1 licensed pursuant to chapter 149, a physician  
2 assistant licensed and practicing under a supervising  
3 physician pursuant to chapter 148C, a licensed  
4 practical nurse, a registered nurse, or an advanced  
5 registered nurse practitioner licensed pursuant to  
6 chapter 152 or 152E, a respiratory therapist licensed  
7 pursuant to chapter 152B, a dentist, dental hygienist,  
8 or dental assistant registered or licensed to practice  
9 under chapter 153, an optometrist licensed pursuant to  
10 chapter 154, a psychologist licensed pursuant to  
11 chapter 154B, a social worker licensed pursuant to  
12 chapter 154C, a mental health counselor or a marital  
13 and family therapist licensed pursuant to chapter  
14 154D, a pharmacist licensed pursuant to chapter 155A,  
15 or an emergency medical care provider certified  
16 pursuant to chapter 147A.

17 e. "Specialty health care provider office" means  
18 the private office or clinic of an individual

19 specialty health care provider or group of specialty  
 20 health care providers as referred by the Iowa  
 21 collaborative safety net provider network established  
 22 in section 135.153, but does not include a field  
 23 dental clinic, a free clinic, or a hospital.

24 DIVISION V

25 HEALTH CARE WORKFORCE SUPPORT INITIATIVE

26 Sec. 44. NEW SECTION. 135.153A SAFETY NET  
 27 PROVIDER RECRUITMENT AND RETENTION INITIATIVES PROGRAM  
 28 REPEAL.

29 The department, in accordance with efforts pursuant  
 30 to sections 135.163 and 135.164 and in cooperation  
 31 with the Iowa collaborative safety net provider  
 32 network governing group as described in section  
 33 135.153, shall establish and administer a safety net  
 34 provider recruitment and retention initiatives program  
 35 to address the health care workforce shortage relative  
 36 to safety net providers. Funding for the program may  
 37 be provided through the health care workforce shortage  
 38 fund or the safety net provider network workforce  
 39 shortage account created in section 135.175. The  
 40 department, in cooperation with the governing group,  
 41 shall adopt rules pursuant to chapter 17A to implement  
 42 and administer such program. This section is repealed  
 43 June 30, 2014.

44 Sec. 45. NEW SECTION. 135.175 HEALTH CARE  
 45 WORKFORCE SUPPORT INITIATIVE – WORKFORCE SHORTAGE  
 46 FUND – ACCOUNTS – REPEAL.

47 1. a. A health care workforce support initiative  
 48 is established to provide for the coordination and  
 49 support of various efforts to address the health care  
 50 workforce shortage in this state. This initiative

Page 21

1 shall include the medical residency training state  
 2 matching grants program created in section 135.176,  
 3 the health care professional and nursing workforce  
 4 shortage initiative created in sections 261.128 and  
 5 261.129, the safety net provider recruitment and  
 6 retention initiatives program credited in section  
 7 135.153A, health care workforce shortage national  
 8 initiatives, and the physician assistant mental health  
 9 fellowship program created in section 135.177.

10 b. A health care workforce shortage fund is  
 11 created in the state treasury as a separate fund under  
 12 the control of the department, in cooperation with the  
 13 entities identified in this section as having control  
 14 over the accounts within the fund. The fund and the  
 15 accounts within the fund shall be controlled and  
 16 managed in a manner consistent with the principles  
 17 specified and the strategic plan developed pursuant to



18 sections 135.163 and 135.164.

19 2. The fund and the accounts within the fund shall  
20 consist of moneys appropriated from the general fund  
21 of the state for the purposes of the fund or the  
22 accounts within the fund; moneys received from the  
23 federal government for the purposes of addressing the  
24 health care workforce shortage; contributions, grants,  
25 and other moneys from communities and health care  
26 employers; and moneys from any other public or private  
27 source available.

28 3. The department and any entity identified in  
29 this section as having control over any of the  
30 accounts within the fund, may receive contributions,  
31 grants, and in-kind contributions to support the  
32 purposes of the fund and the accounts within the fund.

33 4. The fund and the accounts within the fund shall  
34 be separate from the general fund of the state and  
35 shall not be considered part of the general fund of  
36 the state. The moneys in the fund and the accounts  
37 within the fund shall not be considered revenue of the  
38 state, but rather shall be moneys of the fund or the  
39 accounts. The moneys in the fund and the accounts  
40 within the fund are not subject to section 8.33 and  
41 shall not be transferred, used, obligated,  
42 appropriated, or otherwise encumbered, except to  
43 provide for the purposes of this section.

44 Notwithstanding section 12C.7, subsection 2, interest  
45 or earnings on moneys deposited in the fund shall be  
46 credited to the fund and the accounts within the fund.

47 5. The fund shall consist of the following  
48 accounts:

49 a. The medical residency training account. The  
50 medical residency training account shall be under the

Page 22

1 control of the department and the moneys in the  
2 account shall be used for the purposes of the medical  
3 residency training state matching grants program as  
4 specified in section 135.176. Moneys in the account  
5 shall consist of moneys appropriated or allocated for  
6 deposit in or received by the fund or the account and  
7 specifically dedicated to the medical residency  
8 training state matching grants program or account for  
9 the purposes of such account.

10 b. The health care professional and nurse  
11 workforce shortage initiative account. The health  
12 care professional and nurse workforce shortage  
13 initiative account shall be under the control of the  
14 college student aid commission created in section  
15 261.1 and the moneys in the account shall be used for  
16 the purposes of the health care professional incentive

17 payment program and the nurse workforce shortage  
18 initiative as specified in sections 261.128 and  
19 261.129. Moneys in the account shall consist of  
20 moneys appropriated or allocated for deposit in or  
21 received by the fund or the account and specifically  
22 dedicated to the health care professional and nurse  
23 workforce shortage initiative or the account for the  
24 purposes of the account.

25 c. The safety net provider network workforce  
26 shortage account. The safety net provider network  
27 workforce shortage account shall be under the control  
28 of the governing group of the Iowa collaborative  
29 safety net provider network created in section 135.153  
30 and the moneys in the account shall be used for the  
31 purposes of the safety net provider recruitment and  
32 retention initiatives program as specified in section  
33 135.153A. Moneys in the account shall consist of  
34 moneys appropriated or allocated for deposit in or  
35 received by the fund or the account and specifically  
36 dedicated to the safety net provider recruitment and  
37 retention initiatives program or the account for the  
38 purposes of the account.

39 d. The health care workforce shortage national  
40 initiatives account. The health care workforce  
41 shortage national initiatives account shall be under  
42 the control of the state entity identified for receipt  
43 of the federal funds by the federal government entity  
44 through which the federal funding is available for a  
45 specified health care workforce shortage initiative.  
46 Moneys in the account shall consist of moneys  
47 appropriated or allocated for deposit in or received  
48 by the fund or the account and specifically dedicated  
49 to health care workforce shortage national initiatives  
50 or the account and for a specified health care

Page 23

1 workforce shortage initiative.

2 e. The physician assistant mental health  
3 fellowship program account. The physician assistant  
4 mental health fellowship program account shall be  
5 under the control of the department and the moneys in  
6 the account shall be used for the purposes of the  
7 physician assistant mental health fellowship program  
8 as specified in section 135.177. Moneys in the  
9 account shall consist of moneys appropriated or  
10 allocated for deposit in or received by the fund or  
11 the account and specifically dedicated to the  
12 physician assistant mental health fellowship program  
13 or the account for the purposes of the account.

14 6. a. Moneys in the fund and the accounts in the  
15 fund shall only be appropriated in a manner consistent

16 with the principles specified and the strategic plan  
17 developed pursuant to sections 135.163 and 135.164 to  
18 support the medical residency training state matching  
19 grants program, the health care professional incentive  
20 payment program, the nurse educator incentive payment  
21 and nursing faculty fellowship programs, the safety  
22 net recruitment and retention initiatives program, for  
23 national health care workforce shortage initiatives,  
24 for the physician assistant mental health fellowship  
25 program, and to provide funding for state health care  
26 workforce shortage programs as provided in this  
27 section.

28 b. State programs that may receive funding from  
29 the fund and the accounts in the fund, if specifically  
30 designated for the purpose of drawing down federal  
31 funding, are the primary care recruitment and  
32 retention endeavor (PRIMECARRE), the Iowa affiliate of  
33 the national rural recruitment and retention network,  
34 the primary care office shortage designation program,  
35 the state office of rural health, and the Iowa health  
36 workforce center, administered through the bureau of  
37 health care access of the department of public health;  
38 the area health education centers programs at Des  
39 Moines university – osteopathic medical center and  
40 the university of Iowa; the Iowa collaborative safety  
41 net provider network established pursuant to section  
42 135.153; any entity identified by the federal  
43 government entity through which federal funding for a  
44 specified health care workforce shortage initiative is  
45 received; and a program developed in accordance with  
46 the strategic plan developed by the department of  
47 public health in accordance with sections 135.163 and  
48 135.164.

49 c. State appropriations to the fund shall be  
50 allocated in equal amounts to each of the accounts

Page 24

1 within the fund, unless otherwise specified in the  
2 appropriation or allocation. Any federal funding  
3 received for the purposes of addressing state health  
4 care workforce shortages shall be deposited in the  
5 health care workforce shortage national initiatives  
6 account, unless otherwise specified by the source of  
7 the funds, and shall be used as required by the source  
8 of the funds. If use of the federal funding is not  
9 designated, twenty-five percent of such funding shall  
10 be deposited in the safety net provider network  
11 workforce shortage account to be used for the purposes  
12 of the account and the remainder of the funds shall be  
13 used in accordance with the strategic plan developed  
14 by the department of public health in accordance with

15 sections 135.163 and 135.164, or to address workforce  
16 shortages as otherwise designated by the department of  
17 public health. Other sources of funding shall be  
18 deposited in the fund or account and used as specified  
19 by the source of the funding.

20 7. No more than five percent of the moneys in any  
21 of the accounts within the fund, not to exceed one  
22 hundred thousand dollars in each account, shall be  
23 used for administrative purposes, unless otherwise  
24 provided by the appropriation, allocation, or source  
25 of the funds.

26 8. The department, in cooperation with the  
27 entities identified in this section as having control  
28 over any of the accounts within the fund, shall submit  
29 an annual report to the governor and the general  
30 assembly regarding the status of the health care  
31 workforce support initiative, including the balance  
32 remaining in and appropriations from the health care  
33 workforce shortage fund and the accounts within the  
34 fund.

35 9. This section is repealed June 30, 2014.

36 Sec. 46. NEW SECTION. 135.176 MEDICAL RESIDENCY  
37 TRAINING STATE MATCHING GRANTS PROGRAM – REPEAL.

38 1. The department shall establish a medical  
39 residency training state matching grants program to  
40 provide matching state funding to sponsors of  
41 accredited graduate medical education residency  
42 programs in this state to establish, expand, or  
43 support medical residency training programs. Funding  
44 for the program may be provided through the health  
45 care workforce shortage fund or the medical residency  
46 training account created in section 135.175. For the  
47 purposes of this section, unless the context otherwise  
48 requires, "accredited" means a graduate medical  
49 education program approved by the accreditation  
50 council for graduate medical education or the American

Page 25

1 osteopathic association. The grant funds may be used  
2 to support medical residency programs through any of  
3 the following:

4 a. The establishment of new or alternative campus  
5 accredited medical residency training programs. For  
6 the purposes of this paragraph, "new or alternative  
7 campus accredited medical residency training program"  
8 means a program that is accredited by a recognized  
9 entity approved for such purpose by the accreditation  
10 council for graduate medical education or the American  
11 osteopathic association with the exception that a new  
12 medical residency training program that, by reason of  
13 an insufficient period of operation is not eligible

14 for accreditation on or before the date of submission  
15 of an application for a grant, may be deemed  
16 accredited if the accreditation council for graduate  
17 medical education or the American osteopathic  
18 association finds, after consultation with the  
19 appropriate accreditation entity, that there is  
20 reasonable assurance that the program will meet the  
21 accreditation standards of the entity prior to the  
22 date of graduation of the initial class in the  
23 program.

24 b. The provision of new residency positions within  
25 existing accredited medical residency or fellowship  
26 training programs.

27 c. The funding of residency positions which are in  
28 excess of the federal residency cap. For the purposes  
29 of this paragraph, "in excess of the federal residency  
30 cap" means a residency position for which no federal  
31 Medicare funding is available because the residency  
32 position is a position beyond the cap for residency  
33 positions established by the federal Balanced Budget  
34 Act of 1997, Pub. L. No. 105-33.

35 2. The department shall adopt rules pursuant to  
36 chapter 17A to provide for all of the following:

37 a. Eligibility requirements for and qualifications  
38 of a sponsor of an accredited graduate medical  
39 education residency program to receive a grant. The  
40 requirements and qualifications shall include but are  
41 not limited to all of the following:

42 (1) Only a sponsor that establishes a dedicated  
43 fund to support a residency program that meets the  
44 specifications of this section shall be eligible to  
45 receive a matching grant. A sponsor funding residency  
46 positions in excess of the federal residency cap, as  
47 defined in subsection 1, paragraph "c", exclusive of  
48 funds provided under the medical residency training  
49 state matching grants program established in this  
50 section, is deemed to have satisfied this requirement

Page 26

1 and shall be eligible for a matching grant equal to  
2 the amount of funds expended for such residency  
3 positions, subject to the limitation on the maximum  
4 award of grant funds specified in paragraph "e".

5 (2) A sponsor shall demonstrate through documented  
6 financial information as prescribed by rule of the  
7 department, that funds have been reserved and will be  
8 expended by the sponsor in the amount required to  
9 provide matching funds for each residency proposed in  
10 the request for state matching funds.

11 (3) A sponsor shall demonstrate through objective  
12 evidence as prescribed by rule of the department, a

13 need for such residency program in the state.

14 b. The application process for the grant.

15 c. Criteria for preference in awarding of the  
16 grants, including preference in the residency  
17 specialty.

18 d. Determination of the amount of a grant. The  
19 total amount of a grant awarded to a sponsor shall be  
20 limited to no more than twenty-five percent of the  
21 amount that the sponsor has demonstrated through  
22 documented financial information has been reserved and  
23 will be expended by the sponsor for each residency  
24 sponsored for the purpose of the residency program.

25 e. The maximum award of grant funds to a  
26 particular individual sponsor per year. An individual  
27 sponsor shall not receive more than twenty-five  
28 percent of the state matching funds available each  
29 year to support the program. However, if less than  
30 ninety-five percent of the available funds has been  
31 awarded in a given year, a sponsor may receive more  
32 than twenty-five percent of the state matching funds  
33 available if total funds awarded do not exceed  
34 ninety-five percent of the available funds. If more  
35 than one sponsor meets the requirements of this  
36 section and has established, expanded, or supported a  
37 graduate medical residency training program, as  
38 specified in subsection 1, in excess of the sponsor's  
39 twenty-five percent maximum share of state matching  
40 funds, the state matching funds shall be divided  
41 proportionately among such sponsors.

42 f. Use of the funds awarded. Funds may be used to  
43 pay the costs of establishing, expanding, or  
44 supporting an accredited graduate medical education  
45 program as specified in this section, including but  
46 not limited to the costs associated with residency  
47 stipends and physician faculty stipends.

48 3. This section is repealed June 30, 2014.

49 Sec. 47. NEW SECTION. 135.177 PHYSICIAN  
50 ASSISTANT MENTAL HEALTH FELLOWSHIP PROGRAM – REPEAL.

Page 27

1 1. The department, in cooperation with the college  
2 student aid commission, shall establish a physician  
3 assistant mental health fellowship program in  
4 accordance with this section. Funding for the program  
5 may be provided through the health care workforce  
6 shortage fund or the physician assistant mental health  
7 fellowship program account created in section 135.175.  
8 The purpose of the program is to determine the effect  
9 of specialized training and support for physician  
10 assistants in providing mental health services on  
11 addressing Iowa's shortage of mental health

12 professionals.

13 2. The program shall provide for all of the  
14 following:

15 a. Collaboration with a hospital serving a  
16 thirteen-county area in central Iowa that provides a  
17 clinic at the Iowa veterans home, a private nonprofit  
18 agency headquartered in a city with a population of  
19 more than one hundred ninety thousand that operates a  
20 freestanding psychiatric medical institution for  
21 children, a private university with a medical school  
22 educating osteopathic physicians located in a city  
23 with a population of more than one hundred ninety  
24 thousand, the Iowa veterans home, and any other  
25 clinical partner designated for the program.  
26 Population figures used in this paragraph refer to the  
27 most recent certified federal census. The clinical  
28 partners shall provide supervision, clinical  
29 experience, training, and other support for the  
30 program and physician assistant students participating  
31 in the program.

32 b. Elderly, youth, and general population clinical  
33 experiences.

34 c. A fellowship of twelve months for three  
35 physician assistant students, annually.

36 d. Supervision of students participating in the  
37 program provided by the university and the other  
38 clinical partners participating in the program.

39 e. A student participating in the program shall be  
40 eligible for a stipend of not more than fifty thousand  
41 dollars for the twelve months of the fellowship plus  
42 related fringe benefits. In addition, a student who  
43 completes the program and practices in Iowa in a  
44 mental health professional shortage area, as defined  
45 in section 135.80, shall be eligible for up to twenty  
46 thousand dollars in loan forgiveness. The stipend and  
47 loan forgiveness provisions shall be determined by the  
48 department and the college student aid commission, in  
49 consultation with the clinical partners.

50 f. The state and private entity clinical partners

Page 28

1 shall regularly evaluate and document their  
2 experiences with the approaches utilized and outcomes  
3 achieved by the program to identify an optimal model  
4 for operating the program. The evaluation process  
5 shall include but is not limited to identifying ways  
6 the program's clinical and training components could  
7 be modified to facilitate other student and practicing  
8 physician assistants specializing as mental health  
9 professionals.

10 3. This section is repealed June 30, 2014.

11 Sec. 48. Section 261.2, Code 2009, is amended by  
12 adding the following new subsection:  
13 NEW SUBSECTION. 10. Administer the health care  
14 professional incentive payment program established in  
15 section 261.128 and the nursing workforce shortage  
16 initiative created in section 261.129. This  
17 subsection is repealed June 30, 2014.

18 Sec. 49. Section 261.23, subsection 1, Code 2009,  
19 is amended to read as follows:

20 1. A registered nurse and nurse educator loan  
21 forgiveness program is established to be administered  
22 by the commission. The program shall consist of loan  
23 forgiveness for eligible federally guaranteed loans  
24 for registered nurses and nurse educators who practice  
25 or teach in this state. For purposes of this section,  
26 unless the context otherwise requires, "nurse  
27 educator" means a registered nurse who holds a  
28 master's degree or doctorate degree and is employed as  
29 a faculty member who teaches nursing as provided in  
30 655 IAC 2.6(152) at a community college, an accredited  
31 private institution, or an institution of higher  
32 education governed by the state board of regents.

33 Sec. 50. Section 261.23, subsection 2, paragraph  
34 c, Code 2009, is amended to read as follows:

35 c. Complete and return, on a form approved by the  
36 commission, an affidavit of practice verifying that  
37 the applicant is a registered nurse practicing in this  
38 state or a nurse educator teaching at a community  
39 college, an accredited private institution, or an  
40 institution of higher learning governed by the state  
41 board of regents.

42 Sec. 51. NEW SECTION. 261.128 HEALTH CARE  
43 PROFESSIONAL INCENTIVE PAYMENT PROGRAM – REPEAL.

44 1. The commission shall establish a health care  
45 professional incentive payment program to recruit and  
46 retain health care professionals in this state.  
47 Funding for the program may be provided through the  
48 health care workforce shortage fund or the health care  
49 professional and nurse workforce shortage account  
50 created in section 135.175.

Page 29

1 2. The commission shall administer the incentive  
2 payment program with the assistance of Des Moines  
3 university – osteopathic medical center.

4 3. The commission, with the assistance of Des  
5 Moines university – osteopathic medical center, shall  
6 adopt rules pursuant to chapter 17A, relating to the  
7 establishment and administration of the health care  
8 professional incentive payment program. The rules  
9 adopted shall address all of the following:



10 a. Eligibility and qualification requirements for  
11 a health care professional, a community, and a health  
12 care employer to participate in the incentive payment  
13 program. Any community in the state and all health  
14 care specialties shall be considered for  
15 participation. However, health care employers located  
16 in and communities that are designated as medically  
17 underserved areas or populations or that are  
18 designated as health professional shortage areas by  
19 the health resources and services administration of  
20 the United States department of health and human  
21 services shall have first priority in the awarding of  
22 incentive payments.

23 (1) To be eligible, a health care professional at  
24 a minimum must not have any unserved obligations to a  
25 federal, state, or local government or other entity  
26 that would prevent compliance with obligations under  
27 the agreement for the incentive payment; must have a  
28 current and unrestricted license to practice the  
29 professional's respective profession; and must be able  
30 to begin full-time clinical practice upon signing an  
31 agreement for an incentive payment.

32 (2) To be eligible, a community must provide a  
33 clinical setting for full-time practice of a health  
34 care professional and must provide a fifty thousand  
35 dollar matching contribution for a physician and a  
36 fifteen thousand dollar matching contribution for any  
37 other health care professional to receive an equal  
38 amount of state matching funds.

39 (3) To be eligible, a health care employer must  
40 provide a clinical setting for a full-time practice of  
41 a health care professional and must provide a fifty  
42 thousand dollar matching contribution for a physician  
43 and a fifteen thousand dollar matching contribution  
44 for any other health care professional to receive an  
45 equal amount of state matching funds.

46 b. The process for awarding incentive payments.  
47 The commission shall receive recommendations from the  
48 department of public health regarding selection of  
49 incentive payment recipients. The process shall  
50 require each recipient to enter into an agreement with

Page 30

1 the commission that specifies the obligations of the  
2 recipient and the commission prior to receiving the  
3 incentive payment.

4 c. Public awareness regarding the program  
5 including notification of potential health care  
6 professionals, communities, and health care employers  
7 about the program and dissemination of applications to  
8 appropriate entities.

9 d. Measures regarding all of the following:

10 (1) The amount of the incentive payment and the  
11 specifics of obligated service for an incentive  
12 payment recipient. An incentive payment recipient  
13 shall agree to provide service in full-time clinical  
14 practice for a minimum of four consecutive years. If  
15 an incentive payment recipient is sponsored by a  
16 community or health care employer, the obligated  
17 service shall be provided in the sponsoring community  
18 or health care employer location. An incentive  
19 payment recipient sponsored by a health care employer  
20 shall agree to provide health care services as  
21 specified in an employment agreement with the  
22 sponsoring health care employer.

23 (2) Determination of the conditions of the  
24 incentive payment applicable to an incentive payment  
25 recipient. At the time of approval for participation  
26 in the program, an incentive payment recipient shall  
27 be required to submit proof of indebtedness incurred  
28 as the result of obtaining loans to pay for  
29 educational costs resulting in a degree in health  
30 sciences. For the purposes of this subparagraph,  
31 "indebtedness" means debt incurred from obtaining a  
32 government or commercial loan for actual costs paid  
33 for tuition, reasonable education expenses, and  
34 reasonable living expenses related to the graduate,  
35 undergraduate, or associate education of a health care  
36 professional.

37 (3) Enforcement of the state's rights under an  
38 incentive payment agreement, including the  
39 commencement of any court action. A recipient who  
40 fails to fulfill the requirements of the incentive  
41 payment agreement is subject to repayment of the  
42 incentive payment in an amount equal to the amount of  
43 the incentive payment. A recipient who fails to meet  
44 the requirements of the incentive payment agreement  
45 may also be subject to repayment of moneys advanced by  
46 a community or health care employer as provided in any  
47 agreement with the community or employer.

48 (4) A process for monitoring compliance with  
49 eligibility requirements, obligated service  
50 provisions, and use of funds by recipients to verify

Page 31

1 eligibility of recipients and to ensure that state,  
2 federal, and other matching funds are used in  
3 accordance with program requirements.

4 (5) The use of the funds received. Any portion of  
5 the incentive payment that is attributable to federal  
6 funds shall be used as required by the federal entity  
7 providing the funds. Any portion of the incentive

8 payment that is attributable to state funds shall  
9 first be used toward payment of any outstanding loan  
10 indebtedness of the recipient. The remaining portion  
11 of the incentive payment shall be used as specified in  
12 the incentive payment agreement.

13 4. A recipient is responsible for reporting on  
14 federal income tax forms any amount received through  
15 the program, to the extent required by federal law.  
16 Incentive payments received through the program by a  
17 recipient in compliance with the requirements of the  
18 incentive payment program are exempt from state income  
19 taxation.

20 5. This section is repealed June 30, 2014.

21 Sec. 52. NEW SECTION. 261.129 NURSING WORKFORCE  
22 SHORTAGE INITIATIVE – REPEAL.

23 1. NURSE EDUCATOR INCENTIVE PAYMENT PROGRAM.

24 a. The commission shall establish a nurse educator  
25 incentive payment program. Funding for the program  
26 may be provided through the health care workforce  
27 shortage fund or the health care professional and  
28 nurse workforce shortage initiative account created in  
29 section 135.175. For the purposes of this subsection,  
30 "nurse educator" means a registered nurse who holds a  
31 master's degree or doctorate degree and is employed as  
32 a faculty member who teaches nursing in a nursing  
33 education program as provided in 655 IAC 2.6 at a  
34 community college, an accredited private institution,  
35 or an institution of higher education governed by the  
36 state board of regents.

37 b. The program shall consist of incentive payments  
38 to recruit and retain nurse educators. The program  
39 shall provide for incentive payments of up to twenty  
40 thousand dollars for a nurse educator who remains  
41 teaching in a qualifying teaching position for a  
42 period of not less than four consecutive academic  
43 years.

44 c. The nurse educator and the commission shall  
45 enter into an agreement specifying the obligations of  
46 the nurse educator and the commission. If the nurse  
47 educator leaves the qualifying teaching position prior  
48 to teaching for four consecutive academic years, the  
49 nurse educator shall be liable to repay the incentive  
50 payment amount to the state, plus interest as

Page 32

1 specified by rule. However, if the nurse educator  
2 leaves the qualifying teaching position involuntarily,  
3 the nurse educator shall be liable to repay only a pro  
4 rata amount of the incentive payment based on  
5 incompleting years of service.

6 d. The commission, in consultation with the

7 department of public health, shall adopt rules  
8 pursuant to chapter 17A relating to the establishment  
9 and administration of the nurse educator incentive  
10 payment program. The rules shall include provisions  
11 specifying what constitutes a qualifying teaching  
12 position.

13 2. NURSING FACULTY FELLOWSHIP PROGRAM.

14 a. The commission shall establish a nursing  
15 faculty fellowship program to provide funds to nursing  
16 schools in the state, including but not limited to  
17 nursing schools located at community colleges, for  
18 fellowships for individuals employed in qualifying  
19 positions on the nursing faculty. Funding for the  
20 program may be provided through the health care  
21 workforce shortage fund or the health care  
22 professional and nurse workforce shortage initiative  
23 account created in section 135.175. The program shall  
24 be designed to assist nursing schools in filling  
25 vacancies in qualifying positions throughout the  
26 state.

27 b. The commission, in consultation with the  
28 department of public health and in cooperation with  
29 nursing schools throughout the state, shall develop a  
30 distribution formula which shall provide that no more  
31 than thirty percent of the available moneys are  
32 awarded to a single nursing school. Additionally, the  
33 program shall limit funding for a qualifying position  
34 in a nursing school to no more than ten thousand  
35 dollars per year for up to three years.

36 c. The commission, in consultation with the  
37 department of public health, shall adopt rules  
38 pursuant to chapter 17A to administer the program.  
39 The rules shall include provisions specifying what  
40 constitutes a qualifying position at a nursing school.

41 d. In determining eligibility for a fellowship,  
42 the commission shall consider all of the following:

43 (1) The length of time a qualifying position has  
44 gone unfilled at a nursing school.

45 (2) Documented recruiting efforts by a nursing  
46 school.

47 (3) The geographic location of a nursing school.

48 (4) The type of nursing program offered at the  
49 nursing school, including associate, bachelor's,  
50 master's, or doctoral degrees in nursing, and the need

Page 33

1 for the specific nursing program in the state.

2 3. REPEAL. This section is repealed June 30,

3 2014.

4 Sec. 53. HEALTH CARE WORKFORCE INITIATIVES –  
5 FEDERAL FUNDING. The department of public health

6 shall work with the department of workforce  
7 development and health care stakeholders to apply for  
8 federal moneys allocated in the federal American  
9 Recovery and Reinvestment Act of 2009 for health care  
10 workforce initiatives that are available through a  
11 competitive grant process administered by the health  
12 resources and services administration of the United  
13 States department of health and human services or the  
14 United States department of health and human services.  
15 Any federal moneys received shall be deposited in the  
16 health care workforce shortage fund created in section  
17 135.175 as enacted by this division of this Act and  
18 shall be used for the purposes specified for the fund  
19 and for the purposes specified in the federal American  
20 Recovery and Reinvestment Act of 2009.

21 Sec. 54. IMPLEMENTATION. This division of this  
22 Act shall be implemented only to the extent funding is  
23 available.

24 Sec. 55. CODE EDITOR DIRECTIVES. The Code editor  
25 shall do all of the following:

26 1. Create a new division in chapter 135 codifying  
27 section 135.175, as enacted in this division of this  
28 Act, as the health care workforce support initiative  
29 and fund.

30 2. Create a new division in chapter 135 codifying  
31 sections 135.176 and 135.177, as enacted in this  
32 division of this Act, as health care workforce  
33 support.

34 3. Create a new division in chapter 261 codifying  
35 section 261.128, as enacted in this division of this  
36 Act, as the health care professional incentive payment  
37 program.

38 4. Create a new division in chapter 261 codifying  
39 section 261.129, as enacted in this division of this  
40 Act, as the nursing workforce shortage initiative.

#### 41 DIVISION VI

#### 42 GIFTS – REPORTING OF SANCTIONS

43 Sec. 56. REPORTING OF SANCTIONS FOR GIFTS. The  
44 health profession boards established in chapter 147  
45 shall report to the general assembly by January 15,  
46 2010, any public information regarding sanctions  
47 levied against a health care professional for receipt  
48 of gifts in a manner not in compliance with the  
49 requirements and limitations of the respective health  
50 profession as established by the respective board.

Page 34

#### 1 DIVISION VII

#### 2 HEALTH CARE TRANSPARENCY

3 Sec. 57. NEW SECTION. 135.166 HEALTH CARE DATA  
4 – COLLECTION FROM HOSPITALS.

- 5 1. The department of public health shall enter  
6 into a memorandum of understanding to utilize the Iowa  
7 hospital association to act as the department's  
8 intermediary in collecting, maintaining, and  
9 disseminating hospital inpatient, outpatient, and  
10 ambulatory information, as initially authorized in  
11 1996 Iowa Acts, chapter 1212, section 5, subsection 1,  
12 paragraph "a", subparagraph (4) and 641 IAC 177.3.  
13 2. The memorandum of understanding shall include  
14 but is not limited to provisions that address the  
15 duties of the department and the Iowa hospital  
16 association regarding the collection, reporting,  
17 disclosure, storage, and confidentiality of the data."  
18 2. Title page, by striking lines 2 and inserting  
19 the following: "care coverage, providing  
20 retroactive".  
21 3. Title page, line 3, by inserting after the  
22 word "dates" the following: "and providing repeals".  
23 4. By renumbering as necessary.

The House stood at ease at 11:00 a.m., until the fall of the gavel.

The House resumed session at 11:06 a.m., Speaker Murphy in the chair.

Smith of Marshall offered the following amendment H-1641, to amendment H-1638, filed by him and Upmeyer of Hancock from the floor and moved its adoption:

H-1641

- 1 Amend the amendment, H-1638, to Senate File 389, as  
2 amended, passed, and reprinted by the Senate, as  
3 follows:  
4 1. Page 3, line 5, by inserting after the word  
5 "coverage." the following: "Affordable health care  
6 coverage options for purchase by adults and families  
7 shall be developed with the goal of including options  
8 for which the contribution requirement for all  
9 cost-sharing expenses is no more than six and one-half  
10 percent of family income."

Amendment H-1641 was adopted.

On motion by Smith of Marshall, amendment H-1638, as amended, was adopted, placing out of order amendment H-1331 filed by Wessel-Kroeschell of Story on March 30, 2009.

Smith of Marshall 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. 389)

The ayes were, 92:

Abdul-Samad	Alons	Anderson	Arnold
Baudler	Beard	Bell	Berry
Bukta	Burt	Cphoon	Cownie
Deyoe	Dolecheck	Drake	Ficken
Ford	Forristall	Frevert	Gaskill
Gayman	Grassley	Hagenow	Heaton
Heddens	Helland	Horbach	Hunter
Huseman	Huser	Isenhardt	Jacoby
Kaufmann	Kearns	Kelley	Koester
Kressig	Kuhn	Lensing	Lukan
Lykam	Marek	Mascher	May
McCarthy	Mertz	Miller, H.	Miller, L.
Oldson	Olson, D.	Olson, R.	Olson, S.
Olson, T.	Palmer	Paulsen	Petersen
Pettengill	Quirk	Raecker	Rayhons
Reasoner	Reichert	Roberts	Sands
Schueler	Schulte	Shomshor	Smith
Soderberg	Sorenson	Steckman	Struyk
Swaim	Taylor, T.	Thede	Thomas
Tjepkes	Tymeson	Upmeyer	Van Engelenhoven
Wagner	Wendt	Wenthe	Wessel-Kroeschell
Whitaker	Whitead	Willems	Winkler
Windschitl	Worthan	Zirkelbach	Mr. Speaker
			Murphy

The nays were, 3:

De Boef	Schultz	Watts
---------	---------	-------

Absent or not voting, 5:

Bailey	Chambers	Rants	Sweeney
Taylor, D.			

The bill having received a constitutional majority was declared to have passed the House and the title, as amended, was agreed to.

### IMMEDIATE MESSAGE

McCarthy of Polk asked and received unanimous consent that **Senate File 389** be immediately messaged to the Senate.

On motion by McCarthy of Polk, the House was recessed at 11:12 a.m., until 2:30 p.m.

### AFTERNOON SESSION

The House reconvened at 2:40 p.m., D. Olson of Boone 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 April 20, 2009, passed the following bill in which the concurrence of the Senate was asked:

House File 278, a bill for an act requiring notification of occupancy rates for certain premises licensed to permit on-premises consumption of alcohol.

Mr. Speaker: I am directed to inform your honorable body that the Senate has on April 20, 2009 insisted on its amendment to House File 671, a bill for an act providing volunteer emergency services providers protection from employment termination. (Formerly House File 82), and the members of the Conference Committee on the part of the Senate are: The Senator from Dubuque, Senator Hancock, Chair; the Senator from Black Hawk, Senator Danielson; the Senator from Marshall, Senator Soddors; the Senator from Sac, Senator Kettering; the Senator from Polk, Senator Noble.

Also: That the Senate has on April 20, 2009, passed the following bill in which the concurrence of the Senate was asked:

House File 810, a bill for an act providing for the establishment of small wind innovation zones, providing for the applicability of tax credits, and including effective and retroactive applicability date provisions.

Also: That the Senate has on April 20, 2009, concurred in the House amendment and passed the following bill in which the concurrence of the Senate was asked:

Senate File 451, a bill for an act relating to the definition of resident for purposes of tuition and fees for qualified veterans, and certain military persons, and their spouses and dependent children at Iowa's public universities and community colleges.

MICHAEL E. MARSHALL, Secretary

### CONSIDERATION OF BILLS Unfinished Business Calendar

**House File 756**, a bill for an act relating to regional watershed, land use, and floodplain management policies, was taken up for consideration.



Isenhart of Dubuque asked and received unanimous consent that amendment H-1629 be deferred.

Swaim of Davis offered the following amendment H-1604 filed by him and moved its adoption:

H-1604

- 1 Amend House File 756 as follows:
- 2 1. Page 1, by inserting after line 7 the
- 3 following:
- 4 "Sec. \_\_\_\_ Section 466A.4, subsection 1, Code
- 5 2009, is amended to read as follows:
- 6 1. Public water supply utilities, counties, county
- 7 conservation boards, and cities may also be eligible
- 8 and apply for and receive local watershed improvement
- 9 grants for water quality improvement projects. An
- 10 applicant shall coordinate with a local watershed
- 11 improvement committee or a soil and water conservation
- 12 district and shall include in the application a
- 13 description of existing projects and any potential
- 14 impact the proposed project may have on existing or
- 15 planned water quality improvement projects."
- 16 2. By renumbering as necessary.

Amendment H-1604 was adopted.

Gayman of Scott offered amendment H-1232 filed by her as follows:

H-1232

- 1 Amend House File 756 as follows:
- 2 1. Page 1, line 31, by striking the word
- 3 "paragraphs;" and inserting the following:
- 4 "paragraph:"
- 5 2. By striking page 1, line 34, through page 2,
- 6 line 5.
- 7 3. Page 2, line 25, by inserting after the word
- 8 "construction;" the following: "the promulgation and
- 9 implementation of statewide storm water management
- 10 standards;"

Gayman of Scott offered the following amendment H-1248, to amendment H-1232, filed by her and moved its adoption:

H-1248

- 1 Amend the amendment, H-1232, to House File 756 as
- 2 follows:

- 3 1. Page 1, by striking lines 2 through 6 and
- 4 inserting the following:
- 5 "\_\_\_\_. Page 1, line 35, by inserting after the
- 6 word "designee" the following: ", until June 30,
- 7 2011".
- 8 \_\_\_\_\_. Page 2, by striking lines 1 through 5."
- 9 2. By renumbering as necessary.

Amendment H-1248 was adopted.

Mertz of Kossuth offered the following amendment H-1632, to amendment H-1232, filed by her and moved its adoption:

H-1632

- 1 Amend the amendment, H-1232, to House File 756, as
- 2 follows:
- 3 1. Page 1, by inserting after line 10 the
- 4 following:
- 5 "\_\_\_\_. Page 2, line 32, by inserting after the
- 6 word "counties," the following: "drainage and levee
- 7 districts,"."
- 8 2. By renumbering as necessary.

Amendment H-1632 was adopted.

On motion by Gayman of Scott amendment H-1232, as amended, was adopted.

Isenhart of Dubuque offered amendment H-1629, previously deferred, filed by him as follows:

H-1629

- 1 Amend House File 756 as follows:
- 2 1. Page 1, by inserting before line 1 the
- 3 following:
- 4 "Section 1. NEW SECTION. 28N.1 MISSISSIPPI RIVER
- 5 PARTNERSHIP COUNCIL – FINDINGS.
- 6 The state of Iowa finds and declares all of the
- 7 following:
- 8 1. The preservation, enhancement, and intelligent
- 9 use of the Mississippi river is in the ecological and
- 10 economic interests of the citizens of the state of
- 11 Iowa.
- 12 2. The public interest is advanced by the
- 13 stimulation of sustainable economic development
- 14 initiatives and watershed management projects by

15 local, state, and federal agencies, local communities,  
16 not-for-profit conservation organizations, private  
17 landowners, and other stakeholders on the Mississippi  
18 river and its watershed.

19 Sec. 2. NEW SECTION. 28N.2 MISSISSIPPI RIVER  
20 PARTNERSHIP COUNCIL – ESTABLISHMENT AND PROCEDURES.

21 1. A Mississippi river partnership council is  
22 established. The purpose of the council is to be a  
23 forum for city, county, state, agriculture, business,  
24 conservation, and environmental representatives and  
25 other stakeholders to discuss matters relevant to the  
26 health, management, and use of the Mississippi river.  
27 In furthering its purpose the council may work with  
28 local communities to develop local and regional  
29 strategies, and make recommendations to appropriate  
30 state and federal agencies.

31 2. The Mississippi river partnership council may  
32 consist of all of the following:

33 a. One nonvoting person appointed by the governor  
34 who shall serve as the chairperson of the council.

35 b. Five voting members appointed by the governor,  
36 including all of the following:

37 (1) One member representing soil and water  
38 conservation districts.

39 (2) One person representing business.

40 (3) One person representing recreational  
41 interests.

42 (4) One person representing conservation  
43 interests.

44 (5) One person representing environmental  
45 interests.

46 c. Ten voting members appointed by county boards  
47 of supervisors, one by each of the ten Iowa counties  
48 bordering the Mississippi river.

49 d. Ten voting members appointed by city councils,  
50 one each by the council of the largest Iowa city

Page 2

1 adjacent to the Mississippi river in each county  
2 bordering the river.

3 e. Four voting members, each appointed by the  
4 heads of the following departments:

5 (1) The department of agriculture and land  
6 stewardship.

7 (2) The department of natural resources.

8 (3) The department of economic development.

9 (4) The department of transportation.

10 f. Two members of the senate and two members of  
11 the house of representatives, serving as ex officio,  
12 nonvoting members. The members may be appointed, one  
13 each by the majority leader of the senate, after

14 consultation with the president of the senate, and by  
15 the minority leader of the senate, and by the speaker  
16 of the house of representatives, after consultation  
17 with the majority leader of the house of  
18 representatives, and by the minority leader of the  
19 house of representatives. Members shall receive  
20 compensation pursuant to section 2.12.  
21 g. The council may, at its discretion, appoint  
22 individuals representing federal agencies or other  
23 state agencies or commissions to serve as ex officio,  
24 nonvoting members.  
25 3. Members of the Mississippi river partnership  
26 council, other than members of the general assembly,  
27 shall be appointed to serve for three-year terms.  
28 However, among the initial appointments, the persons  
29 making the appointments of voting members shall  
30 coordinate appointments of members to serve terms for  
31 less than three years to ensure staggered terms. The  
32 persons making the appointments of voting members  
33 shall also coordinate appointments to meet the  
34 requirements of sections 69.16 and 69.16A.  
35 4. The Mississippi river partnership council shall  
36 meet at least quarterly in one or more Iowa counties  
37 bordering the Mississippi river during its first three  
38 years of existence and shall meet at least twice a  
39 year in one or more Iowa counties bordering the  
40 Mississippi river after that time. The council shall  
41 meet at any time on the call of the chairperson.  
42 5. A majority of the voting members of the  
43 Mississippi river partnership council constitutes a  
44 quorum. Any action taken by the council must be  
45 adopted by the affirmative vote of a majority of its  
46 voting membership.  
47 6. Until the Mississippi river partnership council  
48 provides for its permanent staffing and support, the  
49 east central intergovernmental association, in  
50 cooperation with councils of governments and county

Page 3

1 boards of supervisors in counties adjacent to the  
2 Mississippi river, shall be responsible for providing  
3 the council with administrative support.  
4 7. The Mississippi river partnership council may  
5 adopt bylaws and rules of operation consistent with  
6 this section.  
7 Sec. 3. NEW SECTION. 28N.3 MISSISSIPPI RIVER  
8 PARTNERSHIP COUNCIL – POWERS AND DUTIES.  
9 1. The Mississippi river partnership council may  
10 be considered a regional watershed planning group for  
11 purposes of chapter 466B and shall collaborate with  
12 the water resources coordinating council established

13 pursuant to section 466B.3.  
14 2. The Mississippi river partnership council's  
15 duties shall include all of the following:  
16 a. Reviewing activities and programs administered  
17 by state and federal agencies that directly impact the  
18 Mississippi river and its watershed.  
19 b. Working with local communities, organizations,  
20 and other states to encourage partnerships that  
21 promote sustainable economic development opportunities  
22 in counties along the Mississippi river, as well as  
23 enhance awareness and capabilities to address  
24 watershed and water resource concerns and to encourage  
25 strategies that protect, restore, and expand critical  
26 habitats, soil conservation, and water quality  
27 practices.  
28 c. Working with federal agencies to optimize the  
29 implementation of programs and the expenditure of  
30 moneys affecting the Mississippi river and counties in  
31 Iowa along the Mississippi river, including the upper  
32 Mississippi river basin association and the  
33 Mississippi parkway planning commission.  
34 d. Advising and making recommendations to the  
35 water resources coordinating council established in  
36 section 466B.3, the governor, the general assembly,  
37 and state agencies, regarding strategic plans and  
38 priorities impacting the Mississippi river, methods to  
39 optimize the implementation of associated programs,  
40 and the expenditure of moneys affecting the river, its  
41 watershed, and counties bordering the Mississippi  
42 river.  
43 e. Encouraging local communities in counties  
44 bordering the Mississippi river to develop watershed  
45 management plans to address stormwater, erosion,  
46 flooding, sedimentation, and pollution problems and  
47 encouraging projects for the natural conveyance and  
48 storage of floodwaters; the enhancement of wildlife  
49 habitat and outdoor recreation opportunities; the  
50 recovery, management, and conservation of the

Page 4

1 Mississippi river and its tributaries; and the  
2 preservation of farmland, prairies, and forests. Such  
3 initiatives shall be considered community-based  
4 subwatershed efforts under chapter 466B.  
5 f. Identifying and promoting opportunities to  
6 enhance economic development and job creation in  
7 communities along the Mississippi river, as well as  
8 other measurable development efforts, which are  
9 compatible with the ecological health of the  
10 Mississippi river and the state.  
11 g. Helping identify possible sources of funding

12 for watershed management projects and sustainable  
13 economic development opportunities.  
14 h. Performing other duties and responsibilities in  
15 the public interest that are reasonably related to the  
16 purpose of the council.  
17 3. The department of agriculture and land  
18 stewardship, the department of natural resources, the  
19 department of economic development, and the department  
20 of transportation may apply for grant moneys or may  
21 solicit moneys from sources to support the work of the  
22 Mississippi river partnership council."  
23 2. Page 3, by inserting after line 7 the  
24 following:  
25 "Sec. \_\_\_\_ IMPLEMENTATION. Sections 28N.1, 28N.2,  
26 and 28N.3 as enacted in this Act, shall be implemented  
27 when persons appointed by the governor to act on  
28 behalf of the Mississippi river partnership council  
29 have notified the governor that they have procured at  
30 least twenty-five thousand dollars in funds or in-kind  
31 services providing for expenses associated with the  
32 start-up and first-year administration of the council.  
33 The department of agriculture and land stewardship,  
34 the department of natural resources, the department of  
35 economic development, and the state department of  
36 transportation may cooperate with such persons to  
37 facilitate the implementation of sections 28N.1,  
38 28N.2, and 28N.3, as enacted in this Act."  
39 3. Title page, line 2, by inserting after the  
40 word "policies," the following: ", and providing for  
41 the establishment of a council".  
42 4. By renumbering as necessary.

McCarthy of Polk asked and received unanimous consent that House File 756 be deferred and that the bill retain its place on the calendar. (Amendment H-1629 pending)

The House stood at ease at 2:48 p.m., until the fall of the gavel.

The House resumed session at 3:04 p.m., D. Olson of Boone in the chair.

### Unfinished Business Calendar

**House File 712**, a bill for an act relating to a private cause of action for certain consumer fraud violations and providing an applicability provision, was taken up for consideration.

Struyk of Pottawattamie offered the following amendment H-1150 filed by him and moved its adoption:

H-1150

1 Amend House File 712 as follows:  
2 1. By striking everything after the enacting  
3 clause and inserting the following:  
4 "Section 1. NEW SECTION. 714H.1 TITLE.  
5 This chapter shall be known and may be cited as the  
6 "Private Right of Action for Consumer Frauds Act".  
7 Sec. 2. NEW SECTION. 714H.2 DEFINITIONS.  
8 1. "Advertisement" means the same as defined in  
9 section 714.16.  
10 2. "Consumer" means a natural person or the  
11 person's legal representative.  
12 3. "Consumer merchandise" means merchandise  
13 offered for sale or lease, or sold or leased,  
14 primarily for personal, family, or household purposes.  
15 4. "Deception" means an act or practice that is  
16 likely to mislead a substantial number of consumers as  
17 to a material fact or facts.  
18 5. "Merchandise" means the same as defined in  
19 section 714.16 except that, for the purposes of this  
20 chapter, "merchandise" does not include services  
21 offered or provided by any of the following persons,  
22 including business entities organized under Title XII  
23 by those persons and the officers, directors,  
24 employees, and agents of those persons or business  
25 entities, pursuant to a profession or business for  
26 which they are licensed or registered:  
27 a. Insurance companies subject to Title XIII.  
28 b. Attorneys licensed to practice law in this  
29 state.  
30 c. Financial institutions which includes any bank  
31 incorporated under the provisions of any state or  
32 federal law, any savings and loan association or  
33 savings bank incorporated under the provisions of any  
34 state or federal law, any credit union organized under  
35 the provisions of any state or federal law, any  
36 affiliate or subsidiary of a bank, savings and loan  
37 association, savings bank, or credit union, and  
38 industrial loan licensees pursuant to chapter 536A and  
39 regulated loan licensees pursuant to chapter 536.  
40 d. Persons or facilities licensed, certified, or  
41 registered under chapter 135B, 135C, 135J, 148, 148A,  
42 148B, 148C, 149, 151, 152, 152A, 152B, 153, 154, 154B,  
43 154C, 154D, 155A, 156, 169, 522B, 542, 542B, 543B,  
44 544A, or 544B.  
45 6. "Person" means the same as defined in section  
46 714.16.  
47 7. "Sale" means any sale or offer for sale of  
48 consumer merchandise for cash or credit.  
49 8. "Unfair practice" means the same as defined in  
50 section 714.16.

Page 2

1 Sec. 3. NEW SECTION. 714H.3 PROHIBITED PRACTICES  
2 AND ACTS.

3 1. A person shall not engage in a practice the  
4 person knows or reasonably should know is an unfair  
5 practice, deception, fraud, false pretense, OR false  
6 promise, or the misrepresentation, concealment,  
7 suppression, or omission of a material fact, with the  
8 intent that others rely upon the unfair practice,  
9 deception, fraud, false pretense, false promise,  
10 misrepresentation, concealment, suppression, or  
11 omission in connection with the advertisement, sale,  
12 or lease of consumer merchandise, or the solicitation  
13 of contributions for charitable purposes. For the  
14 purposes of this chapter, a claimant alleging fraud,  
15 false promise, false pretense, or misrepresentation  
16 must prove that the prohibited practice related to a  
17 material fact or facts. "Solicitation of  
18 contributions for charitable purposes" does not  
19 include solicitations made on behalf of a political  
20 organization as defined in section 13C.1,  
21 solicitations made on behalf of a religious  
22 organization as defined in section 13C.1,  
23 solicitations made on behalf of a state, regionally,  
24 or nationally accredited college or university, or  
25 solicitations made on behalf of a nonprofit foundation  
26 benefiting a state, regionally, or nationally  
27 accredited college or university subject to section  
28 509(a)(1) or 509(a)(3) of the Internal Revenue Code of  
29 1986.

30 2. A person shall not engage in any practice or  
31 act that is in violation of any of the following:

- 32 a. Section 321.69.
- 33 b. Chapter 516D.
- 34 c. Section 516E.5, 516E.9, or 516E.10.
- 35 d. Chapter 555A.
- 36 e. Section 714.16, subsection 2, paragraphs "b"  
37 through "n".
- 38 f. Chapter 714A.

39 Sec. 4. NEW SECTION. 714H.4 EXCLUSIONS.

- 40 1. This chapter shall not apply to any of the  
41 following:
  - 42 a. Advertising by a retailer for a product, other  
43 than a drug or other product claiming to have a  
44 health-related benefit or use, if the advertising is  
45 prepared by a supplier, unless the retailer  
46 participated in the preparation of the advertisement  
47 or knew or should have known that the advertisement  
48 was deceptive, false, or misleading.
  - 49 b. In connection with an advertisement that  
50 violates this chapter, the newspaper, magazine,



Page 3

1 publication, or other print media in which the  
2 advertisement appears, or the radio station,  
3 television station, or other electronic media which  
4 disseminates the advertisement.  
5 c. Any advertisement that complies with the  
6 statutes, rules, and regulations of the federal trade  
7 commission.  
8 d. Public utilities as defined in section 476.1  
9 that furnish gas by a piped distribution system or  
10 electricity to the public for compensation.  
11 e. The provision of cable television service or  
12 video service pursuant to a franchise under section  
13 364.2 or 477A.2.  
14 f. The provision of local exchange carrier  
15 telephone service pursuant to a certificate issued  
16 under section 476.29.  
17 g. Conduct for which a cause of action is  
18 available to the consumer based upon negligence,  
19 product liability, or warranty.  
20 h. Actions alleging bodily injury.  
21 i. Conduct in compliance with the orders or rules  
22 of, or a statute administered by, a federal, state, or  
23 local governmental agency.  
24 j. An affirmative act that violates this chapter  
25 but is specifically required by other applicable law,  
26 to the extent that the action could not reasonably  
27 avoid a violation of this chapter.  
28 k. In any action relating to a charitable  
29 solicitation, an individual who has engaged in the  
30 charitable solicitation as an unpaid, uncompensated  
31 volunteer solicitor and who does not receive monetary  
32 gain of any sort from engaging in the solicitation.  
33 2. "Material fact" as used in this chapter does  
34 not include repairs of damage to or adjustments on or  
35 replacements of parts with new parts of otherwise new  
36 merchandise if the repairs, adjustments, or  
37 replacements are made to achieve compliance with  
38 factory specifications and are made before sale of the  
39 merchandise at retail and the actual cost of any labor  
40 and parts charged to or performed by a retailer for  
41 any such repairs, adjustments, and parts does not  
42 exceed three hundred dollars or ten percent of the  
43 actual cost to a retailer including freight of the  
44 merchandise, whichever is less, providing that the  
45 seller posts in a conspicuous place notice that  
46 repairs, adjustments, or replacements will be  
47 disclosed upon request. The exclusion provided in  
48 this subsection does not apply to the concealment,  
49 suppression, or omission of a material fact if the  
50 purchaser requests disclosure of any repair,

Page 4

1 adjustment, or replacement.  
2 Sec. 5. NEW SECTION. 714H.5 PRIVATE CAUSE OF  
3 ACTION.  
4 1. A consumer who reasonably relies on a practice  
5 prohibited by this chapter and who suffers an  
6 ascertainable loss of money or property as the result  
7 of such prohibited practice may bring an action at law  
8 to recover actual economic damages. An award of  
9 damages for such a prohibited practice shall not be  
10 made without proof that the consumer suffered actual  
11 economic damages. The court may order such equitable  
12 relief as it deems necessary to protect the public  
13 from further violations, including temporary and  
14 permanent injunctive relief.  
15 2. If the court finds that a person has violated  
16 this chapter and the consumer is awarded actual  
17 damages, the court shall award to the consumer the  
18 costs of the action and to the consumer's attorney  
19 reasonable fees. Reasonable attorney fees shall be  
20 determined by the value of the time reasonably  
21 expended by the attorney including but not limited to  
22 consideration of the following factors:  
23 a. The time and labor required.  
24 b. The novelty and difficulty of the issues in the  
25 case.  
26 c. The skills required to perform the legal  
27 services properly.  
28 d. The preclusion of other employment by the  
29 attorney due to the attorney's acceptance of the case.  
30 e. The customary fee.  
31 f. Whether the fee is fixed or contingent.  
32 g. The time limitations imposed by the client or  
33 the circumstances of the case.  
34 h. The amount of money involved in the case and  
35 the results obtained.  
36 i. The experience, reputation, and ability of the  
37 attorney.  
38 j. The undesirability of the case.  
39 k. The nature and length of the professional  
40 relationship between the attorney and the client.  
41 l. Damage awards in similar cases.  
42 3. In order to recover damages, a claim under this  
43 section shall be proved by a preponderance of the  
44 evidence.  
45 4. If the finder of fact finds by a preponderance  
46 of clear, convincing, and satisfactory evidence that a  
47 prohibited practice or act in violation of this  
48 chapter constitutes willful and wanton disregard for  
49 the rights or safety of another, in addition to an  
50 award of actual damages, statutory damages up to three

Page 5

1 times the amount of actual damages may be awarded to a  
2 prevailing consumer.

3 5. An action pursuant to this chapter must be  
4 brought within two years of the occurrence of the last  
5 event giving rise to the cause of action under this  
6 chapter or within two years of the discovery of the  
7 violation of this chapter by the person bringing the  
8 action, whichever is later.

9 6. This section shall not affect a consumer's  
10 right to seek relief under any other theory of law.  
11 Sec. 6. NEW SECTION. 714H.6 ATTORNEY GENERAL  
12 NOTIFICATION.

13 1. A party filing a petition, counterclaim,  
14 cross-petition, or pleading in intervention alleging a  
15 violation under this chapter, within seven days  
16 following the date of filing such pleading, shall  
17 provide a copy to the attorney general and, within  
18 seven days following entry of any final judgment in  
19 the action, shall provide a copy of the judgment to  
20 the attorney general. This subsection shall not apply  
21 to small claims actions, except as provided in  
22 subsection 2.

23 2. A party appealing to district court a small  
24 claims order or judgment involving an issue raised  
25 under this chapter, within seven days of providing  
26 notice of the appeal, shall notify the attorney  
27 general in writing and provide a copy of the pleading  
28 raising the issue and a copy of the small claims court  
29 order or judgment.

30 3. A party appealing an order or judgment  
31 involving an issue raised under this chapter, within  
32 seven days following the date such notice of appeal is  
33 filed with the court, shall notify the attorney  
34 general in writing and provide a copy of the pleading  
35 raising the issue and a copy of the court order or  
36 judgment being appealed.

37 4. Upon timely application to the court in which  
38 an action involving an issue raised under this chapter  
39 is pending, the attorney general may intervene as a  
40 party at any time or may be heard at any time. The  
41 attorney general's failure to intervene shall not  
42 preclude the attorney general from bringing a separate  
43 enforcement action.

44 5. All copies of pleadings, orders, judgments, and  
45 notices required by this section to be sent to the  
46 attorney general shall be sent by certified mail  
47 unless the attorney general has previously been  
48 provided such copies of pleadings, orders, judgments,  
49 or notices in the same action by certified mail, in  
50 which case subsequent mailings may be made by regular

Page 6

1 mail. Failure to provide the required mailings to the  
2 attorney general shall not be grounds for dismissal of  
3 an action under this chapter, but shall be grounds for  
4 a subsequent action by the attorney general to vacate  
5 or modify the judgment.

6 Sec. 7. NEW SECTION. 714H.7 CLASS ACTIONS7  
7 BARRED.

8 A class action lawsuit alleging violations of this  
9 chapter shall not be available.

10 Sec. 8. APPLICABILITY. This Act applies to causes  
11 of actions accruing on or after the effective date of  
12 this Act."

13 2. Title page, line 1 by striking the word  
14 "cause" and inserting the following: "right".

15 3. Title page, line 2, by striking the word  
16 "providing" and inserting the following: "including".

Huser of Polk asked and received unanimous consent that amendment H-1483 to amendment H-1150, be deferred.

Struyk of Pottawattamie asked and received unanimous consent that amendment H-1492 to amendment H-1150, be deferred.

Huser of Polk offered the following amendment H-1642, to amendment H-1150, filed by her from the floor and moved its adoption:

H-1642

1 Amend the amendment, H-1150, to House File 712, as  
2 follows:

3 1. By striking page 1, line 4, through page 6,  
4 line 16 and inserting the following:

5 ""Section 1. NEW SECTION. 714H.1 TITLE.

6 This chapter shall be known and may be cited as the  
7 "Private Right of Action for Consumer Frauds Act".

8 Sec. 2. NEW SECTION. 714H.2 DEFINITIONS.

9 1. "Actual damages" means all compensatory damages  
10 proximately caused by the prohibited practice or act  
11 that are reasonably ascertainable in amount. "Actual  
12 damages" does not include damages for bodily injury,  
13 pain and suffering, mental distress, or loss of  
14 consortium, loss of life, or loss of enjoyment of  
15 life.

16 2. "Advertisement" means the same as defined in  
17 section 714.16.

18 3. "Consumer" means a natural person or the

19 person's legal representative.

20 4. "Consumer merchandise" means merchandise  
21 offered for sale or lease, or sold or leased,  
22 primarily for personal, family, or household purposes.

23 5. "Deception" means an act or practice that is  
24 likely to mislead a substantial number of consumers as  
25 to a material fact or facts.

26 6. "Merchandise" means the same as defined in  
27 section 714.16.

28 7. "Person" means the same as defined in section  
29 714.16.

30 8. "Sale" means any sale or offer for sale of  
31 consumer merchandise for cash or credit.

32 9. "Unfair practice" means the same as defined in  
33 section 714.16.

34 Sec. 3. NEW SECTION. 714H.3 PROHIBITED PRACTICES  
35 AND ACTS.

36 1. A person shall not engage in a practice or act  
37 the person knows or reasonably should know is an  
38 unfair practice, deception, fraud, false pretense, or  
39 false promise, or the misrepresentation, concealment,  
40 suppression, or omission of a material fact, with the  
41 intent that others rely upon the unfair practice,  
42 deception, fraud, false pretense, false promise,  
43 misrepresentation, concealment, suppression, or  
44 omission in connection with the advertisement, sale,  
45 or lease of consumer merchandise, or the solicitation  
46 of contributions for charitable purposes. For the  
47 purposes of this chapter, a claimant alleging an  
48 unfair practice, deception, fraud, false pretense,  
49 false promise, or misrepresentation must prove that  
50 the prohibited practice related to a material fact or

Page 2

1 facts. "Solicitations of contributions for charitable  
2 purposes" does not include solicitations made on  
3 behalf of a political organization as defined in  
4 section 13C.1, solicitations made on behalf of a  
5 religious organization as defined in section 13C.1,  
6 solicitations made on behalf of a state, regionally,  
7 or nationally accredited college or university, or  
8 solicitations made on behalf of a nonprofit foundation  
9 benefiting a state, regionally, or nationally  
10 accredited college or university subject to section  
11 509(a)(1) or 509(a)(3) of the Internal Revenue Code of  
12 1986.

13 2. A person shall not engage in any practice or  
14 act that is in violation of any of the following:

15 a. Section 321.69.

16 b. Chapter 516D.

17 c. Section 516E.5, 516E.9, or 516E.10.

18 d. Chapter 555A.

19 e. Section 714.16, subsection 2, paragraphs "b"  
20 through "n".

21 f. Chapter 714A.

22 Sec. 4. NEW SECTION. 714H.4 EXCLUSIONS.

23 1. This chapter shall not apply to any of the  
24 following:

25 a. Merchandise offered or provided by any of the  
26 following persons, including business entities  
27 organized under Title XII by those persons and the  
28 officers, directors, employees, and agents of those  
29 persons or business entities, pursuant to a profession  
30 or business for which they are licensed or registered:

31 (1) Insurance companies subject to Title XIII.

32 (2) Attorneys licensed to practice law in this  
33 state.

34 (3) Financial institutions which includes any bank  
35 incorporated under the provisions of any state or  
36 federal law, any savings and loan association or  
37 savings bank incorporated under the provisions of any  
38 state or federal law, and any credit union organized  
39 under the provisions of any state or federal law, and  
40 any affiliate or subsidiary of a bank, savings and  
41 loan association, savings bank, or credit union.

42 (4) Persons or facilities licensed, certified, or  
43 registered under chapters 135B, 135C, 135J, 148, 148A,  
44 148B, 148C, 149, 151, 152, 152A, 152B, 153, 154, 154B,  
45 154C, 154D, 155A, 156, 169, 522B, 542, 542B, 543B,  
46 544A, or 544B.

47 b. Advertising by a retailer for a product, other  
48 than a drug or other product claiming to have a  
49 health-related benefit or use, if the advertising is  
50 prepared by a supplier, unless the retailer

Page 3

1 participated in the preparation of the advertisement  
2 or knew or should have known that the advertisement  
3 was deceptive, false, or misleading.

4 c. In connection with an advertisement that  
5 violates this chapter, the newspaper, magazine,  
6 publication, or other print media in which the  
7 advertisement appears, including the publisher of the  
8 newspaper, magazine, publication, or other print media  
9 in which the advertisement appears, or the radio  
10 station, television station, or other electronic media  
11 which disseminates the advertisement, including an  
12 employee, agent, or representative of the publisher,  
13 newspaper, magazine, publication or other print media,  
14 or the radio station, television station, or other  
15 electronic media.

16 d. The provision of local exchange carrier

17 telephone service pursuant to a certificate issued  
18 under section 476.29.

19 e. Public utilities as defined in section 476.1  
20 that furnish gas by a piped distribution system or  
21 electricity to the public for compensation.

22 f. Any advertisement that complies with the  
23 statutes, rules, and regulations of the federal trade  
24 commission.

25 g. Conduct that is required or permitted by the  
26 orders or rules of, or a statute administered by, a  
27 federal, state, or local governmental agency.

28 h. An affirmative act that violates this chapter  
29 but is specifically required by other applicable law,  
30 to the extent that the actor could not reasonably  
31 avoid a violation of this chapter.

32 i. In any action relating to a charitable  
33 solicitation, an individual who has engaged in the  
34 charitable solicitation as an unpaid, uncompensated  
35 volunteer and who does not receive monetary gain of  
36 any sort from engaging in the solicitation.

37 j. The provision of cable television service or  
38 video service pursuant to a franchise under section  
39 364.2 or 477A.2.

40 k. A corporation holding one or more industrial  
41 loan licenses pursuant to chapter 536A and employing  
42 fewer than sixty full-time employees or a corporation  
43 holding one or more regulated loan licenses pursuant  
44 to chapter 536 and employing fewer than sixty  
45 full-time employees. For purposes of this paragraph,  
46 "corporation" means the same as defined in section  
47 536A.2.

48 2. "Material fact" as used in this chapter does  
49 not include repairs of damage to, adjustments on, or  
50 replacements of parts with new parts of otherwise new

Page 4

1 merchandise if the repairs, adjustments, or  
2 replacements are made to achieve compliance with  
3 factory specifications and are made before sale of the  
4 merchandise at retail and the actual cost of any labor  
5 and parts charged to or performed by a retailer for  
6 any such repairs, adjustments, and parts does not  
7 exceed three hundred dollars or ten percent of the  
8 actual cost to a retailer including freight of the  
9 merchandise, whichever is less, provided that the  
10 seller posts in a conspicuous place notice that  
11 repairs, adjustments, or replacements will be  
12 disclosed upon request. The exclusion provided in  
13 this subsection does not apply to the concealment,  
14 suppression, or omission of a material fact if the  
15 purchaser requests disclosure of any repair,

16 adjustment, or replacement.

17 Sec. 5. NEW SECTION. 714H.5 PRIVATE RIGHT OF  
18 ACTION.

19 1. A consumer who suffers an ascertainable loss of  
20 money or property as the result of a prohibited  
21 practice or act in violation of this chapter may bring  
22 an action at law to recover actual damages. The court  
23 may order such equitable relief as it deems necessary  
24 to protect the public from further violations,  
25 including temporary and permanent injunctive relief.

26 2. If the court finds that a person has violated  
27 this chapter and the consumer is awarded actual  
28 damages, the court shall award to the consumer the  
29 costs of the action and to the consumer's attorney  
30 reasonable fees. Reasonable attorney fees shall be  
31 determined by the value of the time reasonably  
32 expended by the attorney including but not limited to  
33 consideration of the following factors:

34 a. The time and labor required.

35 b. The novelty and difficulty of the issues in the  
36 case.

37 c. The skills required to perform the legal  
38 services properly.

39 d. The preclusion of other employment by the  
40 attorney due to the attorney's acceptance of the case.

41 e. The customary fee.

42 f. Whether the fee is fixed or contingent.

43 g. The time limitations imposed by the client or  
44 the circumstances of the case.

45 h. The amount of money involved in the case and  
46 the results obtained.

47 i. The experience, reputation, and ability of the  
48 attorney.

49 j. The undesirability of the case.

50 k. The nature and length of the professional

Page 5

1 relationship between the attorney and the client.

2 1. Attorney fee awards in similar cases.

3 3. In order to recover damages, a claim under this  
4 section shall be proved by a preponderance of the  
5 evidence.

6 4. If the finder of fact finds by a preponderance  
7 of clear, convincing, and satisfactory evidence that a  
8 prohibited practice or act in violation of this  
9 chapter constitutes willful and wanton disregard for  
10 the rights or safety of another, in addition to an  
11 award of actual damages, statutory damages up to three  
12 times the amount of actual damages may be awarded to a  
13 prevailing consumer.

14 5. An action pursuant to this chapter must be



15 brought within two years of the occurrence of the last  
16 event giving rise to the cause of action under this  
17 chapter or within two years of the discovery of the  
18 violation of this chapter by the person bringing the  
19 action, whichever is later.

20 6. This section shall not affect a consumer's  
21 right to seek relief under any other theory of law.

22 7. A person shall not be held liable in any action  
23 brought under this section for a violation of this  
24 chapter if the person shows by a preponderance of the  
25 evidence that the violation was not intentional and  
26 resulted from a bona fide error notwithstanding the  
27 maintenance of procedures reasonably adopted to avoid  
28 the error.

29 Sec. 6. NEW SECTION. 714H.6 ATTORNEY GENERAL  
30 NOTIFICATION.

31 1. A party filing a petition, counterclaim,  
32 cross-petition, or pleading, or any count thereof, in  
33 intervention alleging a violation under this chapter,  
34 within seven days following the date of filing such  
35 pleading, shall provide a copy to the attorney general  
36 and, within seven days following entry of any final  
37 judgment in the action, shall provide a copy of the  
38 judgment to the attorney general.

39 2. A party appealing to district court a small  
40 claims order or judgment involving an issue raised  
41 under this chapter, within seven days of providing  
42 notice of the appeal, shall notify the attorney  
43 general in writing and provide a copy of the pleading  
44 raising the issue and a copy of the small claims court  
45 order or judgment.

46 3. A party appealing an order or judgment  
47 involving an issue raised under this chapter, within  
48 seven days following the date such notice of appeal is  
49 filed with the court, shall notify the attorney  
50 general in writing and provide a copy of the pleading

Page 6

1 raising the issue and a copy of the court order or  
2 judgment being appealed.

3 4. Upon timely application to the court in which  
4 an action involving an issue raised under this chapter  
5 is pending, the attorney general may intervene as a  
6 party at any time or may be heard at any time. The  
7 attorney general's failure to intervene shall not  
8 preclude the attorney general from bringing a separate  
9 enforcement action.

10 5. All copies of pleadings, orders, judgments, and  
11 notices required by this section to be sent to the  
12 attorney general shall be sent by certified mail  
13 unless the attorney general has previously been

14 provided such copies of pleadings, orders, judgments,  
15 or notices in the same action by certified mail, in  
16 which case subsequent mailings may be made by regular  
17 mail. Failure to provide the required mailings to the  
18 attorney general shall not be grounds for dismissal of  
19 an action under this chapter, but shall be grounds for  
20 a subsequent action by the attorney general to vacate  
21 or modify the judgment.

22 Sec. 7. NEW SECTION. 714H.7 CLASS ACTIONS.

23 A class action lawsuit alleging a violation of this  
24 chapter shall not be filed with a court unless it has  
25 been approved by the attorney general. The attorney  
26 general shall approve the filing of a class action  
27 lawsuit alleging a violation of this chapter unless  
28 the attorney general determines that the lawsuit is  
29 frivolous. This section shall not affect the  
30 requirements of any other law or of the Iowa rules of  
31 civil procedure relating to class action lawsuits.

32 Sec. 8. NEW SECTION. 714H.8 SEVERABILITY CLAUSE.

33 If any provision of this chapter or its application  
34 to any person or circumstances is held invalid, the  
35 invalidity does not affect other provisions or  
36 applications of this chapter that can be given effect  
37 without the invalid provision or application, and to  
38 this end the provisions of this chapter are severable.

39 Sec. 9. APPLICABILITY. This Act applies to causes  
40 of actions accruing on or after the effective date of  
41 this Act."

42 \_\_\_\_\_. Title page, line 1, by striking the word  
43 "cause" and inserting the following: "right".

44 \_\_\_\_\_. Title page, line 2, by striking the word  
45 "providing" and inserting the following:  
46 "including"."

Amendment H-1642 was adopted, placing the following deferred amendments out of order:

Amendment H-1483 filed by Huser of Polk on April 8, 2009.

Amendment H-1492 filed by Struyk of Pottawattamie on April 9, 2009.

Struyk of Pottawattamie moved the adoption of amendment H-1150, as amended.

Roll call was requested by Paulsen of Linn and Wagner of Linn.

On the question "Shall amendment H-1150, as amended, be adopted?" (H.F. 712)

The ayes were, 98:

Abdul-Samad	Alons	Anderson	Arnold
Bailey	Baudler	Beard	Bell
Berry	Bukta	Burt	Cohoon
Cownie	De Boef	Deyoe	Dolecheck
Drake	Ficken	Ford	Forristall
Frevert	Gaskill	Gayman	Grassley
Hagenow	Heaton	Heddens	Helland
Horbach	Hunter	Huseman	Huser
Isenhart	Jacoby	Kaufmann	Kearns
Kelley	Koester	Kressig	Kuhn
Lensing	Lukan	Lykam	Marek
Mascher	May	McCarthy	Mertz
Miller, H.	Miller, L.	Murphy, Spkr.	Oldson
Olson, R.	Olson, S.	Olson, T.	Palmer
Paulsen	Petersen	Pettengill	Quirk
Raecker	Rayhons	Reasoner	Reichert
Roberts	Sands	Schueller	Schulte
Schultz	Shomshor	Smith	Soderberg
Sorenson	Steckman	Struyk	Swaim
Sweeney	Taylor, D.	Taylor, T.	Thede
Thomas	Tjepkes	Tymeson	Upmeyer
Van Engelenhoven	Wagner	Watts	Wendt
Wenthe	Wessel-Kroeschell	Whitaker	Whitead
Willems	Winckler	Windschitl	Worthan
Zirkelbach	Olson, D., Presiding		

The nays were, none.

Absent or not voting, 2:

Chambers                      Rants

Amendment H-1150, as amended was adopted, placing out of order the following amendments:

Amendment H-1145 filed by Struyk of Pottawattamie on March 12, 2009.

Amendment H-1155 filed by Upmeyer of Hancock on March 16, 2009.

Amendment H-1371 filed by Huser of Polk on April 1, 2009.

Amendment H-1375 filed by Huser of Polk on April 1, 2009.

Amendment H-1377 filed by Alons of Sioux on April 1, 2009.

Amendment H-1445 filed by Swaim of Davis et al., on April 7, 2009.

Amendment H-1446 filed by Swaim of Davis et al., on April 7, 2009.

Amendment H-1468 filed by Huser of Polk on April 7, 2009.

Amendment H-1588 filed by Swaim of Davis et al., on April 14, 2009.

Amendment H-1589 filed by Swaim of Davis et al., on April 14, 2009.

Palmer of Mahaska moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 712)

The ayes were, 96:

Abdul-Samad	Alons	Anderson	Arnold
Bailey	Baudler	Beard	Bell
Berry	Bukta	Burt	Cohoon
Cownie	De Boef	Deyoe	Dolecheck
Drake	Ficken	Ford	Forristall
Frevert	Gaskill	Gayman	Grassley
Hagenow	Heaton	Heddens	Helland
Horbach	Hunter	Huseman	Huser
Isenhart	Jacoby	Kaufmann	Kearns
Kelley	Koester	Kressig	Kuhn
Lensing	Lukan	Lykam	Marek
Mascher	McCarthy	Miller, H.	Miller, L.
Murphy, Spkr.	Oldson	Olson, R.	Olson, S.
Olson, T.	Palmer	Paulsen	Petersen
Pettengill	Quirk	Raecker	Rayhons
Reasoner	Reichert	Roberts	Sands
Schueler	Schulte	Schultz	Shomshor
Smith	Soderberg	Sorenson	Steckman
Struyk	Swaim	Sweeney	Taylor, D.
Taylor, T.	Thede	Thomas	Tjepkes
Tymeson	Upmeyer	Van Engelenhoven	Wagner
Watts	Wendt	Wenthe	Wessel-Kroeschell
Whitaker	Whitead	Willems	Winckler
Windschitl	Worthan	Zirkelbach	Olson, D., Presiding

The nays were, 1:

May

Absent or not voting, 3:

Chambers                      Mertz                      Rants

The bill having received a constitutional majority was declared to have passed the House and the title, as amended, was agreed to.

#### IMMEDIATE MESSAGE

McCarthy of Polk asked and received unanimous consent that **House File 712** be immediately messaged to the Senate.

Mascher of Johnson in the chair at 3:23 p.m.

**House File 629**, a bill for an act relating to cemeteries, the classification of pioneer cemeteries, and claims of adverse possession concerning cemeteries or pioneer cemeteries, was taken up for consideration.

Bailey of Hamilton 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. 629)

The ayes were, 98:

Abdul-Samad	Alons	Anderson	Arnold
Bailey	Baudler	Beard	Bell
Berry	Bukta	Burt	Cohoon
Cownie	De Boef	Deyoe	Dolecheck
Drake	Ficken	Ford	Forristall
Frevert	Gaskill	Gayman	Grassley
Hagenow	Heaton	Heddens	Helland
Horbach	Hunter	Huseman	Huser
Isenhart	Jacoby	Kaufmann	Kearns
Kelley	Koester	Kressig	Kuhn
Lensing	Lukan	Lykam	Marek
May	McCarthy	Mertz	Miller, H.
Miller, L.	Murphy, Spkr.	Oldson	Olson, D.
Olson, R.	Olson, S.	Olson, T.	Palmer
Paulsen	Petersen	Pettengill	Quirk
Raecker	Rayhons	Reasoner	Reichert
Roberts	Sands	Schueller	Schulte
Schultz	Shomshor	Smith	Soderberg
Sorenson	Steckman	Struyk	Swaim
Sweeney	Taylor, D.	Taylor, T.	Thede
Thomas	Tjepkes	Tymeson	Upmeyer
Van Engelenhoven	Wagner	Watts	Wendt
Wenthe	Wessel-Kroeschell	Whitaker	Whitead
Willems	Winckler	Windschitl	Worthan
Zirkelbach	Mascher,		
	Presiding		

The nays were, none.

Absent or not voting, 2:

Chambers

Rants

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

### IMMEDIATE MESSAGE

McCarthy of Polk asked and received unanimous consent that **House File 629** be immediately messaged to the Senate.

The House stood at ease at 3:27 p.m., until the fall of the gavel.

The House resumed session at 3:42 p.m., Mascher of Johnson in the chair.

The House resumed consideration of House File 756. (Amendment H-1629, previously deferred, pending and found on pages 1574 through 1578 of the House Journal)

Isenhart of Dubuque offered amendment H-1649, to amendment H-1629, filed by him and Reichert of Muscatine from the floor as follows:

H-1649

- 1 Amend the amendment, H-1629, to House File 756, as
- 2 follows:
- 3 1. Page 1, line 16, by inserting after the word
- 4 "organizations," the following: "and".
- 5 2. Page 1, by striking lines 17 and 18 and
- 6 inserting the following: "landowners and other
- 7 stakeholders along the Mississippi river."
- 8 3. Page 1, line 35, by striking the word "Five"
- 9 and inserting the following: "Six".
- 10 4. Page 1, line 35, by inserting after the word
- 11 "governor," the following: "each of whom shall reside
- 12 in one of the ten Iowa counties bordering the
- 13 Mississippi river,".
- 14 5. Page 1, by inserting after line 45 the
- 15 following:
- 16 "( ) One person representing agricultural
- 17 interests who is actively engaged in farming."
- 18 6. Page 3, by inserting after line 6 the
- 19 following:
- 20 "\_\_\_\_. The Mississippi river partnership council,
- 21 including any of its committees, is a governmental
- 22 body for purposes of chapter 21 and a government body
- 23 for purposes of chapter 22."
- 24 7. Page 3, by striking lines 9 through 13 and

- 25 inserting the following:  
26 "\_\_\_\_. The Mississippi river partnership council  
27 may collaborate with the water resources coordinating  
28 council established pursuant to section 466B.3."  
29 8. Page 3, line 14, by striking the figure "2."  
30 and inserting the following: "2. a."  
31 9. Page 3, line 16, by striking the word "a." and  
32 inserting the following: "(1)".  
33 10. Page 3, line 18, by striking the words "and  
34 its watershed".  
35 11. Page 3, line 19, by striking the word "b."  
36 and inserting the following: "(2)".  
37 12. Page 3, by striking lines 22 through 27 and  
38 inserting the following: "in counties along the  
39 Mississippi river; enhance awareness about the river  
40 and its uses; encourage the protection, restoration,  
41 and expansion of critical habitats; and promote the  
42 adoption of soil conservation and water quality best  
43 management practices."  
44 13. Page 3, line 28, by striking the word "c."  
45 and inserting the following: "(3)".  
46 14. Page 3, line 34, by striking the word "d."  
47 and inserting the following: "(4)".  
48 15. Page 3, lines 40 and 41, by striking the  
49 words ", its watershed,".  
50 16. Page 3, line 43, by striking the word "e."

## Page 2

- 1 and inserting the following: "(5)".  
2 17. Page 3, line 43, by striking the word  
3 "local".  
4 18. Page 3, line 45, by inserting after the word  
5 "plans" the following: "for their communities".  
6 19. Page 4, line 1, by striking the words "and  
7 its tributaries".  
8 20. Page 4, by striking lines 2 through 4 and  
9 inserting the following: "preservation of farmland,  
10 prairies, and forests."  
11 21. Page 4, line 5, by striking the word "f." and  
12 inserting the following: "(6)".  
13 22. Page 4, line 11, by striking the word "g."  
14 and inserting the following: "(7)".  
15 23. Page 4, line 14, by striking the word "h."  
16 and inserting the following: "(8)".  
17 24. Page 4, lines 14 and 15, by striking the  
18 words "Performing other duties and responsibilities in  
19 the" and inserting the following: "Functioning as a  
20 forum for discussion and providing advice or  
21 recommendations on matters of".  
22 25. Page 4, by inserting after line 16 the  
23 following:

24 "b. The Mississippi river partnership council  
 25 shall only administer its duties as provided in  
 26 paragraph "a" within the ten Iowa counties bordering  
 27 the Mississippi river."  
 28 26. By renumbering as necessary.

Amendment H-1649 was adopted.

Isenhart of Dubuque moved the adoption of amendment H-1629, as amended.

Amendment H-1629, as amended, 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?" (H.F. 756)

The ayes were, 97:

Abdul-Samad	Alons	Anderson	Arnold
Bailey	Baudler	Beard	Bell
Berry	Bukta	Burt	Cohoon
Cownie	De Boef	Deyoe	Dolecheck
Drake	Ficken	Ford	Forristall
Frevert	Gayman	Grassley	Hagenow
Heaton	Heddens	Helland	Horbach
Hunter	Huseman	Huser	Isenhart
Jacoby	Kaufmann	Kearns	Kelley
Koester	Kressig	Kuhn	Lensing
Lukan	Lykam	Marek	May
McCarthy	Mertz	Miller, H.	Miller, L.
Murphy, Spkr.	Oldson	Olson, D.	Olson, R.
Olson, S.	Olson, T.	Palmer	Paulsen
Petersen	Pettengill	Quirk	Raecker
Rayhons	Reasoner	Reichert	Roberts
Sands	Schueller	Schulte	Schultz
Shomshor	Smith	Soderberg	Sorenson
Steckman	Struyk	Swaim	Sweeney
Taylor, D.	Taylor, T.	Thede	Thomas
Tjepkes	Tymeson	Upmeyer	Van Engelenhoven
Wagner	Watts	Wendt	Wenthe
Wessel-Kroeschell	Whitaker	Whitead	Willems
Winckler	Windschitl	Worthan	Zirkelbach
Mascher, Presiding			



The nays were, 1:

Gaskill

Absent or not voting, 2:

Chambers

Rants

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

### IMMEDIATE MESSAGE

McCarthy of Polk asked and received unanimous consent that **House File 756** be immediately messaged to the Senate.

The House stood at ease at 4:00 p.m., until the fall of the gavel.

The House resumed session at 5:01 p.m., Speaker Murphy in the chair.

**Senate File 224**, a bill for an act relating to the licensing and regulation of plumbers, mechanical professionals, and contractors, and including an applicability provision, with report of committee recommending passage, was taken up for consideration.

Quirk of Chickasaw asked and received unanimous consent to withdraw amendment H-1387 filed by him and Struyk of Pottawattamie on April 1, 2009, placing out of order amendment H-1482 filed by Windschitl of Harrison on April 8, 2009.

Quirk of Chickasaw offered amendment H-1636 filed by him as follows:

H-1636

- 1 Amend Senate File 224, as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 1, line 31, by inserting after the word
- 4 "made." the following: "Fixtures or parts do not
- 5 include smoke and fire dampers, or water, gas, or
- 6 steam piping permanent repairs except for traps or
- 7 strainers. "Routine maintenance" includes emergency
- 8 repairs to prevent damage to property, as may be
- 9 defined by the board."

- 10 2. Page 4, line 30, by striking the words  
 11 "routine maintenance" and inserting the following:  
 12 "~~routine maintenance work~~".
- 13 3. Page 5, by striking lines 2 through 8 and  
 14 inserting the following:  
 15 "NEW SUBSECTION. 11. Prohibit an owner or  
 16 operator of a health care facility licensed pursuant  
 17 to chapter 135C, assisted living center licensed  
 18 pursuant to chapter 231C, hospital licensed pursuant  
 19 to chapter 135B, adult day care center licensed  
 20 pursuant to chapter 231D, or a retirement facility  
 21 certified pursuant to chapter 523D from performing  
 22 work on the facility or requiring such owner or  
 23 operator to be licensed under this chapter."
- 24 4. Page 9, by striking lines 28 through 32 and  
 25 inserting the following: "and mechanical professional  
 26 licenses shall be issued to employees of a  
 27 rate-regulated gas or electric public utility who  
 28 conduct the repair of appliances. "Repair of  
 29 appliances" means the repair or replacement of  
 30 mechanical connections between the appliance shutoff  
 31 valve and the appliance and repair of or replacement  
 32 of parts to the appliance. Such special, restricted  
 33 license shall require certification pursuant to  
 34 industry-accredited certification standards."
- 35 5. Page 15, by inserting after line 19 the  
 36 following:  
 37 "Sec. \_\_\_\_ . STUDY OF STATEWIDE INSPECTION PROGRAM  
 38 IMPLEMENTATION. The plumbing and mechanical systems  
 39 board, in conjunction with the electrical examining  
 40 board, shall conduct a study to determine the most  
 41 appropriate and feasible manner to implement a  
 42 statewide inspection program for work performed by the  
 43 respective licensees of both boards. By January 1,  
 44 2011, the boards shall submit a recommendation to the  
 45 general assembly for the implementation of a statewide  
 46 inspection program."
- 47 6. By renumbering as necessary.

Quirk of Chickasaw offered the following amendment H-1643, to amendment H-1636, filed by him from the floor and moved its adoption:

H-1643

- 1 Amend the amendment, H-1636, to Senate File 224, as  
 2 amended, passed, and reprinted by the Senate, as  
 3 follows:  
 4 1. Page 1, by inserting after line 23 the  
 5 following:  
 6 " \_\_\_\_ . Page 8, by inserting after line 19 the

7 following:

8 "A person may simultaneously hold an active

9 journeyperson license and an inactive master

10 license."

11 2. Page 1, line 40, by inserting after the word

12 "board" the following: "and city and county building

13 officials".

14 3. By renumbering as necessary.

Amendment H-1643 was adopted.

On motion by Quirk of Chickasaw amendment H-1636, as amended, was adopted.

Quirk of Chickasaw moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 224)

The ayes were, 83:

Abdul-Samad	Alons	Anderson	Arnold
Bailey	Beard	Bell	Berry
Bukta	Burt	Cphoon	Cownie
De Boef	Drake	Ficken	Ford
Frevert	Gaskill	Gayman	Hagenow
Heaton	Heddens	Helland	Horbach
Hunter	Huseman	Huser	Isenhart
Jacoby	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	Paulsen	Petersen
Quirk	Reasoner	Reichert	Roberts
Schueller	Schulte	Schultz	Shomshor
Smith	Soderberg	Sorenson	Steckman
Struyk	Swaim	Sweeney	Taylor, D.
Taylor, T.	Thede	Tjepkes	Wagner
Wendt	Wenthe	Wessel-Kroeschell	Whitaker
Whitead	Willems	Winckler	Windschitl
Worthan	Zirkelbach	Mr. Speaker	
		Murphy	

The nays were, 15:

Baudler	Deyoe	Dolecheck	Forristall
Grassley	Kaufmann	Pettengill	Raecker

Rayhons	Sands	Thomas	Tymeson
Upmeyer	Van Engelenhoven	Watts	

Absent or not voting, 2:

Chambers	Rants
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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 MESSAGE

McCarthy of Polk asked and received unanimous consent that **Senate File 224** be immediately messaged to the Senate.

### SENATE FILES REREFERRED TO COMMITTEES

The Speaker announced the following Senate files, previously placed on the calendar, were referred to the following committees:

SJR 5	Judiciary
SF 404	Agriculture
SF 119	Judiciary
SF 281	Veterans Affairs
SF 283	Judiciary
SF 285	Judiciary
SF 358	Judiciary
SF 413	Labor
SF 431	Judiciary

### EXPLANATIONS OF VOTE

I was necessarily absent from the House chamber on April 20, 2009. Had I been present, I would have voted "aye" on House File 712.

MERTZ of Kossuth

I was necessarily absent from the House chamber on Monday morning, April 20, 2009. Had I been present, I would have voted "aye" on House File 824 and Senate Files 389 and 481.

SWEENEY of Hardin

## BILLS SIGNED BY THE GOVERNOR

A communication was received from the Governor announcing that on April 17, 2009, he approved and transmitted to the Secretary of State the following bills:

House File 381, an Act relating to the practice of pharmacy by establishing a registration program for pharmacy support persons and regulating the internet sale of prescription products, including a program of registration of pharmacy internet sites, making penalties applicable, and establishing a general definition for the term "internet site".

House File 672, an Act relating to individual development accounts available to certain persons with low income and providing effective and applicability date provisions.

House File 707, an Act relating to eligible beneficiaries for a line of duty death benefit under the statewide fire and police retirement system and providing an effective date.

Senate File 81, an Act relating to assisting schools to recover from disaster by changing the approval method for transfers of emergency fund moneys, by modifying certain funding provisions to relate to disaster recovery, and by allowing area education agency boards greater authority to purchase and lease-purchase property.

Senate File 279, an Act providing for the establishment of an abbreviated electric transmission franchise process, and providing an effective date.

Senate File 441, an Act relating to local emergency management by modifying provisions of the statewide mutual aid compact.

Senate File 445, an Act relating to teacher compensation by requiring school corporations to incorporate teacher compensation into individual salary schedules and by eliminating the educational excellence program.

## 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

2009\3684 Kenneth Hoemann, Denison – For celebrating his 85<sup>th</sup> birthday.

2009\3685 Earl Hoemann, Denison – For celebrating his 57<sup>th</sup> birthday.

2009\3686 Art and Edaline Boettger, Denison – For celebrating their 65<sup>th</sup> wedding anniversary.

- 2009\3687 Arlene Jahnke, Atlantic – For celebrating her 90<sup>th</sup> birthday.
- 2009\3688 Clair Gill, Atlantic – For celebrating his 90<sup>th</sup> birthday.
- 2009\3689 Jay Robert Hackett, Mt. Pleasant – For attaining the rank of Eagle Scout, the highest rank in the Boy Scouts of America.

#### SUBCOMMITTEE ASSIGNMENTS

##### Senate File 116

Ways and Means: Bell, Chair; Steckman and Wagner.

##### Senate File 471

Ways and Means: Petersen, Chair; Helland and D. Olson.

#### RESOLUTION FILED

**HR 49**, by Wessel-Kroeschell, a resolution honoring the Iowa State University Cyclones Women's Basketball team.

Laid over under **Rule 25**.

#### AMENDMENTS FILED

H—1639	H.F.	816	Pettengill of Benton
H—1640	H.F.	764	D. Olson of Boone
H—1644	H.F.	826	D. Olson of Boone
H—1645	S.F.	413	Anderson of Page
H—1646	S.F.	413	Anderson of Page
H—1647	S.F.	3	Alons of Sioux
H—1648	S.F.	3	Horbach of Tama
H—1650	H.F.	795	R. Olson of Polk
H—1651	S.F.	304	D. Olson of Boone

On motion by McCarthy of Polk the House adjourned at 5:10 p.m., until 9:00 a.m., Tuesday, April 21, 2009.

# JOURNAL OF THE HOUSE

One Hundredth Calendar Day - Sixty-sixth Session Day

Hall of the House of Representatives  
Des Moines, Iowa, Tuesday, April 21, 2009

The House met pursuant to adjournment at 9:20 a.m., Speaker Murphy in the chair.

The prayer was led by the honorable Dolores Mertz, state representative from Kossuth County.

## PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Jacob Canny from Ottumwa. He is the grandson of Representative Mary Gaskill of Wapello County.

The Journal of Monday, April 20, 2009 was approved.

## 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 April 20, 2009, passed the following bill in which the concurrence of the Senate was asked:

House File 712, a bill for an act relating to a private cause of action for certain consumer fraud violations and providing an applicability provision.

MICHAEL E. MARSHALL, Secretary

## ADOPTION OF HOUSE RESOLUTION 47

T. Taylor of Linn, Kearns of Lee, Gayman of Scott, T. Olson of Linn Steckman of Cerro Gordo, Schueller of Jackson, Koester of Polk, Ficken of Buchanan, Isenhart of Dubuque and Hunter of Polk called up for consideration **House Resolution 47**, a resolution urging the spending of federal economic recovery funds on products that are made and services that are performed in the United States, and moved its adoption.

The motion prevailed and the resolution was adopted.

CONFERENCE COMMITTEE APPOINTED  
(House File 671)

The Speaker announced the appointment of the conference committee to consider the differences between the House and Senate concerning House File 671: Bukta of Clinton, Chair; Kressig of Black Hawk, Burt of Black Hawk, Worthan of Buena Vista and Lukan of Dubuque.

On motion by McCarthy of Polk, the House was recessed at 9:28 a.m., until 11:00 a.m.

MORNING SESSION

The House reconvened at 11:14 a.m., Zirkelbach of Jones in the chair.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Alons of Sioux, Forristall of Pottawattamie, Pettengill of Benton and Rants of Woodbury, on request of Upmeyer of Hancock; Thomas of Clayton, until his return, on request of McCarthy of Polk; Van Engelenhoven of Marion, until his return, on request of Arnold of Lucas.

HOUSE REFUSED TO CONCUR

Kressig of Black Hawk called up for consideration **Senate File 437**, a bill for an act relating to the affairs of the governing body of a drainage district by providing for public access to meetings and records, amended by the House, further amended by the Senate and moved that the House concur in the following Senate amendment H-1560 to the House amendment:

H-1560

- 1 Amend the amendment, S-3207, to Senate File 437, as
- 2 passed by the Senate, as follows:
- 3 1. Page 1, by striking lines 3 through 27.
- 4 2. Page 1, by inserting after line 29 the
- 5 following:
- 6 "Sec.\_\_\_\_. Section 331.325, subsection 1, Code
- 7 2009, is amended to read as follows:
- 8 1. As used in this section, "pioneer cemetery"



9 means a cemetery where there have been ~~six~~ twelve or  
10 fewer burials in the preceding fifty years."  
11 3. Page 1, by striking line 42 and inserting the  
12 following: "gather for minor or ministerial matters".  
13 4. Page 1, by inserting after line 49 the  
14 following:  
15 "Sec.\_\_\_\_. Section 523I.102, subsection 39, Code  
16 2009, is amended to read as follows:  
17 39. "Pioneer cemetery" means a cemetery where  
18 there were ~~six~~ twelve or fewer burials in the  
19 preceding fifty years."  
20 5. Page 2, by striking lines 1 through 3 and  
21 inserting the following: "inserting the following:  
22 "An Act relating to the activities of governmental  
23 entities by amending provisions relating to public  
24 access to meetings and records and by modifying  
25 provisions relating to cemeteries under the control of  
26 certain governmental entities.""  
27 6. By renumbering as necessary.

The motion lost and the House refused to concur in the Senate amendment H-1560, to the House amendment.

### IMMEDIATE MESSAGE

McCarthy of Polk asked and received unanimous consent that **Senate File 437** be immediately messaged to the Senate.

### SENATE AMENDMENT CONSIDERED

Berry of Black Hawk called up for consideration **House File 562**, a bill for an act relating to the council on human services and the state child care advisory council, amended by the Senate, and moved that the House concur in the following Senate amendment H-1443:

H-1443

1 Amend House File 562, as amended, passed, and  
2 reprinted by the House, as follows:  
3 1. Page 1, by striking lines 25 through 27 and  
4 inserting the following: "appointment to the  
5 council."  
6 2. Page 2, line 13, by inserting before the words  
7 "a family" the following: "a provider who is exempt  
8 from licensing or registration under this chapter or".

The motion prevailed and the House concurred in the Senate amendment H-1443.

Berry of Black Hawk moved that the bill, as amended by the Senate and concurred in by the House, be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 562)

The ayes were, 89:

Anderson	Arnold	Bailey	Baudler
Beard	Bell	Berry	Bukta
Burt	Cohoon	Cownie	De Boef
Deyoe	Dolecheck	Drake	Ficken
Frevert	Gaskill	Gayman	Grassley
Hagenow	Heaton	Heddens	Helland
Horbach	Hunter	Huseman	Huser
Isenhardt	Jacoby	Kaufmann	Kearns
Kelley	Koester	Kressig	Kuhn
Lensing	Lukan	Lykam	Marek
Mascher	May	Mertz	Miller, H.
Miller, L.	Murphy, Spkr.	Oldson	Olson, D.
Olson, R.	Olson, S.	Olson, T.	Palmer
Paulsen	Petersen	Quirk	Raecker
Rayhons	Reasoner	Reichert	Roberts
Sands	Schueller	Schulte	Schultz
Shomshor	Soderberg	Sorenson	Steckman
Struyk	Swaim	Sweeney	Taylor, D.
Taylor, T.	Thede	Tjepkes	Tymeson
Upmeyer	Wagner	Watts	Wendt
Wenthe	Wessel-Kroeschell	Whitaker	Whitead
Willems	Winckler	Windschitl	Worthan
Zirkelbach, Presiding			

The nays were, none.

Absent or not voting, 11:

Abdul-Samad	Alons	Chambers	Ford
Forristall	McCarthy	Pettengill	Rants
Smith	Thomas	Van Engelenhoven	

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

On motion by McCarthy of Polk, the House was recessed at 11:25 a.m., until 3:00 p.m.

## AFTERNOON SESSION

The House reconvened at 3:30 p.m., Speaker Murphy in the chair.

## IMMEDIATE MESSAGE

McCarthy of Polk asked and received unanimous consent that **House File 562** be immediately messaged to the Senate.

## LEAVE OF ABSENCE

Leave of absence was granted as follows:

Rayhons of Hancock through Friday, April 24, 2009, on request of Paulsen of Linn.

## 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 April 21, 2009, amended the House amendment, concurred in the House amendment as amended, and passed the following bill in which the concurrence of the House is asked:

Senate File 457, a bill for an act relating to disaster recovery by legalizing certain actions taken and proceedings conducted by cities and counties in response to a natural disaster, designating certain activities as essential corporate purposes and essential county purposes, amending provisions related to local bonding authority and contract letting requirements, amending provisions relating to emergency contract letting requirements for joint governmental entities and institutions under the control of the board of regents, amending provisions related to city and county lease contracts and loan agreements, modifying provisions relating to municipal support of certain projects, amending provisions related to expenditures from certain revolving loan funds, authorizing cities and counties to create disaster revitalization areas, and including effective date and retroactive applicability date provisions.

Also: That the Senate has on April 21, 2009, amended the House amendment, concurred in the House amendment as amended, and passed the following bill in which the concurrence of the House is asked:

Senate File 475, a bill for an act relating to and making appropriations to the justice system, and including effective and retroactive applicability date provisions.

MICHAEL E. MARSHALL, Secretary

## BILLS ENROLLED, SIGNED AND SENT TO GOVERNOR

The Chief Clerk of the House submitted the following report:

Mr. Speaker: The Chief Clerk of the House respectfully reports that the following bills have been examined and found correctly enrolled, signed by the Speaker of the House and the President of the Senate, and presented to the Governor for his approval on this 21<sup>st</sup> day of April, 2009: House Files 321, 496, 505 and 720.

MARK W. BRANDSGARD  
Chief Clerk of the House

Report adopted.

## BILLS SIGNED BY THE GOVERNOR

A communication was received from the Governor announcing that on April 20, 2009, he approved and transmitted to the Secretary of State the following bills:

House File 266, an Act relating to recording proceedings before a magistrate.

House File 468, an Act creating an unsewered community revolving loan program and fund.

House File 697, an Act relating to interference with judicial acts, and providing a penalty.

House File 762, an Act relating to reserve certified peace officers and training requirements.

Senate File 339, an Act relating to wastewater treatment and providing an effective date.

Senate File 420, an Act concerning limitations on employment of persons employed by a wine permittee engaged in manufacturing and wholesaling native wine.

Senate File 447, an Act concerning off-premises consumption of resealed bottles of wine.

## 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

- 2009\3690 Arley Bowman, Sioux City – For celebrating her 80<sup>th</sup> birthday.
- 2009\3691 Roger and Della McCoy, Sioux City – For celebrating their 60<sup>th</sup> wedding anniversary.
- 2009\3692 Virgil and Phyllis Boisen, Durant – For celebrating their 60<sup>th</sup> wedding anniversary.
- 2009\3693 Robert and Bonnie Anderson, Davenport – For celebrating their 50<sup>th</sup> wedding anniversary.
- 2009\3694 Donald and Irene Salow, Manchester – For celebrating their 60<sup>th</sup> wedding anniversary.
- 2009\3695 Anthony (Bud) and Esther Goedken, Manchester – For celebrating their 50<sup>th</sup> wedding anniversary.
- 2009\3696 Una Zimmerman Voelker, Manchester – For celebrating her 90<sup>th</sup> birthday.
- 2009\3697 Elva June Gibson, Panora – For celebrating her 90<sup>th</sup> birthday.
- 2009\3698 Elsie Hansen, Audubon – For celebrating her 90<sup>th</sup> birthday.
- 2009\3699 Ellen Campbell, Guthrie Center – For celebrating her 90<sup>th</sup> birthday.
- 2009\3700 Bea Millholin, Guthrie Center – For celebrating her 80<sup>th</sup> birthday.
- 2009\3701 Grace Voetberg, Rock Valley – For celebrating her 90<sup>th</sup> birthday.
- 2009\3702 Jim and Peggy Oetker, Cumming – For celebrating their 60<sup>th</sup> wedding anniversary.
- 2009\3703 Norbert and Phyllis Tigges, Dexter – For celebrating their 60<sup>th</sup> wedding anniversary.
- 2009\3704 Kenneth and Rose Zieser, Coggon – For celebrating their 50<sup>th</sup> wedding anniversary.
- 2009\3705 Ivan “Corky” and Linda Martin, Muscatine – For celebrating their 50<sup>th</sup> wedding anniversary.
- 2009\3706 Eldon and Janice Estabrook, Muscatine – For celebrating their 50<sup>th</sup> wedding anniversary.
- 2009\3707 David L. and Judith K. Hanks, Burlington – For celebrating their 50<sup>th</sup> wedding anniversary.
- 2009\3708 Irvin and Ruth Stein, Burlington – For celebrating their 60<sup>th</sup> wedding anniversary.
- 2009\3709 Fern E. Munday, Muscatine – For celebrating her 90<sup>th</sup> birthday.

- 2009\3710 Walt Brice, Burlington – For celebrating his 80<sup>th</sup> birthday.
- 2009\3711 Darrel Bell, Lone Tree – For celebrating his 80<sup>th</sup> birthday.
- 2009\3712 Darrell and Carol Needham, Greene – For celebrating their 60<sup>th</sup> wedding anniversary.
- 2009\3713 Darrell Needham, Greene – For celebrating his 80<sup>th</sup> birthday.
- 2009\3714 Dallas and Darlene Williams, New Providence – For celebrating their 60<sup>th</sup> wedding anniversary.
- 2009\3715 Lorraine Chizek, Britt – For celebrating her 75<sup>th</sup> birthday.
- 2009\3716 Donald and Lola Eisenman, Britt – For celebrating their 60<sup>th</sup> wedding anniversary.
- 2009\3717 Alan and Frances Doughan, Britt – For celebrating their 60<sup>th</sup> wedding anniversary.
- 2009\3718 Leroy Edmondson, Keswick – For celebrating his 90<sup>th</sup> birthday.
- 2009\3719 Winifred Wehr, Sigourney – For celebrating her 90<sup>th</sup> birthday.
- 2009\3720 Esther Heisdorffer, Sigourney – For celebrating her 85<sup>th</sup> birthday.
- 2009\3721 Martha Fay Zimmermann, Muscatine – For celebrating her 100<sup>th</sup> birthday.
- 2009\3722 Marshall Robert Moyer, Burlington – For attaining the rank of Eagle Scout, the highest rank in the Boy Scouts of America.
- 2009\3723 Otis and Rita Sebastian, Newhall – For celebrating their 50<sup>th</sup> wedding anniversary.
- 2009\3724 Carroll and Evelyn Border, Belle Plaine – For celebrating their 55<sup>th</sup> wedding anniversary.
- 2009\3725 Thomas Gregory, Boy Scout Troop 95 – For attaining the rank of Eagle Scout, the highest rank in the Boy Scouts of America.
- 2009\3726 Sam Harmon, Boy Scout Troop 95 – For attaining the rank of Eagle Scout, the highest rank in the Boy Scouts of America.
- 2009\3727 Erran Holtz, Boy Scout Troop 95 – For attaining the rank of Eagle Scout, the highest rank in the Boy Scouts of America.
- 2009\3728 Alex Lee Leeper, Adair – For attaining the rank of Eagle Scout, the highest rank in the Boy Scouts of America.

- 2009\3729 Jessie Scott Leeper, Adair – For attaining the rank of Eagle Scout, the highest rank in the Boy Scouts of America.
- 2009\3730 Timothy James Claussen, Adair – For attaining the rank of Eagle Scout, the highest rank in the Boy Scouts of America.
- 2009\3731 Benjamin Leroy William Wilson, Adair – For attaining the rank of Eagle Scout, the highest rank in the Boy Scouts of America.
- 2009\3732 Paul and Julie Saeugling, Dubuque – For celebrating their 50<sup>th</sup> wedding anniversary.
- 2009\3733 Clarence and Sharon Faust, Dubuque – For celebrating their 50<sup>th</sup> wedding anniversary.
- 2009\3734 Loras and Darlene Flynn, Dubuque – For celebrating their 50<sup>th</sup> wedding anniversary.
- 2009\3735 Spencer Hurley-Boyd, Woodward Academy – For his personal growth and accomplishments while participating at Woodward Academy, and for being selected Team Captain of the Woodward-Granger High School Football Team and receiving All-State honors.
- 2009\3736 Woodward Academy Knights Powerlifting Team, Woodward Academy – For winning their 4<sup>th</sup> consecutive USAPL High School National Powerlifting Championship in Killeen, Texas on April 3-5, 2009.
- 2009\3737 Don and Judi Brobston, Libertyville – For celebrating their 50<sup>th</sup> wedding anniversary.
- 2009\3738 Don and Dolores Brown, Birmingham – For celebrating their 50<sup>th</sup> wedding anniversary.
- 2009\3739 Ronald and Beverly Benge, Douds – For celebrating their 50<sup>th</sup> wedding anniversary.
- 2009\3740 Ralph and Betty Gonterman, Birmingham – For celebrating their 60<sup>th</sup> wedding anniversary.
- 2009\3741 Wilbur and Ida Mae Schultz, Elkader – For celebrating their 65<sup>th</sup> wedding anniversary.

### COMMITTEE RECOMMENDATION

MR. SPEAKER: The Chief Clerk of the House respectfully reports that the following committee recommendation has been received and is on file in the office of the Chief Clerk.

MARK W. BRANDSGARD  
Chief Clerk of the House

## COMMITTEE ON ADMINISTRATION AND RULES

**Committee Bill** (Formerly LSB 2731YC), relating to an annual budget for the daily operations of the House of Representatives.

Fiscal Note is not required.

Recommended **Do Pass** April 21, 2009.

## RESOLUTION FILED

**HR 50**, by committee on administration and rules, a resolution relating to an annual budget for the daily operations of the House of Representatives.

Placed on the **calendar**.

## AMENDMENTS FILED

H—1652	S.F.	484	Jacoby of Johnson
H—1653	H.F.	807	Jacoby of Johnson
H—1654	S.F.	475	Senate Amendment
H—1655	S.F.	457	Senate Amendment

On motion by McCarthy of Polk the House adjourned at 3:30 p.m., until 2:30 p.m., Wednesday, April 22, 2009.



# JOURNAL OF THE HOUSE

One Hundred-first Calendar Day - Sixty-seventh Session Day

Hall of the House of Representatives  
Des Moines, Iowa, Wednesday, April 22, 2009

The House met pursuant to adjournment at 2:42 p.m., Speaker Murphy in the chair.

Prayer was offered by Reverend Tony Liston, pastor of Adventure Christian Community Church, Davenport. He was the guest of Representative Rod Roberts of Carroll County.

## PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Drew Flickinger, House Page from Story City.

The Journal of Tuesday, April 21, 2009 was approved.

## MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on April 21, 2009, amended and passed the following bill in which the concurrence of the House is asked:

House File 756, a bill for an act relating to regional watershed, land use, and floodplain management policies, and providing for the establishment of a council.

Also: That the Senate has on April 21, 2009, amended and passed the following bill in which the concurrence of the House is asked:

House File 809, a bill for an act relating to and making appropriations to certain state departments, agencies, funds, and certain other entities, providing for regulatory authority, and other properly related matters, and providing effective and retroactive applicability dates.

Also: That the Senate has on April 21, 2009, passed the following bill in which the concurrence of the Senate was asked:

House File 817, a bill for an act relating to the research activities tax credit for innovative renewable energy generation components and making an appropriation and providing applicability date provisions.

Also: That the Senate has on April 21, 2009, refused to concur in the House amendment to pass the following bill in which the concurrence of the Senate was asked:

Senate File 224, a bill for an act relating to the licensing and regulation of plumbers, mechanical professionals, and contractors, and including an applicability provision.

Also: That the Senate has on April 21, 2009, amended the House amendment, concurred in the House amendment as amended and passed the following bill in which the concurrence of the House is asked:

Senate File 389, a bill for an act relating to health care, health care providers, and health care coverage, providing penalties, and providing retroactive and other effective dates.

Also: That the Senate has on April 21, 2009, amended the House amendment , concurred in the House amendment as amended, and passed the following bill in which the concurrence of the House is asked:

Senate File 470, a bill for an act relating to the funding of, the operation of, and appropriation of moneys to the college student aid commission, the department for the blind, the department of education, and the state board of regents, providing for related matters, and providing effective dates.

MICHAEL E. MARSHALL, Secretary

## HOUSE INSISTS

Quirk of Chickasaw called up for consideration **Senate File 224**, a bill for an act relating to the licensing and regulation of plumbers, mechanical professionals, and contractors, and including an applicability provision and moved that the House insist on its amendment, which motion prevailed.

## CONFERENCE COMMITTEE APPOINTED (Senate File 224)

The Speaker announced the appointment of the conference committee to consider the differences between the House and Senate concerning Senate File 224: Quirk of Chickasaw, Chair; Willems of Linn, Thomas of Clayton, Struyk of Pottawattamie and Koester of Polk.

## HOUSE REFUSED TO CONCUR

Winckler of Scott called up for consideration **Senate File 470**, a bill for an act relating to the funding of, the operation of, and

appropriation of moneys to the college student aid commission, the department for the blind, the department of education, and the state board of regents, providing for related matters, and providing effective dates, amended by the House, further amended by the Senate and moved that the House concur in the following Senate amendment H-1659 to the House amendment:

H-1659

1 Amend the House amendment, S-3268, to Senate File  
2 470, as amended, passed, and reprinted by the Senate,  
3 as follows:

4 1. By striking page 1, line 3, through page 2,  
5 line 6.

6 2. Page 2, by striking lines 19 through 22.

7 3. By striking page 2, line 50, through page 3,  
8 line 29.

9 4. Page 3, by inserting after line 35 the  
10 following:

11 "\_\_\_\_. Page 24, lines 19 and 20, by striking the  
12 words "beginning with the October payroll"."

13 5. Page 3, by striking lines 39 through 49.

14 6. Page 3, by inserting before line 50 the  
15 following:

16 "\_\_\_\_. Page 27, by inserting after line 17 the  
17 following:

18 "Sec.\_\_\_\_. **NEW SECTION.** 261D.4 PROVISIONAL  
19 WITHDRAWAL FROM COMPACT.

20 The state of Iowa hereby withdraws from the  
21 midwestern higher education compact effective July 1,  
22 2009, until such time as the state has the resources  
23 to resume membership and reenters into the compact.

24 The state of Iowa's obligations and liability under  
25 the compact shall cease upon the effective date of its  
26 withdrawal from the compact. The section shall  
27 prevail over any contrary provisions of this  
28 chapter.""

29 7. By striking page 4, line 35, through page 5,  
30 line 12.

31 8. Page 5, by inserting before line 13 the  
32 following:

33 "\_\_\_\_. Page 27, by inserting after line 31 the  
34 following:

35 "Sec.\_\_\_\_. Section 272.2, subsection 10, Code  
36 2009, is amended to read as follows:

37 10. Issue statements of professional recognition  
38 to school service personnel who have attained a  
39 minimum of a baccalaureate degree and who are licensed  
40 by another professional licensing board, including but  
41 not limited to athletic trainers licensed under

42 chapter 152D.

43 Sec.\_\_\_\_. Section 272.2, Code 2009, is amended by  
44 adding the following new subsection:

45 NEW SUBSECTION. 18. May adopt rules for  
46 practitioners who are not eligible for a statement of  
47 professional recognition under subsection 10, but have  
48 received a baccalaureate degree and provide a service  
49 to students at any or all levels from prekindergarten  
50 through grade twelve for a school district, accredited

Page 2

1 nonpublic school, area education agency, or preschool  
2 program established pursuant to chapter 256C."

3 \_\_\_\_\_. Page 32, by inserting after line 28 the  
4 following:

5 "Sec.\_\_\_\_. Section 422.33, Code 2009, is amended  
6 by adding the following new subsection:

7 NEW SUBSECTION. 27. The taxes imposed under this  
8 division shall be reduced by a school tuition  
9 organization tax credit allowed under section 422.11S.

10 The maximum amount of tax credits that may be approved  
11 under this subsection for a tax year equals  
12 twenty-five percent of the school tuition  
13 organization's tax credits that may be approved  
14 pursuant to section 422.11S, subsection 7, for a tax  
15 year.""

16 9. By striking page 5, line 16, through page 10,  
17 line 38.

18 10. By renumbering, relettering, redesignating,  
19 or correcting internal references as necessary.

The motion lost and the House refused to concur in the Senate amendment H-1659, to the House amendment.

### IMMEDIATE MESSAGES

McCarthy of Polk asked and received unanimous consent that the following bills be immediately messaged to the Senate: **Senate Files 224 and 470.**

The House stood at ease at 2:58 p.m., until the fall of the gavel.

The House resumed session at 6:34 p.m., Speaker Murphy in the chair.

## LEAVE OF ABSENCE

Leave of absence was granted as follows:

Rants of Woodbury and Worthan of Buena Vista on request of Lukan of Dubuque; Van Engelenhoven of Marion on request of Arnold of Lucas.

## QUORUM CALL

A non-record roll call was requested to determine that a quorum was present. The vote revealed ninety-two members present, eight absent.

Zirkelbach of Jones in the chair at 6:35 p.m.

## 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 April 22, 2009, passed the following bill in which the concurrence of the Senate was asked:

House File 815, a bill for an act relating to articulation agreements between public postsecondary institutions and to the dissemination of articulation information.

Also: that the Senate has on April 22, 2009, appointed the conference committee to Senate File 224, a bill for an act relating to the licensing and regulation of plumbers, mechanical professionals, and contractors, and including an applicability provision. (Formerly SSB 1102.), and the members of the Conference Committee on the part of the Senate are: The Senator from Black Hawk, Senator Danielson, Chair; the Senator from Warren, Senator Appel; the Senator from Marshall, Senator Soddors; the Senator from Sioux, Senator Feenstra; the Senator from Woodbury, Senator Wieck.

Also: That the Senate has on April 22, 2009, amended the House amendment, concurred in the House amendment as amended, and passed the following bill in which the concurrence of the House is asked:

Senate File 433, a bill for an act relating to the classification and assessment of violations in health care facilities and assisted living programs and providing penalties.

Also: That the Senate has on April 22, 2009, insisted on its amendment to Senate File 437, a bill for an act relating to the affairs of the governing body of a drainage district by providing for public access to meetings and records. (Formerly SF 260.), and the members of the Conference Committee on the part of the Senate are: The Senator from Story, Senator Olive, Chair; the Senator from Jasper, Senator Black; the Senator

from Davis, Senator Kreiman; the Senator from Scott, Senator Hamerlinck; the Senator from Clarke, Senator Reynolds.

Also: that the Senate has on April 22, 2009, insisted on its amendment to Senate File 470, a bill for an act relating to the funding of, the operation of, and appropriation of money to the college student aid commission, the department for the blind, the department of education, and the state board of regents, providing for related matters, and providing effective dates. (Formerly SSB 1322.), and the members of the Conference Committee on the part of the Senate are: The Senator from Fayette, Senator Schoenjahn, Chair; the Senator from Bremer, Senator Heckroth; the Senator from Story, Senator Quirmbach; the Senator from Shelby, Senator Boettger; the Senator from Polk, Senator Zaub.

MICHAEL E. MARSHALL, Secretary

## CONSIDERATION OF BILLS

### Ways and Means Calendar

**Senate File 476**, a bill for an act relating to a quality assurance assessment program, nursing facility reimbursements, and providing monetary penalties, contingencies, and effective dates, with report of committee recommending passage, was taken up for consideration.

Reasoner of Union 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. 476)

The ayes were, 94:

Abdul-Samad	Alons	Anderson	Arnold
Bailey	Baudler	Beard	Bell
Berry	Bukta	Burt	Cohoon
Cownie	De Boef	Deyoe	Dolecheck
Drake	Ficken	Ford	Forristall
Frevert	Gaskill	Gayman	Grassley
Hagenow	Heaton	Heddens	Helland
Horbach	Hunter	Huseman	Huser
Isenhardt	Jacoby	Kaufmann	Kearns
Kelley	Koester	Kressig	Lensing
Lukan	Lykam	Marek	Mascher
May	McCarthy	Mertz	Miller, H.
Miller, L.	Oldson	Olson, D.	Olson, R.
Olson, S.	Olson, T.	Palmer	Paulsen
Petersen	Pettengill	Quirk	Raecker
Rayhons	Reasoner	Reichert	Roberts
Sands	Schueller	Schulte	Schultz

Shomshor	Smith	Soderberg	Sorenson
Steckman	Struyk	Swaim	Sweeney
Taylor, D.	Taylor, T.	Thede	Thomas
Tjepkes	Tymeson	Upmeyer	Wagner
Watts	Wendt	Wenthe	Wessel-Kroeschell
Whitaker	Whitead	Willems	Winckler
Windschitl	Zirkelbach, Presiding		

The nays were, none.

Absent or not voting, 6:

Chambers	Kuhn	Murphy, Spkr.	Rants
Van Engelenhoven	Worthan		

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

### SENATE AMENDMENT CONSIDERED

Gayman of Scott called up for consideration **House File 756**, a bill for an act relating to regional watershed, land use, and floodplain management policies and providing for the establishment of a council, amended by the Senate, and moved that the House concur in the following Senate amendment H-1660:

H-1660

1 Amend House File 756, as amended, passed, and  
 2 reprinted by the House, as follows:  
 3 1. Page 5, by inserting after line 10 the  
 4 following:  
 5 "Sec. \_\_\_\_ NEW SECTION. 455B.290 COUNTY AND CITY  
 6 CONTROL OF JUNKYARDS.  
 7 Nothing in this part shall be construed as limiting  
 8 the authority of a city or county to adopt an  
 9 ordinance regulating a junkyard located within a five  
 10 hundred year flood plain."  
 11 2. Page 7, by striking lines 1 and 2 and  
 12 inserting the following: "recommendations shall be  
 13 submitted to the governor and the general assembly not  
 14 later than".  
 15 3. Page 7, line 13, by striking the words "the  
 16 rebuild Iowa office".  
 17 4. Page 7, line 15, by inserting after the word  
 18 "districts," the following: "agricultural  
 19 interests".  
 20 5. Page 7, line 20, by striking the words "The  
 21 land" and inserting the following: "In addition to

- 22 the use of Iowa land for agriculture and economic  
 23 development, the land".  
 24 6. Page 7, line 24, by striking the words  
 25 "economic and".  
 26 7. By renumbering as necessary.

The motion prevailed and the House concurred in the Senate amendment H-1660.

Gayman of Scott moved that the bill, as amended by the Senate and concurred in by the House, be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 756)

The ayes were, 94:

Abdul-Samad	Alons	Anderson	Arnold
Bailey	Baudler	Beard	Bell
Berry	Bukta	Burt	Cohoon
Cownie	De Boef	Deyoe	Dolecheck
Drake	Ficken	Ford	Forristall
Frevert	Gayman	Grassley	Hagenow
Heaton	Heddens	Helland	Horbach
Hunter	Huseman	Huser	Isenhart
Jacoby	Kaufmann	Kearns	Kelley
Koester	Kressig	Lensing	Lukan
Lykam	Marek	Mascher	May
McCarthy	Mertz	Miller, H.	Miller, L.
Murphy, Spkr.	Oldson	Olson, D.	Olson, R.
Olson, S.	Olson, T.	Palmer	Paulsen
Petersen	Pettengill	Quirk	Raecker
Rayhons	Reasoner	Reichert	Roberts
Sands	Schueller	Schulte	Schultz
Shomshor	Smith	Soderberg	Sorenson
Steckman	Struyk	Swaim	Sweeney
Taylor, D.	Taylor, T.	Thede	Thomas
Tjepkes	Tymeson	Upmeyer	Wagner
Watts	Wendt	Wenthe	Wessel-Kroeschell
Whitaker	Whitead	Willems	Winckler
Windschitl	Zirkelbach, Presiding		

The nays were, 1:

Gaskill



Absent or not voting, 5:

Chambers	Kuhn	Rants	Van Engelenhoven
Worthan			

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

### SENATE AMENDMENT CONSIDERED

T. Taylor of Linn called up for consideration **Senate File 475**, a bill for an act relating to and making appropriations to the justice system, and including effective and retroactive applicability date provisions, amended by the House, further amended by the Senate and moved that the House concur in the following Senate amendment H-1654 to the House amendment:

H-1654

- 1 Amend the House amendment, S-3280, to Senate File
- 2 475, as passed by the Senate, as follows:
- 3 1. By striking page 1, line 12, through page 2,
- 4 line 30.
- 5 2. By renumbering as necessary.

Roll call was requested by Raecker of Polk and Paulsen of Linn.

On the question "Shall amendment H-1654 be adopted?" (S.F. 475)

The ayes were, 52:

Abdul-Samad	Bailey	Beard	Bell
Berry	Bukta	Burt	Cohoon
Ficken	Ford	Frevert	Gaskill
Gayman	Heddens	Hunter	Huser
Isenhardt	Jacoby	Kearns	Kelley
Kressig	Lensing	Lykam	Marek
Mascher	McCarthy	Mertz	Miller, H.
Murphy, Spkr.	Oldson	Olson, D.	Olson, R.
Olson, T.	Palmer	Petersen	Quirk
Reasoner	Schueller	Shomshor	Smith
Swaim	Taylor, D.	Taylor, T.	Thede
Thomas	Wendt	Wenthe	Wessel-Kroeschell
Whitead	Willems	Winckler	Zirkelbach, Presiding

The nays were, 42:

Alons	Anderson	Arnold	Baudler
Cownie	De Boef	Deyoe	Dolecheck
Drake	Forristall	Grassley	Hagenow
Heaton	Helland	Horbach	Huseman
Kaufmann	Koester	Lukan	May
Miller, L.	Olson, S.	Paulsen	Pettengill
Raecker	Rayhons	Reichert	Roberts
Sands	Schulte	Schultz	Soderberg
Sorenson	Steckman	Struyk	Sweeney
Tjepkes	Tymeson	Upmeyer	Wagner
Watts	Windschitl		

Absent or not voting, 6:

Chambers	Kuhn	Rants	Van Engelenhoven
Whitaker	Worthan		

The motion prevailed and the House concurred in the Senate amendment H-1654, to the House amendment.

T. Taylor of Linn moved that the bill, as amended by the House, further amended by the Senate and concurred in by the House, be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 475)

The ayes were, 54:

Abdul-Samad	Bailey	Beard	Bell
Berry	Bukta	Burt	Cohoon
Ficken	Ford	Frevet	Gaskill
Gayman	Heddens	Hunter	Huser
Isenhardt	Jacoby	Kearns	Kelley
Kressig	Lensing	Lykam	Marek
Mascher	McCarthy	Mertz	Miller, H.
Murphy, Spkr.	Oldson	Olson, D.	Olson, R.
Olson, T.	Palmer	Petersen	Quirk
Reasoner	Schueller	Shomshor	Smith
Steckman	Swaim	Taylor, D.	Taylor, T.
Thede	Thomas	Wendt	Wenthe
Wessel-Kroeschell	Whitaker	Whitead	Willems
Winckler	Zirkelbach,		
	Presiding		

The nays were, 41:

Alons	Anderson	Arnold	Baudler
Cownie	De Boef	Deyoe	Dolecheck
Drake	Forristall	Grassley	Hagenow
Heaton	Helland	Horbach	Huseman
Kaufmann	Koester	Lukan	May
Miller, L.	Olson, S.	Paulsen	Pettengill
Raecker	Rayhons	Reichert	Roberts
Sands	Schulte	Schultz	Soderberg
Sorenson	Struyk	Sweeney	Tjepkes
Tymeson	Upmeyer	Wagner	Watts
Windschitl			

Absent or not voting, 5:

Chambers	Kuhn	Rants	Van Engelenhoven
Worthan			

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

#### CONFERENCE COMMITTEE APPOINTED (Senate File 437)

The Speaker announced the appointment of the conference committee to consider the differences between the House and Senate concerning Senate File 437: Kressig of Black Hawk, Chair; Burt of Black Hawk, Huser of Polk, Windschitl of Harrison and Wagner of Linn.

#### HOUSE REFUSED TO CONCUR

T. Olson of Linn called up for consideration **Senate File 457**, a bill for an act relating to disaster recovery by legalizing certain actions taken and proceedings conducted by cities and counties in response to a natural disaster, designating certain activities as essential corporate purposes and essential county purposes, amending provisions related to local bonding authority and contract letting requirements, amending provisions relating to emergency contract letting requirements for joint governmental entities and institutions under the control of the board of regents, amending provisions related to city and county lease contracts and loan agreements, modifying provisions relating to municipal support of certain projects, amending provisions related to expenditures from certain revolving loan funds,

authorizing cities and counties to create disaster revitalization areas, and including effective date and retroactive applicability date provisions, amended by the House, further amended by the Senate and moved that the House concur in the following Senate amendment H-1655 to the House amendment:

H-1655

1 Amend the House amendment, S-3246, to Senate File  
2 457, as amended, passed, and reprinted by the Senate,  
3 as follows:

4 1. Page 3, by inserting after line 15 the  
5 following:

6 "\_\_\_\_. Page 12, by inserting after line 22 the  
7 following:

8 "DIVISION IV

9 DISASTER RECOVERY HOUSING PROJECT TAX CREDIT

10 Sec.\_\_\_\_. NEW SECTION. 16.191 DISASTER RECOVERY  
11 HOUSING PROJECT TAX CREDIT.

12 1. a. A tax credit shall be allowed against the  
13 taxes imposed in chapter 422, divisions II and III for  
14 a portion of a taxpayer's qualifying investment, as  
15 provided in subsection 3, in a qualifying disaster  
16 recovery housing project. To qualify as a disaster  
17 recovery housing project, a property, and the  
18 activities affecting the property, shall meet all of  
19 the following conditions:

20 (1) The property is owned by a taxpayer who is an  
21 individual, business, or corporation subject to  
22 taxation under chapter 422, divisions II or III.

23 (2) A qualifying investment, as defined in  
24 subsection 3, is made by the taxpayer.

25 (3) The project involves the construction or  
26 rehabilitation of housing on the property.

27 (4) The property is located in an area that the  
28 governor proclaimed a disaster emergency or the  
29 president of the United States declared a major  
30 disaster during the period of time beginning May 1,  
31 2008, and ending August 31, 2008.

32 (5) An application for low-income housing tax  
33 credits pursuant to section 42 of the Internal Revenue  
34 Code has been submitted to the Iowa finance authority  
35 on behalf of the project and has been determined by  
36 the authority to meet the threshold requirements for  
37 an award of credits as set forth in the applicable  
38 qualified allocation plan.

39 b. An individual may claim a tax credit under this  
40 subsection of a partnership, limited liability  
41 company, S corporation, estate, or trust electing to  
42 have income taxed directly to the individual. The

43 amount claimed by the individual shall be based upon  
44 the pro rata share of the individual's earnings from  
45 the partnership, limited liability company, S  
46 corporation, estate, or trust.  
47 2. a. To claim a disaster recovery housing  
48 project tax credit under this section, a taxpayer must  
49 attach one or more tax credit certificates to the  
50 taxpayer's tax return. The tax credit certificate or

Page 2

1 certificates attached to the taxpayer's tax return  
2 shall be issued in the taxpayer's name, expire on or  
3 after the last day of the taxable year for which the  
4 taxpayer is claiming the tax credit, and show a tax  
5 credit amount equal to or greater than the tax credit  
6 claimed on the taxpayer's tax return.

7 b. After verifying the eligibility of a taxpayer  
8 for a tax credit pursuant to this section, the  
9 authority shall issue a disaster recovery housing  
10 project tax credit certificate to be attached to the  
11 taxpayer's tax return. The tax credit certificate  
12 shall contain the taxpayer's name, address, tax  
13 identification number; the amount of the credit; and  
14 any other information required by the department of  
15 revenue.

16 c. The tax credit certificate, unless otherwise  
17 void, shall be accepted by the department of revenue  
18 as payment for taxes imposed pursuant to chapter 422,  
19 divisions II or III subject to any conditions or  
20 restrictions placed by the authority upon the face of  
21 the tax credit certificate and subject to the  
22 limitations of this section.

23 d. Tax credit certificates issued under this  
24 section are not transferable to any person or entity.

25 3. a. The tax credit equals seventy-five percent  
26 of the taxpayer's qualifying investment in a disaster  
27 recovery housing project. For the purposes of this  
28 section, "qualifying investment" means the costs  
29 incurred by the taxpayer that are directly related to  
30 a disaster recovery housing project, as defined in  
31 subsection 1, and which are incurred on or after the  
32 effective date of this Act and prior to July 1, 2010.

33 b. The amount of the tax credit calculated under  
34 paragraph "a" shall be divided by five and applied  
35 equally to the taxpayer's tax liability for five  
36 consecutive tax years commencing with the tax year  
37 beginning in the 2011 calendar year. Any tax credit  
38 in excess of the taxpayer's liability for the tax year  
39 is not refundable.

40 4. For purposes of the individual income tax, the  
41 increase in the basis of the property that would

42 otherwise result from the disaster recovery housing  
43 investment shall be reduced by the amount of the tax  
44 credit allowed under this section.  
45 5. The maximum amount of tax credits issued by the  
46 authority under this section shall not exceed three  
47 million dollars in each of the five tax years.  
48 Sec.\_\_\_\_. NEW SECTION. 16.192 APPROVAL –  
49 REQUIREMENTS – REPAYMENT.  
50 1. A taxpayer seeking to claim a tax credit

Page 3

1 pursuant to section 16.191 shall apply to the  
2 authority which shall have the power to approve the  
3 amount of tax credit available for each disaster  
4 recovery housing project.

5 2. A taxpayer applying for a tax credit shall  
6 provide the authority with all of the following:

7 a. Information showing the total qualified  
8 investment made in the disaster recovery housing  
9 project.

10 b. Information about the financing sources that  
11 are directly related to the disaster recovery housing  
12 project for which the taxpayer is seeking approval for  
13 the tax credit.

14 3. If a taxpayer receives a tax credit pursuant to  
15 section 16.191, but fails to comply with any of the  
16 requirements in this section or section 16.191, or  
17 fails to comply with local zoning or construction  
18 ordinances, the tax credit is void, and the department  
19 of revenue shall seek recovery of the value of the  
20 credit received.

21 Sec.\_\_\_\_. NEW SECTION. 422.11X DISASTER RECOVERY  
22 HOUSING PROJECT TAX CREDIT.

23 The taxes imposed under this division, less the  
24 credits allowed under section 422.12, shall be reduced  
25 by a disaster recovery housing project tax credit  
26 allowed under section 16.191.

27 Sec.\_\_\_\_. Section 422.33, Code 2009, is amended by  
28 adding the following new subsection:

29 NEW SUBSECTION. 27. The taxes imposed under this  
30 division shall be reduced by a disaster recovery  
31 housing project tax credit allowed under section  
32 16.191.

33 Sec.\_\_\_\_. EFFECTIVE AND RETROACTIVE APPLICABILITY  
34 DATES.

35 This division of this Act, being deemed of  
36 immediate importance, takes effect upon enactment and  
37 applies to disaster recovery housing project costs  
38 incurred on or after the effective date of this Act  
39 and before July 1, 2010."

40 \_\_\_\_\_. Title page, line 14, by inserting after the

41 word "areas," the following: "providing income tax  
42 credits for certain disaster recovery housing  
43 projects, "."  
44 2. By renumbering as necessary.

The motion lost and the House refused to concur in the Senate amendment H-1655, to the House amendment.

### IMMEDIATE MESSAGES

McCarthy of Polk asked and received unanimous consent that the following bills be immediately messaged to the Senate: **House File 756** and **Senate Files 476** and **457**.

### CONFERENCE COMMITTEE APPOINTED (Senate File 470)

The Speaker announced the appointment of the conference committee to consider the differences between the House and Senate concerning Senate File 470: Winckler of Scott, Chair; Ficken of Buchanan, Kressig of Black Hawk, Dolecheck of Ringgold and Sweeney of Hardin.

### MOTION TO RECONSIDER (Senate File 475)

I move to reconsider the vote by which Senate File 475 passed the House on April 22, 2009.

MCCARTHY of Polk

### EXPLANATION OF VOTE

I was necessarily absent from the House chamber on April 21, 2009. Had I been present, I would have voted "aye" on House File 562 and Senate File 437.

ALONS of Sioux

**BILL SIGNED BY THE GOVERNOR**

A communication was received from the Governor announcing that on April 21, 2009, he approved and transmitted to the Secretary of State the following bill:

Senate File 289, an Act relating to loan forgiveness under the jumpstart housing assistance program and providing effective and retroactive applicability dates.

**COMMUNICATIONS RECEIVED**

The following communication were received and filed in the office of the Chief Clerk:

**DEPARTMENT OF PUBLIC HEALTH**

Obstetrical and Gynecological Care Access Report, pursuant to Chapter 135.11(18), Code of Iowa.

2007 Tobacco Use Prevention and Control Progress Report, pursuant to Chapter 142A.4(12), Code of Iowa.

**SUBCOMMITTEE ASSIGNMENT****Senate File 464**

Ways and Means: Steckman, Chair; Frevert and Helland.

**HOUSE STUDY BILL COMMITTEE ASSIGNMENT****H.S.B. 293 State Government**

Establishing an Iowa institute for public policy.

**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 WAYS AND MEANS

**Senate File 304**, a bill for an act relating to withholding agreements and local match requirements of the targeted jobs withholding tax credit program.

Fiscal Note is not required.

Recommended **Amend and Do Pass with Amendment H-1663** April 21, 2009.

**Senate File 459**, a bill for an act providing a property tax exemption for construction or installation of a geothermal heating or cooling system and including an applicability date provision.

Fiscal Note is not required.

Recommended **Amend and Do Pass with Amendment H-1658** April 21, 2009.

**Senate File 471**, a bill for an act relating to energy efficiency and renewable energy, including allocating appropriated amounts from the Iowa power fund to fund tax credits for innovative renewable energy generation components, transferring authority over specified energy-related measures and programs from the department of natural resources to the office of energy independence, providing transition provisions relating to the transfer of authority, and providing an effective date.

Fiscal Note is not required.

Recommended **Amend and Do Pass with Amendment H-1657** April 21, 2009.

**Senate File 479**, a bill for an act relating to property tax exemption eligibility for methane gas conversion property and including an effective date and applicability date provision.

Fiscal Note is not required.

Recommended **Amend and Do Pass with Amendment H-1656** April 21, 2009.

**Senate File 483**, a bill for an act relating to state taxes by limiting tax credits available under certain economic development programs and agricultural assets transfer agreements, eliminating the carryback of net operating losses, modifying refund interest provisions, and including retroactive applicability date and other applicability date provisions.

Fiscal Note is not required.

Recommended **Amend and Do Pass with Amendment H-1664** April 21, 2009.

## AMENDMENTS FILED

H—1656	S.F.	479	Committee on Ways and Means
H—1657	S.F.	471	Committee on Ways and Means
H—1658	S.F.	459	Committee on Ways and Means

H—1661	S.F.	389	Senate Amendment
H—1662	H.F.	809	Senate Amendment
H—1663	S.F.	304	Committee on Ways and Means
H—1664	S.F.	483	Committee on Ways and Means
H—1665	S.F.	466	Cownie of Polk
H—1666	H.F.	809	Alons of Sioux
H—1667	S.F.	483	Thomas of Clayton
H—1668	H.F.	809	Hunter of Polk Alons of Sioux
H—1669	H.F.	809	Hunter of Polk
H—1670	S.F.	433	Senate Amendment
H—1671	H.F.	809	Raecker of Polk
H—1672	H.F.	809	Raecker of Polk
H—1673	H.F.	809	Raecker of Polk
H—1674	H.F.	826	D. Olson of Boone
H—1675	H.F.	822	Cohoon of Des Moines

On motion by McCarthy of Polk the House adjourned at 7:32 p.m., until 9:00 a.m., Thursday, April 24, 2009.

# JOURNAL OF THE HOUSE

One Hundred-second Calendar Day - Sixty-eighth Session Day

Hall of the House of Representatives  
Des Moines, Iowa, Thursday, April 23, 2009

The House met pursuant to adjournment at 9:26 a.m., Petersen of Polk in the chair.

Prayer was offered by Reverend Lacinda McClendon, minister of Our Saviours Full Gospel Baptist Church, Des Moines. She was the guest of Representative Abdul-Samad of Polk County.

## PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Blake Grotewold, House Page from Lake Mills.

The Journal of Wednesday, April 22, 2009 was approved.

## PETITION FILED

The following petition was received and placed on file:

By Raecker of Polk, from five hundred fifty students and staff of Urbandale High School favoring a revision of the 35-10-35 policy that will go into effect in the 2009-2010 school year across Iowa.

## LEAVE OF ABSENCE

Leave of absence was granted as follows:

Horbach of Tama, until his arrival, on request of Arnold of Lucas; Van Engelenhoven of Marion on request of Arnold of Lucas; Rants of Woodbury and Rayhons of Hancock, on request of Lukan of Dubuque.

## 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 April 23, 2009, insisted on its amendment to Senate File 457, a bill for an act relating

to disaster recovery by legalizing certain actions taken and proceedings conducted by cities and counties in response to a natural disaster, designating certain activities as essential corporate purposes and essential county purposes, amending provisions related to local bonding authority and contract letting requirements, amending provisions relating to emergency contract letting requirements for joint governmental entities and institutions under the control of the board of regents, amending provisions related to city and county lease contracts and loan agreements, modifying provisions relating to municipal support of certain projects, amending provisions related to expenditures from certain revolving loan funds, authorizing cities and counties to create disaster revitalization areas, and including effective date and retroactive applicability date provisions. (Formerly SSB 1239 and SF 363.), and the members of the Conference Committee on the part of the Senate are: The Senator from Linn, Senator Hogg, Chair; the Senator from Johnson, Senator Bolkcom; the Senator from Polk, Senator McCoy; the Senator from Scott, Senator Hamerlinck; the Senator from Clarke, Senator Reynolds.

MICHAEL E. MARSHALL, Secretary

#### ADOPTION OF HOUSE RESOLUTION 49

Heddens of Story and Wessel-Kroeschell of Story called up for consideration **House Resolution 49**, a resolution honoring the Iowa State University Cyclones Women's Basketball team, and moved its adoption.

The motion prevailed and the resolution was adopted.

Wessel-Kroeschell of Story introduced to the House, Coach Finley, coach of the Cyclone Women's Basketball Team.

The House rose and expressed its welcome.

#### ADOPTION OF HOUSE RESOLUTION 42

Jacoby of Johnson called up for consideration **House Resolution 42**, a resolution to honor the 2008-2009 University of Iowa Wrestling Team, and moved its adoption.

The motion prevailed and the resolution was adopted.

#### ADOPTION OF HOUSE RESOLUTION 43

Jacoby of Johnson called up for consideration **House Resolution 43**, a resolution honoring the Kirkwood Eagles Women's Basketball Team and Coach Kim Muhl, and moved its adoption.

The motion prevailed and the resolution was adopted.

CONFERENCE COMMITTEE APPOINTED  
(Senate File 457)

The Speaker announced the appointment of the conference committee to consider the differences between the House and Senate concerning Senate File 457: T. Olson of Linn, Chair; Isenhardt of Dubuque, D. Olson of Boone, Helland of Polk and Grassley of Butler.

SENATE AMENDMENT CONSIDERED

Hunter of Polk called up for consideration **House File 809**, a bill for an act relating to and making appropriations to certain state departments, agencies, funds, and certain other entities, providing for regulatory authority, and other properly related matters, and providing effective and retroactive applicability dates, amended by the Senate amendment H-1662 as follows:

H-1662

1 Amend House File 809, as amended, passed, and  
2 reprinted by the House, as follows:  
3 1. Page 5, by inserting after line 1 the  
4 following:  
5 "d. Notwithstanding any provision of this  
6 subsection to the contrary, the auditor may seek  
7 reimbursement from departments and agencies specified  
8 in section 11.5B, and governmental subdivisions, in an  
9 amount that exceeds the total amount reimbursed to the  
10 auditor by those departments, agencies, or  
11 governmental subdivisions for the fiscal year  
12 beginning July 1, 2008, for audits required by the  
13 federal government and reimbursable from federal  
14 funds.  
15 e. For purposes of this subsection, "total amount  
16 reimbursed" does not include amounts reimbursed for  
17 audits required and reimbursed from federal funds.  
18 Sec.\_\_\_\_. AUDITOR OF STATE – DISCRETIONARY  
19 AUDITS. For the fiscal period beginning April 1,  
20 2009, and ending June 30, 2010, the auditor of state,  
21 in addition to any other requirements provided in this  
22 Act, shall not seek reimbursement from departments and  
23 agencies specified in section 11.5B for any  
24 discretionary audit that the auditor initiates or has  
25 initiated on the auditor's own authority and which is  
26 not specifically required by statute. Notwithstanding

27 the prohibition contained in this section, the auditor  
 28 shall perform all necessary audit duties related to  
 29 any financial report required to be compiled by a  
 30 department or agency that the auditor has previously  
 31 audited in the normal course of the auditor's duties,  
 32 whether or not such financial report is required by  
 33 law. Any amounts reimbursed in association with such  
 34 audit shall be limited to the amounts reimbursed for  
 35 the audit of such report during the previous reporting  
 36 period."

37 2. By striking page 5, line 13, through page 7,  
 38 line 27, and inserting the following:

39 "SEC. \_\_\_\_\_. DEPARTMENT OF COMMERCE.

40 1. There is appropriated from the general fund of  
 41 the state to the department of commerce for the fiscal  
 42 year beginning July 1, 2009, and ending June 30, 2010,  
 43 the following amounts, or so much thereof as is  
 44 necessary, for the purposes designated:

45 a. ALCOHOLIC BEVERAGES DIVISION

46 For salaries, support, maintenance, and  
 47 miscellaneous purposes, and for not more than the  
 48 following full-time equivalent positions:

49 ..... \$ 2,007,160  
 50 ..... FTEs 37.00

Page 2

1 b. PROFESSIONAL LICENSING AND REGULATION BUREAU

2 For salaries, support, maintenance, and  
 3 miscellaneous purposes, and for not more than the  
 4 following full-time equivalent positions:

5 ..... \$ 900,53  
 6 ..... FTEs 16.00

7 c. INSURANCE DIVISION – SENIOR HEALTH INSURANCE  
 8 INFORMATION PROGRAM

9 For the use of the senior health insurance  
 10 information program:

11 ..... \$ 52,253

12 2. There is appropriated from the department of  
 13 commerce revolving fund created in section 546.12, if  
 14 enacted by this Act, to the department of commerce for  
 15 the fiscal year beginning July 1, 2009, and ending  
 16 June 30, 2010, the following amounts, or so much  
 17 thereof as is necessary, for the purposes designated:

18 a. BANKING DIVISION

19 For salaries, support, maintenance, and  
 20 miscellaneous purposes, and for not more than the  
 21 following full-time equivalent positions:

22 ..... \$ 8,662,670  
 23 ..... FTEs 73.00

24 b. CREDIT UNION DIVISION

25 For salaries, support, maintenance, and

26 miscellaneous purposes, and for not more than the  
 27 following full-time equivalent positions:  
 28 ..... \$ 1,727,995  
 29 ..... FTEs 19.00

30 c. INSURANCE DIVISION

31 (1) For salaries, support, maintenance, and  
 32 miscellaneous purposes, and for not more than the  
 33 following full-time equivalent positions:  
 34 ..... \$ 4,881,216  
 35 ..... FTEs 102.00

36 (2) The insurance division may reallocate  
 37 authorized full-time equivalent positions as necessary  
 38 to respond to accreditation recommendations or  
 39 requirements. The insurance division expenditures for  
 40 examination purposes may exceed the projected  
 41 receipts, refunds, and reimbursements, estimated  
 42 pursuant to section 505.7, subsection 7, including the  
 43 expenditures for retention of additional personnel, if  
 44 the expenditures are fully reimbursable and the  
 45 division first does both of the following:

- 46 (a) Notifies the department of management, the
- 47 legislative services agency, and the legislative
- 48 fiscal committee of the need for the expenditures.
- 49 (b) Files with each of the entities named in
- 50 subparagraph division (a) the legislative and

Page 3

1 regulatory justification for the expenditures, along  
 2 with an estimate of the expenditures.

3 (3) The insurance division shall allocate \$10,000  
 4 from the examination receipts for the payment of its  
 5 fees to the national conference of insurance  
 6 legislators.

7 d. UTILITIES DIVISION

8 (1) For salaries, support, maintenance, and  
 9 miscellaneous purposes, and for not more than the  
 10 following full-time equivalent positions:  
 11 ..... \$ 7,795,527  
 12 ..... FTEs 79.00

13 (2) The utilities division may expend additional  
 14 funds, including funds for additional personnel, if  
 15 those additional expenditures are actual expenses  
 16 which exceed the funds budgeted for utility regulation  
 17 and the expenditures are fully reimbursable. Before  
 18 the division expends or encumbers an amount in excess  
 19 of the funds budgeted for regulation, the division  
 20 shall first do both of the following:

- 21 (a) Notify the department of management, the
- 22 legislative services agency, and the legislative
- 23 fiscal committee of the need for the expenditures.
- 24 (b) File with each of the entities named in

25 subparagraph division (a) the legislative and  
26 regulatory justification for the expenditures, along  
27 with an estimate of the expenditures.  
28 (3) Notwithstanding sections 8.33 and 476.10 or  
29 any other provision to the contrary, any balance of  
30 the appropriation made in this paragraph for the  
31 utilities division or any other operational  
32 appropriation made for the fiscal year beginning July  
33 1, 2009, and ending June 30, 2010, that remains  
34 unused, unencumbered, or unobligated at the close of  
35 the fiscal year shall not revert but shall remain  
36 available to be used for purposes of the  
37 energy-efficient building project authorized under  
38 section 476.10B, or for relocation costs in succeeding  
39 fiscal years.  
40 3. CHARGES – TRAVEL".  
41 3. Page 12, line 26, by inserting before the  
42 words "For salaries" the following: "a."  
43 4. Page 12, by inserting after line 30 the  
44 following:  
45 "b. The department shall, in coordination with the  
46 health facilities division, make the following  
47 information available to the public in a timely  
48 manner, to include providing the information on the  
49 department's internet website, during the fiscal year  
50 beginning July 1, 2009, and ending June 30, 2010:

Page 4

1 (1) The number of inspections conducted by the  
2 division annually by type of service provider and type  
3 of inspection.  
4 (2) The total annual operations budget for the  
5 division, including general fund appropriations and  
6 federal contract dollars received by type of service  
7 provider inspected.  
8 (3) The total number of full-time equivalent  
9 positions in the division, to include the number of  
10 full-time equivalent positions serving in a  
11 supervisory capacity, and serving as surveyors,  
12 inspectors, or monitors in the field by type of  
13 service provider inspected.  
14 (4) Identification of state and federal survey  
15 trends, cited regulations, the scope and severity of  
16 deficiencies identified, and federal and state fines  
17 assessed and collected concerning nursing and assisted  
18 living facilities and programs.  
19 c. It is the intent of the general assembly that  
20 the department and division continuously solicit input  
21 from facilities regulated by the division to assess  
22 and improve the division's level of collaboration and  
23 to identify new opportunities for cooperation."



24 5. Page 15, by striking line 21 and inserting the  
 25 following:  
 26 "..... FTEs 37.50"  
 27 6. Page 15, by striking lines 27 through 34.  
 28 7. Page 19, by striking lines 11 through 18.  
 29 8. By striking page 19, line 29, through page 20,  
 30 line 1.  
 31 9. Page 20, by striking lines 2 through 21 and  
 32 inserting the following:  
 33 "Sec.\_\_\_\_. VEHICLE PURCHASES. The department of  
 34 administrative services shall seek to procure motor  
 35 vehicles for state use at the lowest possible cost to  
 36 the state. Motor vehicles purchased by the department  
 37 shall not include optional equipment that results in  
 38 an increase in the cost of the motor vehicle unless  
 39 such optional equipment is specifically required by  
 40 the requesting state agency or unless such equipment  
 41 is part of the lowest cost package available meeting  
 42 minimum specifications. A state agency seeking to  
 43 replace a motor vehicle shall not request any  
 44 equipment to be added to its motor vehicles except as  
 45 the state agency determines is necessary for the  
 46 department's employees in the safe and efficient  
 47 operation of the motor vehicle. The department shall  
 48 not seek to have any optional equipment removed or  
 49 deleted from an order if such action would increase  
 50 the cost of the vehicle to the state.

Page 5

1 Sec.\_\_\_\_. EFFECTIVE DATE – RETROACTIVE  
 2 APPLICABILITY. The section of this division of this  
 3 Act concerning discretionary audits by the auditor of  
 4 state, being deemed of immediate importance, takes  
 5 effect upon enactment, and is retroactively applicable  
 6 to April 1, 2009, and is applicable on and after that  
 7 date."  
 8 10. By striking page 21, line 12, through page  
 9 22, line 2, and inserting the following:  
 10 "Sec.\_\_\_\_. Section 8.9, subsection 1, Code 2009,  
 11 is amended to read as follows:  
 12 1. The office of grants enterprise management is  
 13 established in the department of management. The  
 14 function of the office is to develop and administer a  
 15 system to track, identify, advocate for, and  
 16 coordinate nonstate grants as defined in section 8.2,  
 17 subsections 1 and 3. Staffing for the office of  
 18 grants enterprise management shall be provided by a  
 19 facilitator appointed by the director of the  
 20 department of management. Additional staff may be  
 21 hired, subject to the availability of funding.  
 22 ~~Funding for the office is from the appropriation to~~

23 ~~the department pursuant to section 8A.505, subsection~~  
 24 ~~2."~~

25 11. Page 22, by striking lines 5 through 35.

26 12. By striking page 24, line 10, through page

27 31, line 23, and inserting the following:

28 "ETHICS AND CAMPAIGN DISCLOSURE BOARD ENFORCEMENT

29 Sec.\_\_\_\_. Section 68B.32A, Code 2009, is amended

30 by adding the following new subsection:

31 NEW SUBSECTION. 18. At the board's discretion,

32 enter into an agreement with a political subdivision

33 authorizing the board to enforce the provisions of a

34 code of ethics adopted by that political subdivision.

35 DIVISION VI

36 ALCOHOLIC BEVERAGE CONTROL PROVISION

37 Sec.\_\_\_\_. Section 123.30, subsection 3, paragraph

38 e, unnumbered paragraph 1, Code 2009, is amended to

39 read as follows:

40 CLASS "E". A class "E" liquor control license may

41 be issued and shall authorize the holder to purchase

42 alcoholic liquor from the division only and to sell

43 the alcoholic liquor to patrons for consumption off

44 the licensed premises and to other liquor control

45 licensees. ~~A class "E" license shall not be issued to~~

46 ~~premises at which gasoline is sold.~~ A holder of a

47 class "E" liquor control license may hold other retail

48 liquor control licenses or retail wine or beer

49 permits, but the premises licensed under a class "E"

50 liquor control license shall be separate from other

Page 6

1 licensed premises, though the separate premises may

2 have a common entrance. However, the holder of a

3 class "E" liquor control license may also hold a class

4 "B" wine or class "C" beer permit or both for the

5 premises licensed under a class "E" liquor control

6 license.

7 DIVISION VII

8 BINGO CONDUCTED AT A FAIR OR COMMUNITY FESTIVAL

9 Sec.\_\_\_\_. NEW SECTION. 99B.5A BINGO CONDUCTED AT

10 A FAIR OR COMMUNITY FESTIVAL.

11 1. For purposes of this section:

12 a. "Community festival" means a festival of no

13 more than four consecutive days in length held by a

14 community group.

15 b. "Community group" means an Iowa nonprofit,

16 tax-exempt organization which is open to the general

17 public and established for the promotion and

18 development of the arts, history, culture, ethnicity,

19 historic preservation, tourism, economic development,

20 festivals, or municipal libraries. "Community group"

21 does not include a school, college, university,

22 political party, labor union, state or federal  
23 government agency, fraternal organization, church,  
24 convention or association of churches, or  
25 organizations operated primarily for religions  
26 purposes, or which are operated, supervised,  
27 controlled, or principally supported by a church,  
28 convention, or association of churches.  
29 2. Bingo may lawfully be conducted at a fair, as  
30 defined in section 174.1, or a community festival if  
31 all the following conditions are met:  
32 a. Bingo is conducted by the sponsor of the fair  
33 or community festival or a qualified organization  
34 licensed under section 99B.7 that has received  
35 permission from the sponsor of the fair or community  
36 festival to conduct bingo.  
37 b. The sponsor of the fair or community festival  
38 or the qualified organization has submitted a license  
39 application and a fee of fifty dollars to the  
40 department, has been issued a license, and prominently  
41 displays the license at the area where the bingo  
42 occasion is being held. A license shall only be valid  
43 for the duration of the fair or community festival  
44 indicated on the application.  
45 c. The number of bingo occasions shall be limited  
46 to one for each day of the duration of the fair of  
47 community festival.  
48 d. The rules for the bingo occasion are posted.  
49 e. Except as provided in this section, the  
50 provisions of sections 99B.2 and 99B.7 related to

Page 7

1 bingo shall apply.  
2 3. An individual other than a person conducting  
3 the bingo occasion may participate in the bingo  
4 occasion conducted at a fair or community festival,  
5 whether or not conducted in compliance with this  
6 section.  
7 4. Bingo occasions held under a license under this  
8 section shall not be counted in determining whether a  
9 qualified organization has conducted more than  
10 fourteen bingo occasions per month. In addition,  
11 bingo occasions held under this license shall not be  
12 limited to four consecutive hours.

#### 13 DIVISION VIII

#### 14 DEPARTMENT OF COMMERCE REVOLVING 15 FUND – APPROPRIATIONS

16 Sec. \_\_\_\_\_. Section 87.11E, subsection 5, Code 2009,  
17 is amended to read as follows:

18 5. A civil penalty levied under subsection 4 shall  
19 not exceed one thousand dollars per violation per  
20 person, and shall not exceed ten thousand dollars in a

21 single proceeding against any one person. All civil  
 22 penalties shall be deposited ~~in the general fund of~~  
 23 ~~the state~~ pursuant to section 505.7.

24 Sec.\_\_\_\_. Section 475A.3, subsection 3, Code 2009,  
 25 is amended to read as follows:

26 3. SALARIES, EXPENSES, AND APPROPRIATION. The

27 salary of the consumer advocate shall be fixed by the  
 28 attorney general within the salary range set by the  
 29 general assembly. The salaries of employees of the  
 30 consumer advocate shall be at rates of compensation  
 31 consistent with current standards in industry. The  
 32 reimbursement of expenses for the employees and the  
 33 consumer advocate is as provided by law. The  
 34 appropriation for the office of consumer advocate  
 35 shall be a separate line item contained in the  
 36 appropriation from the ~~general fund of the state~~  
 37 department of commerce revolving fund created in  
 38 section 546.12.

39 Sec.\_\_\_\_. Section 476.10, unnumbered paragraph 4,  
 40 Code 2009, is amended to read as follows:

41 The order shall be subject to review in the manner  
 42 provided in this chapter. All amounts collected by  
 43 the division pursuant to the provisions of this  
 44 section shall be deposited with the treasurer of state  
 45 and credited to the ~~general fund of the state~~  
 46 department of commerce revolving fund created in  
 47 section 546.12. Such amounts shall be spent in  
 48 accordance with the provisions of chapter 8.

49 Sec.\_\_\_\_. Section 476.10, unnumbered paragraph 6,  
 50 Code 2009, is amended to read as follows:

Page 8

1 Fees paid to the utilities division shall be  
 2 deposited in the ~~general fund of the state~~ department  
 3 of commerce revolving fund created in section 546.12.  
 4 These funds shall be used for the payment, upon  
 5 appropriation by the general assembly, of the expenses  
 6 of the utilities division and the consumer advocate  
 7 division of the department of justice. ~~Subject to~~  
 8 ~~this section, the utilities division or the consumer~~  
 9 ~~advocate division may keep on hand with the treasurer~~  
 10 ~~of state funds in excess of the current needs of the~~  
 11 ~~utilities division or the consumer advocate division.~~

12 Sec.\_\_\_\_. Section 476.10, unnumbered paragraph 8,  
 13 Code 2009, is amended to read as follows:

14 All fees and other moneys collected under this  
 15 section and sections 478.4, 479.16, and 479A.9 shall  
 16 be deposited into the ~~general fund of the state~~  
 17 department of commerce revolving fund created in  
 18 section 546.12 and expenses required to be paid under  
 19 this section shall be paid from funds appropriated for

20 those purposes. ~~Moneys deposited into the general~~  
21 ~~fund of the state pursuant to this section and~~  
22 ~~sections 478.4, 479.16, and 479A.9 shall be subject to~~  
23 ~~the requirements of section 8.60.~~

24 Sec.\_\_\_\_. Section 476.51, subsection 5, Code 2009,  
25 is amended to read as follows:

26 5. Civil penalties collected pursuant to this  
27 section from utilities providing water, electric, or  
28 gas service shall be forwarded by the executive  
29 secretary of the board to the treasurer of state to be  
30 credited to the general fund of the state and to be  
31 used only for the low income home energy assistance  
32 program and the weatherization assistance program  
33 administered by the division of community action  
34 agencies of the department of human rights. Civil  
35 penalties collected pursuant to this section from  
36 utilities providing telecommunications service shall  
37 be forwarded to the treasurer of state to be credited  
38 to the ~~general fund of the state~~ department of  
39 commerce revolving fund created in section 546.12 to  
40 be used only for consumer education programs  
41 administered by the board. Penalties paid by a  
42 rate-regulated public utility pursuant to this section  
43 shall be excluded from the utility's costs when  
44 determining the utility's revenue requirement, and  
45 shall not be included either directly or indirectly in  
46 the utility's rates or charges to customers.

47 Sec.\_\_\_\_. Section 476.87, subsection 3, Code 2009,  
48 is amended to read as follows:

49 3. The board shall allocate the costs and expenses  
50 reasonably attributable to certification and dispute

Page 9

1 resolution in this section to persons identified as  
2 parties to such proceeding who are engaged in or who  
3 seek to engage in providing natural gas services or  
4 other persons identified as participants in such  
5 proceeding. The funds received for the costs and the  
6 expenses of certification and dispute resolution shall  
7 be remitted to the treasurer of state for deposit in  
8 the ~~general fund of the state~~ department of commerce  
9 revolving fund created in section 546.12 as provided  
10 in section 476.10.

11 Sec.\_\_\_\_. Section 476.101, subsection 10, Code  
12 2009, is amended to read as follows:

13 10. In a proceeding associated with the granting  
14 of a certificate under section 476.29, approving maps  
15 and tariffs for competitive local exchange providers  
16 provided for in this section, or in resolving a  
17 complaint filed pursuant to subsection 8 and  
18 proceedings under 47 U.S.C. § 251–254, the board

19 shall allocate the costs and expenses of the  
20 proceedings to persons identified as parties in the  
21 proceeding who are engaged in or who seek to engage in  
22 providing telecommunications services or other persons  
23 identified as participants in the proceeding. The  
24 funds received for the costs and the expenses shall be  
25 remitted to the treasurer of state for deposit in the  
26 ~~general fund of the state~~ department of commerce  
27 revolving fund created in section 546.12 as provided  
28 in section 476.10.

29 Sec.\_\_\_\_. Section 476.103, subsection 4, paragraph  
30 c, Code 2009, is amended to read as follows:

31 c. A civil penalty collected pursuant to this  
32 subsection shall be forwarded by the executive  
33 secretary of the board to the treasurer of state to be  
34 credited to the ~~general fund of the state~~ department  
35 of commerce revolving fund created in section 546.12  
36 and to be used only for consumer education programs  
37 administered by the board.

38 Sec.\_\_\_\_. Section 476A.14, subsection 1, Code  
39 2009, is amended to read as follows:

40 1. Any person who commences to construct a  
41 facility as provided in this subchapter without having  
42 first obtained a certificate, or who constructs,  
43 operates or maintains any facility other than in  
44 compliance with a certificate issued by the board or a  
45 certificate amended pursuant to this subchapter, or  
46 who causes any of these acts to occur, shall be liable  
47 for a civil penalty of not more than ten thousand  
48 dollars for each violation or for each day of  
49 continuing violation. Civil penalties collected  
50 pursuant to this subsection shall be forwarded by the

Page 10

1 clerk of court to the treasurer of state for deposit  
2 in the ~~general fund of the state~~ department of  
3 commerce revolving fund created in section 546.12.

4 Sec.\_\_\_\_. Section 478.4, Code 2009, is amended to  
5 read as follows:

6 478.4 FRANCHISE – HEARING.

7 The utilities board shall consider the petition and  
8 any objections filed to it in the manner provided. It  
9 shall examine the proposed route or cause any engineer  
10 selected by it to do so. If a hearing is held on the  
11 petition it may hear testimony as may aid it in  
12 determining the propriety of granting the franchise.  
13 It may grant the franchise in whole or in part upon  
14 the terms, conditions, and restrictions, and with the  
15 modifications as to location and route as may seem to  
16 it just and proper. Before granting the franchise,  
17 the utilities board shall make a finding that the

18 proposed line or lines are necessary to serve a public  
19 use and represents a reasonable relationship to an  
20 overall plan of transmitting electricity in the public  
21 interest. A franchise shall not become effective  
22 until the petitioners shall pay, or file an agreement  
23 to pay, all costs and expenses of the franchise  
24 proceeding, whether or not objections are filed,  
25 including costs of inspections or examinations of the  
26 route, hearing, salaries, publishing of notice, and  
27 any other expenses reasonably attributable to it. The  
28 funds received for the costs and the expenses of the  
29 franchise proceeding shall be remitted to the  
30 treasurer of state for deposit in the ~~general fund of~~  
31 ~~the state~~ department of commerce revolving fund  
32 created in section 546.12 as provided in section  
33 476.10.

34 Sec.\_\_\_\_. Section 479.16, Code 2009, is amended to  
35 read as follows:

36 479.16 RECEIPT OF FUNDS.

37 All moneys received under this chapter shall be  
38 remitted monthly to the treasurer of state and  
39 credited to the ~~general fund of the state~~ department  
40 of commerce revolving fund created in section 546.12  
41 as provided in section 476.10.

42 Sec.\_\_\_\_. Section 479A.9, Code 2009, is amended to  
43 read as follows:

44 479A.9 DEPOSIT OF FUNDS.

45 Moneys received under this chapter shall be  
46 credited to the ~~general fund of the state~~ department  
47 of commerce revolving fund created in section 546.12  
48 as provided in section 476.10.

49 Sec.\_\_\_\_. Section 479B.12, Code 2009, is amended  
50 to read as follows:

Page 11

1 479B.12 USE OF FUNDS.

2 All moneys received under this chapter, other than  
3 civil penalties collected pursuant to section 479B.21,  
4 shall be remitted monthly to the treasurer of state  
5 and credited to the ~~general fund of the state~~  
6 department of commerce revolving fund created in  
7 section 546.12.

8 Sec.\_\_\_\_. Section 502.302, Code 2009, is amended  
9 by adding the following new subsection:

10 NEW SUBSECTION. 5. DEPOSIT OF FEES. Fees  
11 collected under this section shall be deposited as  
12 provided in section 505.7.

13 Sec.\_\_\_\_. Section 502.304A, subsection 3, Code  
14 2009, is amended by adding the following new  
15 paragraph:

16 NEW PARAGRAPH. h. The fees collected under this

17 subsection shall be deposited as provided in section  
18 505.7.

19 Sec.\_\_\_\_. Section 502.305, subsection 2, Code  
20 2009, is amended to read as follows:

21 2. FILING. Except as provided in subsection 10  
22 and section 502.304A, subsection 3, paragraph "g", a  
23 person who files a registration statement or a notice  
24 filing shall pay a filing fee of one-tenth of one  
25 percent of the proposed aggregate sales price of the  
26 securities to be offered to persons in this state  
27 pursuant to the registration statement or notice  
28 filing. However, except as provided in subsection 10,  
29 section 502.302, subsection 1, paragraph "a", and  
30 section 502.304A, subsection 3, paragraph "g", the  
31 annual filing fee shall not be less than fifty dollars  
32 or more than one thousand dollars. The administrator  
33 shall retain the filing fee even if the notice filing  
34 is withdrawn or the registration is withdrawn, denied,  
35 suspended, revoked, or abandoned. The fees collected  
36 under this subsection shall be deposited as provided  
37 in section 505.7.

38 Sec.\_\_\_\_. Section 502.321G, Code 2009, is amended  
39 to read as follows:

40 502.321G FEES.

41 The administrator shall charge a nonrefundable  
42 filing fee of two hundred fifty dollars for a  
43 registration statement filed by an offeror. The fee  
44 shall be deposited as provided in section 505.7.

45 Sec.\_\_\_\_. Section 502.410, Code 2009, is amended  
46 by adding the following new subsection:

47 NEW SUBSECTION. 7. DEPOSIT OF FEES. Except as  
48 otherwise provided in subsection 2, fees collected  
49 under this section shall be deposited as provided in  
50 section 505.7.

Page 12

1 Sec.\_\_\_\_. Section 505.7, subsection 1, Code 2009,  
2 is amended to read as follows:

3 1. All fees and charges which are required by law  
4 to be paid by insurance companies, associations, and  
5 other regulated entities shall be payable to the  
6 commissioner of the insurance division of the  
7 department of commerce or department of revenue, as  
8 provided by law, whose duty it shall be to account for  
9 and pay over the same to the treasurer of state at the  
10 time and in the manner provided by law for deposit in  
11 the ~~general fund of the state~~ department of commerce  
12 revolving fund created in section 546.12.

13 Sec.\_\_\_\_. Section 505.7, subsection 3, Code 2009,  
14 is amended to read as follows:

15 3. Forty percent of the nonexamination revenues



16 payable to the division of insurance or the department  
17 of revenue in connection with the regulation of  
18 insurance companies or other entities subject to the  
19 regulatory jurisdiction of the division shall be  
20 deposited in the department of commerce revolving fund  
21 created in section 546.12 and shall be subject to  
22 annual appropriation to the division for its  
23 operations and is also subject to expenditure under  
24 subsection 6. The remaining nonexamination revenues  
25 payable to the division of insurance or the department  
26 of revenue shall be deposited in the general fund of  
27 the state.

28 Sec.\_\_\_\_. Section 507.9, Code 2009, is amended to  
29 read as follows:

30 507.9 FEES – ACCOUNTING.

31 All fees collected under the provisions of this  
32 chapter shall be paid to the commissioner of insurance  
33 and shall be turned into the state treasury for  
34 deposit as provided in section 505.7.

35 Sec.\_\_\_\_. Section 507B.7, subsection 4, paragraph  
36 a, Code 2009, is amended to read as follows:

37 a. A monetary penalty of not more than ten  
38 thousand dollars for each and every act or violation.  
39 A penalty collected under this lettered paragraph  
40 shall be deposited as provided in section 505.7.

41 Sec.\_\_\_\_. Section 508.13, subsection 3, Code 2009,  
42 is amended to read as follows:

43 3. A company that fails to timely file an  
44 application for renewal of its certificate of  
45 authority shall pay an administrative penalty of five  
46 hundred dollars to the treasurer of state for deposit  
47 ~~in the general fund of the state~~ as provided in  
48 section 505.7.

49 Sec.\_\_\_\_. Section 508.14, subsection 4, Code 2009,  
50 is amended to read as follows:

Page 13

1 4. Amounts received by the commissioner pursuant  
2 to subsections 2 and 3 shall be paid to the treasurer  
3 of state for deposit ~~in the general fund of the state~~  
4 as provided in section 505.7.

5 Sec.\_\_\_\_. Section 508.15, Code 2009, is amended to  
6 read as follows:

7 508.15 VIOLATION BY FOREIGN COMPANY.

8 Companies organized and chartered by the laws of a  
9 foreign state or country, failing to file the evidence  
10 of investment and statement within the time fixed, or  
11 failing to timely file any financial statement  
12 required by rule of the commissioner of insurance,  
13 shall forfeit and pay five hundred dollars, to be  
14 collected in an action in the name of the state and

15 paid to the treasurer of state for deposit ~~in the~~  
16 ~~general fund of the state~~ as provided in section  
17 505.7, and their right to transact further new  
18 business in this state shall immediately cease until  
19 the requirements of this chapter have been fully  
20 complied with. The commissioner may give notice to a  
21 company which has failed to file within the time fixed  
22 that the company is in violation of this section and  
23 if the company fails to file the evidence of  
24 investment and statement within ten days of the date  
25 of the notice the company shall forfeit and pay the  
26 additional sum of one hundred dollars for each day the  
27 failure continues, to be paid to the treasurer of  
28 state for deposit ~~in the general fund of the state~~ as  
29 provided in section 505.7.

30 Sec.\_\_\_\_. Section 508E.3, subsection 10, Code  
31 2009, is amended to read as follows:

32 10. Fees collected pursuant to this section shall  
33 be deposited ~~into the general fund of the state~~ as  
34 provided in section 505.7.

35 Sec.\_\_\_\_. Section 508E.16, subsection 5, Code  
36 2009, is amended to read as follows:

37 5. In addition to the penalties and other  
38 enforcement provisions of this chapter, any person who  
39 violates this chapter is subject to a civil penalty of  
40 up to five thousand dollars for each violation of this  
41 chapter. The civil penalty shall be deposited ~~into~~  
42 ~~the general fund of the state~~ as provided in section  
43 505.7. If a person has not been ordered to pay  
44 restitution by a court, the commissioner's order may  
45 require a person found to be in violation of this  
46 chapter to make restitution to a person aggrieved by a  
47 violation of this chapter.

48 Sec.\_\_\_\_. Section 512B.25, Code 2009, is amended  
49 to read as follows:

50 512B.25 ANNUAL LICENSE – RENEWAL.

Page 14

1 The authority of a society to transact business in  
2 this state may be renewed annually. A license  
3 terminates on the first day of June following issuance  
4 or renewal. A society shall submit annually on or  
5 before March 1 a completed application for renewal of  
6 its license. For each license or renewal the society  
7 shall pay the commissioner a fee of fifty dollars. A  
8 society that fails to timely file an application for  
9 renewal shall pay an administrative penalty of five  
10 hundred dollars to the treasurer of state for deposit  
11 ~~in the general fund of the state~~ as provided in  
12 section 505.7. A duly certified copy or duplicate of  
13 the license is prima facie evidence that the licensee

14 is a fraternal benefit society within the meaning of  
15 this chapter.

16 Sec.\_\_\_\_. Section 514.9A, Code 2009, is amended to  
17 read as follows:

18 514.9A CERTIFICATE OF AUTHORITY – RENEWAL.

19 A certificate of authority of a corporation formed  
20 under this chapter expires on June 1 succeeding its  
21 issue and shall be renewed annually so long as the  
22 corporation transacts its business in accordance with  
23 all legal requirements. A corporation shall submit  
24 annually, on or before March 1, a completed  
25 application for renewal of its certificate of  
26 authority. A corporation that fails to timely file an  
27 application for renewal shall pay an administrative  
28 penalty of five hundred dollars to the treasurer of  
29 state for deposit ~~in the general fund of the state~~ as  
30 provided in section 505.7. A duly certified copy or  
31 duplicate of the certificate is admissible in evidence  
32 for or against the corporation with the same effect as  
33 the original.

34 Sec.\_\_\_\_. Section 514B.3B, Code 2009, is amended  
35 to read as follows:

36 514B.3B CERTIFICATE OF AUTHORITY – RENEWAL.

37 A certificate of authority of a health maintenance  
38 organization formed under this chapter expires on June  
39 1 succeeding its issue and shall be renewed annually  
40 so long as the organization transacts its business in  
41 accordance with all legal requirements. A health  
42 maintenance organization shall submit annually, on or  
43 before March 1, a completed application for renewal of  
44 its certificate of authority. A health maintenance  
45 organization that fails to timely file an application  
46 for renewal shall pay an administrative penalty of  
47 five hundred dollars to the treasurer of state for  
48 deposit ~~in the general fund of the state~~ as provided  
49 in section 505.7. A duly certified copy or duplicate  
50 of the certificate is admissible in evidence for or

Page 15

1 against the organization with the same effect as the  
2 original.

3 Sec.\_\_\_\_. Section 514B.12, subsections 3 and 4,  
4 Code 2009, are amended to read as follows:

5 3. A health maintenance organization that fails to  
6 timely file the report required under subsection 1 is  
7 in violation of this section and shall pay an  
8 administrative penalty of five hundred dollars to the  
9 treasurer of state for deposit ~~in the general fund of~~  
10 ~~the state~~ as provided in section 505.7.

11 4. The commissioner may give notice to a health  
12 maintenance organization that the organization has not

13 timely filed the report required under subsection 1  
 14 and is in violation of this section. If the  
 15 organization fails to file the required report and  
 16 comply with this section within ten days of the date  
 17 of the notice, the organization shall pay an  
 18 additional administrative penalty of one hundred  
 19 dollars for each day that the failure continues to the  
 20 treasurer of state for deposit ~~in the general fund of~~  
 21 ~~the state~~ as provided in section 505.7.

22 Sec.\_\_\_\_. Section 514G.113, Code 2009, is amended  
 23 to read as follows:

24 514G.113 PENALTIES.

25 In addition to any other penalties provided by the  
 26 laws of this state, any insurer or any producer found  
 27 to have violated a provision of this chapter or any  
 28 other requirement of this state relating to the  
 29 regulation of long-term care insurance or the  
 30 marketing of such insurance shall be subject to a fine  
 31 of up to three times the amount of any commission paid  
 32 for each policy involved in the violation, or up to  
 33 ten thousand dollars, whichever is greater. A fine  
 34 collected under this section shall be deposited as  
 35 provided in section 505.7.

36 Sec.\_\_\_\_. Section 515.42, Code 2009, is amended to  
 37 read as follows:

38 515.42 TENURE OF CERTIFICATE – RENEWAL –  
 39 EVIDENCE.

40 A certificate of authority shall expire on the  
 41 first day of June next succeeding its issue, and shall  
 42 be renewed annually so long as such company shall  
 43 transact business in accordance with the requirements  
 44 of law; a copy of which certificate, when certified to  
 45 by the commissioner of insurance, shall be admissible  
 46 in evidence for or against a company with the same  
 47 effect as the original. A company shall submit  
 48 annually, on or before March 1, a completed  
 49 application for renewal of its certificate of  
 50 authority. A company that fails to timely file an

Page 16

1 application for renewal shall pay an administrative  
 2 penalty of five hundred dollars to the treasurer of  
 3 state for deposit ~~in the general fund of the state~~ as  
 4 provided in section 505.7.

5 Sec.\_\_\_\_. Section 515.121, subsections 1 and 3,  
 6 Code 2009, are amended to read as follows:

7 1. An excess and surplus lines insurance producer  
 8 who fails to timely file the report required in  
 9 section 515.120 is in violation of this section and  
 10 shall pay an administrative penalty of five hundred  
 11 dollars to the treasurer of state for deposit ~~in the~~

12 ~~general fund of the state~~ as provided in section  
13 505.7.  
14 3. The commissioner may give notice to a producer  
15 that the producer has not timely filed the report  
16 required under section 515.120 and is in violation of  
17 this section. If the producer fails to file the  
18 required report within ten days of the date of the  
19 notice, the producer shall pay an additional  
20 administrative penalty of one hundred dollars for each  
21 day that the failure continues to the treasurer of  
22 state for deposit ~~in the general fund of the state~~ as  
23 provided in section 505.7.

24 Sec.\_\_\_\_. Section 515.146, Code 2009, is amended  
25 to read as follows:

26 515.146 CERTIFICATE REFUSED – ADMINISTRATIVE  
27 PENALTY.

28 The commissioner of insurance shall withhold the  
29 commissioner's certificate or permission of authority  
30 to do business from a company neglecting or failing to  
31 comply with this chapter. In addition, a company  
32 organized or authorized under this chapter which fails  
33 to file the annual statement referred to in section  
34 515.63 in the time required shall pay and forfeit an  
35 administrative penalty in an amount of five hundred  
36 dollars to be collected in the name of the state for  
37 deposit ~~in the general fund of the state~~ as provided  
38 in section 505.7. The company's right to transact  
39 further new business in this state shall immediately  
40 cease until the company has fully complied with this  
41 chapter. The commissioner may give notice to a  
42 company which has failed to file within the time  
43 required that the company is in violation of this  
44 section and, if the company fails to file the evidence  
45 of investment and statement within ten days of the  
46 date of the notice, the company shall forfeit and pay  
47 the additional sum of one hundred dollars for each day  
48 the failure continues, to be paid to the treasurer of  
49 state for deposit ~~in the general fund of the state~~ as  
50 provided in section 505.7.

Page 17

1 Sec.\_\_\_\_. Section 515.147, unnumbered paragraph 1,  
2 Code 2009, is amended to read as follows:

3 Fees shall be paid to the commissioner of insurance  
4 for deposit as provided in section 505.7 as follows:

5 Sec.\_\_\_\_. Section 515A.17, subsection 1, Code  
6 2009, is amended to read as follows:

7 1. The commissioner may, if the commissioner finds  
8 that any person or organization has violated any  
9 provision of this chapter, impose a penalty of not  
10 more than one thousand dollars for each such

11 violation, but if the commissioner finds such  
 12 violation to be willful the commissioner may impose a  
 13 penalty of not more than five thousand dollars for  
 14 each such violation. Such penalties may be in  
 15 addition to any other penalty provided by law. A  
 16 penalty collected under this subsection shall be  
 17 deposited as provided in section 505.7.

18 Sec.\_\_\_\_. Section 515F.19, Code 2009, is amended  
 19 by adding the following new unnumbered paragraph:  
 20 NEW UNNUMBERED PARAGRAPH. A penalty collected  
 21 under this section shall be deposited as provided in  
 22 section 505.7.

23 Sec.\_\_\_\_. Section 516E.2, subsection 2, Code 2009,  
 24 is amended to read as follows:

25 2. A service company shall not issue a service  
 26 contract or arrange to perform services pursuant to a  
 27 service contract unless the service company is  
 28 registered with the commissioner. A service company  
 29 shall file a registration with the commissioner  
 30 annually, on a form prescribed by the commissioner,  
 31 accompanied by a registration fee in the amount of  
 32 five hundred dollars. Fees collected under this  
 33 subsection shall be deposited as provided in section  
 34 505.7.

35 Sec.\_\_\_\_. Section 518.15, subsections 5 and 6,  
 36 Code 2009, are amended to read as follows:

37 5. An association formed under this chapter that  
 38 fails to timely file the statement required under  
 39 subsection 1 or the application for renewal required  
 40 under subsection 3 is in violation of this section and  
 41 shall pay an administrative penalty of five hundred  
 42 dollars to the treasurer of state for deposit ~~in the~~  
 43 ~~general fund of the state~~ as provided in section  
 44 505.7. The association's right to transact new  
 45 business in this state shall immediately cease until  
 46 the association has fully complied with this chapter.

47 6. The commissioner may give notice to an  
 48 association that the association has not timely filed  
 49 the statement required under subsection 1 or an  
 50 application for renewal under subsection 3 and is in

Page 18

1 violation of this section. If the association fails  
 2 to file the required statement or application and  
 3 comply with this section within ten days of the date  
 4 of the notice, the association shall pay an additional  
 5 administrative penalty of one hundred dollars for each  
 6 day that the failure continues to the treasurer of  
 7 state for deposit ~~in the general fund of the state~~ as  
 8 provided in section 505.7.

9 Sec.\_\_\_\_. Section 518A.18, subsections 2 and 3,

10 Code 2009, are amended to read as follows:

11 2. An association that fails to timely file the  
12 statement required under subsection 1 is in violation  
13 of this section and shall pay an administrative  
14 penalty of five hundred dollars for each violation to  
15 the treasurer of state for deposit ~~in the general fund~~  
16 ~~of the state~~ as provided in section 505.7.

17 3. The commissioner may give notice to an  
18 association that the association has not timely filed  
19 the statement required under subsection 1 and is in  
20 violation of this section. If the association fails  
21 to file the required statement and comply with this  
22 section within ten days of the date of the notice, the  
23 association shall pay an additional administrative  
24 penalty of one hundred dollars for each day that each  
25 failure continues to the treasurer of state for  
26 deposit ~~in the general fund of the state~~ as provided  
27 in section 505.7.

28 Sec.\_\_\_\_. Section 518A.40, subsection 4, Code  
29 2009, is amended to read as follows:

30 4. An association that fails to timely file the  
31 application for renewal required under subsection 2 is  
32 in violation of this section and shall pay an  
33 administrative penalty of five hundred dollars to the  
34 treasurer of state for deposit ~~in the general fund of~~  
35 ~~the state~~ as provided in section 505.7.

36 Sec.\_\_\_\_. Section 520.10, subsections 4 and 5,  
37 Code 2009, are amended to read as follows:

38 4. A reciprocal or interinsurance insurer that  
39 fails to timely file the report required under  
40 subsection 1 is in violation of this section and shall  
41 pay an administrative penalty of five hundred dollars  
42 to the treasurer of state for deposit ~~in the general~~  
43 ~~fund of the state~~ as provided in section 505.7.

44 5. The commissioner may give notice to a  
45 reciprocal or interinsurance insurer that the insurer  
46 has not timely filed the report required under  
47 subsection 1 and is in violation of this section. If  
48 the insurer fails to file the required report and  
49 comply with this section within ten days of the date  
50 of the notice, the insurer shall pay an additional

Page 19

1 administrative penalty of one hundred dollars for each  
2 day that the failure continues to the treasurer of  
3 state for deposit ~~in the general fund of the state~~ as  
4 provided in section 505.7.

5 Sec.\_\_\_\_. Section 520.12, subsection 2, Code 2009,  
6 is amended to read as follows:

7 2. A reciprocal or interinsurance insurer shall  
8 submit annually, on or before March 1, a completed

9 application for renewal of the insurer's certificate  
 10 of authority. An insurer that fails to timely file an  
 11 application for renewal shall pay an administrative  
 12 fee of five hundred dollars to the treasurer of state  
 13 for deposit ~~in the general fund of the state~~ as  
 14 provided in section 505.7.

15 Sec.\_\_\_\_. Section 521A.10, subsection 1, Code  
 16 2009, is amended to read as follows:

17 1. If the commissioner finds after notice and  
 18 hearing that a person subject to registration under  
 19 section 521A.4 failed without just cause to file a  
 20 registration statement as required in this chapter,  
 21 the person shall be required to pay a penalty of one  
 22 thousand dollars for each day's delay. The penalty  
 23 shall be recovered by the commissioner and ~~paid into~~  
 24 ~~the state general fund~~ deposited as provided in  
 25 section 505.7. The maximum penalty under this section  
 26 is ten thousand dollars. The commissioner may reduce  
 27 the penalty if the person demonstrates that the  
 28 imposition of the penalty would constitute a financial  
 29 hardship to the person.

30 Sec.\_\_\_\_. Section 522A.5, Code 2009, is amended to  
 31 read as follows:

32 522A.5 FEES.

33 The fee for a counter employee license shall be  
 34 fifty dollars per counter employee. In no case shall  
 35 any combined fees exceed one thousand dollars in any  
 36 calendar year for any one rental company or limited  
 37 license or licensee or renewal license. The fees  
 38 collected under this section shall be deposited as  
 39 provided in section 505.7.

40 Sec.\_\_\_\_. Section 522B.5, Code 2009, is amended by  
 41 adding the following new subsection:

42 NEW SUBSECTION. 4. Fees collected under this  
 43 section shall be deposited as provided in section  
 44 505.7.

45 Sec.\_\_\_\_. Section 523A.204, subsection 4, Code  
 46 2009, is amended to read as follows:

47 4. The commissioner shall levy an administrative  
 48 penalty in the amount of five hundred dollars against  
 49 a preneed seller that fails to file the annual report  
 50 when due, payable to the state for deposit ~~in the~~

Page 20

1 ~~general fund of the state~~ as provided in section  
 2 505.7.

3 Sec.\_\_\_\_. Section 523A.501, Code 2009, is amended  
 4 by adding the following new subsection:

5 NEW SUBSECTION. 9. Fees collected under this  
 6 section shall be deposited as provided in section  
 7 505.7.



8 Sec. \_\_\_\_\_. Section 523A.502, subsection 3, Code

9 2009, is amended to read as follows:

10 3. An application for a sales license shall be  
11 filed on a form prescribed by the commissioner and be  
12 accompanied by a filing fee in an amount set by the  
13 commissioner by rule. The fees collected under this  
14 subsection shall be deposited as provided in section  
15 505.7.

16 Sec. \_\_\_\_\_. Section 523A.502A, subsection 3, Code

17 2009, is amended to read as follows:

18 3. The commissioner shall levy an administrative  
19 penalty in the amount of five hundred dollars against  
20 a sales agent who fails to file an annual report when  
21 due, payable to the state for deposit ~~in the general~~  
22 fund as provided in section 505.7.

23 Sec. \_\_\_\_\_. Section 523A.504, subsection 2, Code

24 2009, is amended to read as follows:

25 2. A preneed seller shall pay an annual fee of  
26 five dollars for each sales agent appointed by the  
27 preneed seller, which fee shall be submitted with the  
28 annual report. Fees collected under this subsection  
29 shall be deposited as provided in section 505.7.

30 Sec. \_\_\_\_\_. Section 523A.807, subsection 3,

31 paragraph a, Code 2009, is amended to read as follows:

32 a. Payment of a civil penalty of not more than one  
33 thousand dollars for each violation, but not exceeding  
34 an aggregate of ten thousand dollars during any  
35 six-month period, except that if the commissioner  
36 finds that the person knew or reasonably should have  
37 known that the person was in violation of such  
38 provisions or rules adopted pursuant thereto, the  
39 penalty shall be not more than five thousand dollars  
40 for each violation, but not exceeding an aggregate of  
41 fifty thousand dollars during any six-month period.  
42 The commissioner shall assess the penalty on the  
43 employer of an individual and not on the individual,  
44 if the commissioner finds that the violations  
45 committed by the individual were directed, encouraged,  
46 condoned, ignored, or ratified by the individual's  
47 employer. Any civil penalties collected under this  
48 subsection shall be deposited as provided in section  
49 505.7.

50 Sec. \_\_\_\_\_. Section 523A.812, Code 2009, is amended

Page 21

1 to read as follows:

2 523A.812 INSURANCE DIVISION REGULATORY FUND.

3 The insurance division may authorize the creation  
4 of a special revenue fund in the state treasury, to be  
5 known as the insurance division regulatory fund. The  
6 commissioner shall allocate annually from the fees

7 paid pursuant to section 523A.204, two dollars for  
8 each purchase agreement reported on a preneed seller's  
9 annual report filed pursuant to section 523A.204 for  
10 deposit to the regulatory fund. The remainder of the  
11 fees collected pursuant to section 523A.204 shall be  
12 deposited ~~into the general fund of the state as~~  
13 provided in section 505.7. The commissioner shall  
14 also allocate annually the examination fees paid  
15 pursuant to section 523A.814 and any examination  
16 expense reimbursement for deposit to the regulatory  
17 fund. The moneys in the regulatory fund shall be  
18 retained in the fund. The moneys are appropriated  
19 and, subject to authorization by the commissioner, may  
20 be used to pay examiners, examination expenses,  
21 investigative expenses, the expenses of mediation  
22 ordered by the commissioner, consumer education  
23 expenses, the expenses of a toll-free telephone line  
24 to receive consumer complaints, and the expenses of  
25 receiverships established under section 523A.811. If  
26 the commissioner determines that funding is not  
27 otherwise available to reimburse the expenses of a  
28 person who receives title to a cemetery subject to  
29 chapter 523I, pursuant to such a receivership, the  
30 commissioner shall use moneys in the regulatory fund  
31 as necessary to preserve, protect, restore, and  
32 maintain the physical integrity of that cemetery and  
33 to satisfy claims or demands for cemetery merchandise,  
34 funeral merchandise, and funeral services based on  
35 purchase agreements which the commissioner determines  
36 are just and outstanding. An annual allocation to the  
37 regulatory fund shall not be imposed if the current  
38 balance of the fund exceeds five hundred thousand  
39 dollars.

40 Sec.\_\_\_\_. Section 523C.3, Code 2009, is amended by  
41 adding the following new subsection:

42 NEW SUBSECTION. 4. Fees collected under this  
43 section shall be deposited as provided in section  
44 505.7.

45 Sec.\_\_\_\_. Section 523C.13, subsection 1, Code  
46 2009, is amended to read as follows:

47 1. Payment of a civil penalty of not more than one  
48 thousand dollars for each and every act or violation,  
49 but not to exceed an aggregate of ten thousand  
50 dollars, unless the person knew or reasonably should

Page 22

1 have known the person was in violation of this  
2 section, in which case the penalty shall be not more  
3 than five thousand dollars for each and every act or  
4 violation, but not to exceed an aggregate penalty of  
5 fifty thousand dollars in any one six-month period.

6 The commissioner shall, if it finds the violations of  
7 this section were directed, encouraged, condoned,  
8 ignored, or ratified by the employer of such person,  
9 assess such fine to the employer and not such person.  
10 Any civil penalties collected under this subsection  
11 shall be deposited as provided in section 505.7.  
12 Sec.\_\_\_\_. Section 523D.2A, unnumbered paragraph 1,  
13 Code 2009, is amended to read as follows:  
14 On or before March 1 of each year, a provider shall  
15 file a certification with the commissioner in a manner  
16 and according to requirements established by the  
17 commissioner. The certification shall be accompanied  
18 by a one hundred dollar administrative fee which fee  
19 shall be deposited as provided in section 505.7. The  
20 certification shall attest that according to the best  
21 knowledge and belief of the attesting party, the  
22 facility administered by the provider is in compliance  
23 with the provisions of this chapter, including rules  
24 adopted by the commissioner or orders issued by the  
25 commissioner as authorized under this chapter. The  
26 attesting person may be any of the following:  
27 Sec.\_\_\_\_. Section 523L.205, subsection 3, Code  
28 2009, is amended to read as follows:  
29 3. A person who violates a provision of this  
30 chapter or rules adopted or orders issued under this  
31 chapter may be subject to civil penalties in addition  
32 to criminal penalties. The commissioner may impose,  
33 assess, and collect a civil penalty not exceeding ten  
34 thousand dollars for each violation. For the purposes  
35 of computing the amount of each civil penalty, each  
36 day of a continuing violation constitutes a separate  
37 violation. All civil penalties collected pursuant to  
38 this section shall be deposited ~~in the general fund of~~  
39 ~~the state~~ as provided in section 505.7.  
40 Sec.\_\_\_\_. Section 523L.813, subsection 3, Code  
41 2009, is amended to read as follows:  
42 3. The commissioner shall levy an administrative  
43 penalty in the amount of five hundred dollars against  
44 a cemetery that fails to file the annual report when  
45 due, payable to the state for deposit ~~in the general~~  
46 ~~fund of the state~~ as provided in section 505.7.  
47 Sec.\_\_\_\_. Section 524.207, subsections 1, 3, and  
48 4, Code 2009, are amended to read as follows:  
49 1. ~~All~~ Except as otherwise provided by statute,  
50 all expenses required in the discharge of the duties

Page 23

1 and responsibilities imposed upon the banking division  
2 of the department of commerce, the superintendent, and  
3 the state banking council by the laws of this state  
4 shall be paid from fees provided by the laws of this

5 state and appropriated by the general assembly from  
 6 the ~~general fund of the state~~ department of commerce  
 7 revolving fund created in section 546.12. All of  
 8 these fees are payable to the superintendent. The  
 9 superintendent shall pay all the fees and other moneys  
 10 received by the superintendent to the treasurer of  
 11 state within the time required by section 12.10 and  
 12 the fees and other moneys shall be deposited into the  
 13 ~~general fund of the state~~ department of commerce  
 14 revolving fund created in section 546.12. ~~The~~  
 15 ~~superintendent may keep on hand with the treasurer of~~  
 16 ~~state funds in excess of the current needs of the~~  
 17 ~~division to the extent recommended by the state~~  
 18 ~~banking council.~~

19 3. The banking division may expend additional  
 20 funds, including funds for additional personnel, if  
 21 those additional expenditures are actual expenses  
 22 which exceed the funds budgeted for bank ~~or licensee~~  
 23 examinations or investigations and directly result  
 24 from examinations or investigations of banks ~~or~~  
 25 licensees. The amounts necessary to fund the excess  
 26 examination ~~or investigation~~ expenses shall be  
 27 collected from banks and licensees being regulated,  
 28 and the collections shall be treated as repayment  
 29 receipts as defined in section 8.2. The division  
 30 shall notify in writing the legislative services  
 31 agency and the department of management when hiring  
 32 additional personnel. The written notification shall  
 33 include documentation that any additional expenditure  
 34 related to such hiring will be totally reimbursed ~~to~~  
 35 ~~the general fund as provided in section 546.12,~~  
 36 subsection 2, and shall also include the division's  
 37 justification for hiring such personnel. The division  
 38 must obtain the approval of the department of  
 39 management only if the number of additional personnel  
 40 to be hired exceeds the number of full-time equivalent  
 41 positions authorized by the general assembly.

42 4. All fees and moneys collected shall be  
 43 deposited into the ~~general fund of the state~~  
 44 department of commerce revolving fund created in  
 45 section 546.12 and expenses required to be paid under  
 46 this section shall be paid from ~~funds moneys in the~~  
 47 department of commerce revolving fund and appropriated  
 48 for those purposes. ~~Moneys deposited into the general~~  
 49 ~~fund of the state pursuant to this section shall be~~  
 50 ~~subject to the requirements of section 8.60.~~

Page 24

1 Sec.\_\_\_\_. Section 533.111, subsections 1, 3, 4,  
 2 and 5, Code 2009, are amended to read as follows:  
 3 1. a. All expenses required in the discharge of

4 the duties and responsibilities imposed upon the  
5 credit union division, the superintendent, and the  
6 review board by the laws of this state shall be paid  
7 from fees provided by the laws of this state and  
8 appropriated by the general assembly from the ~~general~~  
9 ~~fund of the state~~ department of commerce revolving  
10 fund created in section 546.12.

11 b. All fees imposed under this chapter are payable  
12 to the superintendent, who shall pay all fees and  
13 other moneys received to the treasurer of state within  
14 the time required by section 12.10. The treasurer of  
15 state shall deposit such funds in the ~~general fund of~~  
16 ~~the state~~ department of commerce revolving fund  
17 created in section 546.12.

18 3. The credit union division may expend additional  
19 funds, including funds for additional personnel, if  
20 the additional expenditures are actual expenses that  
21 exceed the funds budgeted for credit union  
22 examinations and directly result from examinations of  
23 state credit unions.

24 a. The amounts necessary to fund the excess  
25 examination expenses shall be collected from state  
26 credit unions being regulated, and the collections  
27 shall be treated as repayment receipts as defined in  
28 section 8.2.

29 b. The division shall notify in writing the  
30 legislative services agency and the department of  
31 management when hiring additional personnel. The  
32 written notification shall include documentation that  
33 any additional expenditure related to such hiring will  
34 be totally reimbursed ~~to the general fund of the state~~  
35 as provided in section 546.12, subsection 2, and shall  
36 also include the division's justification for hiring  
37 such personnel. The division must obtain the approval  
38 of the department of management only if the number of  
39 additional personnel to be hired exceeds the number of  
40 full-time equivalent positions authorized by the  
41 general assembly.

42 4. a. All fees and other moneys collected shall  
43 be deposited into the ~~general fund of the state~~  
44 department of commerce revolving fund created in  
45 section 546.12 and expenses required to be paid under  
46 this section shall be paid from ~~funds moneys in the~~  
47 department of commerce revolving fund and appropriated  
48 for those purposes. ~~Moneys deposited into the general~~  
49 ~~fund of the state pursuant to this section shall be~~  
50 ~~subject to the requirements of section 8.60.~~

Page 25

1 b. Funds appropriated to the credit union division  
2 shall be subject at all times to the warrant of the

3 director of revenue, drawn upon written requisition of  
4 the superintendent or a designated representative, for  
5 the payment of all salaries and other expenses  
6 necessary to carry out the duties of the credit union  
7 division.

8 5. The credit union division may accept  
9 reimbursement of expenses related to the examination  
10 of a state credit union from the national credit union  
11 administration or any other guarantor or insurance  
12 plan authorized by this chapter. These reimbursements  
13 shall be deposited into the ~~general fund of the state~~  
14 department of commerce revolving fund created in  
15 section 546.12.

16 Sec.\_\_\_\_. Section 533A.14, Code 2009, is amended  
17 to read as follows:

18 533A.14 FEES TO STATE TREASURER.

19 All moneys received by the superintendent from  
20 fees, licenses and examinations pursuant to this  
21 chapter shall be deposited by the superintendent with  
22 the treasurer of state for deposit in the department  
23 of commerce revolving fund created in section 546.12.

24 Sec.\_\_\_\_. Section 534.305, Code 2009, is amended  
25 to read as follows:

26 534.305 REDEMPTION.

27 When funds are on hand for the purpose, the  
28 association may redeem by lot or otherwise, as the  
29 board of directors determines, all or any part of any  
30 of its savings accounts on a dividend date by giving  
31 thirty days' notice by registered mail addressed to  
32 the account holders at their last addresses recorded  
33 on the books of the association. An association shall  
34 not redeem its share accounts when the association is  
35 in an impaired condition or when it has applications  
36 for withdrawal which have been on file more than  
37 thirty days and have not been reached for payment.  
38 The redemption price of a savings account shall be the  
39 full value of the account redeemed, as determined by  
40 the board of directors, but the redemption value shall  
41 not be less than the withdrawal value. If the notice  
42 of redemption has been given, and if on or before the  
43 redemption date the funds necessary for the redemption  
44 have been set aside for redemptions, dividends upon  
45 the accounts called for redemption shall cease to  
46 accrue from and after the dividend date specified as  
47 the redemption date, and rights with respect to those  
48 accounts terminate as of the redemption date, subject  
49 only to the right of the account holder of record to  
50 receive the redemption value without interest.

2 redemption must be tendered for payment within ten  
3 years from the date of redemption designated in the  
4 redemption notice, or they shall be canceled and paid  
5 to the treasurer of state for deposit in the ~~general~~  
6 ~~fund of the state~~ department of commerce revolving  
7 fund created in section 546.12 and all claims of the  
8 account holders against the association are barred  
9 forever. Redemption shall not be made of any savings  
10 accounts which are held by a person who is a director  
11 and which are necessary to qualify the person to act  
12 as director.

13 Sec. \_\_\_\_\_. Section 534.408, Code 2009, is amended  
14 by adding the following new subsection:

15 NEW SUBSECTION. 3. All fees collected under this  
16 chapter shall be deposited with the treasurer of state  
17 in the department of commerce revolving fund created  
18 in section 546.12.

19 Sec. \_\_\_\_\_. NEW SECTION. 546.12 DEPARTMENT OF  
20 COMMERCE REVOLVING FUND.

21 1. A department of commerce revolving fund is  
22 created in the state treasury. The fund shall consist  
23 of moneys collected by the banking division; credit  
24 union division; utilities division, including moneys  
25 collected on behalf of the office of consumer advocate  
26 established in section 475A.3; and the insurance  
27 division of the department; and deposited into an  
28 account for that division or office within the fund on  
29 a monthly basis. Except as otherwise provided by  
30 statute, all costs for operating the office of  
31 consumer advocate and the banking division, the credit  
32 union division, the utilities division, and the  
33 insurance division of the department shall be paid  
34 from the division's accounts within the fund, subject  
35 to appropriation by the general assembly.

36 2. To meet cash flow needs for the office of  
37 consumer advocate and the banking division, credit  
38 union division, utilities division, or the insurance  
39 division of the department, the administrative head of  
40 that division or office may temporarily use funds from  
41 the general fund of the state to pay expenses in  
42 excess of moneys available in the revolving fund for  
43 that division or office if those additional  
44 expenditures are fully reimbursable and the division  
45 or office reimburses the general fund of the state and  
46 ensures all moneys are repaid in full by the close of  
47 the fiscal year. Because any general fund moneys used  
48 shall be fully reimbursed, such temporary use of funds  
49 from the general fund of the state shall not  
50 constitute an appropriation for purposes of

Page 27

1 calculating the state general fund expenditure  
 2 limitation pursuant to section 8.54.  
 3 Sec.\_\_\_\_. 2009 Iowa Acts, Senate File 475, section  
 4 2, if enacted, is amended by striking the section and  
 5 inserting in lieu thereof the following:

6 SEC. 2. OFFICE OF CONSUMER ADVOCATE. There is  
 7 appropriated from the department of commerce revolving  
 8 fund created in section 546.12, if enacted by 2009  
 9 Iowa Acts, House File 809, to the office of consumer  
 10 advocate of the department of justice for the fiscal  
 11 year beginning July 1, 2009, and ending June 30, 2010,  
 12 the following amount, or so much thereof as is  
 13 necessary, to be used for the purposes designated:

14 For salaries, support, maintenance, miscellaneous  
 15 purposes, and for not more than the following  
 16 full-time equivalent positions:

17 .....	\$ 3,138,888
18 .....	FTEs 27.00

19 DIVISION IX"

20 13. Page 33, by striking lines 16 through 22 and  
 21 inserting the following:

22 "Sec.\_\_\_\_. Section 237.18, subsections 3 and 4,  
 23 Code 2009, are amended to read as follows:

24 3. Assign the ~~case cases of each child children~~  
 25 receiving foster care ~~within the judicial district to~~  
 26 the appropriate local ~~board boards~~.

27 4. Assist local boards in reviewing ~~each case~~  
 28 ~~cases of a child children~~ receiving foster care, as  
 29 provided in section 237.20.

30 Sec.\_\_\_\_. Section 237.20, subsection 1, unnumbered  
 31 paragraph 1, Code 2009, is amended to read as follows:

32 Review ~~at least every six months~~ the case of each  
 33 child receiving foster care assigned to the local  
 34 board by the state board to determine whether  
 35 satisfactory progress is being made toward the goals  
 36 of the case permanency plan pursuant to section  
 37 237.22. ~~As much as is possible, review shall be~~  
 38 ~~conducted immediately prior to~~ The timing and  
 39 frequency of a review of each case by a local board  
 40 shall take into consideration the permanency goals,  
 41 placement setting, and frequency of any court reviews  
 42 of the case."

43 14. By renumbering as necessary.

Raecker of Polk asked and received unanimous consent that amendment H-1671 be deferred.

Alons of Sioux asked and received unanimous consent to



withdraw amendment H-1666, to the Senate amendment H-1662, filed by him on April 22, 2009.

Raecker of Polk offered the following amendment H-1672, to the Senate amendment H-1662, filed by him and moved its adoption:

H-1672

- 1 Amend the Senate amendment, H-1662, to House File
- 2 809, as amended, passed, and reprinted by the House,
- 3 as follows:
- 4 1. Page 4, by striking lines 31 and 32 and
- 5 inserting the following:
- 6 "\_\_\_\_. Page 20, by inserting after line 17 the
- 7 following:"
- 8 2. By renumbering as necessary.

Amendment H-1672 was adopted.

Hunter of Polk offered amendment H-1669, to the Senate amendment H-1662, filed by him and requested division as follows:

H-1669A

- 1 Amend the Senate amendment, H-1662, to House File
- 2 809, as amended, passed, and reprinted by the House,
- 3 as follows:
- 4 1. Page 4, by inserting after line 50 the
- 5 following:
- 6 "Sec.\_\_\_\_. VEHICLE DEPRECIATION FUNDS.
- 7 1. DEFINITIONS. For purposes of this section,
- 8 "applicable fiscal period" means the fiscal period
- 9 beginning on the effective date of this section and
- 10 ending June 30, 2010.
- 11 2. DEPARTMENT OF ADMINISTRATIVE SERVICES.
- 12 Notwithstanding any provision of section 8A.365 to the
- 13 contrary, a department or agency otherwise required to
- 14 pay depreciation expense pursuant to that section
- 15 shall not be required to pay depreciation expense
- 16 during the applicable fiscal period. Notwithstanding
- 17 section 8.33, moneys credited to a department or
- 18 agency in the depreciation fund in excess of the
- 19 amount determined by the department of administrative
- 20 services is necessary for motor vehicle maintenance
- 21 and insurance costs for the applicable fiscal period
- 22 for that department or agency, shall be returned to
- 23 the department or agency and used for the purposes of
- 24 that department or agency during the applicable fiscal
- 25 period.

26 3. STATE DEPARTMENT OF TRANSPORTATION.  
 27 Notwithstanding section 8.33 and any other provision  
 28 of law to the contrary, moneys in a depreciation fund  
 29 for the purchase of motor vehicles by the state  
 30 department of transportation in excess of the amount  
 31 determined by the state department of transportation  
 32 is necessary for motor vehicle maintenance and  
 33 insurance costs for the applicable fiscal period,  
 34 shall be returned to the state department of  
 35 transportation and used for the purposes of that  
 36 department during the applicable fiscal period.

H-1669B

37 4. BOARD OF REGENTS INSTITUTIONS. Notwithstanding  
 38 section 8.33 and any other provision of law to the  
 39 contrary, moneys in a depreciation fund for the  
 40 purchase of motor vehicles by an institution under the  
 41 control of the state board of regents in excess of the  
 42 amount determined by that institution is necessary for  
 43 motor vehicle maintenance and insurance costs for the  
 44 applicable fiscal period, shall be returned to the  
 45 institution under the control of the state board of  
 46 regents and used for the purposes of that institution  
 47 during the applicable fiscal period.

H-1669A

48 Sec.\_\_\_\_. EFFECTIVE DATE. The section of this  
 49 division of this Act concerning vehicle depreciation  
 50 funds, being deemed of immediate importance, takes

Page 2

1 effect upon enactment."  
 2 2. By renumbering as necessary.

Hunter of Polk moved the adoption of amendment H-1669A to the Senate amendment H-1662.

Roll call was requested by Raecker of Polk and Smith of Marshall.

On the question "Shall amendment H-1669A to the Senate amendment H-1662 be adopted?" (H.F. 809)

The ayes were, 95:

Abdul-Samad	Alons	Anderson	Arnold
Bailey	Baudler	Beard	Bell
Berry	Bukta	Burt	Cphoon

Cownie	De Boef	Deyoe	Dolecheck
Drake	Ficken	Ford	Forristall
Frevert	Gaskill	Gayman	Grassley
Hagenow	Heaton	Heddens	Helland
Horbach	Hunter	Huseman	Huser
Isenhardt	Jacoby	Kaufmann	Kearns
Kelley	Koester	Kressig	Kuhn
Lensing	Lukan	Lykam	Marek
Mascher	May	McCarthy	Mertz
Miller, H.	Miller, L.	Oldson	Olson, D.
Olson, R.	Olson, S.	Olson, T.	Palmer
Paulsen	Pettengill	Quirk	Raecker
Reasoner	Reichert	Roberts	Sands
Schueler	Schulte	Schultz	Shomshor
Smith	Soderberg	Sorenson	Steckman
Struyk	Swaim	Sweeney	Taylor, D.
Taylor, T.	Thede	Thomas	Tjepkes
Tymeson	Upmeyer	Wagner	Watts
Wendt	Wenthe	Wessel-Kroeschell	Whitaker
Whitead	Willems	Winckler	Windschitl
Worthan	Zirkelbach	Petersen, Presiding	

The nays were, none.

Absent or not voting, 5:

Chambers	Murphy, Spkr.	Rants	Rayhons
Van Engelenhoven			

Amendment H-1669A was adopted.

Hunter of Polk asked and received unanimous consent to withdraw amendment H-1669B to the Senate amendment H-1662.

Pettengill of Benton offered the following amendment H-1673, to the Senate amendment H-1662, filed by Raecker of Polk and moved its adoption:

H-1673

- 1 Amend the Senate amendment, H-1662, to House File
- 2 809, as amended, passed, and reprinted by the House,
- 3 as follows:
- 4 1. Page 5, by striking lines 26 and 27 and
- 5 inserting the following:
- 6 "\_\_\_\_. Page 31, by inserting after line 23 the
- 7 following:"
- 8 2. By renumbering as necessary.

Roll call was requested by Pettengill of Benton and Raecker of Polk.

On the question "Shall amendment H-1673 to the Senate amendment H-1662 be adopted?" (H.F. 809)

The ayes were, 43:

Alons	Anderson	Arnold	Baudler
Cownie	De Boef	Deyoe	Dolecheck
Drake	Forristall	Frevert	Grassley
Hagenow	Heaton	Helland	Horbach
Huseman	Kaufmann	Koester	Lukan
May	Mertz	Miller, L.	Olson, S.
Palmer	Paulsen	Pettengill	Raecker
Roberts	Sands	Schulte	Schultz
Soderberg	Sorenson	Struyk	Sweeney
Tjepkes	Tymeson	Upmeyer	Wagner
Watts	Windschitl	Worthan	

The nays were, 53:

Abdul-Samad	Bailey	Beard	Bell
Berry	Bukta	Burt	Cohoon
Ficken	Ford	Gaskill	Gayman
Heddens	Hunter	Huser	Isenhart
Jacoby	Kearns	Kelley	Kressig
Kuhn	Lensing	Lykam	Marek
Mascher	McCarthy	Miller, H.	Murphy, Spkr.
Oldson	Olson, D.	Olson, R.	Olson, T.
Quirk	Reasoner	Reichert	Schueller
Shomshor	Smith	Steckman	Swaim
Taylor, D.	Taylor, T.	Thede	Thomas
Wendt	Wenthe	Wessel-Kroeschell	Whitaker
Whitead	Willems	Winckler	Zirkelbach
Petersen, Presiding			

Absent or not voting, 4:

Chambers	Rants	Rayhons	Van Engelenhoven
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Amendment H-1673 lost.

Hunter of Polk offered the following amendment H-1668, to the Senate amendment H-1662, filed by him and moved its adoption:

H-1668

- 1 Amend the Senate amendment, H-1662, to House File
- 2 809, as amended, passed, and reprinted by the House,
- 3 as follows:
- 4 1. By striking page 5, line 35, through page 6,
- 5 line 6.
- 6 2. By renumbering as necessary.

A non-record roll call was requested.

The ayes were 63, nays 24.

Amendment H-1668 was adopted.

Pettengill of Benton asked and received unanimous consent to withdraw amendment H-1671, previously deferred, to the Senate amendment H-1662, filed by Raecker of Polk on April 22, 2009.

McCarthy of Polk asked and received unanimous consent that House File 809 be deferred and that the bill retain its place on the calendar.

The House stood at ease at 11:08 a.m., until the fall of the gavel.

The House resumed session at 11:53 a.m., T. Taylor of Linn in the chair.

On motion by Whitaker of Van Buren, the House was recessed at 11:53 a.m., until 1:15 p.m.

#### AFTERNOON SESSION

The House reconvened at 1:20 p.m., Zirkelbach of Jones in the chair.

#### QUORUM CALL

A non-record roll call was requested to determine that a quorum was present. The vote revealed eighty-eight members present, twelve absent.

McCarthy of Polk asked and received unanimous consent to resume consideration of House File 809.

Hunter of Polk moved that the House concur in the Senate amendment H-1662, as amended.

The House concurred with the Senate Amendment H-1662, as amended.

Hunter of Polk moved that the bill, as amended by the Senate, further amended and concurred in by the House, be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 809)

The ayes were, 54:

Abdul-Samad	Bailey	Beard	Bell
Berry	Bukta	Burt	Cohoon
Ficken	Ford	Frevert	Gaskill
Gayman	Heddens	Hunter	Isenhart
Jacoby	Kearns	Kelley	Kressig
Lensing	Lykam	Marek	Mascher
McCarthy	Mertz	Miller, H.	Murphy, Spkr.
Oldson	Olson, D.	Olson, R.	Olson, T.
Palmer	Petersen	Quirk	Reasoner
Reichert	Schueller	Shomshor	Smith
Steckman	Swaim	Taylor, D.	Taylor, T.
Thede	Thomas	Wendt	Wenthe
Wessel-Kroeschell	Whitaker	Whitead	Willems
Winckler	Zirkelbach, Presiding		

The nays were, 41:

Alons	Anderson	Arnold	Baudler
Cownie	De Boef	Deyoe	Dolecheck
Drake	Forristall	Grassley	Hagenow
Heaton	Helland	Horbach	Huseman
Huser	Kaufmann	Koester	Lukan
May	Miller, L.	Olson, S.	Paulsen
Pettengill	Raecker	Roberts	Sands
Schulte	Schultz	Soderberg	Sorenson
Struyk	Sweeney	Tjepkes	Tymeson
Upmeyer	Wagner	Watts	Windschitl
Worthan			

Absent or not voting, 5:

Chambers	Kuhn	Rants	Rayhons
Van Engelenhoven			

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

### INTRODUCTION OF BILL

**House File 829**, by Helland, a bill for an act providing for agriculture and natural resources, by providing for the reorganization of state agencies, providing for the management of funds, fees, and appropriations, and making penalties applicable.

Read first time and referred to committee on **state government**.

### IMMEDIATE MESSAGE

McCarthy of Polk asked and received unanimous consent that **House File 809** be immediately messaged to the Senate.

On motion by McCarthy of Polk, the House was recessed at 1:40 p.m., until 2:45 p.m.

### AFTERNOON SESSION

The House reconvened at 3:08 p.m., Speaker Murphy in the chair.

### HOUSE REFUSED TO CONCUR

Smith of Marshall called up for consideration **Senate File 389**, a bill for an act relating to health care, health care providers, and health care coverage, providing penalties, and providing retroactive and other effective dates, amended by the House, further amended by the Senate and moved that the House concur in the following Senate amendment H-1661 to the House amendment:

H-1661

- 1 Amend the House amendment, S-3296, to Senate File
- 2 389, as amended, passed, and reprinted by the Senate,
- 3 as follows:
- 4 1. Page 1, by striking lines 27 through 40, and
- 5 inserting the following:
- 6 "(1) A person who represents the federation of
- 7 Iowa insurers.
- 8 (2) A person who represents the independent
- 9 insurance agents of Iowa.

- 10 (3) A person who represents the Iowa association  
11 of health underwriters.
- 12 (4) A health care provider who is designated by  
13 the medical home system advisory council.
- 14 (5) A person who represents the Iowa federation of  
15 labor.
- 16 (6) A consumer designated by AARP.
- 17 (7) A consumer designated by the Iowa citizen  
18 action network.
- 19 (8) A consumer designated by the Iowa community  
20 action association, who is a member of a racial  
21 minority group.
- 22 (9) A person designated by the small business  
23 development centers, who represents small businesses.
- 24 (10) A person designated by the united way  
25 organizations in Iowa, who represents a nonprofit  
26 entity.
- 27 (11) A health care economist who is on the faculty  
28 of a state board of regents institution."
- 29 2. Page 1, line 41, by striking the word "may"  
30 and inserting the following: "shall".
- 31 3. Page 1, line 42, by striking the word  
32 "coordinator" and inserting the following: "person or  
33 persons".
- 34 4. Page 1, line 43, by striking the word  
35 "coordinator" and inserting the following: "person or  
36 persons employed or contracted with to assist the  
37 commission".
- 38 5. Page 3, lines 29 and 30, by striking the words  
39 "health insurance experts" and inserting the  
40 following: "experts or groups with expertise in  
41 health care coverage".
- 42 6. Page 4, line 23, by striking the words "health  
43 insurance experts" and inserting the following:  
44 "experts or groups with expertise in health care  
45 coverage".
- 46 7. Page 4, line 30, by striking the words "last  
47 report" and inserting the following: "previous annual  
48 report provided on January 1, 2010, including but not  
49 limited to information about health care coverage for  
50 adults, including enrollment information, that was

Page 2

- 1 available for purchase by the public by July 1, 2010,  
2 consistent with the commission's recommendations and  
3 priorities, and including further recommendations and  
4 prioritization of those recommendations".

The motion lost and the House refused to concur in the Senate amendment H-1661, to the House amendment.



## IMMEDIATE MESSAGE

McCarthy of Polk asked and received unanimous consent that **Senate File 389** be immediately messaged to the Senate.

## SENATE AMENDMENT CONSIDERED

Berry of Black Hawk called up for consideration **Senate File 433**, a bill for an act relating to the classification and assessment of violations in health care facilities and assisted living programs and providing penalties, amended by the House, further amended by the Senate and moved that the House concur in the following Senate amendment H-1670 to the House amendment:

H-1670

1 Amend the House amendment, S-3266, to Senate File  
2 433, as amended, passed, and reprinted by the Senate,  
3 as follows:

4 1. Page 1, by inserting after line 37 the  
5 following:

6 "\_\_\_\_. Page 2, by striking line 19 and inserting  
7 the following: "such practice prior to an inspection,  
8 no"."

9 2. Page 1, by inserting before line 38 the  
10 following:

11 "\_\_\_\_. Page 2, by striking lines 22 through 24 and  
12 inserting the following: "to section 135C.33; 481 IAC  
13 § 57.12(2)(d), 57.12(3), 57.15(5), 57.25(1), 57.39,  
14 58.11(3), 58.14(5), 58.19(2)(a), 58.19(2)(h),  
15 58.28(1)(a), 58.43, 62.9(5), 62.15(1)(a), 62.19(2)(c),  
16 62.19(7), 62.23(23)-(25), 63.11(2)(d), 63.11(3),  
17 63.23(1)(a), 63.37, 64.4(9), 64.33, 64.34, 65.9(5),  
18 65.15, or 65.25(3)-(5), or the successor to any of  
19 such rules; or 42 C.F.R. § 483.420(d), 483.460(c)(4),  
20 or 483.470(j), or the successor to any of such federal  
21 regulations.""

22 3. Page 2, by inserting after line 23 the  
23 following:

24 "\_\_\_\_. Page 4, by inserting after line 16 the  
25 following:

26 "Sec.\_\_\_\_. Section 135C.43, subsection 1, Code  
27 2009, is amended to read as follows:

28 1. A facility which desires to ~~contest a citation~~  
29 ~~for a Class I violation, or to~~ further contest an  
30 affirmed or modified citation for a Class I, Class II,  
31 or Class III violation, may do so in the manner  
32 provided by chapter 17A for contested cases. Notice

33 of intent to formally contest a citation shall be  
 34 given the department in writing within five days ~~after~~  
 35 ~~service of a citation for a Class I violation, or~~  
 36 ~~within five days~~ after the informal conference or  
 37 after receipt of the written explanation of the  
 38 representative delegated to hold the informal  
 39 conference, whichever is applicable, in the case of an  
 40 affirmed or modified citation for a Class I, Class II,  
 41 or Class III violation. A facility which has  
 42 exhausted all adequate administrative remedies and is  
 43 aggrieved by the final action of the department may  
 44 petition for judicial review in the manner provided by  
 45 chapter 17A.""  
 46 4. By renumbering as necessary.

Zirkelbach of Jones in the chair at 3:15 p.m.

The motion prevailed and the House concurred in the Senate amendment H-1670, to the House amendment.

Berry of Black Hawk moved that the bill, as amended by the House, further amended by the Senate and concurred in by the House, be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 433)

The ayes were, 96:

Abdul-Samad	Alons	Anderson	Arnold
Bailey	Baudler	Beard	Bell
Berry	Bukta	Burt	Cohoon
Cownie	De Boef	Deyoe	Dolecheck
Drake	Ficken	Ford	Forristall
Frevert	Gaskill	Gayman	Grassley
Hagenow	Heaton	Heddens	Helland
Horbach	Hunter	Huseman	Huser
Isenhardt	Jacoby	Kaufmann	Kearns
Kelley	Koester	Kressig	Kuhn
Lensing	Lukan	Lykam	Marek
Mascher	May	McCarthy	Mertz
Miller, H.	Miller, L.	Murphy, Spkr.	Oldson
Olson, D.	Olson, R.	Olson, S.	Olson, T.
Palmer	Paulsen	Petersen	Pettengill
Quirk	Raecker	Reasoner	Reichert
Roberts	Sands	Schueller	Schulte
Schultz	Shomshor	Smith	Soderberg
Sorenson	Steckman	Struyk	Swaim
Sweeney	Taylor, D.	Taylor, T.	Thede

Thomas	Tjepkes	Tymeson	Upmeyer
Wagner	Watts	Wendt	Wenthe
Wessel-Kroeschell	Whitaker	Whitead	Willems
Winckler	Windschitl	Worthan	Zirkelbach, Presiding

The nays were, none.

Absent or not voting, 4:

Chambers	Rants	Rayhons	Van Engelenhoven
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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 MESSAGE

McCarthy of Polk asked and received unanimous consent that **Senate File 433** be immediately messaged to the Senate.

### ADOPTION OF THE REPORT OF THE CONFERENCE COMMITTEE (House File 671)

Bukta of Clinton called up for consideration the report of the conference committee on House File 671 and moved the adoption of the conference committee report and the amendments contained therein, from the floor as follows:

#### REPORT OF THE CONFERENCE COMMITTEE ON HOUSE FILE 671

To the Speaker of the House of Representatives and the President of the Senate:

We, the undersigned members of the conference committee appointed to resolve the differences between the House of Representatives and the Senate on House File 671, a bill for an Act providing volunteer emergency services providers protection from employment termination, respectfully make the following report:

1. That the Senate recedes from its amendment, H-1441.
2. That House File 671, as passed by the House, is amended as follows:

1. Page 1, by inserting before line 1 the following: "Section 1. Section 80.28, subsection 2, paragraph b, unnumbered paragraph 1, Code 2009, as amended by 2009 Iowa Acts, Senate File 108, section 1, is amended to read as follows:

~~The following members, to be appointed by the governor from nominees submitted by volunteer and professional organizations associated with the following~~ The governor

shall solicit and consider recommendations from professional or volunteer organizations in appointing the following members:"

2. Page 2, by inserting after line 19 the following: "Sec.\_\_\_\_. Section 357J.4, Code 2009, is amended to read as follows:

357J.4 DISTRICT – BOUNDARY CHANGES.

1. The boundary lines of a district may include any incorporated or unincorporated areas within a county.

2. The boundary lines of a district shall not be changed after the district is established except as provided in this subsection.

a. The boundary lines of a district shall be changed and shall become effective immediately upon approval of all of the following:

(1) The commission.

(2) The board of township trustees of the area proposed to be included or excluded from the district.

(3) The district fire chief.

(4) The assistant fire chief who is responsible for delivery of fire protection service and emergency medical service within the area proposed to be excluded from the district, if applicable.

(5) The fire chief of a fire department in the area proposed to be included in the district, if applicable.

b. The boundary lines of a district shall be changed to exclude a city or the unincorporated areas of a township if the commission receives a written request from the governing body of the city or the board of township trustees, as applicable, requesting exclusion from the district. However, a boundary change under this paragraph shall become effective no earlier than eighteen months following receipt of the written request.

Sec.\_\_\_\_. EFFECTIVE AND RETROACTIVE APPLICABILITY DATES. The section of this Act amending section 80.28, being deemed of immediate importance, takes effect upon enactment and applies retroactively to March 19, 2009. The section of this Act amending section 357J.4, being deemed of immediate importance, takes effect upon enactment and applies retroactively to July 1, 2008."

3. Title page, by striking lines 1 and 2 and inserting the following: "An Act relating to public safety by providing volunteer emergency services providers protection from employment termination, providing for the membership of the public safety communications interoperability board, providing for modifications in the boundaries of emergency response districts, and including effective and retroactive applicability date provisions."

4. By renumbering as necessary.

ON THE PART OF THE HOUSE:

ON THE PART OF THE SENATE:

POLLY BUKTA, Chair  
 KERRY BURT  
 BOB KRESSIG  
 STEVE LUKAN  
 GARY WORTHAN

TOM HANCOCK, Chair  
 JEFF DANIELSON  
 STEVE KETTERING  
 LARRY NOBLE  
 STEVE SODDERS

The motion prevailed and the conference committee report was adopted.

Bukta of Clinton moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 671)

The ayes were, 94:

Abdul-Samad	Alons	Anderson	Arnold
Bailey	Baudler	Beard	Bell
Berry	Bukta	Burt	Cohoon
Cownie	De Boef	Deyoe	Dolecheck
Drake	Ficken	Forristall	Frevert
Gayman	Grassley	Hagenow	Heaton
Heddens	Helland	Horbach	Hunter
Huseman	Huser	Isenhart	Jacoby
Kaufmann	Kearns	Kelley	Koester
Kressig	Kuhn	Lensing	Lukan
Lykam	Marek	Mascher	May
McCarthy	Mertz	Miller, H.	Miller, L.
Murphy, Spkr.	Oldson	Olson, D.	Olson, R.
Olson, S.	Olson, T.	Palmer	Paulsen
Petersen	Pettengill	Quirk	Raecker
Reasoner	Reichert	Roberts	Sands
Schueller	Schulte	Schultz	Shomshor
Smith	Soderberg	Sorenson	Steckman
Struyk	Swaim	Sweeney	Taylor, D.
Taylor, T.	Thede	Thomas	Tjepkes
Tymeson	Upmeyer	Wagner	Watts
Wendt	Wenthe	Wessel-Kroeschell	Whitaker
Whitead	Willems	Winckler	Windschitl
Worthan	Zirkelbach,		
	Presiding		

The nays were, none.

Absent or not voting, 6:

Chambers	Ford	Gaskill	Rants
Rayhons	Van Engelenhoven		

The bill having received a constitutional majority was declared to have passed the House and the title, as amended, was agreed to.

### IMMEDIATE MESSAGE

McCarthy of Polk asked and received unanimous consent that **House File 671** be immediately messaged to the Senate.

### SENATE AMENDMENT CONSIDERED

T. Olson of Linn called up for consideration **House File 759**, a bill for an act requiring counties and cities with flood hazard areas within their boundaries to participate in the national flood insurance program, amended by the Senate amendment H-1559 as follows:

H-1559

- 1 Amend House File 759, as amended, passed, and
- 2 reprinted by the House, as follows:
- 3 1. Page 1, line 10, by striking the word "July"
- 4 and inserting the following: "June".
- 5 2. Page 1, by striking lines 21 through 25.
- 6 3. Page 1, line 26, by inserting after the word
- 7 "assistance" the following: "for a flood-related
- 8 disaster".
- 9 4. Page 1, line 29, by inserting after the word
- 10 "to" the following: "the terms, conditions, and
- 11 deadlines set forth in".
- 12 5. Page 1, by inserting after line 29 the
- 13 following:
- 14 "Sec. \_\_\_\_ FLOOD INSURANCE REPORT. The
- 15 commissioner of insurance, in collaboration with the
- 16 rebuild Iowa office and the homeland security and
- 17 emergency management division of the Iowa department
- 18 of public defense, shall develop recommendations on
- 19 policies and incentives to expand the availability and
- 20 procurement of flood insurance in the state, which
- 21 shall be contained in a report transmitted to the
- 22 chairperson and ranking member of the Iowa senate
- 23 rebuild Iowa committee and the Iowa house of
- 24 representatives rebuild Iowa and disaster recovery
- 25 committee by November 15, 2009."
- 26 6. Title page, line 3, by inserting after the

27 word "program" the following: "and requiring  
 28 preparation of a flood insurance report by the  
 29 commissioner of insurance".  
 30 7. By renumbering, relettering, or redesignating  
 31 and correcting internal references as necessary.

T. Olson of Linn offered the following amendment H-1677, to the Senate amendment H-1559, filed by him from the floor and moved its adoption:

H-1677

1 Amend the Senate amendment, H-1559, to House File  
 2 759, as amended, passed, and reprinted by the House,  
 3 as follows:  
 4 1. Page 1, by inserting after line 4 the  
 5 following:  
 6 "\_\_\_\_. Page 1, line 10, by striking the figure  
 7 "2013" and inserting the following: "2011".  
 8 \_\_\_\_\_. Page 1, line 16, by striking the word  
 9 "sixty" and inserting the following: "twenty-four"."

Amendment H-1677 was adopted.

T. Olson of Linn moved that the House concur in the Senate amendment H-1559, as amended.

The motion prevailed and the House concurred in the Senate amendment H-1559, as amended.

T. Olson of Linn moved that the bill, as amended by the Senate, further amended and concurred in by the House, be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 759)

The ayes were, 95:

Abdul-Samad	Alons	Anderson	Arnold
Bailey	Baudler	Beard	Bell
Berry	Bukta	Burt	Cohoon
Cownie	De Boef	Deyoe	Dolecheck
Drake	Ficken	Ford	Forristall
Frevert	Gaskill	Gayman	Grassley
Hagenow	Heaton	Heddens	Helland
Horbach	Hunter	Huseman	Huser

Isenhart	Jacoby	Kaufmann	Kearns
Kelley	Koester	Kressig	Kuhn
Lensing	Lukan	Lykam	Marek
Mascher	May	McCarthy	Mertz
Miller, H.	Miller, L.	Oldson	Olson, D.
Olson, R.	Olson, S.	Olson, T.	Palmer
Paulsen	Petersen	Pettengill	Quirk
Raecker	Reasoner	Reichert	Roberts
Sands	Schueller	Schulte	Schultz
Shomshor	Smith	Soderberg	Sorenson
Steckman	Struyk	Swaim	Sweeney
Taylor, D.	Taylor, T.	Thede	Thomas
Tjepkes	Tymeson	Upmeyer	Wagner
Watts	Wendt	Wenthe	Wessel-Kroeschell
Whitaker	Whitead	Willems	Winckler
Windschitl	Worthan	Zirkelbach, Presiding	

The nays were, none.

Absent or not voting, 5:

Chambers	Murphy, Spkr.	Rants	Rayhons
Van Engelenhoven			

The bill having received a constitutional majority was declared to have passed the House and the title, as amended, was agreed to.

### IMMEDIATE MESSAGE

McCarthy of Polk asked and received unanimous consent that **House File 759** be immediately messaged to the Senate.

### CONSIDERATION OF BILLS

#### Regular Calendar

**Senate File 484**, a bill for an act relating to regulatory requirements involving boarding homes and dependent adults and providing an appropriation and a penalty, with report of committee recommending passage, was taken up for consideration.

Jacoby of Johnson asked and received unanimous consent that amendment H-1652 be deferred.

Jacoby of Johnson offered the following amendment H-1676 filed by him and Watts of Dallas from the floor and moved its adoption:



H-1676

- 1 Amend Senate File 484, as amended, passed, and  
2 reprinted by the Senate, as follows:
- 3 1. Page 3, line 29, by inserting after the word  
4 "chapter." the following: "The information made  
5 available to the public pursuant to this section shall  
6 not include information which is kept confidential  
7 under section 22.7."
- 8 2. By striking page 6, line 35, through page 7,  
9 line 7, and inserting the following: "transfer except  
10 as specifically provided by law. Moneys in the fund  
11 shall be used for costs associated with the department  
12 of inspections and appeals' efforts to address medical  
13 assistance program fraud and abuse and for costs  
14 incurred by the department of".
- 15 3. Page 7, line 14, by inserting after the word  
16 "expenditures." the following: "This unnumbered  
17 paragraph is repealed on July 1, 2012."
- 18 4. Page 7, by inserting after line 14 the  
19 following:  
20 "Sec.\_\_\_\_. MEDICAID FRAUD ACCOUNT. There is  
21 appropriated from the Medicaid fraud account created  
22 in this Act to the department of inspections and  
23 appeals for the fiscal year beginning July 1, 2009,  
24 and ending June 30, 2010, the amount necessary for the  
25 state financial match requirement for meeting the  
26 federal mandates connected with the department's  
27 Medicaid fraud and abuse activities, and the amount  
28 necessary to cover costs incurred by the department or  
29 other agencies in providing regulation, responding to  
30 allegations, or other activity involving chapter  
31 1350."
- 32 5. By renumbering as necessary.

Amendment H-1676 was adopted.

Jacoby of Johnson asked and received unanimous consent to withdraw amendment H-1652, previously deferred, filed by him on April 21, 2009.

Lensing 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. 484)

The ayes were, 93:

Abdul-Samad	Alons	Anderson	Arnold
Bailey	Baudler	Beard	Bell
Berry	Bukta	Burt	Cohoon
Cownie	De Boef	Deyoe	Dolecheck
Drake	Ficken	Ford	Forristall
Frevert	Gaskill	Gayman	Grassley
Hagenow	Heaton	Heddens	Helland
Horbach	Hunter	Huseman	Huser
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, S.	Olson, T.	Palmer	Paulsen
Petersen	Pettengill	Quirk	Raecker
Reasoner	Reichert	Roberts	Sands
Schueller	Schulte	Schultz	Smith
Soderberg	Sorenson	Steckman	Struyk
Swaim	Sweeney	Taylor, D.	Taylor, T.
Thede	Thomas	Tjepkes	Tymeson
Upmeyer	Wagner	Watts	Wendt
Wenthe	Wessel-Kroeschell	Whitaker	Whitead
Willems	Winckler	Windschitl	Worthan
Zirkelbach, Presiding			

The nays were, none.

Absent or not voting, 7:

Chambers	Mertz	Olson, R.	Rants
Rayhons	Shomshor	Van Engelenhoven	

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

### IMMEDIATE MESSAGE

McCarthy of Polk asked and received unanimous consent that **Senate File 484** be immediately messaged to the Senate.

### SENATE AMENDMENT CONSIDERED

Heddens of Story called up for consideration **House File 811**, a bill for an act relating to and making appropriations for health and human services and including other related provisions and

appropriations, providing penalties, making penalties applicable and providing effective, retroactive, and applicability date provisions, amended by the Senate amendment H-1630:

H-1630

- 1 Amend House File 811 as amended, passed, and
- 2 reprinted by the House, as follows:
- 3 1. Page 16, line 29, by striking the figure
- 4 "5,266,946" and inserting the following: "5,496,946".
- 5 2. Page 18, by inserting after line 4 the
- 6 following:
- 7 "5A. It is the intent of the general assembly that
- 8 the department of human services review the
- 9 feasibility of expanding categorical food assistance
- 10 program eligibility in Iowa to at least 160 percent of
- 11 the applicable federal poverty level and simplifying
- 12 administrative requirements by eliminating current
- 13 asset tests for food assistance program eligibility.
- 14 The department shall estimate the potential economic
- 15 benefits and fiscal impact of making these changes on
- 16 individual Iowa families and the state. The
- 17 department shall report on or before December 15,
- 18 2009, concerning the review, providing findings and
- 19 recommendations, to the persons designated by this
- 20 division of this Act for submission of reports."
- 21 3. Page 18, line 17, by striking the figure
- 22 "34,342,700" and inserting the following:
- 23 "34,592,700".
- 24 4. Page 18, line 20, by striking the figure
- 25 "2,268,271" and inserting the following: "2,518,271".
- 26 5. Page 21, line 24, by striking the figure
- 27 "678,038,847" and inserting the following:
- 28 "677,613,847".
- 29 6. Page 29, line 29, by striking the figure
- 30 "37,799,472" and inserting the following:
- 31 "37,974,472".
- 32 7. Page 31, line 20, by striking the figure
- 33 "175,000" and inserting the following: "350,000".
- 34 8. Page 32, by striking lines 1 through 8.
- 35 9. Page 33, line 30, by striking the figure
- 36 "34,280,400" and inserting the following:
- 37 "34,200,400".
- 38 10. Page 39, by striking lines 14 through 22.
- 39 11. Page 39, by inserting before line 23 the
- 40 following:
- 41 "    . Of the funds appropriated in this section,
- 42 \$80,000 shall be transferred to the appropriation made
- 43 in this division of this Act for the family support
- 44 subsidy program to supplement that appropriation."
- 45 12. Page 40, by striking lines 13 through 21.

46 13. Page 41, by inserting after line 20 the  
47 following:  
48 "3. If at any time during the fiscal year, the  
49 amount of funding available for the family support  
50 subsidy program is reduced from the amount initially

Page 2

1 used to establish the figure for the number of family  
2 members for whom a subsidy is to be provided at any  
3 one time during the fiscal year, notwithstanding  
4 section 225C.38, subsection 2, the department shall  
5 revise the figure as necessary to conform to the  
6 amount of funding available."

7 14. By striking page 42, line 34, through page  
8 43, line 9.

9 15. Page 44, by striking lines 21 through 27.

10 16. Page 46, lines 33 and 34, by striking the  
11 words "approved county management plan" and inserting  
12 the following: "county management plan approved by  
13 the board of supervisors".

14 17. Page 61, by striking lines 21 through 30.

15 18. Page 61, by inserting before line 31 the  
16 following:

17 "Sec. \_\_\_\_ PHARMACY-RELATED ISSUES – INTERIM.

18 1. The legislative council is requested to  
19 establish a legislative study committee for the 2009  
20 interim to identify strategies and solutions to  
21 address problems arising from inappropriate medication  
22 use in the health care system.

23 2. The study committee shall consist of members of  
24 the general assembly, and representatives of the  
25 department of public health, the Iowa pharmacy  
26 association, the Iowa medical society, wellmark blue  
27 cross blue shield, the principal financial group, the  
28 university of Iowa college of public health, the Iowa  
29 retail federation, the prevention and chronic care  
30 management advisory council established in section  
31 135.161, the medical home system advisory council  
32 established in section 135.159, the Iowa healthcare  
33 collaborative, as defined in section 135.40, the  
34 health policy corporation of Iowa, and the Iowa  
35 foundation for medical care.

36 3. The study committee shall document the extent  
37 and causes of medication use problems and examine  
38 potential solutions including medication therapy  
39 management programs, evidence-based prescriber  
40 education programs, clinical pharmacy services in the  
41 primary medical home, collaborative practice models of  
42 care, and quality and performance-based payment  
43 systems.

44 4. The study committee shall submit a report of

45 its findings and recommendations to the general  
46 assembly for consideration during the 2010 legislative  
47 session."  
48 19. Page 71, by inserting after line 9 the  
49 following:  
50 "Sec.\_\_\_\_. Section 426B.5, subsection 2, paragraph

Page 3

1 i, subparagraph (3), Code 2009, is amended to read as  
2 follows:  
3 (3) Avoiding the need for reduction or elimination  
4 of a mobile crisis team or other critical emergency  
5 services when the reduction or elimination places the  
6 public's health or safety at risk."  
7 20. Page 76, by striking lines 10 through 13, and  
8 inserting the following: "efforts of the bodies."  
9 21. Page 78, line 10, by striking the figure  
10 "891,219" and inserting the following: "999,219".  
11 22. Page 78, line 13, by striking the figure  
12 "346,224" and inserting the following: "454,224".  
13 23. Page 78, line 24, by striking the figure  
14 "2,253,507" and inserting the following: "2,720,507".  
15 24. Page 80, line 22, by striking the figure  
16 "61,350" and inserting the following: "225,350".  
17 25. Page 80, line 27, by inserting after the  
18 figure "2006." the following: "The department of  
19 public health shall report to the persons designated  
20 in division I of this Act for submission of reports  
21 regarding use of the funds allocated in this lettered  
22 paragraph, on or before January 10, 2010."  
23 26. Page 80, by striking line 28, and inserting  
24 the following:  
25 "g. (1) Of the funds appropriated in this  
26 subsection, \$347,520".  
27 27. Page 80, by inserting after line 33 the  
28 following:  
29 "(2) Of the funds appropriated in this subsection,  
30 \$70,000 shall be used to provide conference  
31 scholarships to direct care workers.  
32 (3) The association specified in this lettered  
33 paragraph shall report to the persons designated in  
34 division I of this Act for submission of reports on or  
35 before January 1, 2010, the use of the funds allocated  
36 in this lettered paragraph, any progress made  
37 regarding the initiatives specified and in expanding  
38 the association statewide, and the number of  
39 scholarships provided, and shall include in the report  
40 a copy of the association's internal revenue service  
41 form 990."  
42 28. Page 81, line 15, by striking the figure  
43 "111,409,156" and inserting the following:

44 "111,834,156".

45 29. Page 81, line 29, by striking the word

46 "sixteen" and inserting the following: "seventeen".

47 30. Page 84, by striking lines 5 through 12.

48 31. Page 85, by inserting after line 16 the

49 following:

50 "TRAINING FOR CHILD WELFARE SERVICES PROVIDERS

Page 4

1 Sec.\_\_\_\_. 2008 Iowa Acts, chapter 1187, section 9,

2 subsection 20, paragraph c, subparagraph (6), is

3 amended to read as follows:

4 (6) For training for child welfare services

5 providers, \$250,000. The training shall be developed

6 by the department in collaboration with the coalition

7 for children and family services in Iowa.

8 Notwithstanding section 8.33, moneys allocated in this

9 subparagraph that remain unencumbered or unobligated

10 at the close of the fiscal year shall not revert but

11 shall remain available for expenditure for the

12 purposes designated until the close of the succeeding

13 fiscal year."

14 32. Page 86, by inserting after line 6 the

15 following:

16 "FAMILY SUPPORT SUBSIDY SLOTS

17 Sec.\_\_\_\_. 2008 Iowa Acts, chapter 1187, section

18 19, is amended by adding the following new subsection:

19 NEW SUBSECTION. 3. If at any time during the

20 fiscal year, the amount of funding available for the

21 family support subsidy program is reduced from the

22 amount initially used to establish the figure for the

23 number of family members for whom a subsidy is to be

24 provided at any one time during the fiscal year,

25 notwithstanding section 225C.38, subsection 2, the

26 department shall revise the figure as necessary to

27 conform to the amount of funding available.

28 PREGNANCY COUNSELING

29 Sec.\_\_\_\_. 2008 Iowa Acts, chapter 1187, section

30 30, is amended by adding the following new unnumbered

31 paragraph:

32 NEW UNNUMBERED PARAGRAPH. Notwithstanding section

33 8.33, moneys appropriated in this section that remain

34 unencumbered or unobligated at the close of the fiscal

35 year shall remain available for expenditure for the

36 purpose designated until the close of the fiscal year

37 beginning July 1, 2010."

38 33. Page 97, by striking line 10 and inserting

39 the following: "~~chairperson, upon the request of a~~

40 ~~state agency, state medical examiner~~ or as".

41 34. Page 111, by inserting after line 17 the

42 following:

43 "DIVISION \_\_\_\_  
44 IOWACARE – NONPARTICIPATING  
45 PROVIDER – REIMBURSEMENT  
46 Sec. \_\_\_\_ NEW SECTION, 249J.24A  
47 NONPARTICIPATING PROVIDER REIMBURSEMENT FOR COVERED  
48 SERVICES – REIMBURSEMENT FUND.  
49 1. A nonparticipating provider may be reimbursed  
50 for covered expansion population services provided to

Page 5

1 an expansion population member by a nonparticipating  
2 provider, if the nonparticipating provider contacts  
3 the appropriate participating provider prior to  
4 providing covered services to verify consensus  
5 regarding one of the following courses of action:  
6 a. If the nonparticipating provider and the  
7 participating provider agree that the medical status  
8 of the expansion population member indicates it is  
9 medically possible to postpone provision of services,  
10 the nonparticipating provider shall direct the  
11 expansion population member to the appropriate  
12 participating provider for services.  
13 b. If the nonparticipating provider and the  
14 participating provider agree that the medical status  
15 of the expansion population member indicates it is not  
16 medically possible to postpone provision of services,  
17 the nonparticipating provider shall provide medically  
18 necessary services.  
19 c. If the nonparticipating provider and the  
20 participating provider agree that transfer of the  
21 expansion population member is not possible due to  
22 lack of available inpatient capacity, the  
23 nonparticipating provider shall provide medically  
24 necessary services.  
25 d. If the medical status of the expansion  
26 population member indicates a medical emergency and  
27 the nonparticipating provider is not able to contact  
28 the appropriate participating provider prior to  
29 providing medically necessary services, the  
30 nonparticipating provider shall document the medical  
31 emergency and inform the appropriate participating  
32 provider immediately after the member has been  
33 stabilized of any covered services provided.  
34 2. a. If the nonparticipating provider meets the  
35 requirements specified in subsection 1, the  
36 nonparticipating provider shall be reimbursed for  
37 covered expansion population services provided to the  
38 expansion population member through the  
39 nonparticipating provider reimbursement fund in  
40 accordance with rules adopted by the department of  
41 human services. However, any funds received from

42 participating providers, appropriated to participating  
43 providers, or deposited in the IowaCare account  
44 pursuant to section 249J.24, shall not be transferred  
45 or appropriated to the nonparticipating provider  
46 reimbursement fund or otherwise used to reimburse  
47 nonparticipating providers.  
48 b. Reimbursement of nonparticipating providers  
49 under this section shall be based on the reimbursement  
50 rates and policies applicable to the nonparticipating

Page 6

1 provider under the full benefit medical assistance  
2 program, subject to the availability of funds in the  
3 nonparticipating provider reimbursement fund and  
4 subject to the appropriation of moneys in the fund to  
5 the department.  
6 c. The department shall reimburse the  
7 nonparticipating provider only if the recipient of the  
8 services is an expansion population member with active  
9 eligibility status at the time the services are  
10 provided.  
11 3. a. A nonparticipating provider reimbursement  
12 fund is created in the state treasury under the  
13 authority of the department. Moneys designated for  
14 deposit in the fund that are received from sources  
15 including but not limited to appropriations from the  
16 general fund of the state, grants, and contributions,  
17 shall be deposited in the fund. However, any funds  
18 received from participating providers, appropriated to  
19 participating providers, or deposited in the IowaCare  
20 account pursuant to section 249J.24 shall not be  
21 transferred or appropriated to the nonparticipating  
22 provider reimbursement fund or otherwise used to  
23 reimburse nonparticipating providers.  
24 b. Moneys in the fund shall be separate from the  
25 general fund of the state and shall not be considered  
26 part of the general fund of the state. The moneys  
27 deposited in the fund are not subject to section 8.33  
28 and shall not be transferred, used, obligated,  
29 appropriated, or otherwise encumbered, except to  
30 provide for the purposes specified in this section.  
31 Notwithstanding section 12C.7, subsection 2, interest  
32 or earnings on moneys deposited in the fund shall be  
33 credited to the fund.  
34 c. Moneys deposited in the fund shall be used only  
35 to reimburse nonparticipating providers who provide  
36 covered services to expansion population members if no  
37 other third party is liable for reimbursement and as  
38 specified in subsection 1.  
39 d. The department shall attempt to maximize  
40 receipt of federal matching funds under the medical



41 assistance program for covered services provided under  
42 this section if such attempt does not directly or  
43 indirectly limit the federal funds available to  
44 participating providers.

45 4. For the purposes of this section,  
46 "nonparticipating provider" means a hospital licensed  
47 pursuant to chapter 135B that is not a member of the  
48 expansion population provider network as specified in  
49 section 249J.7.

50 Sec.\_\_\_\_. NONPARTICIPATING PROVIDER REIMBURSEMENT

Page 7

1 FOR COVERED SERVICES – IOWACARE PROGRAM WAIVER  
2 RENEWAL.

3 1. Beginning July 1, 2010, the department of human  
4 services shall include in any medical assistance  
5 program waiver relating to the continuation of the  
6 IowaCare program pursuant to chapter 249J, provisions  
7 for reimbursement of covered expansion population  
8 services provided to an expansion population member by  
9 a nonparticipating provider subject to all of the  
10 following:

11 a. A nonparticipating provider may be reimbursed  
12 if the nonparticipating provider contacts the  
13 appropriate participating provider prior to providing  
14 covered services to verify consensus regarding one of  
15 the following courses of action:

16 (1) If the nonparticipating provider and the  
17 participating provider agree that the medical status  
18 of the expansion population member indicates it is  
19 medically possible to postpone provision of services,  
20 the nonparticipating provider shall direct the  
21 expansion population member to the appropriate  
22 participating provider for services.

23 (2) If the nonparticipating provider and the  
24 participating provider agree that the medical status  
25 of the expansion population member indicates it is not  
26 medically possible to postpone provision of services,  
27 the nonparticipating provider shall provide medically  
28 necessary services.

29 (3) If the nonparticipating provider and the  
30 participating provider agree that transfer of the  
31 expansion population member is not possible due to  
32 lack of available inpatient capacity, the  
33 nonparticipating provider shall provide medically  
34 necessary services.

35 (4) If the medical status of the expansion  
36 population member indicates a medical emergency and  
37 the nonparticipating provider is not able to contact  
38 the appropriate participating provider prior to  
39 providing medically necessary services, the

40 nonparticipating provider shall document the medical  
41 emergency and inform the appropriate participating  
42 provider immediately after the member has been  
43 stabilized of any covered services provided.  
44 b. Reimbursement of a nonparticipating provider  
45 shall be based on the reimbursement rates and policies  
46 applicable to the nonparticipating provider under the  
47 full benefit medical assistance program, subject to  
48 the availability and appropriation of funds to the  
49 department for such purpose.  
50 c. Reimbursement shall be made to a

Page 8

1 nonparticipating provider only if the recipient of the  
2 services is an expansion population member with active  
3 eligibility status at the time the services are  
4 provided.  
5 d. For the purposes of this section,  
6 "nonparticipating provider" means a hospital licensed  
7 pursuant to chapter 135B that is not a member of the  
8 expansion population provider network as specified in  
9 section 249J.7.  
10 2. Notwithstanding the requirement of this section  
11 directing the department of human services to include  
12 provisions for reimbursement of covered services  
13 provided to an expansion population member by a  
14 nonparticipating provider under any medical assistance  
15 program waiver relating to the continuation of the  
16 IowaCare program beginning July 1, 2010, if the  
17 department of human services in consultation with the  
18 governor determines that such requirement would  
19 adversely affect continuation of or would reduce the  
20 amount of funding available for the IowaCare waiver,  
21 the department shall not include such provisions in  
22 the IowaCare waiver."  
23 35. Page 111, by inserting after line 19 the  
24 following:  
25 "Sec\_\_\_. NEW SECTION. 157.3B EXAMINATION  
26 INFORMATION.  
27 Notwithstanding section 147.21, individual pass or  
28 fail examination results made available from the  
29 authorized national testing agency to the board may be  
30 disclosed to the board-approved education program from  
31 which the applicant for licensure graduated for  
32 purposes of verifying accuracy of national data and  
33 reporting aggregate licensure examination results as  
34 required for a program's continued accreditation."

Heddens of Story asked and received unanimous consent to withdraw amendment H-1680, to the Senate amendment H-1630, filed by her from the floor.

Heddens of Story offered the following amendment H-1694, to the Senate amendment H-1630, filed by her from the floor and moved its adoption:

H-1694

1 Amend the Senate amendment, H-1630, to House File  
2 811, as amended, passed, and reprinted by the House,  
3 as follows:  
4 1. Page 1, by inserting after line 2 the  
5 following:  
6 "\_\_\_\_. Page 12, line 31, by striking the figure  
7 "26,106,513" and inserting the following:  
8 "28,606,513".  
9 \_\_\_\_\_. Page 13, line 30, by striking the figure  
10 "28,331,177" and inserting the following:  
11 "25,831,177".  
12 2. Page 1, by striking line 38.  
13 3. Page 2, by striking lines 7 and 8 and  
14 inserting the following:  
15 "\_\_\_\_. Page 42, line 30, by inserting after the  
16 word "consolidation." the following: "The proposal  
17 shall be developed in coordination with the task force  
18 review of the four institutes performed under this  
19 section. The department shall incorporate or address  
20 the findings and recommendations of the task force in  
21 such proposal."  
22 \_\_\_\_\_. Page 42, line 34, by inserting after the  
23 word "force" the following: "to be".  
24 \_\_\_\_\_. Page 43, line 7, by inserting after the word  
25 "institutes." the following: "The review shall be  
26 coordinated with the proposal to be developed by the  
27 department under this section and shall incorporate or  
28 address the proposal findings and recommendations.""  
29 4. Page 2, by inserting after line 13 the  
30 following:  
31 "\_\_\_\_. By striking page 51, line 35, through page  
32 52, line 1, and inserting the following:  
33 "reimbursement rates for inpatient hospital services  
34 shall remain at the rates in effect on June 30, 2009.  
35 The Iowa hospital association shall submit information  
36 to the general assembly's standing committees on  
37 government oversight during the 2010 session of the  
38 general assembly regarding actions taken to increase  
39 compensation and other costs of employment for  
40 hospital staff who provide direct care to patients.""

- 41 5. Page 2, by striking line 14.  
42 6. Page 2, line 26, by inserting after the word  
43 "society," the following: "the Iowa nurses  
44 association,".  
45 7. Page 3, by inserting before line 9 the  
46 following:  
47 "\_\_\_\_. Page 76, by inserting before line 14 the  
48 following:  
49 "Sec.\_\_\_\_. STATE RESOURCE CENTER BILLINGS –  
50 AMERICAN RECOVERY AND REINVESTMENT ACT. For the

Page 2

- 1 period beginning October 1, 2008, and ending September  
2 30, 2010, or the period for which funding from the  
3 federal American Recovery and Reinvestment Act of 2009  
4 can be used for the cost of care for patients at a  
5 state resource center, whichever is longer, the per  
6 diem amounts billed to counties under section 222.73  
7 for such care may be adjusted downward by an  
8 applicable percentage of the nonfederal portion of the  
9 billing amounts, as necessary to comply with the  
10 intent of the federal Act.  
11 Sec.\_\_\_\_. EFFECTIVE DATE – RETROACTIVE  
12 APPLICABILITY. The section of this division of this  
13 Act relating to state resource center billings, being  
14 deemed of immediate importance, takes effect upon  
15 enactment, is retroactively applicable to October 1,  
16 2008, and is applicable on and after that date."  
17 8. Page 3, line 16, by striking the figure  
18 "225,350" and inserting the following: "200,000".  
19 9. Page 3, line 18, by striking the word "The"  
20 and inserting the following: "The department may use  
21 a portion of the funds allocated in this paragraph for  
22 an additional position to assist in the continued  
23 implementation including credentialing of direct care  
24 workers. The".  
25 10. Page 3, line 26, by striking the figure  
26 "347,520" and inserting the following: "150,000".  
27 11. Page 3, by inserting after line 41 the  
28 following:  
29 "\_\_\_\_. Page 81, by inserting after line 6 the  
30 following:  
31 "j. Of the funds appropriated in this subsection,  
32 \$222,870 shall be transferred to the department of  
33 elder affairs to be used for unmet needs."  
34 12. Page 3, by inserting after line 47 the  
35 following:  
36 "\_\_\_\_. Page 84, by inserting after line 29 the  
37 following:  
38 "c. The funds appropriated in this section that  
39 remain available for expenditure for the succeeding

40 fiscal year pursuant to section 35D.18, subsection 5,  
41 shall be distributed to be used in the succeeding  
42 fiscal year in accordance with this lettered  
43 paragraph. The first \$1,000,000 shall remain  
44 available to be used for the purposes of the Iowa  
45 veterans home. On or before October 15, 2009, the  
46 department of management shall transfer \$1,833,333 to  
47 the appropriation for the medical assistance program  
48 to be used for rebasing of hospital reimbursement  
49 under the medical assistance program. Any remaining  
50 funding shall be used for purposes of the Iowa

Page 3

1 veterans home."

2 \_\_\_\_\_. Page 85, line 16, by striking the figure

3 "593,302,330" and inserting the following:

4 "587,884,830".

5 13. Page 4, by inserting after line 13 the  
6 following:

7 "\_\_\_\_\_. Page 85, by inserting after line 32 the  
8 following:

9 "Sec.\_\_\_\_. 2008 Iowa Acts, chapter 1187, section  
10 9, is amended by adding the following new subsection:  
11 **NEW SUBSECTION. 25.** The revised appropriation  
12 made in this section incorporates reductions made  
13 pursuant to executive order number 10 issued on  
14 December 22, 2008."

15 14. Page 8, by inserting after line 34 the  
16 following:

17 "\_\_\_\_\_. Page 113, by inserting after line 10 the  
18 following:

19 "Sec.\_\_\_\_. **CHILD SUPPORT ENFORCEMENT INFORMATION.**  
20 The sections of 2009 Iowa Acts, Senate File 319,  
21 amending section 252B.5, subsection 9, paragraph b,  
22 unnumbered paragraph 1; section 252B.9, subsection 2,  
23 unnumbered paragraph 1; section 252B.9, subsection 2,  
24 paragraph a; section 252B.9, subsection 2, paragraph  
25 b, unnumbered paragraph 1; section 252B.9, subsection  
26 2, paragraph b, subparagraph (1); section 252B.9,  
27 subsection 3, paragraphs e and g; section 252B.9A,  
28 subsection 1; section 252G.5, subsections 2 and 3;  
29 section 598.22, subsection 3; and section 598.26,  
30 subsection 1, Code 2009, and providing for such  
31 amendments' effective date, are repealed."

32 15. Page 8, by inserting before line 35 the  
33 following:

34 "\_\_\_\_\_. Page 113, by inserting before line 16 the  
35 following:

36 "Sec.\_\_\_\_. **EXCHANGE OF ELECTRONIC INDIVIDUALLY**  
37 **IDENTIFIABLE HEALTH INFORMATION.** The executive  
38 committee of the electronic health information

39 advisory council created in section 135.156, with the  
 40 technical assistance of the advisory council and the  
 41 support of the department of public health, shall  
 42 review the electronic exchange of individually  
 43 identifiable health information by health care  
 44 providers for the purpose of treatment with the goal  
 45 of facilitating informed treatment decisions and  
 46 providing higher quality and safer care, while  
 47 protecting the privacy of patients and the security  
 48 and confidentiality of patient information. Following  
 49 the review, the executive committee shall report the  
 50 results of its review and recommendations, including

Page 4

1 any proposed changes in state law and rules relating  
 2 to such information exchange, to the governor and the  
 3 general assembly no later than December 15, 2009."  
 4 16. Page 8, by inserting before line 35 the  
 5 following:  
 6 "\_\_\_\_. Page 113, by inserting before line 16 the  
 7 following:  
 8 "Sec.\_\_\_\_. EFFECTIVE DATE – RETROACTIVE  
 9 APPLICABILITY. The section of this division of this  
 10 Act relating to child support enforcement information  
 11 by repealing sections of 2009 Iowa Acts, Senate File  
 12 319, as enacted, being deemed of immediate importance,  
 13 takes effect upon enactment, and is retroactively  
 14 applicable to March 23, 2009."  
 15 17. By renumbering as necessary.

Roll call was requested by Heaton of Henry and Raecker of Polk.

On the question "Shall amendment H-1694 to the Senate amendment H-1630 be adopted?" (H.F. 811)

The ayes were, 95:

Abdul-Samad	Alons	Anderson	Arnold
Bailey	Baudler	Beard	Bell
Berry	Bukta	Burt	Cohoon
Cownie	De Boef	Deyoe	Dolecheck
Drake	Ficken	Forristall	Frevert
Gaskill	Gayman	Grassley	Hagenow
Heaton	Heddens	Helland	Horbach
Hunter	Huseman	Huser	Isenhardt
Jacoby	Kaufmann	Kearns	Kelley
Koester	Kressig	Kuhn	Lensing
Lukan	Lykam	Marek	Mascher
May	McCarthy	Mertz	Miller, H.

Miller, L.	Murphy, Spkr.	Oldson	Olson, D.
Olson, R.	Olson, S.	Olson, T.	Palmer
Paulsen	Petersen	Pettengill	Quirk
Raecker	Reasoner	Reichert	Roberts
Sands	Schueller	Schulte	Schultz
Shomshor	Smith	Soderberg	Sorenson
Steckman	Struyk	Swaim	Sweeney
Taylor, D.	Taylor, T.	Thede	Thomas
Tjepkes	Tymeson	Upmeyer	Wagner
Watts	Wendt	Wenthe	Wessel-Kroeschell
Whitaker	Whitead	Willems	Winckler
Windschitl	Worthan	Zirkelbach, Presiding	

The nays were, none.

Absent or not voting, 5:

Chambers	Ford	Rants	Rayhons
Van Engelenhoven			

Amendment H-1694 was adopted.

Heddens of Story moved that the House concur in the Senate amendment H-1630, as amended.

The motion prevailed and the House concurred in the Senate amendment H-1630, as amended.

Heddens of Story moved that the bill, as amended by the Senate further amended and concurred in by the House, be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 811)

The ayes were, 56:

Abdul-Samad	Bailey	Beard	Bell
Berry	Bukta	Burt	Cohoon
Ficken	Ford	Frevert	Gaskill
Gayman	Heddens	Hunter	Huser
Isenhardt	Jacoby	Kearns	Kelley
Kressig	Kuhn	Lensing	Lykam
Marek	Mascher	McCarthy	Mertz
Miller, H.	Murphy, Spkr.	Oldson	Olson, D.
Olson, R.	Olson, T.	Palmer	Petersen
Quirk	Reasoner	Reichert	Schueller

Shomshor	Smith	Steckman	Swaim
Taylor, D.	Taylor, T.	Thede	Thomas
Wendt	Wenthe	Wessel-Kroeschell	Whitaker
Whitead	Willems	Winckler	Zirkelbach, Presiding

The nays were, 40:

Alons	Anderson	Arnold	Baudler
Cownie	De Boef	Deyoe	Dolecheck
Drake	Forristall	Grassley	Hagenow
Heaton	Helland	Horbach	Huseman
Kaufmann	Koester	Lukan	May
Miller, L.	Olson, S.	Paulsen	Pettengill
Raecker	Roberts	Sands	Schulte
Schultz	Soderberg	Sorenson	Struyk
Sweeney	Tjepkes	Tymeson	Upmeyer
Wagner	Watts	Windschitl	Worthan

Absent or not voting, 4:

Chambers	Rants	Rayhons	Van Engelenhoven
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The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

The House stood at ease at 4:12 p.m., until the fall of the gavel.

The House resumed session at 4:16 p.m., Zirkelbach of Jones in the chair.

### IMMEDIATE MESSAGE

McCarthy of Polk asked and received unanimous consent that **House File 811** be immediately messaged to the Senate.

### 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 April 23, 2009, adopted the conference committee report and passed Senate File 437, a bill for an act relating to the affairs of the governing body of a drainage district by providing for public access to meetings and records.

MICHAEL E. MARSHALL, Secretary



ADOPTION OF THE REPORT OF THE  
CONFERENCE COMMITTEE  
(Senate File 437)

Kressig of Black Hawk called up for consideration the report of the conference committee on Senate File 437 and moved the adoption of the conference committee report and the amendments contained therein, from the floor as follows:

REPORT OF THE CONFERENCE COMMITTEE  
ON SENATE FILE 437

To the President of the Senate and the Speaker of the House of Representatives:

We, the undersigned members of the conference committee appointed to resolve the differences between the Senate and the House of Representatives on Senate File 437, a bill for an Act relating to the affairs of the governing body of a drainage district by providing for public access to meetings and records, respectfully make the following report:

1. That the Senate recedes from its amendment, H-1560.
2. That the House recedes from its amendment, S-3207.
3. That Senate File 437, as passed by the Senate, is amended to read as follows:

1. Page 1, line 2, by striking the word "paragraph" and inserting the following: "paragraphs".

2. Page 1, by inserting after line 6 the following:

"NEW PARAGRAPH. j. An advisory board, advisory commission, advisory committee, task force, or other body created by an entity organized under chapter 28E, or by the administrator or joint board specified in a chapter 28E agreement, to develop and make recommendations on public policy issues."

3. Page 1, by inserting after line 23 the following:

"Sec. \_\_. Section 331.325, subsection 1, Code 2009, is amended to read as follows:

1. As used in this section, "pioneer cemetery" means a cemetery where there have been ~~six~~ twelve or fewer burials in the preceding fifty years.

Sec. \_\_. Section 359.17, subsection 2, Code 2009, is amended to read as follows:

2. A board of township trustees shall give prior notice of a meeting to discuss, deliberate, or act upon a matter relating to the budget or a tax levy of the township or relating to the trustees' duty to provide fire protection service and, if provided, emergency medical service, pursuant to section 359.42. The trustees shall give notice of such meeting at least ~~forty-eight~~ twenty-four hours preceding the commencement of

the meeting. ~~However, a notice is not required pursuant to this subsection when the trustees gather for minor or ministerial matters relating to the trustees' duty for providing such fire protection service or emergency medical service.~~ The notice shall state the time, date, and place of the meeting and the proposed agenda. The notice shall be provided to the county auditor who shall post the notice in an area of the courthouse where notices to the public are commonly posted.

Sec. \_\_\_\_. Section 523I.102, subsection 39, Code 2009, is amended to read as follows:

39. "Pioneer cemetery" means a cemetery where there were ~~six~~ twelve or fewer burials in the preceding fifty years."

4. Title page, by striking lines 1 through 3 and inserting the following:

"An Act relating to the activities of governmental entities by amending provisions relating to public access to meetings and records and by modifying provisions relating to cemeteries under the control of certain governmental entities."

5. By renumbering as necessary.

ON THE PART OF THE SENATE:      ON THE PART OF THE HOUSE:

RICH OLIVE, Chair  
DENNIS BLACK  
SHAWN HAMERLINCK  
KEITH KREIMAN  
KIM REYNOLDS

BOB KRESSIG, Chair  
KERRY BURT  
GERI HUSER  
NICK WAGNER  
MATT WINDSCHITL

The motion prevailed and the conference committee report was adopted.

Kressig 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. 437)

The ayes were, 95:

Abdul-Samad	Alons	Anderson	Arnold
Bailey	Baudler	Beard	Bell
Berry	Bukta	Burt	Cohoon
Cownie	De Boef	Deyoe	Dolecheck
Drake	Ficken	Ford	Forristall
Frevert	Gaskill	Gayman	Grassley
Hagenow	Heaton	Heddens	Helland
Horbach	Hunter	Huseman	Huser
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	Reasoner	Reichert	Roberts
Sands	Schueller	Schulte	Schultz
Shomshor	Smith	Soderberg	Sorenson
Steckman	Struyk	Swaim	Sweeney
Taylor, D.	Taylor, T.	Thede	Thomas
Tjepkes	Tymeson	Upmeyer	Wagner
Watts	Wendt	Wenthe	Wessel-Kroeschell
Whitaker	Whitead	Willems	Winckler
Windschitl	Worthan	Zirkelbach, Presiding	

The nays were, 1:

Mertz

Absent or not voting, 4:

Chambers

Rants

Rayhons

Van Engelenhoven

The bill having received a constitutional majority was declared to have passed the House and the title, as amended, was agreed to.

### IMMEDIATE MESSAGE

McCarthy of Polk asked and received unanimous consent that **Senate File 437** be immediately messaged to the Senate.

### Ways and Means Calendar

**House File 826**, a bill for an act relating to the comprehensive recycling planning task force, was taken up for consideration.

D. Olson of Boone offered amendment H-1644 filed by him as follows:

H-1644

- 1 Amend House File 826 as follows:
- 2 1. Page 2, by inserting after line 35 the
- 3 following:
- 4 "Sec. \_\_\_\_\_. 2008 Iowa Acts, chapter 1109, section
- 5 11, subsection 3, paragraph b, is amended to read as
- 6 follows:

7 b. Make recommendations for creating and enhancing  
 8 comprehensive sustainable recycling programs. Such  
 9 recommendations may include methods of collecting and  
 10 paying for the recycling of residential, industrial,  
 11 and commercial waste, mechanisms for increasing the  
 12 recycling of construction and demolition waste, and  
 13 incentives for increasing the recycling of yard waste,  
 14 food or other organic waste, hazardous household  
 15 waste, household-generated medical sharps, and  
 16 electronic waste."  
 17 2. By renumbering as necessary.

D. Olson of Boone offered the following amendment H-1674, to amendment H-1644, filed by him and moved its adoption:

H-1674

1 Amend the amendment, H-1644, to House File 826 as  
 2 follows:  
 3 1. Page 1, line 12, by inserting after the word  
 4 "waste," the following: "proper disposal of  
 5 household-generated medical sharps,".  
 6 2. Page 1, by striking lines 15 and 16 and  
 7 inserting the following: "waste, and electronic  
 8 waste.""

Amendment H-1674 was adopted.

On motion by D. Olson of Boone, amendment H-1644, as amended, was adopted.

D. Olson of Boone moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 826)

The ayes were, 96:

Abdul-Samad	Alons	Anderson	Arnold
Bailey	Baudler	Beard	Bell
Berry	Bukta	Burt	Cohoon
Cownie	De Boef	Deyoe	Dolecheck
Drake	Ficken	Ford	Forristall
Frevert	Gaskill	Gayman	Grassley
Hagenow	Heaton	Heddens	Helland
Horbach	Hunter	Huseman	Huser
Isenhardt	Jacoby	Kaufmann	Kearns

Kelley	Koester	Kressig	Kuhn
Lensing	Lukan	Lykam	Marek
Mascher	May	McCarthy	Mertz
Miller, H.	Miller, L.	Murphy, Spkr.	Oldson
Olson, D.	Olson, R.	Olson, S.	Olson, T.
Palmer	Paulsen	Petersen	Pettengill
Quirk	Raecker	Reasoner	Reichert
Roberts	Sands	Schueller	Schulte
Schultz	Shomshor	Smith	Soderberg
Sorenson	Steckman	Struyk	Swaim
Sweeney	Taylor, D.	Taylor, T.	Thede
Thomas	Tjepkes	Tymeson	Upmeyer
Wagner	Watts	Wendt	Wenthe
Wessel-Kroeschell	Whitaker	Whitead	Willems
Winckler	Windschitl	Worthan	Zirkelbach, Presiding

The nays were, none.

Absent or not voting, 4:

Chambers	Rants	Rayhons	Van Engelenhoven
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The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

### LEAVE OF ABSENCE

Leave of absence was granted as follows:

De Boef of Keokuk, today through Friday, April 24, 2009, on request of Roberts of Carroll.

The House stood at ease at 4:47 p.m., until the fall of the gavel.

The House resumed session at 5:09 p.m., Zirkelbach of Jones in the chair.

### IMMEDIATE MESSAGE

McCarthy of Polk asked and received unanimous consent that **House File 826** be immediately messaged to the Senate.

The House stood at ease at 5:11 p.m., until the fall of the gavel.

The House resumed session at 7:33 p.m., Soderberg of Plymouth 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 April 23, 2009, adopted the conference committee report and passed House File 671, a bill for an act providing volunteer emergency services providers protection from employment termination.

Also: That the Senate has on April 23, 2009, insisted on its amendment to Senate File 389, a bill for an act relating to health care, health care providers, and health care coverage, providing penalties, and providing retroactive and other effective dates. (Formerly SF 48.), and the members of the Conference Committee on the part of the Senate are: The Senator from Polk, Senator Hatch, Chair, the Senator from Pottawattamie, Senator Gronstal; the Senator from Palo Alto, Senator Kibbie; the Senator from Scott, Senator Hartsuch; the Senator from Osceola, Senator Johnson.

MICHAEL E. MARSHALL, Secretary

CONFERENCE COMMITTEE APPOINTED  
(Senate File 389)

The Speaker announced the appointment of the conference committee to consider the differences between the House and Senate concerning Senate File 389: R. Olson of Polk, Chair; Smith of Marshall; Ford of Polk; Soderberg of Plymouth and Kaufmann of Cedar.

## HOUSE FILE 829 REREFERRED

The Speaker announced that House File 829, previously referred to the committee on **state government** was rereferred to committee on **environmental protection**.

CONFERENCE COMMITTEE REPORT RECEIVED  
(Senate File 457)

A conference committee report signed by the following Senate and House members was filed April 23, 2009, on Senate File 457, a bill for an act relating to disaster recovery by legalizing certain actions taken and proceedings conducted by cities and counties in response to a natural disaster, designating certain activities as essential corporate purposes and essential county purposes, amending provisions related to local bonding authority and contract letting requirements, amending provisions relating to emergency contract letting

requirements for joint governmental entities and institutions under the control of the board of regents, amending provisions related to city and county lease contracts and loan agreements, modifying provisions relating to municipal support of certain projects, amending provisions related to expenditures from certain revolving loan funds, authorizing cities and counties to create disaster revitalization areas, and including effective date and retroactive applicability date provisions.

ON THE PART OF THE SENATE:      ON THE PART OF THE HOUSE:

Hogg, Chair  
Bolkcom  
Hamerlinck  
McCoy  
Reynolds

T. Olson, Chair  
Grassley  
Helland  
Isenhart  
D. Olson

#### BILLS ENROLLED, SIGNED AND SENT TO GOVERNOR

The Chief Clerk of the House submitted the following report:

Mr. Speaker: The Chief Clerk of the House respectfully reports that the following bills have been examined and found correctly enrolled, signed by the Speaker of the House and the President of the Senate, and presented to the Governor for his approval on this 23<sup>rd</sup> day of April, 2009: House Files 311, 400 and 817.

MARK W. BRANDSGARD  
Chief Clerk of the House

Report adopted.

#### BILLS SIGNED BY THE GOVERNOR

A communication was received from the Governor announcing that on April 23, 2009, he approved and transmitted to the Secretary of State the following bills:

House File 817, an Act relating to the research activities tax credit for innovative renewable energy generation components and making an appropriation and providing applicability date provisions.

Senate File 456, an Act modifying provisions applicable to facilities qualifying for wind energy production and renewable energy tax credits and including effective and retroactive applicability date provisions.

## 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

- 2009\3742 Les and Jean Fetzer, Williamsburg – For celebrating their 60<sup>th</sup> wedding anniversary.
- 2009\3743 Edmund Plendl, Maurice – For celebrating his 85<sup>th</sup> birthday.
- 2009\3744 Lois DeVries, Hawarden – For celebrating her 85<sup>th</sup> birthday.
- 2009\3745 Vivian and Lowell Klemme, Le Mars – For celebrating their 60<sup>th</sup> wedding anniversary.
- 2009\3746 Katherine Cushman, Stuart – For celebrating her 91<sup>st</sup> birthday.
- 2009\3747 Lois Koesters, Earling – For celebrating her 90<sup>th</sup> birthday.
- 2009\3748 Vanessa Ruiz, Clear Lake High School – For being named a top performer in the State of Iowa for her powerful pieces in the category of Interpretive Poetry at the All-State Speech Festival.
- 2009\3749 Roger and Marlene Baer, Schleswig – For celebrating their 50<sup>th</sup> wedding anniversary.
- 2009\3750 Chelsea Gauger, Ankeny – For being crowned Miss Iowa USA 2009 and representing the state at the 2009 Miss USA Pageant.

## RESOLUTION FILED

**HR 51**, by Watts, Koester, May, Gaskill, Helland, Hagenow, Drake, Alons, Anderson, Deyoe, Tymeson, Wagner, Cownie, Raecker, Sorenson, De Boef, Sweeney, Schultz, Huseman, Worthan, Arnold, Horbach, Baudler, Windschitl, Heaton, Soderberg, Upmeyer, Kaufmann, S. Olson, Roberts, Tjepkes, Hunter, Ford, D. Taylor, Struyk, T. Taylor, R. Olson, Swaim, Thede, H. Miller, Lykam, Cohoon



and Gayman, a resolution to honor the athletes and staff of the Woodward Academy for their fourth consecutive high school national powerlifting championship.

Laid over under **Rule 25.**

#### AMENDMENTS FILED

H—1678	H.F.	822	Cphoon of Des Moines
H—1679	S.F.	479	Struyk of Pottawattamie T. Olson of Linn
H—1681	H.F.	711	Lykam of Scott Burt of Black Hawk R. Olson of Polk Berry of Black Hawk
			Baudler of Adair
			Alons of Sioux
			Tjepkes of Webster
H—1682	H.F.	822	Thomas of Clayton
H—1683	H.F.	827	Watts of Dallas
H—1684	H.F.	827	Watts of Dallas
H—1685	H.F.	827	Watts of Dallas
H—1686	H.F.	827	Watts of Dallas
H—1687	H.F.	686	Whitaker of Van Buren
H—1688	S.F.	429	Whitaker of Van Buren
H—1689	H.F.	822	Cphoon of Des Moines Huseman of Cherokee
H—1690	S.F.	304	Sands of Louisa
H—1691	S.F.	465	Wagner of Linn
H—1692	H.F.	822	R. Olson of Polk
H—1693	S.F.	465	Windschitl of Harrison
H—1695	S.F.	483	Quirk of Chickasaw Huser of Polk Kelley of Black Hawk Mertz of Kossuth
H—1696	H.F.	822	Windschitl of Harrison
H—1697	H.F.	822	Helland of Polk
H—1698	H.F.	822	Wagner of Linn
H—1699	H.F.	822	Hagenow of Polk
H—1700	H.F.	822	Huseman of Cherokee
H—1701	H.F.	822	Struyk of Pottawattamie
H—1702	S.F.	465	Wagner of Linn
H—1703	S.F.	304	Sands of Louisa
H—1704	S.F.	304	D. Olson of Boone

H—1705          S.F.          465          Wendt of Woodbury  
   Windschitl of Harrison

On motion by Reichert of Muscatine the House adjourned at 7:34 p.m., until 9:00 a.m., Friday, April 24, 2009.

# JOURNAL OF THE HOUSE

One Hundred-third Calendar Day - Sixty-ninth Session Day

Hall of the House of Representatives  
Des Moines, Iowa, Friday, April 24, 2009

The House met pursuant to adjournment at 9:09 a.m., Speaker Murphy in the chair.

Prayer was offered by the honorable John Whitaker, state representative from Van Buren County.

## PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Erica Kite, House Page from Jesup.

The Journal of Thursday, April 23, 2009 was approved.

## MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on April 23, 2009, concurred in the House amendment to the Senate amendment and passed the following bill in which the concurrence of the House is asked:

House File 759, a bill for an act requiring counties and cities with flood hazard areas within their boundaries to participate in the national flood insurance program.

Also: That the Senate has on April 23, 2009, passed the following bill in which the concurrence of the House is asked:

Senate File 340, a bill for an act relating to the federal Adam Walsh Child Protection and Safety Act.

Also: That the Senate has on April 23, 2009, concurred in the House amendment and passed the following bill in which the concurrence of the Senate was asked:

Senate File 484, a bill for an act relating to regulatory requirements involving boarding homes and dependent adults and providing an appropriation and a penalty.

MICHAEL E. MARSHALL, Secretary

## SENATE MESSAGE CONSIDERED

**Senate File 340**, by committee on judiciary, a bill for an act relating to the sex offender registry, making fees applicable, and providing for penalties.

Read first time and **passed on file**.

## ADOPTION OF HOUSE RESOLUTION 51

Watts of Dallas called up for consideration **House Resolution 51**, a resolution to honor the athletes and staff of the Woodward Academy for their fourth consecutive high school national powerlifting championship, and moved its adoption.

The motion prevailed and the resolution was adopted.

The House stood at ease at 9:17 a.m., until the fall of the gavel.

The House resumed session at 12:00 p.m., Speaker Murphy in the chair.

## LEAVE OF ABSENCE

Leave of absence was granted as follows:

De Boef of Keokuk on request of Roberts of Carroll; Raecker of Polk on request of Roberts of Carroll; Wenthe of Fayette, until his arrival, on request of Speaker Murphy.

## SPECIAL PRESENTATION TO HOUSE PAGES

Speaker Murphy invited the House Pages to the Speaker's station for a special presentation and thanked them for their service to the House of Representatives.

Certificates of excellence for serving with honor and distinction as a House Page during the First Regular Session of the Eighty-third General Assembly were presented to the following Pages by Speaker Murphy, Majority leader McCarthy and Minority Leader Paulsen:

Allison Adams  
Adam Child  
Zachary Dalluge

Kelsey Patience  
Katherine Pauk  
Nicole Pratt

Jessie Ede  
 Drew Flickinger  
 Blake Grotewold  
 Erica Kite  
 Laura Leners  
 Kathleen McKnight  
 Alicia Nicoletto  
 Isabella Nixon

Chad Ratashak  
 Hanna Rosman  
 Katelyn Schofield  
 Billie Silva  
 Joseph Sweeney  
 Cassie Wenger  
 Nicole Westergaard  
 Laura Zeman

## CONSIDERATION OF BILLS Ways and Means Calendar

**House File 813**, a bill for an act relating to identity theft protection by requiring reporting and by making changes to the duties of county recorders, the fees collected by the county recorders, and the county land record information system, was taken up for consideration.

Gaskill of Wapello offered the following amendment H-1623 filed by her and moved its adoption:

H-1623

1 Amend House File 813 as follows:  
 2 1. Page 2, by inserting after line 2 the  
 3 following:  
 4 “Sec. \_\_\_\_ Section 331.604, subsection 3, Code  
 5 2009, as amended by 2009 Iowa Acts, Senate File 288,  
 6 section 6, is amended to read as follows:  
 7 3. a. The Each county shall participate in the  
 8 county land record information system and shall comply  
 9 with the policies and procedures established by the  
 10 governing board of the county land record information  
 11 system.  
 12 b. (1) For the period beginning July 1, 2004, and  
 13 ending June 30, 2009, the county recorder shall also  
 14 collect a fee of one dollar for each recorded  
 15 transaction, regardless of the number of pages, for  
 16 which a fee is paid pursuant to subsection 1 to be  
 17 used for the purpose set forth in paragraph “e” “d”.  
 18 (2) For the period beginning July 1, 2009, and  
 19 ending June 30, 2011, the recorder shall also collect  
 20 a fee of three dollars for each recorded transaction,  
 21 regardless of the number of pages, for which a fee is  
 22 paid pursuant to subsection 1 to be used for the  
 23 following purposes:  
 24 (a) Maintaining the statewide internet website and

25 the county land record information system.  
 26 (b) Integrating information contained in documents  
 27 and records maintained by the recorder and other land  
 28 record information from other sources with the county  
 29 land record information system.  
 30 (c) Implementing and maintaining a process for  
 31 redacting personally identifiable information  
 32 contained in electronic documents that are displayed  
 33 for public access through an internet website or that  
 34 are transferred to another person.  
 35 (3) Beginning July 1, 2011, the recorder shall  
 36 also collect a fee of one dollar for each recorded  
 37 transaction, regardless of the number of pages, for  
 38 which a fee is paid pursuant to subsection 1 to be  
 39 used for the purposes in subparagraph (2) and for the  
 40 following purposes:  
 41 (a) Establishing and implementing standards for  
 42 recording, processing, and archiving electronic  
 43 documents and records.  
 44 (b) Expanding access to records by encouraging  
 45 electronic indexing and scanning of documents and  
 46 instruments recorded in prior years.  
 47 (4) Notwithstanding subparagraph (2), the fee  
 48 collected by the recorder under this subsection for  
 49 recording a plat of survey is one dollar, regardless  
 50 of the number of pages. For purposes of this

Page 2

1 subparagraph, "plat of survey" means the same as  
 2 defined in section 355.1, subsection 9.  
 3 (5) Fees collected in excess of the amount needed  
 4 for the purposes specified in this subsection shall be  
 5 used by the county land record information system to  
 6 reduce or eliminate service fees for electronic  
 7 submission of documents and instruments.  
 8 ~~b. c.~~ The county treasurer, on behalf of the  
 9 recorder, shall establish and maintain a county  
 10 recorder's electronic transaction fund into which all  
 11 moneys collected pursuant to paragraph "a" "b" shall  
 12 be deposited. Interest earned on moneys deposited in  
 13 this fund shall be computed based on the average  
 14 monthly balance in the fund and shall be credited to  
 15 the county recorder's electronic transaction fund.  
 16 ~~e. d.~~ The local government electronic transaction  
 17 fund is established in the office of the treasurer of  
 18 state under the control of the treasurer of state.  
 19 Moneys deposited into the fund are not subject to  
 20 section 8.33. Notwithstanding section 12C.7, interest  
 21 or earnings on moneys in the local government  
 22 electronic transaction fund shall be credited to the  
 23 fund. Moneys in the local government electronic

24 transaction fund are not subject to transfer,  
 25 appropriation, or reversion to any other fund, or any  
 26 other use except as provided in this ~~paragraph “c”~~  
 27 subsection. On a monthly basis, the county treasurer  
 28 shall pay ~~each fee collected pursuant to paragraph “a”~~  
 29 the fees deposited into the county recorder’s  
 30 electronic transaction fund to the treasurer of state  
 31 for deposit into the local government electronic  
 32 transaction fund. Moneys credited to the local  
 33 government electronic transaction fund are  
 34 appropriated to the treasurer of state for the payment  
 35 of claims approved by the governing board of the  
 36 county land record information system. ~~Expenditures~~  
 37 Except as otherwise provided in this subsection,  
 38 expenditures from the fund shall be for the purpose of  
 39 planning and implementing electronic recording and  
 40 electronic transactions in each county, ~~and~~ developing  
 41 county and statewide internet websites to provide  
 42 electronic access to records and information, and to  
 43 pay the ongoing costs of integrating and maintaining  
 44 the statewide internet website.  
 45 ~~§ 9.~~ The recorder shall make available any  
 46 information required by the county auditor or auditor  
 47 of state concerning the fees collected under this  
 48 subsection for the purposes of determining the amount  
 49 of fees collected and the uses for which such fees are  
 50 expended.”

Page 3

- 1 2. By striking page 2, line 21, through page 5,
- 2 line 1.
- 3 3. Page 6, by inserting after line 10 the
- 4 following:
- 5 “Sec. \_\_\_\_\_. Section 331.606A, Code 2009, is amended
- 6 by adding the following new subsection:
- 7 NEW SUBSECTION. 3A. DISSEMINATION OF DOCUMENTS.
- 8 Persons who have contracted with a county recorder or
- 9 the governing board of the county land record
- 10 information system to redact personally identifiable
- 11 information from electronic documents pursuant to
- 12 subsection 3 shall not sell, transfer, or otherwise
- 13 disseminate the electronic documents in an unaltered
- 14 or redacted form, except as provided for in the
- 15 contract.”
- 16 4. Page 7, line 21, by striking the words and
- 17 figures “331.605C, subsection 2” and inserting the
- 18 following: “331.604, subsection 3”.
- 19 5. Page 7, by inserting after line 21 the
- 20 following:
- 21 “Sec. \_\_\_\_\_. Section 598.21, subsection 2, Code
- 22 2009, as amended by 2009 Iowa Acts, Senate File 288,

23 section 36, is amended to read as follows:  
 24 2. DUTIES OF COUNTY RECORDER. The county recorder  
 25 shall record each quitclaim deed or change of title  
 26 and shall collect the ~~fees~~ fee specified in section  
 27 331.507, subsection 2, paragraph "a", and the ~~fee~~ fees  
 28 specified in section 331.604."  
 29 6. By renumbering, redesignating, and correcting  
 30 internal references as necessary.

Amendment H-1623 was adopted.

### SENATE FILE 465 SUBSTITUTED FOR HOUSE FILE 813

Gaskill of Wapello asked and received unanimous consent to substitute Senate File 465 for House File 813.

**Senate File 465**, a bill for an act relating to identity theft protection by requiring reporting and by making changes to the duties of county recorders, the fees collected by the county recorders, and the county land record information system, was taken up for consideration.

Windschitl of Harrison offered the following amendment H-1705 filed by him and moved its adoption:

H-1705

1 Amend Senate File 465, as amended, passed, and  
 2 reprinted by the Senate, as follows:  
 3 1. By striking everything after the enacting  
 4 clause and inserting the following:  
 5 "Section 1. Section 331.601A, Code 2009, is  
 6 amended by adding the following new subsections:  
 7 NEW SUBSECTION. 0A. "Batch basis" means the  
 8 delivery of an accumulation of electronic documents or  
 9 records recorded or maintained by the county recorder.  
 10 NEW SUBSECTION. 1A. "Electronic document" means a  
 11 document or instrument that is received, processed,  
 12 disseminated, or maintained in an electronic format.  
 13 The submission of an electronic document through the  
 14 county land record information system electronic  
 15 submission service shall be equivalent to delivery of  
 16 a document through the United States postal service or  
 17 by personal delivery at designated offices in each  
 18 county. Persons who submit electronic documents for  
 19 recording are responsible for ensuring that the  
 20 electronic documents comply with all requirements for  
 21 recording.



22 Sec. 2. Section 331.603, Code 2009, is amended by  
23 adding the following new subsection:

24 NEW SUBSECTION. 5. a. The governing board of the  
25 county land record information system shall not enter  
26 into an agreement to provide access to electronic  
27 documents or records on a batch basis. The county  
28 recorder may collect reasonable fees for access to  
29 electronic documents and records pursuant to an  
30 agreement. The fees shall not exceed the actual cost  
31 of providing access to the electronic documents and  
32 records. "Actual cost" means only those expenses  
33 directly attributable to providing access to  
34 electronic documents and records. "Actual cost" shall  
35 not include costs such as employment benefits,  
36 depreciation, maintenance, electricity, or insurance  
37 associated with the administration of the office of  
38 the county recorder or the county land record  
39 information system.

40 b. Electronic documents and records made available  
41 under this subsection shall not include personally  
42 identifiable information and shall be subjected to a  
43 redaction process prior to the transfer of the  
44 electronic documents or records to another person  
45 pursuant to an agreement under paragraph "a".

46 Sec. 3. Section 331.604, subsection 3, Code 2009,  
47 as amended by 2009 Iowa Acts, Senate File 288, section  
48 6, is amended to read as follows:

49 3. a. The Each county shall participate in the  
50 county land record information system and shall comply

Page 2

1 with the policies and procedures established by the  
2 governing board of the county land record information  
3 system.

4 b. (1) For the period beginning July 1, 2004, the  
5 county recorder shall also collect a fee of one dollar  
6 for each recorded transaction, regardless of the  
7 number of pages, for which a fee is paid pursuant to  
8 subsection 1 to be used for the purpose set forth in  
9 paragraph "e", "d" and for the following purposes:

10 (a) Maintaining the statewide internet website and  
11 the county land record information system.

12 (b) Integrating information contained in documents  
13 and records maintained by the recorder and other land  
14 record information from other sources with the county  
15 land record information system.

16 (c) Implementing and maintaining a process for  
17 redacting personally identifiable information  
18 contained in electronic documents that are displayed  
19 for public access through an internet website or that  
20 are transferred to another person.

21 (2) Fees collected in excess of the amount needed  
 22 for the purposes specified in this subsection shall be  
 23 used by the county land record information system to  
 24 reduce or eliminate service fees for electronic  
 25 submission of documents and instruments.

26 ~~b.~~ c. The county treasurer, on behalf of the  
 27 recorder, shall establish and maintain a county  
 28 recorder's electronic transaction fund into which all  
 29 moneys collected pursuant to paragraph "~~a~~" "b" shall  
 30 be deposited. Interest earned on moneys deposited in  
 31 this fund shall be computed based on the average  
 32 monthly balance in the fund and shall be credited to  
 33 the county recorder's electronic transaction fund.

34 ~~e.~~ d. The local government electronic transaction  
 35 fund is established in the office of the treasurer of  
 36 state under the control of the treasurer of state.  
 37 Moneys deposited into the fund are not subject to  
 38 section 8.33. Notwithstanding section 12C.7, interest  
 39 or earnings on moneys in the local government  
 40 electronic transaction fund shall be credited to the  
 41 fund. Moneys in the local government electronic  
 42 transaction fund are not subject to transfer,  
 43 appropriation, or reversion to any other fund, or any  
 44 other use except as provided in this ~~paragraph "c"~~  
 45 subsection. On a monthly basis, the county treasurer  
 46 shall pay ~~each fee collected pursuant to paragraph "a"~~  
 47 the fees deposited into the county recorder's  
 48 electronic transaction fund to the treasurer of state  
 49 for deposit into the local government electronic  
 50 transaction fund. Moneys credited to the local

Page 3

1 government electronic transaction fund are  
 2 appropriated to the treasurer of state for the payment  
 3 of claims approved by the governing board of the  
 4 county land record information system. ~~Expenditures~~  
 5 Except as otherwise provided in this subsection,  
 6 expenditures from the fund shall be for the purpose of  
 7 planning and implementing electronic recording and  
 8 electronic transactions in each county, ~~and~~ developin  
 9 county and statewide internet websites to provide  
 10 electronic access to records and information, and to  
 11 pay the ongoing costs of integrating and maintaining  
 12 the statewide internet website.

13 ~~d.~~ e. The recorder shall make available any  
 14 information required by the county auditor or auditor  
 15 of state concerning the fees collected under this  
 16 subsection for the purposes of determining the amount  
 17 of fees collected and the uses for which such fees are  
 18 expended.

19 Sec. 4. Section 331.605B, subsection 2, Code 2009,

20 is amended to read as follows:

21 2. A recorder or the governing board of the county  
 22 land record information system shall collect only  
 23 statutorily authorized fees for land records  
 24 management. A recorder or the governing board of the  
 25 county land record information system shall not  
 26 collect a fee for viewing, accessing, or printing  
 27 documents in the county land record information system  
 28 unless specifically authorized by statute. However, a  
 29 recorder or the governing board of the county land  
 30 record information system may collect actual  
 31 third-party fees associated with accepting and  
 32 processing statutorily authorized fees, including  
 33 credit card fees, treasury management fees, and other  
 34 transaction fees required to enable electronic  
 35 payment. For the purposes of this subsection, the  
 36 term "third-party" does not include the county land  
 37 record information system, the Iowa state association  
 38 of counties, or any of the association's affiliates.

39 Sec. 5. Section 331.606, Code 2009, is amended by  
 40 adding the following new subsection:

41 NEW SUBSECTION. 4. The recorder shall permanently  
 42 archive an unaltered version of each recorded document  
 43 or instrument. A document or instrument may be  
 44 archived in its original format, as an electronic  
 45 document, or in another format suitable for preserving  
 46 information in the document or instrument. A person  
 47 may view and copy an original or unaltered document or  
 48 instrument in the office of the recorder.

49 Sec. 6. Section 331.606A, subsection 1, paragraph  
 50 c, Code 2009, is amended to read as follows:

Page 4

1 c. "Redact" or "redaction" means the process of  
 2 permanently removing all or a portion of personally  
 3 identifiable information from documents.

4 Sec. 7. Section 331.606A, subsection 2, Code 2009,  
 5 is amended to read as follows:

6 2. INCLUSION OF PERSONALLY IDENTIFIABLE  
 7 INFORMATION. The preparer of a document shall not  
 8 include an individual's personally identifiable  
 9 information in a document that is prepared and  
 10 presented for recording in the office of the recorder.  
 11 This subsection shall not apply to documents that were  
 12 executed by an individual prior to July 1, 2007.  
 13 ~~Unless provided otherwise by law, all documents~~  
 14 ~~described by this section are subject to inspection~~  
 15 ~~and copying by the public.~~

16 Sec. 8. Section 331.606A, subsection 3, Code 2009,  
 17 is amended by striking the subsection and inserting in  
 18 lieu thereof the following:

19 3. REDACTION FROM ELECTRONIC DOCUMENTS.

20 Personally identifiable information that is contained  
 21 in electronic documents that are displayed for public  
 22 access on a website, or which are transferred to any  
 23 person, shall be redacted prior to displaying or  
 24 transferring the documents. Each recorder that  
 25 displays electronic documents and the county land  
 26 record information system that displays electronic  
 27 documents on behalf of a county shall implement a  
 28 system for redacting personally identifiable  
 29 information. The recorder and the governing board of  
 30 the county land record information system shall  
 31 establish a procedure by which individuals may request  
 32 that personally identifiable information contained in  
 33 an electronic document displayed on a website be  
 34 redacted, at no fee to the requesting individual. The  
 35 requirements of this subsection shall be fully  
 36 implemented not later than December 31, 2011.

37 Sec. 9. Section 331.606A, Code 2009, is amended by  
 38 adding the following new subsection:

39 NEW SUBSECTION. 3A. DISSEMINATION OF DOCUMENTS.

40 Persons who have contracted with a county recorder or  
 41 the governing board of the county land record  
 42 information system to redact personally identifiable  
 43 information from electronic documents pursuant to  
 44 subsection 3 shall not sell, transfer, or otherwise  
 45 disseminate the electronic documents in an unaltered  
 46 or redacted form, except as provided for in the  
 47 contract.

48 Sec. 10. Section 331.606A, subsection 5, Code  
 49 2009, is amended to read as follows:

50 5. APPLICABILITY.

Page 5

1 ~~a. This section~~ Subsection 2 shall not apply t  
 2 preparer of a state or federal tax lien or release, a  
 3 military separation or discharge record, or a death  
 4 certificate that is prepared for recording in the  
 5 office of county recorder.

6 b. Subsection 3 shall not apply to a military  
 7 separation or discharge record, a birth record, a  
 8 death certificate, or marriage certificate unless such  
 9 record or certificate is incorporated within another  
 10 document or instrument that is recorded and displayed  
 11 for public access on a website.

12 c. If a military separation or discharge record or  
 13 a death certificate is recorded in the office of the  
 14 county recorder, the military separation or discharge  
 15 record or the death certificate shall not be  
 16 accessible through the internet displayed for public  
 17 access on an internet website, public access terminal

18 or other medium, or be transferred to any person.

19 Sec. 11. Section 331.606A, Code 2009, is amended  
20 by adding the following new subsection:

21 NEW SUBSECTION. 6. LIMITATION OF LIABILITY. The  
22 county land record information system is a unit of  
23 local government for purposes of chapter 670, relating  
24 to tort liability of governmental subdivisions.  
25 However, persons who have contracted with the  
26 governing board of the county land record information  
27 system to carry out the duties of the board are not  
28 employees for purposes of chapter 670, relating to  
29 tort liability of governmental subdivisions.

30 Sec. 12. Section 331.606B, subsection 1, Code  
31 2009, is amended by adding the following new  
32 paragraph:

33 NEW PARAGRAPH. g. Each document or instrument  
34 presented for recording shall meet the requirements of  
35 section 331.606A, subsection 2.

36 Sec. 13. REPORT TO THE GENERAL ASSEMBLY. On or  
37 before January 1, 2012, the governing board of the  
38 county land record information system shall submit a  
39 report to the general assembly. The report shall  
40 include a summary of the actions taken by the county  
41 recorders and the county land record information  
42 system relating to the redaction of personally  
43 identifiable information, a detailed financial  
44 accounting of the county land record information  
45 system, a detailed summary of expenditures made from  
46 the local government electronic transaction fund, and  
47 an analysis and recommendation regarding the  
48 continuance or discontinuance of the fee collected  
49 under section 331.604, subsection 3.

50 Sec. 14. Section 598.21, subsection 2, Code 2009,

Page 6

1 as amended by 2009 Iowa Acts, Senate File 288, section  
2 36, is amended to read as follows:

3 2. DUTIES OF COUNTY RECORDER. The county recorder  
4 shall record each quitclaim deed or change of title  
5 and shall collect the ~~fees fee~~ specified in section  
6 331.507, subsection 2, paragraph "a", and the ~~feees~~  
7 specified in section 331.604.

8 Sec. 15. IMPLEMENTATION OF ACT. Section 25B.2,  
9 subsection 3, shall not apply to this Act."

10 2. Title page, line 3, by inserting before the  
11 words "the fees" the following: "use of".

Roll call was requested by Windschitl of Harrison and Lukan of  
Dubuque.

On the question "Shall amendment H-1705 be adopted?" (S.F. 465)

The ayes were, 39:

Alons	Anderson	Arnold	Bailey
Baudler	Cownie	Drake	Forristall
Grassley	Hagenow	Heaton	Helland
Horbach	Huseman	Kaufmann	Kelley
Koester	Lukan	May	Miller, L.
Olson, S.	Paulsen	Pettengill	Rants
Sands	Schulte	Schultz	Soderberg
Sorenson	Struyk	Sweeney	Tjepkes
Tymeson	Upmeyer	Van Engelenhoven	Wagner
Watts	Windschitl	Worthan	

The nays were, 54:

Abdul-Samad	Beard	Bell	Berry
Bukta	Burt	Cphoon	Deyoe
Ficken	Ford	Frevert	Gaskill
Gayman	Heddens	Hunter	Huser
Isenhardt	Jacoby	Kearns	Kressig
Kuhn	Lensing	Lykam	Marek
Mascher	McCarthy	Mertz	Miller, H.
Oldson	Olson, D.	Olson, R.	Olson, T.
Palmer	Petersen	Quirk	Rayhons
Reasoner	Reichert	Schueller	Shomshor
Smith	Steckman	Swaim	Taylor, D.
Taylor, T.	Thede	Thomas	Wendt
Wessel-Kroeschell	Whitaker	Whitead	Willems
Winckler	Mr. Speaker		
	Murphy		

Absent or not voting, 7:

Chambers	De Boef	Dolecheck	Raecker
Roberts	Wenthe	Zirkelbach	

Amendment H-1705 lost.

Wagner of Linn offered the following amendment H-1691 filed by him and moved its adoption:

H-1691

- 1 Amend Senate File 465, as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 2, line 6, by striking the word "shall"
- 4 and inserting the following: "may".

- 5 2. Page 2, line 7, by striking the word “shall”  
 6 and inserting the following: “may”.

Roll call was requested by Wagner of Linn and Windschitl of Harrison.

On the question “Shall amendment H–1691 be adopted?” (S.F. 465)

The ayes were, 46:

Alons	Anderson	Arnold	Bailey
Baudler	Cownie	Deyoe	Dolecheck
Drake	Forristall	Grassley	Hagenow
Heaton	Helland	Horbach	Huseman
Huser	Kaufmann	Kelley	Koester
Lukan	May	Mertz	Miller, L.
Olson, S.	Paulsen	Pettengill	Quirk
Rants	Rayhons	Roberts	Sands
Schulte	Schultz	Soderberg	Sorenson
Struyk	Sweeney	Tjepkes	Tymeson
Upmeyer	Van Engelenhoven	Wagner	Watts
Windschitl	Worthan		

The nays were, 50:

Abdul-Samad	Beard	Bell	Berry
Bukta	Burt	Cohoon	Ficken
Ford	Frevert	Gaskill	Gayman
Heddens	Hunter	Isenhardt	Jacoby
Kearns	Kressig	Kuhn	Lensing
Lykam	Marek	Mascher	McCarthy
Miller, H.	Oldson	Olson, D.	Olson, R.
Olson, T.	Palmer	Petersen	Reasoner
Reichert	Schueller	Shomshor	Smith
Steckman	Swaim	Taylor, D.	Taylor, T.
Thede	Thomas	Wendt	Wessel-Kroeschell
Whitaker	Whitead	Willems	Winckler
Zirkelbach	Mr. Speaker Murphy		

Absent or not voting, 4:

Chambers	De Boef	Raecker	Wenthe
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Amendment H–1691 lost.

Huser of Polk offered the following amendment H–1711 filed by her and Wagner of Linn from the floor and moved its adoption:

H-1711

1 Amend Senate File 465, as amended, passed, and  
 2 reprinted by the Senate, as follows:  
 3 1. Page 2, by striking lines 6 and 7 and  
 4 inserting the following:  
 5 “3. a. ~~The~~ If the board of supervisors enters  
 6 into a chapter 28E agreement to participate in the  
 7 county land record information system, the county  
 8 shall comply with the”.

Amendment H-1711 lost.

Windschitl of Harrison asked and received unanimous consent to withdraw amendment H-1693 filed by him on April 23, 2009.

Wagner of Linn offered the following amendment H-1702 filed by him and moved its adoption:

H-1702

1 Amend Senate File 465, as amended, passed, and  
 2 reprinted by the Senate, as follows:  
 3 1. Page 5, by striking line 29 and inserting the  
 4 following:  
 5 “3. DISPLAY OF AND REDACTION FROM ELECTRONIC  
 6 DOCUMENTS. A recorder or the governing board of the  
 7 county land record information system shall not  
 8 display an electronic document on a website for public  
 9 access if such electronic document was executed prior  
 10 to January 1, 2002, unless all personally identifiable  
 11 information contained in the electronic document has  
 12 been redacted. Personally”.

Amendment H-1702 lost.

Gaskill of Wapello 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. 465)

The ayes were, 65:

Abdul-Samad	Anderson	Beard	Bell
Berry	Bukta	Burt	Cphoon
Deyoe	Dolecheck	Drake	Ficken



Ford	Frevert	Gaskill	Gayman
Hagenow	Heaton	Heddens	Hunter
Huser	Isenhart	Jacoby	Kaufmann
Kearns	Kressig	Kuhn	Lensing
Lykam	Marek	Mascher	McCarthy
Mertz	Miller, H.	Oldson	Olson, D.
Olson, R.	Olson, S.	Olson, T.	Palmer
Petersen	Quirk	Rayhons	Reasoner
Reichert	Roberts	Schueller	Schulte
Shomshor	Smith	Steckman	Swaim
Taylor, D.	Taylor, T.	Thede	Thomas
Tjepkes	Wendt	Wessel-Kroeschell	Whitaker
Whitead	Willems	Winckler	Zirkelbach
Mr. Speaker Murphy			

The nays were, 31:

Alons	Arnold	Bailey	Baudler
Cownie	Forristall	Grassley	Helland
Horbach	Huseman	Kelley	Koester
Lukan	May	Miller, L.	Paulsen
Pettengill	Rants	Sands	Schultz
Soderberg	Sorenson	Struyk	Sweeney
Tymeson	Upmeyer	Van Engelenhoven	Wagner
Watts	Windschitl	Worthan	

Absent or not voting, 4:

Chambers	De Boef	Raecker	Wenthe
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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 MESSAGE

McCarthy of Polk asked and received unanimous consent that **Senate File 465** be immediately messaged to the Senate.

### HOUSE FILE 813 WITHDRAWN

Gaskill of Wapello asked and received unanimous consent to withdraw House File 813 from further consideration by the House.

T. Olson of Linn in the chair at 1:09 p.m.

## Unfinished Business Calendar

**House File 711**, a bill for an act relating to the federal Adam Walsh Child Protection and Safety Act, was taken up for consideration.

Baudler of Adair offered the following amendment H-1681 filed by Lykam et al., and moved its adoption:

H-1681

- 1 Amend House File 711 as follows:  
2 1. By striking everything after the enacting  
3 clause and inserting the following:  
4 "DIVISION I  
5 SEX OFFENDER REGISTRY  
6 Section 1. NEW SECTION. 692A.101 DEFINITIONS.  
7 As used in this chapter and unless the context  
8 otherwise requires:  
9 1. a. "Aggravated offense" means a conviction for  
10 any of the following offenses:  
11 (1) Sexual abuse in the first degree in violation  
12 of section 709.2.  
13 (2) Sexual abuse in the second degree in violation  
14 of section 709.3.  
15 (3) Sexual abuse in the third degree in violation  
16 of section 709.4, subsection 1.  
17 (4) Lascivious acts with a child in violation of  
18 section 709.8, subsection 1 or 2.  
19 (5) Assault with intent to commit sexual abuse in  
20 violation of section 709.11.  
21 (6) Burglary in the first degree in violation of  
22 section 713.3, subsection 1, paragraph "d".  
23 (7) Kidnapping, if sexual abuse as defined in  
24 section 709.1 is committed during the commission of  
25 the offense.  
26 (8) Murder in violation of section 707.2 or 707.3,  
27 if sexual abuse as defined in section 709.1 is  
28 committed during the offense.  
29 (9) Criminal transmission of human  
30 immunodeficiency virus in violation of section 709C.1,  
31 subsection 1, paragraph "a".  
32 b. Any conviction for an offense specified in the  
33 laws of another jurisdiction or any conviction for an  
34 offense prosecuted in federal, military, or foreign  
35 court, that is comparable to an offense listed in  
36 paragraph "a" shall be considered an aggravated  
37 offense for purposes of registering under this  
38 chapter.  
39 2. "Aggravated offense against a minor" means a

40 conviction for any of the following offenses, if such  
41 offense was committed against a minor, or otherwise  
42 involves a minor:  
43 a. Sexual abuse in the first degree in violation  
44 of section 709.2.  
45 b. Sexual abuse in the second degree in violation  
46 of section 709.3.  
47 c. Sexual abuse in the third degree in violation  
48 of section 709.4, except for a violation of section  
49 709.4, subsection 2, paragraph "c", subparagraph (4).  
50 3. "Appearance" means to appear in person at a

Page 2

1 sheriff's office.

2 4. "Business day" means every day except Saturday,  
3 Sunday, or any paid holiday for county employees in  
4 the applicable county.

5 5. "Change" means to add, begin, or terminate.

6 6. "Child care facility" means the same as defined  
7 in section 237A.1.

8 7. "Convicted" means found guilty of, pleads  
9 guilty to, or is sentenced or adjudicated delinquent  
10 for an act which is an indictable offense in this  
11 state or in another jurisdiction including in a  
12 federal, military, tribal, or foreign court, including  
13 but not limited to a juvenile who has been adjudicated  
14 delinquent, but whose juvenile court records have been  
15 sealed under section 232.150, and a person who has  
16 received a deferred sentence or a deferred judgment or  
17 has been acquitted by reason of insanity.

18 "Conviction" includes the conviction of a juvenile  
19 prosecuted as an adult. "Convicted" also includes a  
20 conviction for an attempt or conspiracy to commit an  
21 offense. "Convicted" does not mean a plea, sentence,  
22 adjudication, deferred sentence, or deferred judgment  
23 which has been reversed or otherwise set aside.

24 8. "Criminal or juvenile justice agency" means an  
25 agency or department of any level of government or an  
26 entity wholly owned, financed, or controlled by one or  
27 more such agencies or departments which performs as  
28 its principal function the apprehension, prosecution,  
29 adjudication, incarceration, or rehabilitation of  
30 criminal or juvenile offenders.

31 9. "Department" means the department of public  
32 safety.

33 10. "Employee" means an offender who is  
34 self-employed, employed by another, and includes a  
35 person working under contract, or acting or serving as  
36 a volunteer, regardless of whether the  
37 self-employment, employment by another, or  
38 volunteerism is performed for compensation.

39 11. "Employment" means acting as an employee.

40 12. "Foreign court" means a court of a foreign  
41 nation that is recognized by the United States  
42 department of state that enforces the right to a fair  
43 trial during the period in which a conviction  
44 occurred.

45 13. "Habitually lives" means living in a place  
46 with some regularity, and with reference to where the  
47 sex offender actually lives, which could be some place  
48 other than a mailing address or primary address but  
49 would entail a place where the sex offender lives on  
50 an intermittent basis.

Page 3

1 14. "Incarcerated" means to be imprisoned by  
2 placing a person in a jail, prison, penitentiary,  
3 juvenile facility, or other correctional institution  
4 or facility or a place or condition of confinement or  
5 forcible restraint regardless of the nature of the  
6 institution in which the person serves a sentence for  
7 a conviction.

8 15. "Internet identifier" means an electronic mail  
9 address, instant message address or identifier, or any  
10 other designation or moniker used for  
11 self-identification during internet communication or  
12 posting, including all designations used for the  
13 purpose of routing or self-identification in internet  
14 communications or postings.

15 16. "Jurisdiction" means any state of the United  
16 States, the District of Columbia, the Commonwealth of  
17 Puerto Rico, Guam, American Samoa, the Northern  
18 Mariana Islands, the United States Virgin Islands, or  
19 a federally recognized Indian tribe.

20 17. "Loiter" means remaining in a place or  
21 circulating around a place under circumstances that  
22 would warrant a reasonable person to believe that the  
23 purpose or effect of the behavior is to enable a sex  
24 offender to become familiar with a location where a  
25 potential victim may be found, or to satisfy an  
26 unlawful sexual desire, or to locate, lure, or harass  
27 a potential victim.

28 18. "Military offense" means a sex offense  
29 specified by the secretary of defense under 10 U.S.C.  
30 § 951.

31 19. "Minor" means a person under eighteen years of  
32 age.

33 20. "Principal residence" for a sex offender  
34 means:

35 a. The residence of the offender, if the offender  
36 has only one residence in this state.

37 b. The residence at which the offender resides,

38 sleeps, or habitually lives for more days per year  
39 than another residence in this state, if the offender  
40 has more than one residence in this state.

41 c. The place of employment or attendance as a  
42 student, or both, if the sex offender does not have a  
43 residence in this state.

44 21. "Professional licensing information" means the  
45 name or other description, number, if applicable, and  
46 issuing authority or agency of any license,  
47 certification, or registration required by law to  
48 engage in a profession or occupation held by a sex  
49 offender who is required at the time of the initial  
50 requirement to register under this chapter, or any

Page 4

1 such license, certification, or registration that was  
2 issued to an offender within the five-year period  
3 prior to conviction for a sex offense that requires  
4 registration under this chapter, or any such license,  
5 certification, or registration that is issued to an  
6 offender at any time during the duration of the  
7 registration requirement.

8 22. "Public library" means any library that  
9 receives financial support from a city or county  
10 pursuant to section 256.69.

11 23. a. "Relevant information" means the following  
12 information with respect to a sex offender:

13 (1) Criminal history, including warrants,  
14 articles, status of parole, probation, or supervised  
15 release, date of arrest, date of conviction, and  
16 registration status.

17 (2) Date of birth.

18 (3) Passport and immigration documents.

19 (4) Government issued driver's license or  
20 identification card.

21 (5) DNA sample.

22 (6) Educational institutions attended as a  
23 student, including the name and address of such  
24 institutions.

25 (7) Employment information including name and  
26 address of employer.

27 (8) Fingerprints.

28 (9) Internet identifiers.

29 (10) Names, nicknames, aliases, or ethnic or  
30 tribal names, and if applicable, the real names of an  
31 offender protected under 18 U.S.C. §3521.

32 (11) Palm prints.

33 (12) Photographs.

34 (13) Physical description, including scars, marks,  
35 or tattoos.

36 (14) Professional licensing information.

- 37 (15) Residence.  
38 (16) Social security number.  
39 (17) Telephone numbers, including any landline or  
40 wireless numbers.  
41 (18) Temporary lodging information, including  
42 dates when residing in temporary lodging.  
43 (19) Statutory citation and text of offense  
44 committed that requires registration under this  
45 chapter.  
46 (20) Vehicle information for a vehicle owned or  
47 operated by an offender including license plate  
48 number, registration number, or other identifying  
49 number, vehicle description, and the permanent or  
50 frequent locations where the vehicle is parked,

Page 5

- 1 docked, or otherwise kept.  
2 (21) The name, gender, and date of birth of each  
3 person residing in the residence.  
4 b. "Relevant information" does not include  
5 relevant information in paragraph "a", subparagraphs  
6 (1) and (19), when a sex offender is required to  
7 provide relevant information pursuant to this chapter.  
8 24. "Residence" means each dwelling or other place  
9 where a sex offender resides, sleeps, or habitually  
10 lives, or will reside, sleep, or habitually live,  
11 including a shelter or group home. If a sex offender  
12 does not reside, sleep, or habitually live in a fixed  
13 place, "residence" means a description of the  
14 locations where the offender is stationed regularly,  
15 including any mobile or transitory living quarters.  
16 "Residence" shall be construed to refer to the places  
17 where a sex offender resides, sleeps, habitually  
18 lives, or is stationed with regularity, regardless of  
19 whether the offender declares or characterizes such  
20 place as the residence of the offender.  
21 25. "Sex act" means as defined in section 702.17.  
22 26. "Sex offender" means a person who is required  
23 to be registered under this chapter.  
24 27. "Sex offense" means an indictable offense for  
25 which a conviction has been entered that has an  
26 element involving a sexual act, sexual contact, or  
27 sexual conduct, and which is enumerated in section  
28 692A.102, and means any comparable offense for which a  
29 conviction has been entered under prior law, or any  
30 comparable offense for which a conviction has been  
31 entered in a federal, military, or foreign court, or  
32 another jurisdiction.  
33 28. "Sex offense against a minor" means an offense  
34 for which a conviction has been entered for a sex  
35 offense classified as a tier I, tier II, or tier III

36 offense under this chapter if such offense was  
37 committed against a minor, or otherwise involves a  
38 minor.  
39 29. "Sexually violent offense" means an offense  
40 for which a conviction has been entered for any of the  
41 following indictable offenses:  
42 a. Sexual abuse as defined under section 709.1.  
43 b. Assault with intent to commit sexual abuse in  
44 violation of section 709.11.  
45 c. Sexual misconduct with offenders and juveniles  
46 in violation of section 709.16.  
47 d. Any of the following offenses, if the offense  
48 involves sexual abuse or assault with intent to commit  
49 sexual abuse: murder, attempted murder, kidnapping,  
50 burglary, or manslaughter.

Page 6

1 e. A criminal offense committed in another  
2 jurisdiction, including a conviction in a federal,  
3 military, or foreign court, which would constitute an  
4 indictable offense under paragraphs "a" through "d" if  
5 committed in this state.  
6 30. "Sexually violent predator" means a sex  
7 offender who has been convicted of an offense which  
8 would qualify the offender as a sexually violent  
9 predator under the federal Violent Crime Control and  
10 Law Enforcement Act of 1994, 42 U.S.C. §  
11 14071(a)(3)(B), (C), (D), and (E).  
12 31. "SORNA" means the Sex Offender Registration  
13 and Notification Act, which is Title I of the federal  
14 Adam Walsh Child Protection and Safety Act of 2006.  
15 32. "Student" means a sex offender who enrolls in  
16 or otherwise receives instruction at an educational  
17 institution, including a public or private elementary  
18 school, secondary school, trade or professional  
19 school, or institution of higher education. "Student"  
20 does not mean a sex offender who enrolls in or attends  
21 an educational institution as a correspondence  
22 student, distance learning student, or any other form  
23 of learning that occurs without physical presence on  
24 the real property of an educational institution.  
25 33. "Superintendent" means the superintendent or  
26 superintendent's designee of a public school or the  
27 authorities in charge of a nonpublic school.  
28 34. "Vehicle" means a vehicle owned or operated by  
29 an offender, including but not limited to a vehicle  
30 for personal or work-related use, and including a  
31 watercraft or aircraft, that is subject to  
32 registration requirements under chapter 321, 328, or  
33 462A.  
34 Sec. 2. NEW SECTION. 692A.102 SEX OFFENSE

## 35 CLASSIFICATIONS.

36 1. For purposes of this chapter, all individuals  
37 required to register shall be classified as a tier I,  
38 tier II, or tier III offender. For purposes of this  
39 chapter, sex offenses are classified into the  
40 following tiers:

41 a. Tier I offenses include a conviction for the  
42 following sex offenses:

43 (1) Sexual abuse in the second degree in violation  
44 of section 709.3, subsection 2, if committed by a  
45 person under the age of fourteen.

46 (2) Sexual abuse in the third degree in violation  
47 of section 709.4, subsection 1, 3, or 4, if committed  
48 by a person under the age of fourteen.

49 (3) Sexual abuse in the third degree in violation  
50 of section 709.4, subsection 2, paragraph "a" or "b",

Page 7

1 if committed by a person under the age of fourteen.

2 (4) Sexual abuse in the third degree in violation  
3 of section 709.4, subsection 2, paragraph "c".

4 (5) Indecent exposure in violation of section  
5 709.9.

6 (6) Harassment in violation of section 708.7,  
7 subsection 1, 2, or 3, if a determination is made that  
8 the offense was sexually motivated pursuant to section  
9 692A.126.

10 (7) Stalking in violation of section 708.11,  
11 except a violation of subsection 3, paragraph "b",  
12 subparagraph (3), if a determination is made that the  
13 offense was sexually motivated pursuant to section  
14 692A.126.

15 (8) (a) Dissemination or exhibition of obscene  
16 material to minors in violation of section 728.2 or  
17 telephone dissemination of obscene material to minors  
18 in violation of 728.15.

19 (b) Rental or sale of hard-core pornography, if  
20 delivery is to a minor, in violation of section 728.4.

21 (9) Admitting minors to premises where obscene  
22 material is exhibited in violation of section 728.3.

23 (10) Receipt or possession of child pornography in  
24 violation of 18 U.S.C. § 2252.

25 (11) Material containing child pornography in  
26 violation of 18 U.S.C. § 2252A.

27 (12) Misleading domain names on the internet in  
28 violation of 18 U.S.C. § 2252B.

29 (13) Misleading words or digital images on the  
30 internet in violation of section 18 U.S.C. § 2252C.

31 (14) Failure to file a factual statement about an  
32 alien individual in violation of 18 U.S.C. § 2424.

33 (15) Transmitting information about a minor to



34 further criminal sexual conduct in violation of 18  
35 U.S.C. § 2425.  
36 (16) Any sex offense specified in the laws of  
37 another jurisdiction or any sex offense that may be  
38 prosecuted in federal, military, or foreign court,  
39 that is comparable to an offense listed in  
40 subparagraphs (1) through (15).  
41 (17) Any sex offense under the prior laws of this  
42 state or another jurisdiction, or any sex offense  
43 under prior law that was prosecuted in a federal,  
44 military, or foreign court, that is comparable to an  
45 offense listed in subparagraphs (1) through (15).  
46 b. Tier II offenses include a conviction for the  
47 following sex offenses:  
48 (1) Detention in brothel in violation of section  
49 709.7.  
50 (2) Lascivious acts with a child in violation of

Page 8

1 section 709.8, subsection 3 or 4.  
2 (3) Solicitation of a minor to engage in an  
3 illegal sex act in violation of section 705.1.  
4 (4) Solicitation of a minor to engage an illegal  
5 act under section 709.8, subsection 3, in violation of  
6 section 705.1.  
7 (5) Solicitation of a minor to engage in an  
8 illegal act under section 709.12, in violation of  
9 section 705.1.  
10 (6) False imprisonment of a minor in violation of  
11 section 710.7, except if committed by a parent.  
12 (7) Assault with intent to commit sexual abuse if  
13 no injury results in violation of section 709.11.  
14 (8) Invasion of privacy-nudity in violation of  
15 section 709.21.  
16 (9) Stalking in violation of section 708.11,  
17 subsection 3, paragraph "b", subparagraph (3), if a  
18 determination is made that the offense was sexually  
19 motivated pursuant to section 692A.126.  
20 (10) Indecent contact with a child in violation of  
21 section 709.12, if the child is thirteen years of age.  
22 (11) Lascivious conduct with a minor in violation  
23 of section 709.14.  
24 (12) Sexual exploitation by a counselor,  
25 therapist, or school employee in violation of section  
26 709.15, if the victim is thirteen years of age or  
27 older.  
28 (13) Sexual misconduct with offenders and  
29 juveniles in violation of section 709.16, if the  
30 victim is thirteen years of age or older.  
31 (14) Kidnapping of a person who is not a minor in  
32 violation of section 710.2, 710.3, or 710.4, if a

33 determination is made that the offense was sexually  
34 motivated pursuant to section 692A.126.  
35 (15) Solicitation of a minor to engage in an  
36 illegal act under section 725.3, subsection 2, in  
37 violation of section 705.1.  
38 (16) Incest committed against a dependant adult as  
39 defined in section 235B.2 in violation of section  
40 726.2.  
41 (17) Incest committed against a minor in violation  
42 of section 726.2.  
43 (18) Sexual exploitation of a minor in violation  
44 of section 728.12, subsection 2 or 3.  
45 (19) Material involving the sexual exploitation of  
46 a minor in violation of 18 U.S.C. § 2252(a), except  
47 receipt or possession of child pornography.  
48 (20) Production of sexually explicit depictions of  
49 a minor for import into the United States in violation  
50 of 18 U.S.C. 2260.

Page 9

1 (21) Transportation of a minor for illegal sexual  
2 activity in violation of 18 U.S.C. § 2421.  
3 (22) Coercion and enticement of a minor for  
4 illegal sexual activity in violation of 18 U.S.C. §  
5 2422(a) or (b).  
6 (23) Transportation of minors for illegal sexual  
7 activity in violation of 18 U.S.C. § 2423(a).  
8 (24) Travel with the intent to engage in illegal  
9 sexual conduct with a minor in violation of 18 U.S.C.  
10 § 2423.  
11 (25) Engaging in illicit sexual conduct in foreign  
12 places in violation of 18 U.S.C. § 2423(c).  
13 (26) Video voyeurism of a minor in violation of 18  
14 U.S.C. § 1801.  
15 (27) Any sex offense specified in the laws of  
16 another jurisdiction or any offense that may be  
17 prosecuted in a federal, military, or foreign court,  
18 that is comparable to an offense listed in  
19 subparagraphs (1) through (26).  
20 (28) Any sex offense under the prior laws of this  
21 state or another jurisdiction, or any sex offense  
22 under prior law that was prosecuted in a federal,  
23 military, or foreign court, that is comparable to a  
24 sex offense listed in subparagraphs (1) through (26).  
25 c. Tier III offenses include a conviction for the  
26 following sex offenses:  
27 (1) Murder in violation of section 707.2 or 707.3  
28 if sexual abuse as defined in section 709.1 is  
29 committed during the commission of the offense.  
30 (2) Murder in violation of section 707.2 or 707.3,  
31 if a determination is made that the offense was

- 32 sexually motivated pursuant to section 692A.126.  
33 (3) Voluntary manslaughter in violation of section  
34 707.4, if a determination is made that the offense was  
35 sexually motivated pursuant to section 692A.126.  
36 (4) Involuntary manslaughter in violation of  
37 section 707.5, if a determination is made that the  
38 offense was sexually motivated pursuant to section  
39 692A.126.  
40 (5) Attempt to commit murder in violation of  
41 section 707.11, if a determination is made that the  
42 offense was sexually motivated pursuant to section  
43 692A.126.  
44 (6) Sexual abuse in the first degree in violation  
45 of section 709.2.  
46 (7) Sexual abuse in the second degree in violation  
47 of section 709.3, subsection 1 or 3.  
48 (8) Sexual abuse in the second degree in violation  
49 of section 709.3, subsection 2, if committed by a  
50 person fourteen years of age or older.

Page 10

- 1 (9) Sexual abuse in the third degree in violation  
2 of section 709.4, subsection 1, 3, or 4, if committed  
3 by a person fourteen years of age or older.  
4 (10) Sexual abuse in the third degree in violation  
5 of section 709.4, subsection 2, paragraph "a" or "b",  
6 if committed by a person fourteen years of age or  
7 older.  
8 (11) Lascivious acts with a child in violation of  
9 section 709.8, subsection 1 or 2.  
10 (12) Kidnapping in violation of section 710.2 if  
11 sexual abuse as defined in section 709.1 is committed  
12 during the commission of the offense.  
13 (13) Kidnapping of a minor in violation of section  
14 710.2, 710.3, or 710.4, if a determination is made  
15 that the offense was sexually motivated pursuant to  
16 section 692A.126.  
17 (14) Assault with intent to commit sexual abuse  
18 resulting in serious or bodily injury in violation of  
19 section 709.11.  
20 (15) Burglary in the first degree in violation of  
21 section 713.3, subsection 1, paragraph "d".  
22 (16) Any other burglary in the first degree  
23 offense in violation of section 713.3 that is not  
24 included in subparagraph (15), if a determination is  
25 made that the offense was sexually motivated pursuant  
26 to section 692A.126.  
27 (17) Attempted burglary in the first degree in  
28 violation of section 713.4, if a determination is made  
29 that the offense was sexually motivated pursuant to  
30 section 692A.126.

31 (18) Burglary in the second degree in violation of  
32 section 713.5, if a determination is made that the  
33 offense was sexually motivated pursuant to section  
34 692A.126.

35 (19) Attempted burglary in the second degree in  
36 violation of section 713.6, if a determination is made  
37 that the offense was sexually motivated pursuant to  
38 section 692A.126.

39 (20) Burglary in the third degree in violation of  
40 section 713.6A, if a determination is made that the  
41 offense was sexually motivated pursuant to section  
42 692A.126.

43 (21) Attempted burglary in the third degree in  
44 violation of section 713.6B, if a determination is  
45 made that the offense was sexually motivated pursuant  
46 to section 692A.126.

47 (22) Criminal transmission of human  
48 immunodeficiency virus in violation of section 709C.1,  
49 subsection 1, paragraph "a".

50 (23) Human trafficking in violation of section

Page 11

1 710A.2 if sexual abuse or assault with intent to  
2 commit sexual abuse is committed or sexual conduct or  
3 sexual contact is an element of the offense.

4 (24) Purchase or sale of an individual in  
5 violation of section 710.11 if a determination is made  
6 that the offense was sexually motivated pursuant to  
7 section 692A.126.

8 (25) Sexual exploitation of a minor in violation  
9 of section 728.12, subsection 1.

10 (26) Indecent contact with a child in violation of  
11 section 709.12 if the child is under thirteen years of  
12 age.

13 (27) Sexual exploitation by a counselor,  
14 therapist, or school employee in violation of section  
15 709.15, if the child is under thirteen years of age.

16 (28) Sexual misconduct with offenders and  
17 juveniles in violation of section 709.16, if the child  
18 is under thirteen years of age.

19 (29) Child stealing in violation of section 710.5,  
20 if a determination is made that the offense was  
21 sexually motivated pursuant to section 692A.126.

22 (30) Enticing away a minor in violation of section  
23 710.10, if the violation includes an intent to commit  
24 sexual abuse, sexual exploitation, sexual contact, or  
25 sexual conduct directed towards a minor.

26 (31) Sex trafficking of children in violation of  
27 18 U.S.C. § 1591.

28 (32) Aggravated sexual abuse in violation of 18  
29 U.S.C. § 2241.

- 30 (33) Sexual abuse in violation of 18 U.S.C. §  
31 2242.
- 32 (34) Sexual abuse of a minor or ward in violation  
33 of 18 U.S.C. § 2243.
- 34 (35) Abusive sexual contact in violation of 18  
35 U.S.C. § 2244.
- 36 (36) Offenses resulting in death in violation of  
37 18 U.S.C. § 2245.
- 38 (37) Sexual exploitation of children in violation  
39 of 18 U.S.C. § 2251.
- 40 (38) Selling or buying of children in violation of  
41 18 U.S.C. § 2251A.
- 42 (39) Any sex offense specified in the laws of  
43 another jurisdiction or any sex offense that may be  
44 prosecuted in federal, military, or foreign court,  
45 that is comparable to an offense listed in  
46 subparagraphs (1) through (38).
- 47 (40) Any sex offense under the prior laws of this  
48 state or another jurisdiction, or any sex offense  
49 under prior law that was prosecuted in federal,  
50 military, or foreign court, that is comparable to a

Page 12

- 1 sex offense listed in subparagraphs (1) through (38).  
2 2. A sex offender classified as a tier I offender  
3 shall be reclassified as a tier II offender, if it is  
4 determined the offender has one previous conviction  
5 for an offense classified as a tier I offense.  
6 3. A sex offender classified as a tier II  
7 offender, shall be reclassified as a tier III  
8 offender, if it is determined the offender has a  
9 previous conviction for a tier II offense or has been  
10 reclassified as a tier II offender because of a  
11 previous conviction.  
12 4. Notwithstanding the classifications of sex  
13 offenses in subsection 1, any sex offense which would  
14 qualify a sex offender as a sexually violent predator,  
15 shall be classified as a tier III offense.  
16 5. An offense classified as a tier II offense if  
17 committed against a person under thirteen years of  
18 age, shall be reclassified as a tier III offense.  
19 6. Convictions of more than one sex offense which  
20 require registration under this chapter but which are  
21 prosecuted within a single indictment shall be  
22 considered as a single offense for purposes of  
23 registration.  
24 Sec. 3. NEW SECTION. 692A.103 OFFENDERS REQUIRED  
25 TO REGISTER.  
26 1. A person who has been convicted of any sex  
27 offense classified as a tier I, tier II, or tier III  
28 offense, or an offender required to register in

29 another jurisdiction under the other jurisdiction's  
30 sex offender registry, shall register as a sex  
31 offender as provided in this chapter if the offender  
32 resides, is employed, or attends school in this state.  
33 A sex offender shall, upon a first or subsequent  
34 conviction, register in compliance with the procedures  
35 specified in this chapter, for the duration of time  
36 specified in this chapter, commencing as follows:  
37 a. From the date of placement on probation.  
38 b. From the date of release on parole or work  
39 release.  
40 c. From the date of release from incarceration.  
41 d. Except as otherwise provided in this section,  
42 from the date an adjudicated delinquent is released  
43 from placement in a juvenile facility ordered by a  
44 court pursuant to section 232.52.  
45 e. Except as otherwise provided in this section,  
46 from the date an adjudicated delinquent commences  
47 attendance as a student at a public or private  
48 educational institution, other than an educational  
49 institution located on the real property of a juvenile  
50 facility if the juvenile has been ordered placed at

Page 13

1 such facility pursuant to section 232.52.  
2 f. From the date of conviction for a sex offense  
3 requiring registration if probation, incarceration, or  
4 placement ordered pursuant to section 232.52 in a  
5 juvenile facility is not included in the sentencing,  
6 order, or decree of the court, except as otherwise  
7 provided in this section for juvenile cases.  
8 2. A sex offender is not required to register  
9 while incarcerated. However, the running of the  
10 period of registration is tolled pursuant to section  
11 692A.107 if a sex offender is incarcerated.  
12 3. A juvenile adjudicated delinquent for an  
13 offense that requires registration shall be required  
14 to register as required in this chapter unless the  
15 juvenile court waives the requirement and finds that  
16 the person should not be required to register under  
17 this chapter.  
18 4. Notwithstanding subsections 3 and 5, a juvenile  
19 fourteen years of age or older at the time the offense  
20 was committed shall be required to register if the  
21 adjudication was for an offense committed by force or  
22 the threat of serious violence, by rendering the  
23 victim unconscious, or by involuntary drugging of the  
24 victim. At the time of adjudication the judge shall  
25 make a determination as to whether the offense was  
26 committed by force or the threat of serious violence,  
27 by rendering the victim unconscious, or by involuntary

28 drugging of the victim.

29 5. If a juvenile is required to register pursuant  
30 to subsection 3, the juvenile court may, upon motion  
31 of the juvenile, and after reasonable notice to the  
32 parties and hearing, modify or suspend the  
33 registration requirements if good cause is shown.

34 a. The motion to modify or suspend shall be made  
35 and the hearing shall occur prior to the discharge of  
36 the juvenile from the jurisdiction of the juvenile  
37 court for the sex offense that requires registration.

38 b. If at the time of the hearing the juvenile is  
39 participating in an appropriate outpatient treatment  
40 program for juvenile sex offenders, the juvenile court  
41 may enter orders temporarily suspending the  
42 requirement that the juvenile register and may defer  
43 entry of a final order on the matter until such time  
44 that the juvenile has completed or been discharged  
45 from the outpatient treatment program.

46 c. Final orders shall then be entered within  
47 thirty days from the date of the juvenile's completion  
48 or discharge from outpatient treatment.

49 d. Any order entered pursuant to this subsection  
50 that modifies or suspends the requirement to register

Page 14

1 shall include written findings stating the reason for  
2 the modification or suspension, and shall include  
3 appropriate restrictions upon the juvenile to protect  
4 the public during any period of time the registry  
5 requirements are modified or suspended. Upon entry of  
6 an order modifying or suspending the requirement to  
7 register, the juvenile court shall notify the  
8 superintendent or the superintendent's designee where  
9 the juvenile is enrolled of the decision.

10 e. This subsection does not apply to a juvenile  
11 fourteen years of age or older at the time the offense  
12 was committed if the adjudication was for a sex  
13 offense committed by force or the threat of serious  
14 violence, by rendering the victim unconscious, or by  
15 involuntary drugging of the victim.

16 6. If a juvenile is required to register and the  
17 court later modifies or suspends the order regarding  
18 the requirement to register, the court shall notify  
19 the department within five days of the decision.

20 Sec. 4. NEW SECTION. 692A.104 REGISTRATION  
21 PROCESS.

22 1. A sex offender shall appear in person to  
23 register with the sheriff of each county where the  
24 offender has a residence, maintains employment, or is  
25 in attendance as a student, within five business days  
26 of being required to register under section 692A.103

27 by providing all relevant information to the sheriff.  
28 A sheriff shall accept the registration of any person  
29 who is required to register in the county pursuant to  
30 the provisions of this chapter.  
31 2. A sex offender shall, within five business days  
32 of changing a residence, employment, or attendance as  
33 a student, appear in person to notify the sheriff of  
34 each county where a change has occurred.  
35 3. A sex offender shall, within five business days  
36 of a change in relevant information other than  
37 relevant information enumerated in subsection 2,  
38 notify the sheriff of the county where the principal  
39 residence of the offender is maintained about the  
40 change to the relevant information. The department  
41 shall establish by rule what constitutes proper  
42 notification under this subsection.  
43 4. A sex offender who is required to verify  
44 information pursuant to the provisions of section  
45 692A.108 is only required to appear in person in the  
46 county where the principal residence of the offender  
47 is maintained to verify such information.  
48 5. A sex offender shall, within five business days  
49 of the establishment of a residence, employment, or  
50 attendance as a student in another jurisdiction,

Page 15

1 appear in person to notify the sheriff of the county  
2 where the principal residence of the offender is  
3 maintained, about the establishment of a residence,  
4 employment, or attendance in another jurisdiction. A  
5 sex offender shall, within five business days of  
6 establishing a new residence, employment, or  
7 attendance as a student in another jurisdiction,  
8 register with the registering agency of the other  
9 jurisdiction, if the offender is required to register  
10 under the laws of the other jurisdiction. The  
11 department shall notify the registering agency in the  
12 other jurisdiction of the sex offender's new  
13 residence, employment, or attendance as a student in  
14 the other jurisdiction.  
15 6. A sex offender, who has multiple residences in  
16 this state, shall appear in person to notify the  
17 sheriff of each county where a residence is  
18 maintained, of the dates the offender will reside at  
19 each residence including the date when the offender  
20 will move from one residence to another residence.  
21 7. Except as provided in subsection 8, the initial  
22 or subsequent registration and any notifications  
23 required in subsections 1, 2, 4, 5, and 6 shall be by  
24 appearance at the sheriff's office and completion of  
25 the initial or subsequent registration or notification



26 shall be on a printed form, which shall be signed and  
27 dated by the sex offender. If the sheriff uses an  
28 electronic form to complete the initial registration  
29 or notification, the electronic form shall be printed  
30 upon completion and signed and dated by the sex  
31 offender. The sheriff shall transmit the registration  
32 or notification form completed by the sex offender  
33 within five business days by paper copy, or  
34 electronically, using procedures established by the  
35 department by rule.

36 8. The collection of relevant information by a  
37 court or releasing agency under section 692A.109 shall  
38 serve as the sex offender's initial or subsequent  
39 registration for purposes of this section. However,  
40 the sex offender shall register by appearing in person  
41 in the county of residence to verify the offender's  
42 arrival and relevant information. The court or  
43 releasing agency shall forward a copy of the  
44 registration to the department within five business  
45 days of completion of registration using procedures  
46 established by the department by rule.

47 Sec. 5. NEW SECTION. 692A.105 ADDITIONAL  
48 REGISTRATION REQUIREMENTS – TEMPORARY LODGING.

49 In addition to the registration provisions  
50 specified in section 692A.104, a sex offender, within

Page 16

1 five business days of a change, shall also appear in  
2 person to notify the sheriff of the county of  
3 principal residence, of any location in which the  
4 offender is staying when away from the principal  
5 residence of the offender for more than five days, by  
6 identifying the location and the period of time the  
7 offender is staying in such location.

8 Sec. 6. NEW SECTION. 692A.106 DURATION OF  
9 REGISTRATION.

10 1. Except as otherwise provided in section 232.54,  
11 692A.103, or 692A.128, or this section, the duration  
12 of registration required under this chapter shall be  
13 for a period of ten years. The registration period  
14 shall begin as provided in section 692A.103.

15 2. A sex offender who has been sentenced to a  
16 special sentence under section 903B.1 or 903B.2, shall  
17 be required to register for a period equal to the term  
18 of the special sentence, but in no case not less than  
19 the period specified in subsection 1.

20 3. A sex offender who is convicted of violating  
21 any of the requirements of this chapter shall register  
22 for an additional ten years, commencing from the date  
23 the offender's registration would have expired under  
24 subsection 1 or, in the case of an offender who has

25 been sentenced to a special sentence under section  
 26 903B.1 or 903B.2, commencing from the date the  
 27 offender's registration would have expired under  
 28 subsection 2.

29 4. A sex offender shall, upon a second or  
 30 subsequent conviction that requires a second  
 31 registration, or upon conviction of an aggravated  
 32 offense, or who has previously been convicted of one  
 33 or more offenses that would have required registration  
 34 under this chapter, register for life.

35 5. A sexually violent predator shall register for  
 36 life.

37 6. If a sex offender ceases to maintain a  
 38 residence, employment, or attendance as a student in  
 39 this state, the offender shall no longer be required  
 40 to register, and the offender shall be placed on  
 41 inactive status and relevant information shall not be  
 42 placed on the sex offender registry internet site,  
 43 after the department verifies that the offender has  
 44 complied with the registration requirements in another  
 45 jurisdiction. If the sex offender subsequently  
 46 reestablishes residence, employment, or attendance as  
 47 a student in this state, the registration requirement  
 48 under this chapter shall apply and the department  
 49 shall remove the offender from inactive status and  
 50 place any relevant information and any updated

Page 17

1 relevant information in the possession of the  
 2 department on the sex offender registry internet site.

3 Sec. 7. NEW SECTION. 692A.107 TOLLING OF  
 4 REGISTRATION PERIOD.

5 1. If a sex offender is incarcerated during a  
 6 period of registration, the running of the period of  
 7 registration is tolled until the offender is released  
 8 from incarceration for that crime.

9 2. If a sex offender violates any requirements of  
 10 section 692A.104, 692A.105, 692A.108, 692A.112,  
 11 692A.113, 692A.114, or 692A.115, in addition to any  
 12 criminal penalty prescribed for such violation, the  
 13 period of registration is tolled until the offender  
 14 complies with the registration provisions of this  
 15 chapter.

16 Sec. 8. NEW SECTION. 692A.108 VERIFICATION OF  
 17 RELEVANT INFORMATION.

18 1. A sex offender shall appear in person in the  
 19 county of principal residence after the offender was  
 20 initially required to register, to verify residence,  
 21 employment, and attendance as a student, to allow the  
 22 sheriff to photograph the offender, and to verify the  
 23 accuracy of other relevant information during the

24 following time periods after the initial registration:  
25 a. For a sex offender classified as a tier I  
26 offender, every year.  
27 b. For a sex offender classified as a tier II  
28 offender, every six months.  
29 c. For a sex offender classified as a tier III  
30 offender, every three months.  
31 2. A sheriff may require a sex offender to appear  
32 in person more frequently than provided in subsection  
33 1 to verify relevant information if good cause is  
34 shown. The circumstances under which more frequent  
35 appearances are required shall be reasonable,  
36 documented by the sheriff, and provided to the  
37 offender and the department in writing. Any  
38 modification to such requirement shall also be  
39 provided to the sex offender and the department in  
40 writing.  
41 3. a. At least thirty days prior to an appearance  
42 for the verification of relevant information as  
43 required by this section, the department shall mail  
44 notification of the required appearance to each  
45 reported residence of the sex offender. The  
46 department shall not be required to mail notification  
47 to any sex offender if the residence described or  
48 listed in the sex offender's relevant information is  
49 insufficient for the delivery of mail.  
50 b. The notice shall state that the sex offender

Page 18

1 shall appear in person in the county of principal  
2 residence on or before a date specified in the notice  
3 to verify and update relevant information. The notice  
4 shall not be forwarded to another address and shall be  
5 returned to the department if the sex offender no  
6 longer resides at the address.  
7 4. A photograph of the sex offender shall be  
8 updated, at a minimum, annually. The sheriff shall  
9 send the updated photograph to the department using  
10 procedures established by the department by rule  
11 within five business days of the photograph being  
12 taken and the department shall post the updated  
13 photograph on the sex offender registry's internet  
14 site. The sheriff may require the sex offender to  
15 submit to being photographed, fingerprinted, or palm  
16 printed, more than once per year during any required  
17 appearance to verify relevant information.  
18 5. The sheriff may make a reasonable modification  
19 to the date requiring a sex offender to make an  
20 appearance based on exigent circumstances including  
21 man-made or natural disasters. The sheriff shall  
22 notify the department of any modification using

23 procedures established by department by rule.

24 6. A waiver of the next immediate in-person  
25 verification pursuant to this section may be granted  
26 at the discretion of the sheriff, if the sex offender  
27 appears in person at the sheriff's office because of  
28 changes to relevant information pursuant to section  
29 692A.104 or 692A.105, and if the in-person  
30 verification pursuant to this section is within thirty  
31 days of such in-person appearance. If a waiver is  
32 granted, the sheriff shall notify the department of  
33 granting the waiver.

34 Sec. 9. NEW SECTION. 692A.109 DUTY TO FACILITATE  
35 REGISTRATION.

36 1. When a sex offender is released from  
37 incarceration from a jail, prison, juvenile facility,  
38 or other correctional institution or facility, or when  
39 the offender is convicted but not incarcerated, the  
40 sheriff, warden, or superintendent of a facility or,  
41 in the case of release from foster care or residential  
42 treatment or conviction without incarceration, the  
43 court shall do the following prior to release or  
44 sentencing of the convicted offender:

45 a. Obtain all relevant information from the sex  
46 offender. Additional information for a sex offender  
47 required to register as a sexually violent predator  
48 shall include but not be limited to other identifying  
49 factors, anticipated future places of residence,  
50 offense history, and documentation of any treatment

Page 19

1 received by the person for a mental abnormality or  
2 personality disorder.

3 b. Inform the sex offender of the duty to register  
4 under this chapter and SORNA and ensure registration  
5 forms are completed and signed.

6 c. Inform the sex offender that, within five  
7 business days of changing a residence, employment,  
8 attendance as a student, an appearance is required  
9 before the sheriff in the county where the change  
10 occurred.

11 d. Inform the sex offender that, within five  
12 business days of a change in relevant information  
13 other than a change of residence, employment, or  
14 attendance as a student, the sex offender shall  
15 notify, in a manner prescribed by rule, the sheriff of  
16 the county of principal residence of the change.

17 e. Inform the sex offender that if the offender  
18 establishes residence in another jurisdiction, or  
19 becomes employed, or becomes a student in another  
20 jurisdiction, the offender must report the offender's  
21 new residence, employment, or attendance as a student,

22 to the sheriff's office in the county of the  
23 offender's principal residence within five business  
24 days, and that, if the other jurisdiction has a  
25 registration requirement, the offender shall also be  
26 required to register in such jurisdiction.  
27 f. Require the sex offender to read and sign a  
28 form stating that the duty of the offender to register  
29 under this chapter has been explained and the offender  
30 understands the registration requirement. If the sex  
31 offender cannot read, is unable to write, or refuses  
32 to cooperate, the duty and the form shall be explained  
33 orally and a written record shall be maintained by the  
34 sheriff, warden, superintendent of a facility, or  
35 court explaining the duty and the form.  
36 g. Inform the sex offender who was convicted of a  
37 sex offense against a minor of the prohibitions  
38 established under section 692A.113 by providing the  
39 offender with a written copy of section 692A.113 and  
40 relevant definitions of section 692A.101.  
41 h. Inform the sex offender who was convicted of an  
42 aggravated offense against a minor of the prohibitions  
43 established under section 692A.114 by providing the  
44 offender with a written copy of section 692A.114 and  
45 relevant definitions of section 692A.101.  
46 i. Inform the sex offender that the offender must  
47 submit to being photographed by the sheriff of any  
48 county in which the offender is required to register  
49 upon initial registration and during any appearance to  
50 verify relevant information required under this

Page 20

1 chapter.  
2 j. Inform the sex offender that any violation of  
3 this chapter may result in state or federal  
4 prosecution.  
5 2. a. When a sex offender is released from  
6 incarceration from a jail, prison, juvenile facility,  
7 or other correctional institution or facility, or when  
8 the offender is convicted but not incarcerated, the  
9 sheriff, warden, superintendent of a facility, or  
10 court shall verify that the person has completed  
11 initial or subsequent registration forms, and accept  
12 the forms on behalf of the sheriff of the county of  
13 registration. The sheriff, warden, superintendent of  
14 a facility, or the court shall send the initial or  
15 subsequent registration information to the department  
16 within five business days of completion of the  
17 registration. Probation, parole, work release, or any  
18 other form of release after conviction shall not be  
19 granted unless the offender has registered as required  
20 under this chapter.

21 b. If the sex offender refuses to register, the  
22 sheriff, warden, superintendent of a facility, or  
23 court shall notify within five business days the  
24 county attorney in the county in which the offender  
25 was convicted or, if the offender no longer resides in  
26 that county, in the county in which the offender  
27 resides of the refusal to register. The county  
28 attorney shall bring a contempt of court action  
29 against the sex offender in the county in which the  
30 offender was convicted or, if the offender no longer  
31 resides in that county, in the county in which the  
32 offender resides. A sex offender who refuses to  
33 register shall be held in contempt and may be  
34 incarcerated pursuant to the provisions of chapter 665  
35 following the entry of judgment by the court on the  
36 contempt action until the offender complies with the  
37 registration requirements.

38 3. The sheriff, warden, or superintendent of a  
39 facility, or if the sex offender is placed on  
40 probation, the court shall forward one copy of the  
41 registration information to the department and to the  
42 sheriff of the county in which the principal residence  
43 is established within five business days after  
44 completion of the registration.

45 4. The court may order an appropriate law  
46 enforcement agency or the county attorney to assist  
47 the court in performing the requirements of subsection  
48 1 or 2.

49 Sec. 10. NEW SECTION. 692A.110 REGISTRATION FEES  
50 AND CIVIL PENALTY FOR OFFENDERS.

Page 21

1 1. A sex offender shall pay an annual fee in the  
2 amount of twenty-five dollars to the sheriff of the  
3 county of principal residence, beginning with the  
4 first required in-person appearance at the sheriff's  
5 office after the effective date of this Act. If the  
6 sex offender has more than one principal residence in  
7 this state, the offender shall pay the annual fee in  
8 the county where the offender is first required to  
9 appear in person after the effective date of this Act.  
10 The sheriff shall accept the registration. If, at the  
11 time of registration, the sex offender is unable to  
12 pay the fee, the sheriff may allow the offender time  
13 to pay the fee, permit the payment of the fee in  
14 installments, or may waive payment of the fee. Fees  
15 paid to the sheriff shall be used to defray the costs  
16 of duties related to the registration of sex offenders  
17 under this chapter.

18 2. In addition to any other penalty, at the time  
19 of conviction for a public offense committed on or

20 after July 1, 1995, which requires a sex offender to  
21 register under this chapter, the offender shall be  
22 assessed a civil penalty of two hundred dollars, to be  
23 payable to the clerk of the district court as provided  
24 in section 602.8105 and distributed as provided in  
25 section 602.8108. With respect to a conviction for a  
26 public offense committed on or after July 1, 2009,  
27 which requires a sex offender to register under this  
28 chapter, the offender shall be assessed a civil  
29 penalty of two hundred fifty dollars, payable to the  
30 clerk of the district court as provided in section  
31 602.8105 and distributed as provided in section  
32 602.8108.

33 3. The fee and penalty required by this section  
34 shall not be assessed against a person who has been  
35 acquitted by reason of insanity of the offense which  
36 requires registration under this chapter.

37 Sec. 11. NEW SECTION. 692A.111 FAILURE TO COMPLY  
38 – PENALTY.

39 1. A sex offender who violates any requirements of  
40 section 692A.104, 692A.105, 692A.108, 692A.112,  
41 692A.113, 692A.114, or 692A.115 commits an aggravated  
42 misdemeanor for a first offense and a class “D” felony  
43 for a second or subsequent offense. However, a sex  
44 offender convicted of an aggravated offense against a  
45 minor, a sex offense against a minor, or a sexually  
46 violent offense committed while in violation of any of  
47 the requirements specified in section 692A.104,  
48 692A.105, 692A.108, 692A.112, 692A.113, 692A.114, or  
49 692A.115 is guilty of a class “C” felony, in addition  
50 to any other penalty provided by law. Any fine

Page 22

1 imposed for a second or subsequent violation shall not  
2 be suspended. Notwithstanding section 907.3, the  
3 court shall not defer judgment or sentence for any  
4 violation of any requirements specified in this  
5 chapter. For purposes of this subsection, a violation  
6 occurs when a sex offender knows or reasonably should  
7 know of the duty to fulfill a requirement specified in  
8 this chapter as referenced in the offense charged.

9 2. Violations in any other jurisdiction under sex  
10 offender registry provisions that are substantially  
11 similar to those contained in this section shall be  
12 counted as previous offenses. The court shall  
13 judicially notice the statutes of other states which  
14 are substantially similar to this section.

15 3. A sex offender who violates any provision of  
16 this chapter may be prosecuted in any county where  
17 registration is required by the provisions of this  
18 chapter.

19 Sec. 12. NEW SECTION. 692A.112 KNOWINGLY  
20 PROVIDING FALSE INFORMATION – PENALTY.

21 A sex offender shall not knowingly provide false  
22 information upon registration, change of relevant  
23 information, or during an appearance to verify  
24 relevant information.

25 Sec. 13. NEW SECTION. 692A.113 EXCLUSION ZONES  
26 AND PROHIBITION OF CERTAIN EMPLOYMENT-RELATED  
27 ACTIVITIES.

28 1. A sex offender who has been convicted of a sex  
29 offense against a minor shall not do any of the  
30 following:

31 a. Be present upon the real property of a public  
32 or nonpublic elementary or secondary school without  
33 the written permission of the school administrator or  
34 school administrator's designee, unless enrolled as a  
35 student at the school.

36 b. Loiter within three hundred feet of the real  
37 property boundary of a public or nonpublic elementary  
38 or secondary school, unless enrolled as a student at  
39 the school.

40 c. Be present on or in any vehicle or other  
41 conveyance owned, leased, or contracted by a public or  
42 nonpublic elementary or secondary school without the  
43 written permission of the school administrator or  
44 school administrator's designee when the vehicle is in  
45 use to transport students to or from a school or  
46 school-related activities, unless enrolled as a  
47 student at the school or unless the vehicle is  
48 simultaneously made available to the public as a form  
49 of public transportation.

50 d. Be present upon the real property of a child

Page 23

1 care facility without the written permission of the  
2 child care facility administrator.

3 e. Loiter within three hundred feet of the real  
4 property boundary of a child care facility.

5 f. Be present upon the real property of a public  
6 library without the written permission of the library  
7 administrator.

8 g. Loiter within three hundred feet of the real  
9 property boundary of a public library.

10 h. Loiter on or within three hundred feet of the  
11 premises of any place intended primarily for the use  
12 of minors including but not limited to a playground  
13 available to the public, a children's play area  
14 available to the public, recreational or sport-related  
15 activity area when in use by a minor, a swimming or  
16 wading pool available to the public when in use by a  
17 minor, or a beach available to the public when in use



18 by a minor.

19 2. A sex offender who has been convicted of a sex  
20 offense against a minor:

21 a. Who resides in a dwelling located within three  
22 hundred feet of the real property boundary of public  
23 or nonpublic elementary or secondary school, child  
24 care facility, public library, or place intended  
25 primarily for the use of minors as specified in  
26 subsection 1, paragraph "h", shall not be in violation  
27 of subsection 1 for having an established residence  
28 within the exclusion zone.

29 b. Who is the parent or legal guardian of a minor  
30 shall not be in violation of subsection 1 solely  
31 during the period of time reasonably necessary to  
32 transport the offender's own minor child or ward to or  
33 from a place specified in subsection 1.

34 c. Who is legally entitled to vote shall not be in  
35 violation of subsection 1 solely for the period of  
36 time reasonably necessary to exercise the right to  
37 vote in a public election if the polling location of  
38 the offender is located in a place specified in  
39 subsection 1.

40 3. A sex offender who has been convicted of a sex  
41 offense against a minor shall not do any of the  
42 following:

43 a. Operate, manage, be employed by, or act as a  
44 contractor or volunteer at any municipal, county, or  
45 state fair or carnival when a minor is present on the  
46 premises.

47 b. Operate, manage, be employed by, or act as a  
48 contractor or volunteer on the premises of any  
49 children's arcade, an amusement center having coin or  
50 token operated devices for entertainment, or

Page 24

1 facilities providing programs or services intended  
2 primarily for minors, when a minor is present.

3 c. Operate, manage, be employed by, or act as a  
4 contractor or volunteer at a public or nonpublic  
5 elementary or secondary school, child care facility,  
6 or public library.

7 d. Operate, manage, be employed by, or act as a  
8 contractor or volunteer at any place intended  
9 primarily for use by minors including but not limited  
10 to a playground, a children's play area, recreational  
11 or sport-related activity area, a swimming or wading  
12 pool, or a beach.

13 Sec. 14. NEW SECTION. 692A.114 RESIDENCY  
14 RESTRICTIONS – PRESENCE – CHILD CARE FACILITIES AND  
15 SCHOOLS.

16 1. As used in this section:

- 17 a. "Minor" means a person who is under eighteen  
18 years of age or who is enrolled in a secondary school.
- 19 b. "School" means a public or nonpublic elementary  
20 or secondary school.
- 21 c. "Sex offender" means a person required to be  
22 registered under this chapter who has been convicted  
23 of an aggravated offense against a minor.
- 24 2. A sex offender shall not reside within two  
25 thousand feet of the real property comprising a school  
26 or a child care facility.
- 27 3. A sex offender residing within two thousand  
28 feet of the real property comprising a school or a  
29 child care facility does not commit a violation of  
30 this section if any of the following apply:
- 31 a. The sex offender is required to serve a  
32 sentence at a jail, prison, juvenile facility, or  
33 other correctional institution or facility.
- 34 b. The sex offender is subject to an order of  
35 commitment under chapter 229A.
- 36 c. The sex offender has established a residence  
37 prior to July 1, 2002.
- 38 d. The sex offender has established a residence  
39 prior to any newly located school or child care  
40 facility being established.
- 41 e. The sex offender is a minor.
- 42 f. The sex offender is a ward in a guardianship,  
43 and a district judge or associate probate judge grants  
44 an exemption from the residency restriction.
- 45 g. The sex offender is a patient or resident at a  
46 health care facility as defined in section 135C.1 or a  
47 patient in a hospice program, and a district judge or  
48 associate probate judge grants an exemption from the  
49 residency restriction.
- 50 Sec. 15. NEW SECTION. 692A.115 EMPLOYMENT WHERE

Page 25

- 1 DEPENDENT ADULTS RESIDE.
- 2 A sex offender shall not be an employee of a  
3 facility providing services for dependent adults or at  
4 events where dependent adults participate in  
5 programming and shall not loiter on the premises or  
6 grounds of a facility or at an event providing such  
7 services or programming.
- 8 Sec. 16. NEW SECTION. 692A.116 DETERMINATION OF  
9 REQUIREMENT TO REGISTER.
- 10 1. An offender may request that the department  
11 determine whether the offense for which the offender  
12 has been convicted requires the offender to register  
13 under this chapter or whether the period of time  
14 during which the offender is required to register  
15 under this chapter has expired.

16 2. Application for determination shall be filed  
17 with the department and shall be made on forms  
18 provided by the department and accompanied by copies  
19 of sentencing or adjudicatory orders with respect to  
20 each offense for which the offender asks that a  
21 determination be made.

22 3. The department, after filing of the request and  
23 after all documentation or information requested by  
24 the department is received, shall have ninety days  
25 from the filing of the request, to determine whether  
26 the offender is required to register under this  
27 chapter.

28 Sec. 17. NEW SECTION. 692A.117 REGISTRATION  
29 FORMS AND ELECTRONIC REGISTRATION SYSTEM.

30 1. Registration forms and an electronic  
31 registration system shall be made available by the  
32 department.

33 2. Copies of blank forms shall be available upon  
34 request to any registering agency.

35 Sec. 18. NEW SECTION. 692A.118 DEPARTMENT DUTIES  
36 – REGISTRY.

37 The department shall perform all of the following  
38 duties:

39 1. Develop an electronic system and standard forms  
40 for use in the registration of, verifying addresses  
41 of, and verifying understanding of registration  
42 requirements by sex offenders. Forms used to verify  
43 addresses of sex offenders shall contain a warning  
44 against forwarding a form to another address and of  
45 the requirement to return the form if the offender to  
46 whom the form is directed no longer resides at the  
47 address listed on the form or the mailing.

48 2. Maintain a central registry of information  
49 collected from sex offenders, which shall be known as  
50 the sex offender registry.

Page 26

1 3. In consultation with the attorney general,  
2 adopt rules under chapter 17A which list specific  
3 offenses under present and former law which constitute  
4 sex offenses or sex offenses against a minor under  
5 this chapter.

6 4. Adopt rules under chapter 17A, as necessary, to  
7 ensure compliance with registration and verification  
8 requirements of this chapter, to provide guidelines  
9 for persons required to assist in obtaining registry  
10 information, and to provide a procedure for the  
11 dissemination of information contained in the  
12 registry. The procedure for the dissemination of  
13 information shall include but not be limited to  
14 practical guidelines for use by criminal or juvenile

15 justice agencies in determining when public release of  
16 relevant information contained in the registry is  
17 appropriate and a requirement that if a member of the  
18 general public requests information regarding a  
19 specific individual in the manner provided in section  
20 692A.121, the relevant information shall be released.  
21 The department, in developing the procedure, shall  
22 consult with associations which represent the  
23 interests of law enforcement officers. Rules adopted  
24 shall also include a procedure for removal of  
25 information from the registry upon the reversal or  
26 setting aside of a conviction of an offender.

27 5. Submit sex offender registry data to the  
28 federal bureau of investigation for entry of the data  
29 into the national sex offender registry.

30 6. Perform the requirements under this chapter and  
31 under federal law in cooperation with the office of  
32 sex offender sentencing, monitoring, apprehending,  
33 registering, and tracking of the office of justice  
34 programs of the United States department of justice.

35 7. Enter and maintain fingerprints and palm prints  
36 of sex offenders in an automated fingerprint  
37 identification system maintained by the department and  
38 made accessible to law enforcement agencies in this  
39 state, of the federal government, or in another  
40 jurisdiction. The department or any law enforcement  
41 agency may use such prints for criminal investigative  
42 purposes, to include comparison against finger and  
43 palm prints identified or recovered as evidence in a  
44 criminal investigation.

45 8. Notify a jurisdiction that provided information  
46 that a sex offender has or intends to maintain a  
47 residence, employment, or attendance as a student, in  
48 this state, of the failure of the sex offender to  
49 register as required under this chapter.

50 9. Submit a DNA sample to the combined DNA index

Page 27

1 system, if a sample has not been submitted.

2 10. Submit the social security number to the  
3 national crime information center, if the number has  
4 not been submitted.

5 11. When the department has a reasonable basis to  
6 believe that a sex offender has changed residence to  
7 an unknown location, has become a fugitive from  
8 justice, or who has otherwise taken flight, the  
9 department shall make a reasonable effort to ascertain  
10 the whereabouts of the offender, and if such effort  
11 fails to identify the location of the offender, an  
12 appropriate notice shall be made on the sex offender  
13 registry internet site of this state and shall be

14 transmitted to the national sex offender registry.  
15 The department shall notify other law enforcement  
16 agencies as deemed appropriate.  
17 12. The department shall notify appropriate law  
18 enforcement agencies including the United States  
19 marshal service to investigate and verify possible  
20 violations. The department shall ensure any warrants  
21 for arrest are entered into the Iowa online warrant  
22 and articles system and the national crime information  
23 center and pursue prosecution of stated violations  
24 through state or federal court.

25 Sec. 19. NEW SECTION. 692A.119 SEX OFFENDER  
26 REGISTRY FUND.

27 A sex offender registry fund is established as a  
28 separate fund within the state treasury under the  
29 control of the department. The fund shall consist of  
30 moneys received as a result of the imposition of the  
31 penalty imposed under section 692A.110 and other funds  
32 allocated for purposes of establishing and maintaining  
33 the sex offender registry, conducting research and  
34 analysis related to sex crimes and offenders, and to  
35 perform other duties required under this chapter.  
36 Notwithstanding section 8.33, unencumbered or  
37 unobligated moneys and any interest remaining in the  
38 fund on June 30 of any fiscal year shall not revert to  
39 the general fund of the state, but shall remain  
40 available for expenditure in subsequent fiscal years.

41 Sec. 20. NEW SECTION. 692A.120 DUTIES OF THE  
42 SHERIFF.

43 The sheriff of each county shall comply with the  
44 requirements of this chapter and rules adopted by the  
45 department pursuant to this chapter. The sheriff of  
46 each county shall provide information and notices as  
47 provided in section 282.9.

48 Sec. 21. NEW SECTION. 692A.121 AVAILABILITY OF  
49 RECORDS.

50 1. The department shall maintain an internet site

Page 28

1 for the public and others to access relevant  
2 information about sex offenders. The internet site,  
3 at a minimum, shall be searchable by name, county,  
4 city, zip code, and geographic radius.

5 2. The department shall provide updated or  
6 corrected relevant information within five business  
7 days of the information being updated or corrected,  
8 from the sex offender registry to the following:

- 9 a. A criminal or juvenile justice agency, an
- 10 agency of the state, a sex offender registry of
- 11 another jurisdiction, or the federal government.
- 12 b. The general public through the sex offender

13 registry internet site.

14 (1) The following relevant information about a sex  
15 offender shall be disclosed on the internet site:

16 (a) The date of birth.

17 (b) The name, nickname, aliases, including ethnic  
18 or tribal names.

19 (c) Photographs.

20 (d) The physical description, including scars,  
21 marks, or tattoos.

22 (e) The residence.

23 (f) The statutory citation and text of the offense  
24 committed that requires registration under this  
25 chapter.

26 (g) A specific reference indicting whether a  
27 particular sex offender is subject to residency  
28 restrictions pursuant to section 692A.114.

29 (h) A specific reference indicating whether a  
30 particular sex offender is subject to exclusion zone  
31 restrictions pursuant to section 692A.113.

32 (2) The following relevant information shall not  
33 be disclosed on the internet site:

34 (a) The relevant information about a sex offender  
35 who was under twenty years of age at the time the  
36 offender committed a violation of section 709.4,  
37 subsection 2, paragraph "c", subparagraph (4).

38 (b) The employer name, address, or location where  
39 a sex offender acts as an employee in any form of  
40 employment.

41 (c) The address and name of any school where a  
42 student required to be on the registry attends.

43 (d) The real name of a sex offender protected  
44 under 18 U.S.C § 3521.

45 (e) The statutory citation and text of the offense  
46 committed for an incest conviction in violation of  
47 section 726.2, however, the citation and text of an  
48 incest conviction shall be disclosed on the internet  
49 site as a conviction of section 709.4 or 709.8.

50 (f) Any other relevant information not described

Page 29

1 in subparagraph (1).

2 c. The general public through any other means, at  
3 the discretion of the department, any relevant  
4 information that is available on the internet site.

5 3. A criminal or juvenile justice agency may  
6 provide relevant information from the sex offender  
7 registry to the following:

8 a. A criminal or juvenile justice agency, an  
9 agency of the state, or a sex offender registry of  
10 another jurisdiction, or the federal government.

11 b. The general public, any information available

12 to the general public in subsection 2, including  
13 public and private agencies, organizations, public  
14 places, child care facilities, religious and youth  
15 organizations, neighbors, neighborhood associations,  
16 community meetings, and employers. The relevant  
17 information available to the general public may be  
18 distributed to the public through printed materials,  
19 visual or audio press releases, radio communications,  
20 or through a criminal or juvenile justice agency's  
21 internet site.

22 4. When a sex offender moves into a school  
23 district or moves within a school district, the county  
24 sheriff of the county of the offender's new residence  
25 shall provide relevant information that is available  
26 to the general public in subsection 2 to the  
27 administrative office of the school district in which  
28 the person required to register resides, and shall  
29 also provide relevant information to any nonpublic  
30 school near the offender's residence.

31 5. a. A member of the public may contact a county  
32 sheriff's office to request relevant information from  
33 the registry regarding a specific sex offender. A  
34 person making a request for relevant information may  
35 make the request by telephone, in writing, or in  
36 person, and the request shall include the name of the  
37 person and at least one of the following identifiers  
38 pertaining to the sex offender about whom the  
39 information is sought:

40 (1) The date of birth of the person.

41 (2) The social security number of the person.

42 (3) The address of the person.

43 (4) Internet identifiers.

44 (5) Telephone numbers, including any landline or  
45 wireless numbers.

46 b. The relevant information made available to the  
47 general public pursuant to this subsection shall  
48 include all the relevant information provided to the  
49 general public on the internet site pursuant to  
50 subsection 2, and the following additional relevant

Page 30

1 information:

2 (1) Educational institutions attended as a  
3 student, including the name and address of such  
4 institution.

5 (2) Employment information including the name and  
6 address of employer.

7 (3) Temporary lodging information, including the  
8 dates when residing at the temporary lodging.

9 (4) Vehicle information.

10 c. A county sheriff or police department shall not

- 11 charge a fee relating to a request for relevant  
12 information.
- 13 6. A county sheriff shall also provide to a person  
14 upon request access to a list of all registrants in  
15 that county.
- 16 7. The following relevant information shall not be  
17 provided to the general public:
- 18 a. The identity of the victim.
  - 19 b. Arrests not resulting in a conviction.
  - 20 c. Passport and immigration documents.
  - 21 d. A government issued driver's license or  
22 identification card.
  - 23 e. DNA information.
  - 24 f. Fingerprints.
  - 25 g. Palm prints.
  - 26 h. Professional licensing information.
  - 27 i. Social security number.
  - 28 j. Real name protected under 18 U.S.C § 3521.
- 29 8. Notwithstanding sections 232.147 through  
30 232.151, records concerning convictions which are  
31 committed by a minor may be released in the same  
32 manner as records of convictions of adults.
- 33 9. A person may contact the department or a county  
34 sheriff's office to verify if a particular internet  
35 identifier or telephone number is one that has been  
36 included in a registration by a sex offender.
- 37 10. The department shall include links to sex  
38 offender safety information, educational resources  
39 pertaining to the prevention of sexual assaults, and  
40 the national sex offender registry.
- 41 11. The department shall include on the sex  
42 offender registry internet site instructions and any  
43 applicable forms necessary for a person seeking  
44 correction of information that the person contends is  
45 erroneous.
- 46 12. When the department receives and approves  
47 registration data, such data shall be made available  
48 on the sex offender registry internet site within five  
49 business days.
- 50 13. The department shall maintain an automated

Page 31

- 1 electronic mail notification system, which shall be  
2 available by free subscription to any person, to  
3 provide notice of addition, deletion, or changes to  
4 any sex offender registration, relevant information  
5 within a postal zip code or, if selected by a  
6 subscriber, a geographic radius or, if selected by a  
7 subscriber, specific to a sex offender.
- 8 14. Sex offender registry records are confidential  
9 records not subject to examination and copying by a



10 member of the public and shall only be released as  
11 provided in this section.

12 Sec. 22. NEW SECTION. 692A.122 COOPERATION WITH  
13 REGISTRATION.

14 An agency of state and local government that  
15 possesses information relevant to requirements that an  
16 offender register under this chapter shall provide  
17 that information to the court or the department upon  
18 request. All confidential records provided under this  
19 section shall remain confidential, unless otherwise  
20 ordered by a court, by the lawful custodian of the  
21 records, or by another person duly authorized to  
22 release such information.

23 Sec. 23. NEW SECTION. 692A.123 IMMUNITY FOR GOOD  
24 FAITH CONDUCT.

25 Criminal or juvenile justice agencies and employees  
26 of criminal or juvenile justice agencies and state  
27 agencies and their employees shall be immune from  
28 liability for acts or omissions arising from a good  
29 faith effort to comply with this chapter.

30 Sec. 24. NEW SECTION. 692A.124 ELECTRONIC  
31 MONITORING.

32 1. A sex offender who is placed on probation,  
33 parole, work release, special sentence, or any other  
34 type of conditional release, may be supervised by an  
35 electronic tracking and monitoring system in addition  
36 to any other conditions of supervision.

37 2. The determination to use electronic tracking  
38 and monitoring to supervise a sex offender shall be  
39 based upon a validated risk assessment approved by the  
40 department of corrections, and also upon the sex  
41 offender's criminal history, progress in treatment and  
42 supervision, and other relevant factors.

43 3. If a sex offender is under the jurisdiction of  
44 the juvenile court, the determination to use  
45 electronic tracking and monitoring to supervise the  
46 sex offender shall be based upon a risk assessment  
47 performed by a juvenile court officer.

48 Sec. 25. NEW SECTION. 692A.125 APPLICABILITY OF  
49 CHAPTER AND RETROACTIVITY.

50 1. The registration requirements of this chapter

Page 32

1 shall apply to sex offenders convicted on or after the  
2 effective date of this Act of a sex offense classified  
3 under section 692A.102.

4 2. The registration requirements of this chapter  
5 shall apply to a sex offender convicted of a sex  
6 offense or a comparable offense under prior law prior  
7 to the effective date of this Act under the following  
8 circumstances:

- 9 a. Any sex offender including a juvenile offender  
10 who is required to be on the sex offender registry as  
11 of June 30, 2009.
- 12 b. Any sex offender who is incarcerated on or  
13 after the effective date of this Act, for conviction  
14 of a sex offense committed prior to the effective date  
15 of this Act.
- 16 c. Any sex offender who is serving a special  
17 sentence pursuant to section 903B.1 or 903B.2 prior to  
18 the effective date of this Act.
- 19 3. For a sex offender required to register  
20 pursuant to subsection 1 or 2, each conviction or  
21 adjudication for a sex offense requiring registration,  
22 regardless of whether such conviction or adjudication  
23 occurred prior to, on, or after the effective date of  
24 this Act, shall be included in determining the tier  
25 requirements pursuant to this chapter.
- 26 4. An offender on the sex offender registry as of  
27 June 30, 2009, and who is required to be on the  
28 registry on or after July 1, 2009, shall be credited  
29 for any time on the registry prior to July 1, 2009.
- 30 Sec. 26. NEW SECTION. 692A.126 SEXUALLY  
31 MOTIVATED OFFENSE – DETERMINATION.
- 32 1. If a judge or jury makes a determination,  
33 beyond a reasonable doubt, that any of the following  
34 offenses for which a conviction has been entered are  
35 sexually motivated, the person shall be required to  
36 register as provided in this chapter:
- 37 a. Murder in the first degree in violation of  
38 section 707.2.
- 39 b. Murder in the second degree in violation of  
40 section 707.3.
- 41 c. Voluntary manslaughter in violation of section  
42 707.4.
- 43 d. Involuntary manslaughter in violation of  
44 section 707.5.
- 45 e. Attempt to commit murder in violation of  
46 section 707.11.
- 47 f. Harassment in violation of section 708.7,  
48 subsection 1, 2, or 3.
- 49 g. Stalking in violation of section 708.11,  
50 subsection 3, paragraph “b”, subparagraph (3).

Page 33

- 1 h. Kidnapping in the first degree in violation of  
2 section 710.2.
- 3 i. Kidnapping in the second degree in violation of  
4 section 710.3.
- 5 j. Kidnapping in the third degree in violation of  
6 section 710.4.
- 7 k. Child stealing in violation of section 710.5.

8 1. Purchase or sale or attempted purchase or sale  
9 of an individual in violation of section 710.11.

10 m. Burglary in the first degree in violation of  
11 section 713.3, subsection 1, paragraph "a", "b", or  
12 "c".

13 n. Attempted burglary in the first degree in  
14 violation of section 713.4.

15 o. Burglary in the second degree in violation of  
16 section 713.5.

17 p. Attempted burglary in the second degree in  
18 violation of section 713.6.

19 q. Burglary in the third degree in violation of  
20 section 713.6A.

21 r. Attempted burglary in the third degree in  
22 violation of section 713.6B.

23 2. If a person is convicted of an offense in  
24 another jurisdiction, or of an offense that was  
25 prosecuted in a federal, military, or foreign court,  
26 that is comparable to an offense specified in  
27 subsection 1, the person shall be required to register  
28 as provided in this chapter if the department makes a  
29 determination that the offense was sexually motivated.

30 3. If a juvenile is convicted of an offense in  
31 another jurisdiction, or of an offense as a juvenile  
32 in a similar juvenile court proceeding in a federal,  
33 military, or foreign court, that is comparable to an  
34 offense specified in subsection 1, the person shall be  
35 required to register as provided in this chapter if  
36 the department makes a determination that the offense  
37 was sexually motivated.

38 Sec. 27. NEW SECTION. 692A.127 LIMITATIONS ON  
39 POLITICAL SUBDIVISIONS.

40 A political subdivision of the state shall not  
41 adopt any motion, resolution, or ordinance regulating  
42 the residency location of a sex offender or any  
43 motion, resolution, or ordinance regulating the  
44 exclusion of a sex offender from certain real  
45 property. A motion, resolution, or ordinance adopted  
46 by a political subdivision of the state in violation  
47 of this section is void and unenforceable and any  
48 enforcement activity conducted in violation of this  
49 section is void.

50 Sec. 28. NEW SECTION. 692A.128 MODIFICATION.

Page 34

1 1. A sex offender who is on probation, parole,  
2 work release, special sentence, or any other type of  
3 conditional release may file an application in  
4 district court seeking to modify the registration  
5 requirements under this chapter.

6 2. An application shall not be granted unless all

7 of the following apply:

8 a. The date of the commencement of the requirement  
9 to register occurred at least two years prior to the  
10 filing of the application for a tier I offender and  
11 five years prior to the filing of the application for  
12 a tier II or III offender.

13 b. The sex offender has successfully completed all  
14 sex offender treatment programs that have been  
15 required.

16 c. A risk assessment has been completed and the  
17 sex offender was classified as a low risk to reoffend.  
18 The risk assessment used to assess an offender as a  
19 low risk to reoffend shall be a validated risk  
20 assessment approved by the department of corrections.

21 d. The sex offender is not incarcerated when the  
22 application is filed.

23 e. The director of the judicial district  
24 department of correctional services supervising the  
25 sex offender, or the director's designee, stipulates  
26 to the modification, and a certified copy of the  
27 stipulation is attached to the application.

28 3. The application shall be filed in the sex  
29 offender's county of principal residence.

30 4. Notice of any application shall be provided to  
31 the county attorney of the county of the sex  
32 offender's principal residence, the county attorney of  
33 any county in this state where a conviction requiring  
34 the sex offender's registration occurred, and the  
35 department. The county attorney where the conviction  
36 occurred shall notify the victim of an application if  
37 the victim's address is known.

38 5. The court may, but is not required to, conduct  
39 a hearing on the application to hear any evidence  
40 deemed appropriate by the court. The court may modify  
41 the registration requirements under this chapter.

42 6. A sex offender may be granted a modification if  
43 the offender is required to be on the sex offender  
44 registry as a result of an adjudication for a sex  
45 offense, the offender is not under the supervision of  
46 the juvenile court or a judicial district judicial  
47 department of correctional services, and the  
48 department of corrections agrees to perform a risk  
49 assessment on the sex offender. However, all other  
50 provisions of this section not in conflict with this

Page 35

1 subsection shall apply to the application prior to an  
2 application being granted except that the sex offender  
3 is not required to obtain a stipulation from the  
4 director of a judicial district department of  
5 correctional services, or the director's designee.

6 7. If the court modifies the registration  
7 requirements under this chapter, the court shall send  
8 a copy of the order to the department, the sheriff of  
9 the county of the sex offender's principal residence,  
10 any county attorney notified in subsection 4, and the  
11 victim, if the victim's address is known.  
12 Sec. 29. NEW SECTION. 692A.129 PROBATION AND  
13 PAROLE OFFICERS.

14 A probation or parole officer supervising a sex  
15 offender is not precluded from imposing more  
16 restrictive exclusion zone requirements, employment  
17 prohibitions, and residency restrictions than under  
18 sections 692A.113 and 692A.114.

19 Sec. 30. NEW SECTION. 692A.130 RULES.

20 The department shall adopt rules pursuant to  
21 chapter 17A to administer this chapter.

22 Sec. 31. Sections 692A.1 through 692A.16, Code  
23 2009, are repealed.

#### 24 DIVISION II

#### 25 SEX OFFENDER REGISTRY RELATED CHANGES

26 Sec. 32. Section 13.2, subsection 1, paragraph d,  
27 Code 2009, is amended to read as follows:

28 d. Prosecute and defend all actions and  
29 proceedings brought by or against any employee of a  
30 judicial district department of correctional services  
31 in the performance of an assessment of risk ~~pursuant~~  
32 ~~to chapter 692A.~~

33 Sec. 33. Section 22.7, subsection 48, Code 2009,  
34 is amended to read as follows:

35 48. Sex offender registry records under chapter  
36 692A, except as provided in section ~~692A.13~~ 692A.121.

37 Sec. 34. Section 232.53, subsections 2 and 3, Code  
38 2009, are amended to read as follows:

39 2. All dispositional orders entered prior to the  
40 child attaining the age of seventeen years shall  
41 automatically terminate when the child becomes  
42 eighteen years of age, except as provided in section  
43 2A. Dispositional orders entered subsequent to the  
44 child attaining the age of seventeen years and prior  
45 to the child's eighteenth birthday shall automatically  
46 terminate one year and six months after the date of  
47 disposition. In the case of an adult within the  
48 jurisdiction of the court under the provisions of  
49 section 232.8, subsection 1, the dispositional order  
50 shall automatically terminate one year and six months

Page 36

1 after the last date upon which jurisdiction could  
2 attach.

3 3. Notwithstanding section 233A.13, a child  
4 committed to the training school subsequent to the

5 child attaining the age of seventeen years and prior  
 6 to the child's eighteenth birthday may be held at the  
 7 school beyond the child's eighteenth birthday pursuant  
 8 to subsection 2 or 2A, provided that the training  
 9 school makes application to and receives permission  
 10 from the committing court. This extension shall be  
 11 for the purpose of completion by the child of a course  
 12 of instruction established for the child pursuant to  
 13 section 233A.4 and cannot extend for more than one  
 14 year and six months beyond the date of disposition  
 15 unless the duration of the dispositional order was  
 16 extended pursuant to section 2A.

17 Sec. 35. Section 232.52A, Code 2009, is amended by  
 18 adding the following new unnumbered paragraph:  
 19 NEW UNNUMBERED PARAGRAPH. If the duration of a  
 20 dispositional order is extended pursuant to section  
 21 232.53, subsection 2A, the court may continue or  
 22 extend supervision by an electronic tracking and  
 23 monitoring system in addition to any other conditions  
 24 of supervision.

25 Sec. 36. Section 232.53, Code 2009, is amended by  
 26 adding the following new subsection:  
 27 NEW SUBSECTION. 2A. A dispositional order entered  
 28 prior to the child attaining the age of seventeen, for  
 29 a child required to register as a sex offender  
 30 pursuant to the provisions of chapter 692A, may be  
 31 extended one year and six months beyond the date the  
 32 child becomes eighteen years of age.

33 Sec. 37. Section 232.54, Code 2009, is amended by  
 34 adding the following new subsection:  
 35 NEW SUBSECTION. 8A. With respect to a  
 36 dispositional order requiring a child to register as a  
 37 sex offender pursuant to chapter 692A, the juvenile  
 38 court shall determine whether the child shall remain  
 39 on the sex offender registry prior to termination of  
 40 the dispositional order.

41 Sec. 38. Section 232.116, subsection 1, paragraph  
 42 o, Code 2009, is amended to read as follows:  
 43 o. The parent has been convicted of a felony  
 44 offense that is a ~~criminal sex~~ offense against a minor  
 45 as defined in section ~~692A.1~~ 692A.101, the parent is  
 46 divorced from or was never married to the minor's  
 47 other parent, and the parent is serving a minimum  
 48 sentence of confinement of at least five years for  
 49 that offense.

50 Sec. 39. Section 272.2, subsection 17, Code 2009,

Page 37

1 is amended to read as follows:  
 2 17. Adopt rules to require that a background  
 3 investigation be conducted by the division of criminal

4 investigation of the department of public safety on  
5 all initial applicants for licensure. The board shall  
6 also require all initial applicants to submit a  
7 completed fingerprint packet and shall use the packet  
8 to facilitate a national criminal history background  
9 check. The board shall have access to, and shall  
10 review the sex offender registry information under  
11 section ~~692A.13~~ 692A.121 available to the general  
12 public, the central registry for child abuse  
13 information established under chapter 235A, and the  
14 dependent adult abuse records maintained under chapter  
15 235B for information regarding applicants for license  
16 renewal.

17 Sec. 40. Section 279.13, subsection 1, paragraph  
18 b, subparagraph (1), Code 2009, is amended to read as  
19 follows:

20 (1) Prior to entering into an initial contract  
21 with a teacher who holds a license other than an  
22 initial license issued by the board of educational  
23 examiners under chapter 272, the school district shall  
24 initiate a state criminal history record check of the  
25 applicant through the division of criminal  
26 investigation of the department of public safety,  
27 submit the applicant's fingerprints to the division  
28 for submission to the federal bureau of investigation  
29 for a national criminal history record check, and  
30 review the sex offender registry information under  
31 section ~~692A.13~~ 692A.121 available to the general  
32 public, the central registry for child abuse  
33 information established under section 235A.14, and the  
34 central registry for dependent adult abuse information  
35 established under section 235B.5 for information  
36 regarding applicants for employment as a teacher.

37 Sec. 41. Section 282.9, subsection 2, Code 2009,  
38 is amended to read as follows:

39 2. Notwithstanding section ~~692A.13~~ 692A.121, or  
40 any other provision of law to the contrary, the county  
41 sheriff shall provide to the boards of directors of  
42 the school districts located within the county the  
43 name of any individual under the age of twenty-one who  
44 is required to register as a sex offender under  
45 chapter 692A.

46 Sec. 42. Section 598.41A, Code 2009, is amended to  
47 read as follows:

48 598.41A VISITATION – HISTORY OF CRIMES AGAINST A  
49 MINOR.

50 Notwithstanding section 598.41, the court shall

Page 38

1 consider in the award of visitation rights to a parent  
2 of a child, the criminal history of the parent if the

3 parent has been convicted of a ~~criminal offense~~  
 4 ~~against a minor, a sexually violent offense against a~~  
 5 ~~minor, or sexual exploitation of a minor. As used in~~  
 6 ~~this section, "criminal offense against a minor",~~  
 7 ~~"sexually violent offense", and "sexual exploitation"~~  
 8 ~~mean as defined in section 692A.1 sex offense against~~  
 9 ~~a minor as defined in section 692A.101.~~

10 Sec. 43. Section 600A.8, subsection 10, Code 2009,  
 11 is amended to read as follows:

12 10. The parent has been convicted of a felony  
 13 offense that is a ~~criminal sex~~ offense against a minor  
 14 as defined in section ~~692A.1~~ 692A.101, the parent is  
 15 divorced from or was never married to the minor's  
 16 other parent, and the parent is serving a minimum  
 17 sentence of confinement of at least five years for  
 18 that offense.

19 Sec. 44. Section 602.8105, subsection 2, Code  
 20 2009, is amended by adding the following new  
 21 paragraph:

22 NEW PARAGRAPH. gg. For applicable convictions  
 23 under section 692A.110 prior to July 1, 2009, a civil  
 24 penalty of two hundred dollars, and for applicable  
 25 convictions under section 692A.110 on or after July 1,  
 26 2009, a civil penalty of two hundred fifty dollars.

27 Sec. 45. Section 602.8107, subsection 4, paragraph  
 28 a, Code 2009, is amended to read as follows:

29 a. This subsection does not apply to amounts  
 30 collected for victim restitution, the victim  
 31 compensation fund, the criminal penalty surcharge, sex  
 32 offender civil penalty, drug abuse resistance  
 33 education surcharge, the law enforcement initiative  
 34 surcharge, county enforcement surcharge, amounts  
 35 collected as a result of procedures initiated under  
 36 subsection 5 or under section 8A.504, or fees charged  
 37 pursuant to section 356.7.

38 Sec. 46. Section 602.8108, subsection 2, Code  
 39 2009, is amended to read as follows:

40 2. Except as otherwise provided, the clerk of the  
 41 district court shall report and submit to the state  
 42 court administrator, not later than the fifteenth day  
 43 of each month, the fines and fees received during the  
 44 preceding calendar month. Except as provided in  
 45 subsections 3, 4, 5, 7, 8, ~~and 9,~~ and 10, the state  
 46 court administrator shall deposit the amounts received  
 47 with the treasurer of state for deposit in the general  
 48 fund of the state. The state court administrator  
 49 shall report to the legislative services agency within  
 50 thirty days of the beginning of each fiscal quarter



2 account established under this section.

3 Sec. 47. Section 602.8108, Code 2009, is amended  
4 by adding the following new subsection:

5 NEW SUBSECTION. 10. The clerk of the district  
6 court shall remit to the treasurer of state, not later  
7 than the fifteenth day of each month, all moneys  
8 collected from the sex offender civil penalty provided  
9 in section 692A.110 during the preceding calendar  
10 month. Of the amount received from the clerk, the  
11 treasurer of state shall allocate ten percent to be  
12 deposited in the court technology and modernization  
13 fund established in subsection 7. The treasurer of  
14 state shall deposit the remainder into the sex  
15 offender registry fund established in section  
16 692A.119.

17 Sec. 48. Section 707.2, Code 2009, is amended by  
18 adding the following new unnumbered paragraph after  
19 subsection 6:

20 NEW UNNUMBERED PARAGRAPH. For purposes of  
21 determining whether a person should register as a sex  
22 offender pursuant to the provisions of chapter 692A,  
23 the fact finder shall make a determination as provided  
24 in section 692A.126.

25 Sec. 49. Section 707.3, Code 2009, is amended by  
26 adding the following new unnumbered paragraph after  
27 unnumbered paragraph 2:

28 NEW UNNUMBERED PARAGRAPH. For purposes of  
29 determining whether a person should register as a sex  
30 offender pursuant to the provisions of chapter 692A,  
31 the fact finder shall make a determination as provided  
32 in section 692A.126.

33 Sec. 50. Section 707.4, Code 2009, is amended by  
34 adding the following new unnumbered paragraph after  
35 unnumbered paragraph 3:

36 NEW UNNUMBERED PARAGRAPH. For purposes of  
37 determining whether a person should register as a sex  
38 offender pursuant to the provisions of chapter 692A,  
39 the fact finder shall make a determination as provided  
40 in section 692A.126.

41 Sec. 51. Section 707.5, Code 2009, is amended by  
42 adding the following new subsection:

43 NEW SUBSECTION. 3. For purposes of determining  
44 whether a person should register as a sex offender  
45 pursuant to the provisions of chapter 692A, the fact  
46 finder shall make a determination as provided in  
47 section 692A.126.

48 Sec. 52. Section 707.11, Code 2009, is amended by  
49 adding the following new unnumbered paragraph after  
50 unnumbered paragraph 2:

Page 40

1 NEW UNNUMBERED PARAGRAPH. For purposes of  
2 determining whether the person should register as a  
3 sex offender pursuant to the provisions of chapter  
4 692A, the fact finder shall make a determination as  
5 provided in section 692A.126.

6 Sec. 53. Section 708.7, Code 2009, is amended by  
7 adding the following new subsection:

8 NEW SUBSECTION. 5. For purposes of determining  
9 whether or not the person should register as a sex  
10 offender pursuant to the provisions of chapter 692A,  
11 the fact finder shall make a determination as provided  
12 in section 692A.126.

13 Sec. 54. Section 708.11, Code 2009, is amended by  
14 adding the following new subsection:

15 NEW SUBSECTION. 6. For purposes of determining  
16 whether or not the person should register as a sex  
17 offender pursuant to the provisions of chapter 692A,  
18 the fact finder shall make a determination as provided  
19 in section 692A.126.

20 Sec. 55. Section 710.2, Code 2009, is amended by  
21 adding the following new unnumbered paragraph after  
22 unnumbered paragraph 2:

23 NEW UNNUMBERED PARAGRAPH. For purposes of  
24 determining whether the person should register as a  
25 sex offender pursuant to the provisions of chapter  
26 692A, the fact finder shall make a determination as  
27 provided in section 692A.126.

28 Sec. 56. Section 710.3, Code 2009, is amended by  
29 adding the following new unnumbered paragraph:

30 NEW UNNUMBERED PARAGRAPH. For purposes of  
31 determining whether the person should register as a  
32 sex offender pursuant to the provisions of chapter  
33 692A, the fact finder shall make a determination as  
34 provided in section 692A.126.

35 Sec. 57. Section 710.4, Code 2009, is amended by  
36 adding the following new unnumbered paragraph:

37 NEW UNNUMBERED PARAGRAPH. For purposes of  
38 determining whether the person should register as a  
39 sex offender pursuant to the provisions of chapter  
40 692A, the fact finder shall make a determination as  
41 provided in section 692A.126.

42 Sec. 58. Section 710.5, Code 2009, is amended by  
43 adding the following new unnumbered paragraph:

44 NEW UNNUMBERED PARAGRAPH. For purposes of  
45 determining whether the person should register as a  
46 sex offender pursuant to the provisions of chapter  
47 692A, the fact finder shall make a determination as  
48 provided in section 692A.126.

49 Sec. 59. Section 903B.1, Code 2009, is amended to  
50 read as follows:

Page 41

1 903B.1 SPECIAL SENTENCE – CLASS “B” OR CLASS “C”  
2 FELONIES.

3 A person convicted of a class “C” felony or greater  
4 offense under chapter 709, or a class “C” felony under  
5 section 728.12, shall also be sentenced, in addition  
6 to any other punishment provided by law, to a special  
7 sentence committing the person into the custody of the  
8 director of the Iowa department of corrections for the  
9 rest of the person's life, with eligibility for parole  
10 as provided in chapter 906. The board of parole shall  
11 determine whether the person should be released on  
12 parole or placed in a work release program. The  
13 special sentence imposed under this section shall  
14 commence upon completion of the sentence imposed under  
15 any applicable criminal sentencing provisions for the  
16 underlying criminal offense and the person shall begin  
17 the sentence under supervision as if on parole or work  
18 release. The person shall be placed on the  
19 corrections continuum in chapter 901B, and the terms  
20 and conditions of the special sentence, including  
21 violations, shall be subject to the same set of  
22 procedures set out in chapters 901B, 905, 906, and  
23 chapter 908, and rules adopted under those chapters  
24 for persons on parole or work release. The revocation  
25 of release shall not be for a period greater than two  
26 years upon any first revocation, and five years upon  
27 any second or subsequent revocation. A special  
28 sentence shall be considered a category “A” sentence  
29 for purposes of calculating earned time under section  
30 903A.2.

31 Sec. 60. Section 903B.2, Code 2009, is amended to  
32 read as follows:

33 903B.2 SPECIAL SENTENCE – CLASS “D” FELONIES OR  
34 MISDEMEANORS.

35 A person convicted of a misdemeanor or a class “D”  
36 felony offense under chapter 709, section 726.2, or  
37 section 728.12 shall also be sentenced, in addition to  
38 any other punishment provided by law, to a special  
39 sentence committing the person into the custody of the  
40 director of the Iowa department of corrections for a  
41 period of ten years, with eligibility for parole as  
42 provided in chapter 906. The board of parole shall  
43 determine whether the person should be released on  
44 parole or placed in a work release program. The  
45 special sentence imposed under this section shall  
46 commence upon completion of the sentence imposed under  
47 any applicable criminal sentencing provisions for the  
48 underlying criminal offense and the person shall begin  
49 the sentence under supervision as if on parole or work  
50 release. The person shall be placed on the

Page 42

1 corrections continuum in chapter 901B, and the terms  
2 and conditions of the special sentence, including  
3 violations, shall be subject to the same set of  
4 procedures set out in chapters 901B, 905, 906, and  
5 908, and rules adopted under those chapters for  
6 persons on parole or work release. The revocation of  
7 release shall not be for a period greater than two  
8 years upon any first revocation, and five years upon  
9 any second or subsequent revocation. A special  
10 sentence shall be considered a category "A" sentence  
11 for purposes of calculating earned time under section  
12 903A.2.

13 Sec. 61. Section 907.3, subsection 1, Code 2009,  
14 is amended by adding the following new paragraph:  
15 NEW PARAGRAPH. m. The offense is a violation of  
16 chapter 692A.

17 Sec. 62. Section 907.3, subsection 2, Code 2009,  
18 is amended by adding the following new paragraph:  
19 NEW PARAGRAPH. g. The offense is a violation of  
20 chapter 692A.

21 Sec. 63. NEW SECTION. 915.17A NOTIFICATION BY  
22 JUDICIAL DISTRICT DEPARTMENT OF CORRECTIONAL SERVICES.

23 A judicial district department of correctional  
24 services shall notify a registered victim, regarding a  
25 sex offender convicted of a sex offense against a  
26 minor who is under the supervision of a judicial  
27 district department of correctional services, of the  
28 following:

29 1. The beginning date for use of an electronic  
30 tracking and monitoring system to supervise the sex  
31 offender and the type of electronic tracking and  
32 monitoring system used.

33 2. The date of any modification to the use of an  
34 electronic tracking and monitoring system and the  
35 nature of the change.

36 DIVISION III  
37 COHABITATION WITH A SEX OFFENDER

38 Sec. 64. Section 232.68, subsection 2, paragraph  
39 i, Code 2009, is amended to read as follows:

40 i. ~~Cohabitation with a person~~ Knowingly allowing a  
41 person custody or control of, or unsupervised access  
42 to a child or minor, after knowing the person is  
43 required to register or is on the sex offender  
44 registry under chapter 692A ~~is for a~~ violation of  
45 section 726.6.

46 Sec. 65. Section 726.6, subsection 1, paragraph h,  
47 Code 2009, is amended to read as follows:

48 h. ~~Cohabits with a person~~ Knowingly allows a  
49 person custody or control of, or unsupervised access  
50 to a child or a minor after knowing the person is

Page 43

1 required to register or is on the sex offender  
 2 registry as a sex offender under chapter 692A.  
 3 However, this paragraph does not apply to a person who  
 4 is a parent, ~~or guardian, or a person having custody~~  
 5 ~~or control over~~ of a child or a minor, who is required  
 6 to register as a sex offender, or to a person who is  
 7 married to and living with a person required to  
 8 register as a sex offender.

9 DIVISION IV

10 STATE MANDATE

11 Sec. 66. IMPLEMENTATION OF ACT. Section 25B.2,  
 12 subsection 3, shall not apply to this Act.”

13 2. Title page, by striking lines 1 and 2 and  
 14 inserting the following: “An Act relating to the sex  
 15 offender registry, making fees applicable, and  
 16 providing for penalties.”

Amendment H-1681 was adopted.

SENATE FILE 340 SUBSTITUTED FOR HOUSE FILE 711

Baudler of Adair asked and received unanimous consent to substitute Senate File 340 for House File 711.

**Senate File 340**, a bill for an act relating to the sex offender registry, making fees applicable, and providing for penalties, was taken up for consideration.

Paulsen of Linn offered the following amendment H-1712 filed by him from the floor and moved its adoption:

H-1712

1 Amend Senate File 340, as amended, passed, and  
 2 reprinted by the Senate, as follows:

3 1. By striking everything after the enacting  
 4 clause and inserting the following:

5 “DIVISION I

6 SEX OFFENDER REGISTRY

7 Section 1. NEW SECTION. 692A.101 DEFINITIONS.

8 As used in this chapter and unless the context  
 9 otherwise requires:

10 1. a. “Aggravated offense” means a conviction for  
 11 any of the following offenses:

12 (1) Sexual abuse in the first degree in violation  
 13 of section 709.2.

- 14 (2) Sexual abuse in the second degree in violation  
15 of section 709.3.
- 16 (3) Sexual abuse in the third degree in violation  
17 of section 709.4, subsection 1.
- 18 (4) Lascivious acts with a child in violation of  
19 section 709.8, subsection 1 or 2.
- 20 (5) Assault with intent to commit sexual abuse in  
21 violation of section 709.11.
- 22 (6) Burglary in the first degree in violation of  
23 section 713.3, subsection 1, paragraph “d”.
- 24 (7) Kidnapping, if sexual abuse as defined in  
25 section 709.1 is committed during the commission of  
26 the offense.
- 27 (8) Murder in violation of section 707.2 or 707.3,  
28 if sexual abuse as defined in section 709.1 is  
29 committed during the offense.
- 30 (9) Criminal transmission of human  
31 immunodeficiency virus in violation of section 709C.1,  
32 subsection 1, paragraph “a”.
- 33 b. Any conviction for an offense specified in the  
34 laws of another jurisdiction or any conviction for an  
35 offense prosecuted in federal, military, or foreign  
36 court, that is comparable to an offense listed in  
37 paragraph “a” shall be considered an aggravated  
38 offense for purposes of registering under this  
39 chapter.
- 40 2. “Aggravated offense against a minor” means a  
41 conviction for any of the following offenses, if such  
42 offense was committed against a minor, or otherwise  
43 involves a minor:
- 44 a. Sexual abuse in the first degree in violation  
45 of section 709.2.
- 46 b. Sexual abuse in the second degree in violation  
47 of section 709.3.
- 48 c. Sexual abuse in the third degree in violation  
49 of section 709.4, except for a violation of section  
50 709.4, subsection 2, paragraph “c”, subparagraph (4).

Page 2

- 1 3. “Appearance” means to appear in person at a  
2 sheriff’s office.
- 3 4. “Business day” means every day except Saturday,  
4 Sunday, or any paid holiday for county employees in  
5 the applicable county.
- 6 5. “Change” means to add, begin, or terminate.
- 7 6. “Child care facility” means the same as defined  
8 in section 237A.1.
- 9 7. “Convicted” means found guilty of, pleads  
10 guilty to, or is sentenced or adjudicated delinquent  
11 for an act which is an indictable offense in this  
12 state or in another jurisdiction including in a

13 federal, military, tribal, or foreign court, including  
14 but not limited to a juvenile who has been adjudicated  
15 delinquent, but whose juvenile court records have been  
16 sealed under section 232.150, and a person who has  
17 received a deferred sentence or a deferred judgment or  
18 has been acquitted by reason of insanity.

19 "Conviction" includes the conviction of a juvenile  
20 prosecuted as an adult. "Convicted" also includes a  
21 conviction for an attempt or conspiracy to commit an  
22 offense. "Convicted" does not mean a plea, sentence,  
23 adjudication, deferred sentence, or deferred judgment  
24 which has been reversed or otherwise set aside.

25 8. "Criminal or juvenile justice agency" means an  
26 agency or department of any level of government or an  
27 entity wholly owned, financed, or controlled by one or  
28 more such agencies or departments which performs as  
29 its principal function the apprehension, prosecution,  
30 adjudication, incarceration, or rehabilitation of  
31 criminal or juvenile offenders.

32 9. "Department" means the department of public  
33 safety.

34 10. "Employee" means an offender who is  
35 self-employed, employed by another, and includes a  
36 person working under contract, or acting or serving as  
37 a volunteer, regardless of whether the  
38 self-employment, employment by another, or  
39 volunteerism is performed for compensation.

40 11. "Employment" means acting as an employee.

41 12. "Foreign court" means a court of a foreign  
42 nation that is recognized by the United States  
43 department of state that enforces the right to a fair  
44 trial during the period in which a conviction  
45 occurred.

46 13. "Habitually lives" means living in a place  
47 with some regularity, and with reference to where the  
48 sex offender actually lives, which could be some place  
49 other than a mailing address or primary address but  
50 would entail a place where the sex offender lives on

Page 3

1 an intermittent basis.

2 14. "Incarcerated" means to be imprisoned by  
3 placing a person in a jail, prison, penitentiary,  
4 juvenile facility, or other correctional institution  
5 or facility or a place or condition of confinement or  
6 forcible restraint regardless of the nature of the  
7 institution in which the person serves a sentence for  
8 a conviction.

9 15. "Internet identifier" means an electronic mail  
10 address, instant message address or identifier, or any  
11 other designation or moniker used for

12 self-identification during internet communication or  
13 posting, including all designations used for the  
14 purpose of routing or self-identification in internet  
15 communications or postings.

16 16. "Jurisdiction" means any state of the United  
17 States, the District of Columbia, the Commonwealth of  
18 Puerto Rico, Guam, American Samoa, the Northern  
19 Mariana Islands, the United States Virgin Islands, or  
20 a federally recognized Indian tribe.

21 17. "Loiter" means remaining in a place or  
22 circulating around a place under circumstances that  
23 would warrant a reasonable person to believe that the  
24 purpose or effect of the behavior is to enable a sex  
25 offender to become familiar with a location where a  
26 potential victim may be found, or to satisfy an  
27 unlawful sexual desire, or to locate, lure, or harass  
28 a potential victim.

29 18. "Military offense" means a sex offense  
30 specified by the secretary of defense under 10 U.S.C.  
31 § 951.

32 19. "Minor" means a person under eighteen years of  
33 age.

34 20. "Principal residence" for a sex offender  
35 means:

36 a. The residence of the offender, if the offender  
37 has only one residence in this state.

38 b. The residence at which the offender resides,  
39 sleeps, or habitually lives for more days per year  
40 than another residence in this state, if the offender  
41 has more than one residence in this state.

42 c. The place of employment or attendance as a  
43 student, or both, if the sex offender does not have a  
44 residence in this state.

45 21. "Professional licensing information" means the  
46 name or other description, number, if applicable, and  
47 issuing authority or agency of any license,  
48 certification, or registration required by law to  
49 engage in a profession or occupation held by a sex  
50 offender who is required at the time of the initial

Page 4

1 requirement to register under this chapter, or any  
2 such license, certification, or registration that was  
3 issued to an offender within the five-year period  
4 prior to conviction for a sex offense that requires  
5 registration under this chapter, or any such license,  
6 certification, or registration that is issued to an  
7 offender at any time during the duration of the  
8 registration requirement.

9 22. "Public library" means any library that  
10 receives financial support from a city or county



11 pursuant to section 256.69.  
12 23. a. "Relevant information" means the following  
13 information with respect to a sex offender:  
14 (1) Criminal history, including warrants,  
15 articles, status of parole, probation, or supervised  
16 release, date of arrest, date of conviction, and  
17 registration status.  
18 (2) Date of birth.  
19 (3) Passport and immigration documents.  
20 (4) Government issued driver's license or  
21 identification card.  
22 (5) DNA sample.  
23 (6) Educational institutions attended as a  
24 student, including the name and address of such  
25 institutions.  
26 (7) Employment information including name and  
27 address of employer.  
28 (8) Fingerprints.  
29 (9) Internet identifiers.  
30 (10) Names, nicknames, aliases, or ethnic or  
31 tribal names, and if applicable, the real names of an  
32 offender protected under 18 U.S.C. § 3521.  
33 (11) Palm prints.  
34 (12) Photographs.  
35 (13) Physical description, including scars, marks,  
36 or tattoos.  
37 (14) Professional licensing information.  
38 (15) Residence.  
39 (16) Social security number.  
40 (17) Telephone numbers, including any landline or  
41 wireless numbers.  
42 (18) Temporary lodging information, including  
43 dates when residing in temporary lodging.  
44 (19) Statutory citation and text of offense  
45 committed that requires registration under this  
46 chapter.  
47 (20) Vehicle information for a vehicle owned or  
48 operated by an offender including license plate  
49 number, registration number, or other identifying  
50 number, vehicle description, and the permanent or

Page 5

1 frequent locations where the vehicle is parked,  
2 docked, or otherwise kept.  
3 (21) The name, gender, and date of birth of each  
4 person residing in the residence.  
5 b. "Relevant information" does not include  
6 relevant information in paragraph "a", subparagraphs  
7 (1) and (19), when a sex offender is required to  
8 provide relevant information pursuant to this chapter.  
9 24. "Residence" means each dwelling or other place

10 where a sex offender resides, sleeps, or habitually  
11 lives, or will reside, sleep, or habitually live,  
12 including a shelter or group home. If a sex offender  
13 does not reside, sleep, or habitually live in a fixed  
14 place, "residence" means a description of the  
15 locations where the offender is stationed regularly,  
16 including any mobile or transitory living quarters.  
17 "Residence" shall be construed to refer to the places  
18 where a sex offender resides, sleeps, habitually  
19 lives, or is stationed with regularity, regardless of  
20 whether the offender declares or characterizes such  
21 place as the residence of the offender.

22 25. "Sex act" means as defined in section 702.17.

23 26. "Sex offender" means a person who is required  
24 to be registered under this chapter.

25 27. "Sex offense" means an indictable offense for  
26 which a conviction has been entered that has an  
27 element involving a sexual act, sexual contact, or  
28 sexual conduct, and which is enumerated in section  
29 692A.102, and means any comparable offense for which a  
30 conviction has been entered under prior law, or any  
31 comparable offense for which a conviction has been  
32 entered in a federal, military, or foreign court, or  
33 another jurisdiction.

34 28. "Sex offense against a minor" means an offense  
35 for which a conviction has been entered for a sex  
36 offense classified as a tier I, tier II, or tier III  
37 offense under this chapter if such offense was  
38 committed against a minor, or otherwise involves a  
39 minor.

40 29. "Sexually violent offense" means an offense  
41 for which a conviction has been entered for any of the  
42 following indictable offenses:

43 a. Sexual abuse as defined under section 709.1.

44 b. Assault with intent to commit sexual abuse in  
45 violation of section 709.11.

46 c. Sexual misconduct with offenders and juveniles  
47 in violation of section 709.16.

48 d. Any of the following offenses, if the offense  
49 involves sexual abuse or assault with intent to commit  
50 sexual abuse: murder, attempted murder, kidnapping,

Page 6

1 burglary, or manslaughter.

2 e. A criminal offense committed in another  
3 jurisdiction, including a conviction in a federal,  
4 military, or foreign court, which would constitute an  
5 indictable offense under paragraphs "a" through "d" if  
6 committed in this state.

7 30. "Sexually violent predator" means a sex  
8 offender who has been convicted of an offense which

9 would qualify the offender as a sexually violent  
10 predator under the federal Violent Crime Control and  
11 Law Enforcement Act of 1994, 42 U.S.C. §  
12 14071(a)(3)(B), (C), (D), and (E).

13 31. "SORNA" means the Sex Offender Registration  
14 and Notification Act, which is Title I of the federal  
15 Adam Walsh Child Protection and Safety Act of 2006.

16 32. "Student" means a sex offender who enrolls in  
17 or otherwise receives instruction at an educational  
18 institution, including a public or private elementary  
19 school, secondary school, trade or professional  
20 school, or institution of higher education. "Student"  
21 does not mean a sex offender who enrolls in or attends  
22 an educational institution as a correspondence  
23 student, distance learning student, or any other form  
24 of learning that occurs without physical presence on  
25 the real property of an educational institution.

26 33. "Superintendent" means the superintendent or  
27 superintendent's designee of a public school or the  
28 authorities in charge of a nonpublic school.

29 34. "Vehicle" means a vehicle owned or operated by  
30 an offender, including but not limited to a vehicle  
31 for personal or work-related use, and including a  
32 watercraft or aircraft, that is subject to  
33 registration requirements under chapter 321, 328, or  
34 462A.

35 Sec. 2. NEW SECTION. 692A.102 SEX OFFENSE  
36 CLASSIFICATIONS.

37 1. For purposes of this chapter, all individuals  
38 required to register shall be classified as a tier I,  
39 tier II, or tier III offender. For purposes of this  
40 chapter, sex offenses are classified into the  
41 following tiers:

42 a. Tier I offenses include a conviction for the  
43 following sex offenses:

44 (1) Sexual abuse in the second degree in violation  
45 of section 709.3, subsection 2, if committed by a  
46 person under the age of fourteen.

47 (2) Sexual abuse in the third degree in violation  
48 of section 709.4, subsection 1, 3, or 4, if committed  
49 by a person under the age of fourteen.

50 (3) Sexual abuse in the third degree in violation

Page 7

1 of section 709.4, subsection 2, paragraph "a" or "b",  
2 if committed by a person under the age of fourteen.

3 (4) Sexual abuse in the third degree in violation  
4 of section 709.4, subsection 2, paragraph "c".

5 (5) Indecent exposure in violation of section  
6 709.9.

7 (6) Harassment in violation of section 708.7,

8 subsection 1, 2, or 3, if a determination is made that  
9 the offense was sexually motivated pursuant to section  
10 692A.126.

11 (7) Stalking in violation of section 708.11,  
12 except a violation of subsection 3, paragraph "b",  
13 subparagraph (3), if a determination is made that the  
14 offense was sexually motivated pursuant to section  
15 692A.126.

16 (8) (a) Dissemination or exhibition of obscene  
17 material to minors in violation of section 728.2 or  
18 telephone dissemination of obscene material to minors  
19 in violation of 728.15.

20 (b) Rental or sale of hard-core pornography, if  
21 delivery is to a minor, in violation of section 728.4.

22 (9) Admitting minors to premises where obscene  
23 material is exhibited in violation of section 728.3.

24 (10) Receipt or possession of child pornography in  
25 violation of 18 U.S.C. § 2252.

26 (11) Material containing child pornography in  
27 violation of 18 U.S.C. § 2252A.

28 (12) Misleading domain names on the internet in  
29 violation of 18 U.S.C. § 2252B.

30 (13) Misleading words or digital images on the  
31 internet in violation of section 18 U.S.C. § 2252C.

32 (14) Failure to file a factual statement about an  
33 alien individual in violation of 18 U.S.C. § 2424.

34 (15) Transmitting information about a minor to  
35 further criminal sexual conduct in violation of 18  
36 U.S.C. § 2425.

37 (16) Any sex offense specified in the laws of  
38 another jurisdiction or any sex offense that may be  
39 prosecuted in federal, military, or foreign court,  
40 that is comparable to an offense listed in  
41 subparagraphs (1) through (15).

42 (17) Any sex offense under the prior laws of this  
43 state or another jurisdiction, or any sex offense  
44 under prior law that was prosecuted in a federal,  
45 military, or foreign court, that is comparable to an  
46 offense listed in subparagraphs (1) through (15).

47 b. Tier II offenses include a conviction for the  
48 following sex offenses:

49 (1) Detention in brothel in violation of section  
50 709.7.

Page 8

1 (2) Lascivious acts with a child in violation of  
2 section 709.8, subsection 3 or 4.

3 (3) Solicitation of a minor to engage in an  
4 illegal sex act in violation of section 705.1.

5 (4) Solicitation of a minor to engage an illegal  
6 act under section 709.8, subsection 3, in violation of

- 7 section 705.1.
- 8 (5) Solicitation of a minor to engage in an  
9 illegal act under section 709.12, in violation of  
10 section 705.1.
- 11 (6) False imprisonment of a minor in violation of  
12 section 710.7, except if committed by a parent.
- 13 (7) Assault with intent to commit sexual abuse if  
14 no injury results in violation of section 709.11.
- 15 (8) Invasion of privacy-nudity in violation of  
16 section 709.21.
- 17 (9) Stalking in violation of section 708.11,  
18 subsection 3, paragraph "b", subparagraph (3), if a  
19 determination is made that the offense was sexually  
20 motivated pursuant to section 692A.126.
- 21 (10) Indecent contact with a child in violation of  
22 section 709.12, if the child is thirteen years of age.
- 23 (11) Lascivious conduct with a minor in violation  
24 of section 709.14.
- 25 (12) Sexual exploitation by a counselor,  
26 therapist, or school employee in violation of section  
27 709.15, if the victim is thirteen years of age or  
28 older.
- 29 (13) Sexual misconduct with offenders and  
30 juveniles in violation of section 709.16, if the  
31 victim is thirteen years of age or older.
- 32 (14) Kidnapping of a person who is not a minor in  
33 violation of section 710.2, 710.3, or 710.4, if a  
34 determination is made that the offense was sexually  
35 motivated pursuant to section 692A.126.
- 36 (15) Solicitation of a minor to engage in an  
37 illegal act under section 725.3, subsection 2, in  
38 violation of section 705.1.
- 39 (16) Incest committed against a dependant adult as  
40 defined in section 235B.2 in violation of section  
41 726.2.
- 42 (17) Incest committed against a minor in violation  
43 of section 726.2.
- 44 (18) Sexual exploitation of a minor in violation  
45 of section 728.12, subsection 2 or 3.
- 46 (19) Material involving the sexual exploitation of  
47 a minor in violation of 18 U.S.C. § 2252(a), except  
48 receipt or possession of child pornography.
- 49 (20) Production of sexually explicit depictions of  
50 a minor for import into the United States in violation

Page 9

- 1 of 18 U.S.C. § 2260.
- 2 (21) Transportation of a minor for illegal sexual  
3 activity in violation of 18 U.S.C. § 2421.
- 4 (22) Coercion and enticement of a minor for  
5 illegal sexual activity in violation of 18 U.S.C. §

6 2422(a) or (b).

7 (23) Transportation of minors for illegal sexual  
8 activity in violation of 18 U.S.C. § 2423(a).

9 (24) Travel with the intent to engage in illegal  
10 sexual conduct with a minor in violation of 18 U.S.C.  
11 § 2423.

12 (25) Engaging in illicit sexual conduct in foreign  
13 places in violation of 18 U.S.C. § 2423(c).

14 (26) Video voyeurism of a minor in violation of 18  
15 U.S.C. § 1801.

16 (27) Any sex offense specified in the laws of  
17 another jurisdiction or any offense that may be  
18 prosecuted in a federal, military, or foreign court,  
19 that is comparable to an offense listed in  
20 subparagraphs (1) through (26).

21 (28) Any sex offense under the prior laws of this  
22 state or another jurisdiction, or any sex offense  
23 under prior law that was prosecuted in a federal,  
24 military, or foreign court, that is comparable to a  
25 sex offense listed in subparagraphs (1) through (26).

26 c. Tier III offenses include a conviction for the  
27 following sex offenses:

28 (1) Murder in violation of section 707.2 or 707.3  
29 if sexual abuse as defined in section 709.1 is  
30 committed during the commission of the offense.

31 (2) Murder in violation of section 707.2 or 707.3,  
32 if a determination is made that the offense was  
33 sexually motivated pursuant to section 692A.126.

34 (3) Voluntary manslaughter in violation of section  
35 707.4, if a determination is made that the offense was  
36 sexually motivated pursuant to section 692A.126.

37 (4) Involuntary manslaughter in violation of  
38 section 707.5, if a determination is made that the  
39 offense was sexually motivated pursuant to section  
40 692A.126.

41 (5) Attempt to commit murder in violation of  
42 section 707.11, if a determination is made that the  
43 offense was sexually motivated pursuant to section  
44 692A.126.

45 (6) Sexual abuse in the first degree in violation  
46 of section 709.2.

47 (7) Sexual abuse in the second degree in violation  
48 of section 709.3, subsection 1 or 3.

49 (8) Sexual abuse in the second degree in violation  
50 of section 709.3, subsection 2, if committed by a

Page 10

1 person fourteen years of age or older.

2 (9) Sexual abuse in the third degree in violation  
3 of section 709.4, subsection 1, 3, or 4, if committed  
4 by a person fourteen years of age or older.

5 (10) Sexual abuse in the third degree in violation  
6 of section 709.4, subsection 2, paragraph "a" or "b",  
7 if committed by a person fourteen years of age or  
8 older.

9 (11) Lascivious acts with a child in violation of  
10 section 709.8, subsection 1 or 2.

11 (12) Kidnapping in violation of section 710.2 if  
12 sexual abuse as defined in section 709.1 is committed  
13 during the commission of the offense.

14 (13) Kidnapping of a minor in violation of section  
15 710.2, 710.3, or 710.4, if a determination is made  
16 that the offense was sexually motivated pursuant to  
17 section 692A.126.

18 (14) Assault with intent to commit sexual abuse  
19 resulting in serious or bodily injury in violation of  
20 section 709.11.

21 (15) Burglary in the first degree in violation of  
22 section 713.3, subsection 1, paragraph "d".

23 (16) Any other burglary in the first degree  
24 offense in violation of section 713.3 that is not  
25 included in subparagraph (15), if a determination is  
26 made that the offense was sexually motivated pursuant  
27 to section 692A.126.

28 (17) Attempted burglary in the first degree in  
29 violation of section 713.4, if a determination is made  
30 that the offense was sexually motivated pursuant to  
31 section 692A.126.

32 (18) Burglary in the second degree in violation of  
33 section 713.5, if a determination is made that the  
34 offense was sexually motivated pursuant to section  
35 692A.126.

36 (19) Attempted burglary in the second degree in  
37 violation of section 713.6, if a determination is made  
38 that the offense was sexually motivated pursuant to  
39 section 692A.126.

40 (20) Burglary in the third degree in violation of  
41 section 713.6A, if a determination is made that the  
42 offense was sexually motivated pursuant to section  
43 692A.126.

44 (21) Attempted burglary in the third degree in  
45 violation of section 713.6B, if a determination is  
46 made that the offense was sexually motivated pursuant  
47 to section 692A.126.

48 (22) Criminal transmission of human  
49 immunodeficiency virus in violation of section 709C.1,  
50 subsection 1, paragraph "a".

Page 11

1 (23) Human trafficking in violation of section  
2 710A.2 if sexual abuse or assault with intent to  
3 commit sexual abuse is committed or sexual conduct or

- 4 sexual contact is an element of the offense.  
5 (24) Purchase or sale of an individual in  
6 violation of section 710.11 if a determination is made  
7 that the offense was sexually motivated pursuant to  
8 section 692A.126.  
9 (25) Sexual exploitation of a minor in violation  
10 of section 728.12, subsection 1.  
11 (26) Indecent contact with a child in violation of  
12 section 709.12 if the child is under thirteen years of  
13 age.  
14 (27) Sexual exploitation by a counselor,  
15 therapist, or school employee in violation of section  
16 709.15, if the child is under thirteen years of age.  
17 (28) Sexual misconduct with offenders and  
18 juveniles in violation of section 709.16, if the child  
19 is under thirteen years of age.  
20 (29) Child stealing in violation of section 710.5,  
21 if a determination is made that the offense was  
22 sexually motivated pursuant to section 692A.126.  
23 (30) Enticing away a minor in violation of section  
24 710.10, if the violation includes an intent to commit  
25 sexual abuse, sexual exploitation, sexual contact, or  
26 sexual conduct directed towards a minor.  
27 (31) Sex trafficking of children in violation of  
28 18 U.S.C. § 1591.  
29 (32) Aggravated sexual abuse in violation of 18  
30 U.S.C. § 2241.  
31 (33) Sexual abuse in violation of 18 U.S.C. §  
32 2242.  
33 (34) Sexual abuse of a minor or ward in violation  
34 of 18 U.S.C. § 2243.  
35 (35) Abusive sexual contact in violation of 18  
36 U.S.C. § 2244.  
37 (36) Offenses resulting in death in violation of  
38 18 U.S.C. § 2245.  
39 (37) Sexual exploitation of children in violation  
40 of 18 U.S.C. § 2251.  
41 (38) Selling or buying of children in violation of  
42 18 U.S.C. § 2251A.  
43 (39) Any sex offense specified in the laws of  
44 another jurisdiction or any sex offense that may be  
45 prosecuted in federal, military, or foreign court,  
46 that is comparable to an offense listed in  
47 subparagraphs (1) through (38).  
48 (40) Any sex offense under the prior laws of this  
49 state or another jurisdiction, or any sex offense  
50 under prior law that was prosecuted in federal,

- 1 military, or foreign court, that is comparable to a  
2 sex offense listed in subparagraphs (1) through (38).



3 2. A sex offender classified as a tier I offender  
4 shall be reclassified as a tier II offender, if it is  
5 determined the offender has one previous conviction  
6 for an offense classified as a tier I offense.

7 3. A sex offender classified as a tier II  
8 offender, shall be reclassified as a tier III  
9 offender, if it is determined the offender has a  
10 previous conviction for a tier II offense or has been  
11 reclassified as a tier II offender because of a  
12 previous conviction.

13 4. Notwithstanding the classifications of sex  
14 offenses in subsection 1, any sex offense which would  
15 qualify a sex offender as a sexually violent predator,  
16 shall be classified as a tier III offense.

17 5. An offense classified as a tier II offense if  
18 committed against a person under thirteen years of  
19 age, shall be reclassified as a tier III offense.

20 6. Convictions of more than one sex offense which  
21 require registration under this chapter but which are  
22 prosecuted within a single indictment shall be  
23 considered as a single offense for purposes of  
24 registration.

25 Sec. 3. NEW SECTION. 692A.103 OFFENDERS REQUIRED  
26 TO REGISTER.

27 1. A person who has been convicted of any sex  
28 offense classified as a tier I, tier II, or tier III  
29 offense, or an offender required to register in  
30 another jurisdiction under the other jurisdiction's  
31 sex offender registry, shall register as a sex  
32 offender as provided in this chapter if the offender  
33 resides, is employed, or attends school in this state.  
34 A sex offender shall, upon a first or subsequent  
35 conviction, register in compliance with the procedures  
36 specified in this chapter, for the duration of time  
37 specified in this chapter, commencing as follows:

- 38 a. From the date of placement on probation.
- 39 b. From the date of release on parole or work  
40 release.
- 41 c. From the date of release from incarceration.
- 42 d. Except as otherwise provided in this section,  
43 from the date an adjudicated delinquent is released  
44 from placement in a juvenile facility ordered by a  
45 court pursuant to section 232.52.
- 46 e. Except as otherwise provided in this section,  
47 from the date an adjudicated delinquent commences  
48 attendance as a student at a public or private  
49 educational institution, other than an educational  
50 institution located on the real property of a juvenile

2 such facility pursuant to section 232.52.

3 f. From the date of conviction for a sex offense  
4 requiring registration if probation, incarceration, or  
5 placement ordered pursuant to section 232.52 in a  
6 juvenile facility is not included in the sentencing,  
7 order, or decree of the court, except as otherwise  
8 provided in this section for juvenile cases.

9 2. A sex offender is not required to register  
10 while incarcerated. However, the running of the  
11 period of registration is tolled pursuant to section  
12 692A.107 if a sex offender is incarcerated.

13 3. A juvenile adjudicated delinquent for an  
14 offense that requires registration shall be required  
15 to register as required in this chapter unless the  
16 juvenile court waives the requirement and finds that  
17 the person should not be required to register under  
18 this chapter.

19 4. Notwithstanding subsections 3 and 5, a juvenile  
20 fourteen years of age or older at the time the offense  
21 was committed shall be required to register if the  
22 adjudication was for an offense committed by force or  
23 the threat of serious violence, by rendering the  
24 victim unconscious, or by involuntary drugging of the  
25 victim. At the time of adjudication the judge shall  
26 make a determination as to whether the offense was  
27 committed by force or the threat of serious violence,  
28 by rendering the victim unconscious, or by involuntary  
29 drugging of the victim.

30 5. If a juvenile is required to register pursuant  
31 to subsection 3, the juvenile court may, upon motion  
32 of the juvenile, and after reasonable notice to the  
33 parties and hearing, modify or suspend the  
34 registration requirements if good cause is shown.

35 a. The motion to modify or suspend shall be made  
36 and the hearing shall occur prior to the discharge of  
37 the juvenile from the jurisdiction of the juvenile  
38 court for the sex offense that requires registration.

39 b. If at the time of the hearing the juvenile is  
40 participating in an appropriate outpatient treatment  
41 program for juvenile sex offenders, the juvenile court  
42 may enter orders temporarily suspending the  
43 requirement that the juvenile register and may defer  
44 entry of a final order on the matter until such time  
45 that the juvenile has completed or been discharged  
46 from the outpatient treatment program.

47 c. Final orders shall then be entered within  
48 thirty days from the date of the juvenile's completion  
49 or discharge from outpatient treatment.

50 d. Any order entered pursuant to this subsection

Page 14

1 that modifies or suspends the requirement to register  
2 shall include written findings stating the reason for  
3 the modification or suspension, and shall include  
4 appropriate restrictions upon the juvenile to protect  
5 the public during any period of time the registry  
6 requirements are modified or suspended. Upon entry of  
7 an order modifying or suspending the requirement to  
8 register, the juvenile court shall notify the  
9 superintendent or the superintendent's designee where  
10 the juvenile is enrolled of the decision.

11 e. This subsection does not apply to a juvenile  
12 fourteen years of age or older at the time the offense  
13 was committed if the adjudication was for a sex  
14 offense committed by force or the threat of serious  
15 violence, by rendering the victim unconscious, or by  
16 involuntary drugging of the victim.

17 6. If a juvenile is required to register and the  
18 court later modifies or suspends the order regarding  
19 the requirement to register, the court shall notify  
20 the department within five days of the decision.

21 Sec. 4. NEW SECTION. 692A.104 REGISTRATION  
22 PROCESS.

23 1. A sex offender shall appear in person to  
24 register with the sheriff of each county where the  
25 offender has a residence, maintains employment, or is  
26 in attendance as a student, within five business days  
27 of being required to register under section 692A.103  
28 by providing all relevant information to the sheriff.  
29 A sheriff shall accept the registration of any person  
30 who is required to register in the county pursuant to  
31 the provisions of this chapter.

32 2. A sex offender shall, within five business days  
33 of changing a residence, employment, or attendance as  
34 a student, appear in person to notify the sheriff of  
35 each county where a change has occurred.

36 3. A sex offender shall, within five business days  
37 of a change in relevant information other than  
38 relevant information enumerated in subsection 2,  
39 notify the sheriff of the county where the principal  
40 residence of the offender is maintained about the  
41 change to the relevant information. The department  
42 shall establish by rule what constitutes proper  
43 notification under this subsection.

44 4. A sex offender who is required to verify  
45 information pursuant to the provisions of section  
46 692A.108 is only required to appear in person in the  
47 county where the principal residence of the offender  
48 is maintained to verify such information.

49 5. A sex offender shall, within five business days  
50 of the establishment of a residence, employment, or

Page 15

1 attendance as a student in another jurisdiction,  
2 appear in person to notify the sheriff of the county  
3 where the principal residence of the offender is  
4 maintained, about the establishment of a residence,  
5 employment, or attendance in another jurisdiction. A  
6 sex offender shall, within five business days of  
7 establishing a new residence, employment, or  
8 attendance as a student in another jurisdiction,  
9 register with the registering agency of the other  
10 jurisdiction, if the offender is required to register  
11 under the laws of the other jurisdiction. The  
12 department shall notify the registering agency in the  
13 other jurisdiction of the sex offender's new  
14 residence, employment, or attendance as a student in  
15 the other jurisdiction.

16 6. A sex offender, who has multiple residences in  
17 this state, shall appear in person to notify the  
18 sheriff of each county where a residence is  
19 maintained, of the dates the offender will reside at  
20 each residence including the date when the offender  
21 will move from one residence to another residence.

22 7. Except as provided in subsection 8, the initial  
23 or subsequent registration and any notifications  
24 required in subsections 1, 2, 4, 5, and 6 shall be by  
25 appearance at the sheriff's office and completion of  
26 the initial or subsequent registration or notification  
27 shall be on a printed form, which shall be signed and  
28 dated by the sex offender. If the sheriff uses an  
29 electronic form to complete the initial registration  
30 or notification, the electronic form shall be printed  
31 upon completion and signed and dated by the sex  
32 offender. The sheriff shall transmit the registration  
33 or notification form completed by the sex offender  
34 within five business days by paper copy, or  
35 electronically, using procedures established by the  
36 department by rule.

37 8. The collection of relevant information by a  
38 court or releasing agency under section 692A.109 shall  
39 serve as the sex offender's initial or subsequent  
40 registration for purposes of this section. However,  
41 the sex offender shall register by appearing in person  
42 in the county of residence to verify the offender's  
43 arrival and relevant information. The court or  
44 releasing agency shall forward a copy of the  
45 registration to the department within five business  
46 days of completion of registration using procedures  
47 established by the department by rule.

48 Sec. 5. **NEW SECTION.** 692A.105 **ADDITIONAL**  
49 **REGISTRATION REQUIREMENTS – TEMPORARY LODGING.**  
50 In addition to the registration provisions

Page 16

1 specified in section 692A.104, a sex offender, within  
2 five business days of a change, shall also appear in  
3 person to notify the sheriff of the county of  
4 principal residence, of any location in which the  
5 offender is staying when away from the principal  
6 residence of the offender for more than five days, by  
7 identifying the location and the period of time the  
8 offender is staying in such location.

9 Sec. 6. NEW SECTION. 692A.106 DURATION OF  
10 REGISTRATION.

11 1. Except as otherwise provided in section 232.54,  
12 692A.103, or 692A.128, or this section, the duration  
13 of registration required under this chapter shall be  
14 for a period of ten years. The registration period  
15 shall begin as provided in section 692A.103.

16 2. A sex offender who has been sentenced to a  
17 special sentence under section 903B.1 or 903B.2, shall  
18 be required to register for a period equal to the term  
19 of the special sentence, but in no case not less than  
20 the period specified in subsection 1.

21 3. A sex offender who is convicted of violating  
22 any of the requirements of this chapter shall register  
23 for an additional ten years, commencing from the date  
24 the offender's registration would have expired under  
25 subsection 1 or, in the case of an offender who has  
26 been sentenced to a special sentence under section  
27 903B.1 or 903B.2, commencing from the date the  
28 offender's registration would have expired under  
29 subsection 2.

30 4. A sex offender shall, upon a second or  
31 subsequent conviction that requires a second  
32 registration, or upon conviction of an aggravated  
33 offense, or who has previously been convicted of one  
34 or more offenses that would have required registration  
35 under this chapter, register for life.

36 5. A sexually violent predator shall register for  
37 life.

38 6. If a sex offender ceases to maintain a  
39 residence, employment, or attendance as a student in  
40 this state, the offender shall no longer be required  
41 to register, and the offender shall be placed on  
42 inactive status and relevant information shall not be  
43 placed on the sex offender registry internet site,  
44 after the department verifies that the offender has  
45 complied with the registration requirements in another  
46 jurisdiction. If the sex offender subsequently  
47 reestablishes residence, employment, or attendance as  
48 a student in this state, the registration requirement  
49 under this chapter shall apply and the department  
50 shall remove the offender from inactive status and

Page 17

1 place any relevant information and any updated  
2 relevant information in the possession of the  
3 department on the sex offender registry internet site.

4 Sec. 7. NEW SECTION. 692A.107 TOLLING OF  
5 REGISTRATION PERIOD.

6 1. If a sex offender is incarcerated during a  
7 period of registration, the running of the period of  
8 registration is tolled until the offender is released  
9 from incarceration for that crime.

10 2. If a sex offender violates any requirements of  
11 section 692A.104, 692A.105, 692A.108, 692A.112,  
12 692A.113, 692A.114, or 692A.115, in addition to any  
13 criminal penalty prescribed for such violation, the  
14 period of registration is tolled until the offender  
15 complies with the registration provisions of this  
16 chapter.

17 Sec. 8. NEW SECTION. 692A.108 VERIFICATION OF  
18 RELEVANT INFORMATION.

19 1. A sex offender shall appear in person in the  
20 county of principal residence after the offender was  
21 initially required to register, to verify residence,  
22 employment, and attendance as a student, to allow the  
23 sheriff to photograph the offender, and to verify the  
24 accuracy of other relevant information during the  
25 following time periods after the initial registration:

26 a. For a sex offender classified as a tier I  
27 offender, every year.

28 b. For a sex offender classified as a tier II  
29 offender, every six months.

30 c. For a sex offender classified as a tier III  
31 offender, every three months.

32 2. A sheriff may require a sex offender to appear  
33 in person more frequently than provided in subsection  
34 1 to verify relevant information if good cause is  
35 shown. The circumstances under which more frequent  
36 appearances are required shall be reasonable,  
37 documented by the sheriff, and provided to the  
38 offender and the department in writing. Any  
39 modification to such requirement shall also be  
40 provided to the sex offender and the department in  
41 writing.

42 3. a. At least thirty days prior to an appearance  
43 for the verification of relevant information as  
44 required by this section, the department shall mail  
45 notification of the required appearance to each  
46 reported residence of the sex offender. The  
47 department shall not be required to mail notification  
48 to any sex offender if the residence described or  
49 listed in the sex offender's relevant information is  
50 insufficient for the delivery of mail.

Page 18

1 b. The notice shall state that the sex offender  
2 shall appear in person in the county of principal  
3 residence on or before a date specified in the notice  
4 to verify and update relevant information. The notice  
5 shall not be forwarded to another address and shall be  
6 returned to the department if the sex offender no  
7 longer resides at the address.

8 4. A photograph of the sex offender shall be  
9 updated, at a minimum, annually. The sheriff shall  
10 send the updated photograph to the department using  
11 procedures established by the department by rule  
12 within five business days of the photograph being  
13 taken and the department shall post the updated  
14 photograph on the sex offender registry's internet  
15 site. The sheriff may require the sex offender to  
16 submit to being photographed, fingerprinted, or palm  
17 printed, more than once per year during any required  
18 appearance to verify relevant information.

19 5. The sheriff may make a reasonable modification  
20 to the date requiring a sex offender to make an  
21 appearance based on exigent circumstances including  
22 man-made or natural disasters. The sheriff shall  
23 notify the department of any modification using  
24 procedures established by department by rule.

25 6. A waiver of the next immediate in-person  
26 verification pursuant to this section may be granted  
27 at the discretion of the sheriff, if the sex offender  
28 appears in person at the sheriff's office because of  
29 changes to relevant information pursuant to section  
30 692A.104 or 692A.105, and if the in-person  
31 verification pursuant to this section is within thirty  
32 days of such in-person appearance. If a waiver is  
33 granted, the sheriff shall notify the department of  
34 granting the waiver.

35 Sec. 9. NEW SECTION. 692A.109 DUTY TO FACILITATE  
36 REGISTRATION.

37 1. When a sex offender is released from  
38 incarceration from a jail, prison, juvenile facility,  
39 or other correctional institution or facility, or when  
40 the offender is convicted but not incarcerated, the  
41 sheriff, warden, or superintendent of a facility or,  
42 in the case of release from foster care or residential  
43 treatment or conviction without incarceration, the  
44 court shall do the following prior to release or  
45 sentencing of the convicted offender:

46 a. Obtain all relevant information from the sex  
47 offender. Additional information for a sex offender  
48 required to register as a sexually violent predator  
49 shall include but not be limited to other identifying  
50 factors, anticipated future places of residence,

Page 19

- 1 offense history, and documentation of any treatment  
2 received by the person for a mental abnormality or  
3 personality disorder.
- 4 b. Inform the sex offender of the duty to register  
5 under this chapter and SORNA and ensure registration  
6 forms are completed and signed.
- 7 c. Inform the sex offender that, within five  
8 business days of changing a residence, employment,  
9 attendance as a student, an appearance is required  
10 before the sheriff in the county where the change  
11 occurred.
- 12 d. Inform the sex offender that, within five  
13 business days of a change in relevant information  
14 other than a change of residence, employment, or  
15 attendance as a student, the sex offender shall  
16 notify, in a manner prescribed by rule, the sheriff of  
17 the county of principal residence of the change.
- 18 e. Inform the sex offender that if the offender  
19 establishes residence in another jurisdiction, or  
20 becomes employed, or becomes a student in another  
21 jurisdiction, the offender must report the offender's  
22 new residence, employment, or attendance as a student,  
23 to the sheriff's office in the county of the  
24 offender's principal residence within five business  
25 days, and that, if the other jurisdiction has a  
26 registration requirement, the offender shall also be  
27 required to register in such jurisdiction.
- 28 f. Require the sex offender to read and sign a  
29 form stating that the duty of the offender to register  
30 under this chapter has been explained and the offender  
31 understands the registration requirement. If the sex  
32 offender cannot read, is unable to write, or refuses  
33 to cooperate, the duty and the form shall be explained  
34 orally and a written record shall be maintained by the  
35 sheriff, warden, superintendent of a facility, or  
36 court explaining the duty and the form.
- 37 g. Inform the sex offender who was convicted of a  
38 sex offense against a minor of the prohibitions  
39 established under section 692A.113 by providing the  
40 offender with a written copy of section 692A.113 and  
41 relevant definitions of section 692A.101.
- 42 h. Inform the sex offender who was convicted of an  
43 aggravated offense against a minor of the prohibitions  
44 established under section 692A.114 by providing the  
45 offender with a written copy of section 692A.114 and  
46 relevant definitions of section 692A.101.
- 47 i. Inform the sex offender that the offender must  
48 submit to being photographed by the sheriff of any  
49 county in which the offender is required to register  
50 upon initial registration and during any appearance to



Page 20

1 verify relevant information required under this  
2 chapter.

3 j. Inform the sex offender that any violation of  
4 this chapter may result in state or federal  
5 prosecution.

6 2. a. When a sex offender is released from  
7 incarceration from a jail, prison, juvenile facility,  
8 or other correctional institution or facility, or when  
9 the offender is convicted but not incarcerated, the  
10 sheriff, warden, superintendent of a facility, or  
11 court shall verify that the person has completed  
12 initial or subsequent registration forms, and accept  
13 the forms on behalf of the sheriff of the county of  
14 registration. The sheriff, warden, superintendent of  
15 a facility, or the court shall send the initial or  
16 subsequent registration information to the department  
17 within five business days of completion of the  
18 registration. Probation, parole, work release, or any  
19 other form of release after conviction shall not be  
20 granted unless the offender has registered as required  
21 under this chapter.

22 b. If the sex offender refuses to register, the  
23 sheriff, warden, superintendent of a facility, or  
24 court shall notify within five business days the  
25 county attorney in the county in which the offender  
26 was convicted or, if the offender no longer resides in  
27 that county, in the county in which the offender  
28 resides of the refusal to register. The county  
29 attorney shall bring a contempt of court action  
30 against the sex offender in the county in which the  
31 offender was convicted or, if the offender no longer  
32 resides in that county, in the county in which the  
33 offender resides. A sex offender who refuses to  
34 register shall be held in contempt and may be  
35 incarcerated pursuant to the provisions of chapter 665  
36 following the entry of judgment by the court on the  
37 contempt action until the offender complies with the  
38 registration requirements.

39 3. The sheriff, warden, or superintendent of a  
40 facility, or if the sex offender is placed on  
41 probation, the court shall forward one copy of the  
42 registration information to the department and to the  
43 sheriff of the county in which the principal residence  
44 is established within five business days after  
45 completion of the registration.

46 4. The court may order an appropriate law  
47 enforcement agency or the county attorney to assist  
48 the court in performing the requirements of subsection  
49 1 or 2.

50 Sec. 10. NEW SECTION. 692A.110 REGISTRATION FEES

Page 21

1 AND CIVIL PENALTY FOR OFFENDERS.

2 1. A sex offender shall pay an annual fee in the  
3 amount of twenty-five dollars to the sheriff of the  
4 county of principal residence, beginning with the  
5 first required in-person appearance at the sheriff's  
6 office after the effective date of this Act. If the  
7 sex offender has more than one principal residence in  
8 this state, the offender shall pay the annual fee in  
9 the county where the offender is first required to  
10 appear in person after the effective date of this Act.  
11 The sheriff shall accept the registration. If, at the  
12 time of registration, the sex offender is unable to  
13 pay the fee, the sheriff may allow the offender time  
14 to pay the fee, permit the payment of the fee in  
15 installments, or may waive payment of the fee. Fees  
16 paid to the sheriff shall be used to defray the costs  
17 of duties related to the registration of sex offenders  
18 under this chapter.

19 2. In addition to any other penalty, at the time  
20 of conviction for a public offense committed on or  
21 after July 1, 1995, which requires a sex offender to  
22 register under this chapter, the offender shall be  
23 assessed a civil penalty of two hundred dollars, to be  
24 payable to the clerk of the district court as provided  
25 in section 602.8105 and distributed as provided in  
26 section 602.8108. With respect to a conviction for a  
27 public offense committed on or after July 1, 2009,  
28 which requires a sex offender to register under this  
29 chapter, the offender shall be assessed a civil  
30 penalty of two hundred fifty dollars, payable to the  
31 clerk of the district court as provided in section  
32 602.8105 and distributed as provided in section  
33 602.8108.

34 3. The fee and penalty required by this section  
35 shall not be assessed against a person who has been  
36 acquitted by reason of insanity of the offense which  
37 requires registration under this chapter.

38 Sec. 11. NEW SECTION. 692A.111 FAILURE TO COMPLY  
39 – PENALTY.

40 1. A sex offender who violates any requirements of  
41 section 692A.104, 692A.105, 692A.108, 692A.112,  
42 692A.113, 692A.114, or 692A.115 commits an aggravated  
43 misdemeanor for a first offense and a class "D" felony  
44 for a second or subsequent offense. However, a sex  
45 offender convicted of an aggravated offense against a  
46 minor, a sex offense against a minor, or a sexually  
47 violent offense committed while in violation of any of  
48 the requirements specified in section 692A.104,  
49 692A.105, 692A.108, 692A.112, 692A.113, 692A.114, or  
50 692A.115 is guilty of a class "C" felony, in addition

Page 22

1 to any other penalty provided by law. Any fine  
2 imposed for a second or subsequent violation shall not  
3 be suspended. Notwithstanding section 907.3, the  
4 court shall not defer judgment or sentence for any  
5 violation of any requirements specified in this  
6 chapter. For purposes of this subsection, a violation  
7 occurs when a sex offender knows or reasonably should  
8 know of the duty to fulfill a requirement specified in  
9 this chapter as referenced in the offense charged.

10 2. Violations in any other jurisdiction under sex  
11 offender registry provisions that are substantially  
12 similar to those contained in this section shall be  
13 counted as previous offenses. The court shall  
14 judicially notice the statutes of other states which  
15 are substantially similar to this section.

16 3. A sex offender who violates any provision of  
17 this chapter may be prosecuted in any county where  
18 registration is required by the provisions of this  
19 chapter.

20 Sec. 12. NEW SECTION. 692A.112 KNOWINGLY  
21 PROVIDING FALSE INFORMATION – PENALTY.

22 A sex offender shall not knowingly provide false  
23 information upon registration, change of relevant  
24 information, or during an appearance to verify  
25 relevant information.

26 Sec. 13. NEW SECTION. 692A.113 EXCLUSION ZONES  
27 AND PROHIBITION OF CERTAIN EMPLOYMENT-RELATED  
28 ACTIVITIES.

29 1. A sex offender who has been convicted of a sex  
30 offense against a minor shall not do any of the  
31 following:

32 a. Be present upon the real property of a public  
33 or nonpublic elementary or secondary school without  
34 the written permission of the school administrator or  
35 school administrator's designee, unless enrolled as a  
36 student at the school.

37 b. Loiter within three hundred feet of the real  
38 property boundary of a public or nonpublic elementary  
39 or secondary school, unless enrolled as a student at  
40 the school.

41 c. Be present on or in any vehicle or other  
42 conveyance owned, leased, or contracted by a public or  
43 nonpublic elementary or secondary school without the  
44 written permission of the school administrator or  
45 school administrator's designee when the vehicle is in  
46 use to transport students to or from a school or  
47 school-related activities, unless enrolled as a  
48 student at the school or unless the vehicle is  
49 simultaneously made available to the public as a form  
50 of public transportation.

Page 23

- 1 d. Be present upon the real property of a child  
2 care facility without the written permission of the  
3 child care facility administrator.
- 4 e. Loiter within three hundred feet of the real  
5 property boundary of a child care facility.
- 6 f. Be present upon the real property of a public  
7 library without the written permission of the library  
8 administrator.
- 9 g. Loiter within three hundred feet of the real  
10 property boundary of a public library.
- 11 h. Loiter on or within three hundred feet of the  
12 premises of any place intended primarily for the use  
13 of minors including but not limited to a playground  
14 available to the public, a children's play area  
15 available to the public, recreational or sport-related  
16 activity area when in use by a minor, a swimming or  
17 wading pool available to the public when in use by a  
18 minor, or a beach available to the public when in use  
19 by a minor.
- 20 2. A sex offender who has been convicted of a sex  
21 offense against a minor:
- 22 a. Who resides in a dwelling located within three  
23 hundred feet of the real property boundary of public  
24 or nonpublic elementary or secondary school, child  
25 care facility, public library, or place intended  
26 primarily for the use of minors as specified in  
27 subsection 1, paragraph "h", shall not be in violation  
28 of subsection 1 for having an established residence  
29 within the exclusion zone.
- 30 b. Who is the parent or legal guardian of a minor  
31 shall not be in violation of subsection 1 solely  
32 during the period of time reasonably necessary to  
33 transport the offender's own minor child or ward to or  
34 from a place specified in subsection 1.
- 35 c. Who is legally entitled to vote shall not be in  
36 violation of subsection 1 solely for the period of  
37 time reasonably necessary to exercise the right to  
38 vote in a public election if the polling location of  
39 the offender is located in a place specified in  
40 subsection 1.
- 41 3. A sex offender who has been convicted of a sex  
42 offense against a minor shall not do any of the  
43 following:
- 44 a. Operate, manage, be employed by, or act as a  
45 contractor or volunteer at any municipal, county, or  
46 state fair or carnival when a minor is present on the  
47 premises.
- 48 b. Operate, manage, be employed by, or act as a  
49 contractor or volunteer on the premises of any  
50 children's arcade, an amusement center having coin or

Page 24

1 token operated devices for entertainment, or  
2 facilities providing programs or services intended  
3 primarily for minors, when a minor is present.

4 c. Operate, manage, be employed by, or act as a  
5 contractor or volunteer at a public or nonpublic  
6 elementary or secondary school, child care facility,  
7 or public library.

8 d. Operate, manage, be employed by, or act as a  
9 contractor or volunteer at any place intended  
10 primarily for use by minors including but not limited  
11 to a playground, a children's play area, recreational  
12 or sport-related activity area, a swimming or wading  
13 pool, or a beach.

14 Sec. 14. NEW SECTION. 692A.114 RESIDENCY  
15 RESTRICTIONS – PRESENCE – CHILD CARE FACILITIES AND  
16 SCHOOLS.

17 1. As used in this section:

18 a. "Minor" means a person who is under eighteen  
19 years of age or who is enrolled in a secondary school.

20 b. "School" means a public or nonpublic elementary  
21 or secondary school.

22 c. "Sex offender" means a person required to be  
23 registered under this chapter who has been convicted  
24 of a sex offense against a minor.

25 2. A sex offender shall not reside within two  
26 thousand feet of the real property comprising a school  
27 or a child care facility.

28 3. A sex offender residing within two thousand  
29 feet of the real property comprising a school or a  
30 child care facility does not commit a violation of  
31 this section if any of the following apply:

32 a. The sex offender is required to serve a  
33 sentence at a jail, prison, juvenile facility, or  
34 other correctional institution or facility.

35 b. The sex offender is subject to an order of  
36 commitment under chapter 229A.

37 c. The sex offender has established a residence  
38 prior to July 1, 2002.

39 d. The sex offender has established a residence  
40 prior to any newly located school or child care  
41 facility being established.

42 e. The sex offender is a minor.

43 f. The sex offender is a ward in a guardianship,  
44 and a district judge or associate probate judge grants  
45 an exemption from the residency restriction.

46 g. The sex offender is a patient or resident at a  
47 health care facility as defined in section 135C.1 or a  
48 patient in a hospice program, and a district judge or  
49 associate probate judge grants an exemption from the  
50 residency restriction.

Page 25

1 Sec. 15. NEW SECTION. 692A.115 EMPLOYMENT WHERE  
2 DEPENDENT ADULTS RESIDE.

3 A sex offender shall not be an employee of a  
4 facility providing services for dependent adults or at  
5 events where dependent adults participate in  
6 programming and shall not loiter on the premises or  
7 grounds of a facility or at an event providing such  
8 services or programming.

9 Sec. 16. NEW SECTION. 692A.116 DETERMINATION OF  
10 REQUIREMENT TO REGISTER.

11 1. An offender may request that the department  
12 determine whether the offense for which the offender  
13 has been convicted requires the offender to register  
14 under this chapter or whether the period of time  
15 during which the offender is required to register  
16 under this chapter has expired.

17 2. Application for determination shall be filed  
18 with the department and shall be made on forms  
19 provided by the department and accompanied by copies  
20 of sentencing or adjudicatory orders with respect to  
21 each offense for which the offender asks that a  
22 determination be made.

23 3. The department, after filing of the request and  
24 after all documentation or information requested by  
25 the department is received, shall have ninety days  
26 from the filing of the request, to determine whether  
27 the offender is required to register under this  
28 chapter.

29 Sec. 17. NEW SECTION. 692A.117 REGISTRATION  
30 FORMS AND ELECTRONIC REGISTRATION SYSTEM.

31 1. Registration forms and an electronic  
32 registration system shall be made available by the  
33 department.

34 2. Copies of blank forms shall be available upon  
35 request to any registering agency.

36 Sec. 18. NEW SECTION. 692A.118 DEPARTMENT DUTIES  
37 – REGISTRY.

38 The department shall perform all of the following  
39 duties:

40 1. Develop an electronic system and standard forms  
41 for use in the registration of, verifying addresses  
42 of, and verifying understanding of registration  
43 requirements by sex offenders. Forms used to verify  
44 addresses of sex offenders shall contain a warning  
45 against forwarding a form to another address and of  
46 the requirement to return the form if the offender to  
47 whom the form is directed no longer resides at the  
48 address listed on the form or the mailing.

49 2. Maintain a central registry of information  
50 collected from sex offenders, which shall be known as

Page 26

1 the sex offender registry.

2 3. In consultation with the attorney general,  
3 adopt rules under chapter 17A which list specific  
4 offenses under present and former law which constitute  
5 sex offenses or sex offenses against a minor under  
6 this chapter.

7 4. Adopt rules under chapter 17A, as necessary, to  
8 ensure compliance with registration and verification  
9 requirements of this chapter, to provide guidelines  
10 for persons required to assist in obtaining registry  
11 information, and to provide a procedure for the  
12 dissemination of information contained in the  
13 registry. The procedure for the dissemination of  
14 information shall include but not be limited to  
15 practical guidelines for use by criminal or juvenile  
16 justice agencies in determining when public release of  
17 relevant information contained in the registry is  
18 appropriate and a requirement that if a member of the  
19 general public requests information regarding a  
20 specific individual in the manner provided in section  
21 692A.121, the relevant information shall be released.  
22 The department, in developing the procedure, shall  
23 consult with associations which represent the  
24 interests of law enforcement officers. Rules adopted  
25 shall also include a procedure for removal of  
26 information from the registry upon the reversal or  
27 setting aside of a conviction of an offender.

28 5. Submit sex offender registry data to the  
29 federal bureau of investigation for entry of the data  
30 into the national sex offender registry.

31 6. Perform the requirements under this chapter and  
32 under federal law in cooperation with the office of  
33 sex offender sentencing, monitoring, apprehending,  
34 registering, and tracking of the office of justice  
35 programs of the United States department of justice.

36 7. Enter and maintain fingerprints and palm prints  
37 of sex offenders in an automated fingerprint  
38 identification system maintained by the department and  
39 made accessible to law enforcement agencies in this  
40 state, of the federal government, or in another  
41 jurisdiction. The department or any law enforcement  
42 agency may use such prints for criminal investigative  
43 purposes, to include comparison against finger and  
44 palm prints identified or recovered as evidence in a  
45 criminal investigation.

46 8. Notify a jurisdiction that provided information  
47 that a sex offender has or intends to maintain a  
48 residence, employment, or attendance as a student, in  
49 this state, of the failure of the sex offender to  
50 register as required under this chapter.

Page 27

1 9. Submit a DNA sample to the combined DNA index  
2 system, if a sample has not been submitted.

3 10. Submit the social security number to the  
4 national crime information center, if the number has  
5 not been submitted.

6 11. When the department has a reasonable basis to  
7 believe that a sex offender has changed residence to  
8 an unknown location, has become a fugitive from  
9 justice, or who has otherwise taken flight, the  
10 department shall make a reasonable effort to ascertain  
11 the whereabouts of the offender, and if such effort  
12 fails to identify the location of the offender, an  
13 appropriate notice shall be made on the sex offender  
14 registry internet site of this state and shall be  
15 transmitted to the national sex offender registry.  
16 The department shall notify other law enforcement  
17 agencies as deemed appropriate.

18 12. The department shall notify appropriate law  
19 enforcement agencies including the United States  
20 marshal service to investigate and verify possible  
21 violations. The department shall ensure any warrants  
22 for arrest are entered into the Iowa online warrant  
23 and articles system and the national crime information  
24 center and pursue prosecution of stated violations  
25 through state or federal court.

26 Sec. 19. NEW SECTION. 692A.119 SEX OFFENDER  
27 REGISTRY FUND.

28 A sex offender registry fund is established as a  
29 separate fund within the state treasury under the  
30 control of the department. The fund shall consist of  
31 moneys received as a result of the imposition of the  
32 penalty imposed under section 692A.110 and other funds  
33 allocated for purposes of establishing and maintaining  
34 the sex offender registry, conducting research and  
35 analysis related to sex crimes and offenders, and to  
36 perform other duties required under this chapter.  
37 Notwithstanding section 8.33, unencumbered or  
38 unobligated moneys and any interest remaining in the  
39 fund on June 30 of any fiscal year shall not revert to  
40 the general fund of the state, but shall remain  
41 available for expenditure in subsequent fiscal years.

42 Sec. 20. NEW SECTION. 692A.120 DUTIES OF THE  
43 SHERIFF.

44 The sheriff of each county shall comply with the  
45 requirements of this chapter and rules adopted by the  
46 department pursuant to this chapter. The sheriff of  
47 each county shall provide information and notices as  
48 provided in section 282.9.

49 Sec. 21. NEW SECTION. 692A.121 AVAILABILITY OF  
50 RECORDS.



Page 28

1 1. The department shall maintain an internet site  
2 for the public and others to access relevant  
3 information about sex offenders. The internet site,  
4 at a minimum, shall be searchable by name, county,  
5 city, zip code, and geographic radius.

6 2. The department shall provide updated or  
7 corrected relevant information within five business  
8 days of the information being updated or corrected,  
9 from the sex offender registry to the following:

10 a. A criminal or juvenile justice agency, an  
11 agency of the state, a sex offender registry of  
12 another jurisdiction, or the federal government.

13 b. The general public through the sex offender  
14 registry internet site.

15 (1) The following relevant information about a sex  
16 offender shall be disclosed on the internet site:

17 (a) The date of birth.

18 (b) The name, nickname, aliases, including ethnic  
19 or tribal names.

20 (c) Photographs.

21 (d) The physical description, including scars,  
22 marks, or tattoos.

23 (e) The residence.

24 (f) The statutory citation and text of the offense  
25 committed that requires registration under this  
26 chapter.

27 (g) A specific reference indicting whether a  
28 particular sex offender is subject to residency  
29 restrictions pursuant to section 692A.114.

30 (h) A specific reference indicating whether a  
31 particular sex offender is subject to exclusion zone  
32 restrictions pursuant to section 692A.113.

33 (2) The following relevant information shall not  
34 be disclosed on the internet site:

35 (a) The relevant information about a sex offender  
36 who was under twenty years of age at the time the  
37 offender committed a violation of section 709.4,  
38 subsection 2, paragraph "c", subparagraph (4).

39 (b) The employer name, address, or location where  
40 a sex offender acts as an employee in any form of  
41 employment.

42 (c) The address and name of any school where a  
43 student required to be on the registry attends.

44 (d) The real name of a sex offender protected  
45 under 18 U.S.C § 3521.

46 (e) The statutory citation and text of the offense  
47 committed for an incest conviction in violation of  
48 section 726.2, however, the citation and text of an  
49 incest conviction shall be disclosed on the internet  
50 site as a conviction of section 709.4 or 709.8.

Page 29

1 (f) Any other relevant information not described  
2 in subparagraph (1).

3 c. The general public through any other means, at  
4 the discretion of the department, any relevant  
5 information that is available on the internet site.

6 3. A criminal or juvenile justice agency may  
7 provide relevant information from the sex offender  
8 registry to the following:

9 a. A criminal or juvenile justice agency, an  
10 agency of the state, or a sex offender registry of  
11 another jurisdiction, or the federal government.

12 b. The general public, any information available  
13 to the general public in subsection 2, including  
14 public and private agencies, organizations, public  
15 places, child care facilities, religious and youth  
16 organizations, neighbors, neighborhood associations,  
17 community meetings, and employers. The relevant  
18 information available to the general public may be  
19 distributed to the public through printed materials,  
20 visual or audio press releases, radio communications,  
21 or through a criminal or juvenile justice agency's  
22 internet site.

23 4. When a sex offender moves into a school  
24 district or moves within a school district, the county  
25 sheriff of the county of the offender's new residence  
26 shall provide relevant information that is available  
27 to the general public in subsection 2 to the  
28 administrative office of the school district in which  
29 the person required to register resides, and shall  
30 also provide relevant information to any nonpublic  
31 school near the offender's residence.

32 5. a. A member of the public may contact a county  
33 sheriff's office to request relevant information from  
34 the registry regarding a specific sex offender. A  
35 person making a request for relevant information may  
36 make the request by telephone, in writing, or in  
37 person, and the request shall include the name of the  
38 person and at least one of the following identifiers  
39 pertaining to the sex offender about whom the  
40 information is sought:

41 (1) The date of birth of the person.

42 (2) The social security number of the person.

43 (3) The address of the person.

44 (4) Internet identifiers.

45 (5) Telephone numbers, including any landline or  
46 wireless numbers.

47 b. The relevant information made available to the  
48 general public pursuant to this subsection shall  
49 include all the relevant information provided to the  
50 general public on the internet site pursuant to

Page 30

1 subsection 2, and the following additional relevant  
2 information:

3 (1) Educational institutions attended as a  
4 student, including the name and address of such  
5 institution.

6 (2) Employment information including the name and  
7 address of employer.

8 (3) Temporary lodging information, including the  
9 dates when residing at the temporary lodging.

10 (4) Vehicle information.

11 c. A county sheriff or police department shall not  
12 charge a fee relating to a request for relevant  
13 information.

14 6. A county sheriff shall also provide to a person  
15 upon request access to a list of all registrants in  
16 that county.

17 7. The following relevant information shall not be  
18 provided to the general public:

19 a. The identity of the victim.

20 b. Arrests not resulting in a conviction.

21 c. Passport and immigration documents.

22 d. A government issued driver's license or  
23 identification card.

24 e. DNA information.

25 f. Fingerprints.

26 g. Palm prints.

27 h. Professional licensing information.

28 i. Social security number.

29 j. Real name protected under 18 U.S.C § 3521.

30 8. Notwithstanding sections 232.147 through  
31 232.151, records concerning convictions which are  
32 committed by a minor may be released in the same  
33 manner as records of convictions of adults.

34 9. A person may contact the department or a county  
35 sheriff's office to verify if a particular internet  
36 identifier or telephone number is one that has been  
37 included in a registration by a sex offender.

38 10. The department shall include links to sex  
39 offender safety information, educational resources  
40 pertaining to the prevention of sexual assaults, and  
41 the national sex offender registry.

42 11. The department shall include on the sex  
43 offender registry internet site instructions and any  
44 applicable forms necessary for a person seeking  
45 correction of information that the person contends is  
46 erroneous.

47 12. When the department receives and approves  
48 registration data, such data shall be made available  
49 on the sex offender registry internet site within five  
50 business days.

Page 31

1 13. The department shall maintain an automated  
2 electronic mail notification system, which shall be  
3 available by free subscription to any person, to  
4 provide notice of addition, deletion, or changes to  
5 any sex offender registration, relevant information  
6 within a postal zip code or, if selected by a  
7 subscriber, a geographic radius or, if selected by a  
8 subscriber, specific to a sex offender.

9 14. Sex offender registry records are confidential  
10 records not subject to examination and copying by a  
11 member of the public and shall only be released as  
12 provided in this section.

13 Sec. 22. NEW SECTION. 692A.122 COOPERATION WITH  
14 REGISTRATION.

15 An agency of state and local government that  
16 possesses information relevant to requirements that an  
17 offender register under this chapter shall provide  
18 that information to the court or the department upon  
19 request. All confidential records provided under this  
20 section shall remain confidential, unless otherwise  
21 ordered by a court, by the lawful custodian of the  
22 records, or by another person duly authorized to  
23 release such information.

24 Sec. 23. NEW SECTION. 692A.123 IMMUNITY FOR GOOD  
25 FAITH CONDUCT.

26 Criminal or juvenile justice agencies and employees  
27 of criminal or juvenile justice agencies and state  
28 agencies and their employees shall be immune from  
29 liability for acts or omissions arising from a good  
30 faith effort to comply with this chapter.

31 Sec. 24. NEW SECTION. 692A.124 ELECTRONIC  
32 MONITORING.

33 A sex offender who is placed on probation, parole,  
34 work release, special sentence, or any other type of  
35 conditional release, may be supervised by an  
36 electronic tracking and monitoring system in addition  
37 to any other conditions of supervision. However, if  
38 the person committed a sex offense against a minor,  
39 the person shall be supervised for a period of at  
40 least five years by an electronic tracking and  
41 monitoring system in addition to any other conditions  
42 of release.

43 Sec. 25. NEW SECTION. 692A.125 APPLICABILITY OF  
44 CHAPTER AND RETROACTIVITY.

45 1. The registration requirements of this chapter  
46 shall apply to sex offenders convicted on or after the  
47 effective date of this Act of a sex offense classified  
48 under section 692A.102.

49 2. The registration requirements of this chapter  
50 shall apply to a sex offender convicted of a sex

Page 32

1 offense or a comparable offense under prior law prior  
2 to the effective date of this Act under the following  
3 circumstances:

4 a. Any sex offender including a juvenile offender  
5 who is required to be on the sex offender registry as  
6 of June 30, 2009.

7 b. Any sex offender who is incarcerated on or  
8 after the effective date of this Act, for conviction  
9 of a sex offense committed prior to the effective date  
10 of this Act.

11 c. Any sex offender who is serving a special  
12 sentence pursuant to section 903B.1 or 903B.2 prior to  
13 the effective date of this Act.

14 3. For a sex offender required to register  
15 pursuant to subsection 1 or 2, each conviction or  
16 adjudication for a sex offense requiring registration,  
17 regardless of whether such conviction or adjudication  
18 occurred prior to, on, or after the effective date of  
19 this Act, shall be included in determining the tier  
20 requirements pursuant to this chapter.

21 4. An offender on the sex offender registry as of  
22 June 30, 2009, and who is required to be on the  
23 registry on or after July 1, 2009, shall be credited  
24 for any time on the registry prior to July 1, 2009.

25 Sec. 26. NEW SECTION. 692A.126 SEXUALLY  
26 MOTIVATED OFFENSE – DETERMINATION.

27 1. If a judge or jury makes a determination,  
28 beyond a reasonable doubt, that any of the following  
29 offenses for which a conviction has been entered are  
30 sexually motivated, the person shall be required to  
31 register as provided in this chapter:

32 a. Murder in the first degree in violation of  
33 section 707.2.

34 b. Murder in the second degree in violation of  
35 section 707.3.

36 c. Voluntary manslaughter in violation of section  
37 707.4.

38 d. Involuntary manslaughter in violation of  
39 section 707.5.

40 e. Attempt to commit murder in violation of  
41 section 707.11.

42 f. Harassment in violation of section 708.7,  
43 subsection 1, 2, or 3.

44 g. Stalking in violation of section 708.11,  
45 subsection 3, paragraph “b”, subparagraph (3).

46 h. Kidnapping in the first degree in violation of  
47 section 710.2.

48 i. Kidnapping in the second degree in violation of  
49 section 710.3.

50 j. Kidnapping in the third degree in violation of

Page 33

1 section 710.4.

2 k. Child stealing in violation of section 710.5.

3 l. Purchase or sale or attempted purchase or sale  
4 of an individual in violation of section 710.11.

5 m. Burglary in the first degree in violation of  
6 section 713.3, subsection 1, paragraph "a", "b", or  
7 "c".

8 n. Attempted burglary in the first degree in  
9 violation of section 713.4.

10 o. Burglary in the second degree in violation of  
11 section 713.5.

12 p. Attempted burglary in the second degree in  
13 violation of section 713.6.

14 q. Burglary in the third degree in violation of  
15 section 713.6A.

16 r. Attempted burglary in the third degree in  
17 violation of section 713.6B.

18 2. If a person is convicted of an offense in  
19 another jurisdiction, or of an offense that was  
20 prosecuted in a federal, military, or foreign court,  
21 that is comparable to an offense specified in  
22 subsection 1, the person shall be required to register  
23 as provided in this chapter if the department makes a  
24 determination that the offense was sexually motivated.

25 3. If a juvenile is convicted of an offense in  
26 another jurisdiction, or of an offense as a juvenile  
27 in a similar juvenile court proceeding in a federal,  
28 military, or foreign court, that is comparable to an  
29 offense specified in subsection 1, the person shall be  
30 required to register as provided in this chapter if  
31 the department makes a determination that the offense  
32 was sexually motivated.

33 Sec. 27. NEW SECTION. 692A.127 MODIFICATION.

34 1. A sex offender who is on probation, parole,  
35 work release, special sentence, or any other type of  
36 conditional release may file an application in  
37 district court seeking to modify the registration  
38 requirements under this chapter.

39 2. An application shall not be granted unless all  
40 of the following apply:

41 a. The date of the commencement of the requirement  
42 to register occurred at least two years prior to the  
43 filing of the application for a tier I offender and  
44 five years prior to the filing of the application for  
45 a tier II or III offender.

46 b. The sex offender has successfully completed all  
47 sex offender treatment programs that have been  
48 required.

49 c. A risk assessment has been completed and the  
50 sex offender was classified as a low risk to reoffend.

Page 34

1 The risk assessment used to assess an offender as a  
2 low risk to reoffend shall be a validated risk  
3 assessment approved by the department of corrections.

4 d. The sex offender is not incarcerated when the  
5 application is filed.

6 e. The director of the judicial district  
7 department of correctional services supervising the  
8 sex offender, or the director's designee, stipulates  
9 to the modification, and a certified copy of the  
10 stipulation is attached to the application.

11 3. The application shall be filed in the sex  
12 offender's county of principal residence.

13 4. Notice of any application shall be provided to  
14 the county attorney of the county of the sex  
15 offender's principal residence, the county attorney of  
16 any county in this state where a conviction requiring  
17 the sex offender's registration occurred, and the  
18 department. The county attorney where the conviction  
19 occurred shall notify the victim of an application if  
20 the victim's address is known.

21 5. The court may, but is not required to, conduct  
22 a hearing on the application to hear any evidence  
23 deemed appropriate by the court. The court may modify  
24 the registration requirements under this chapter.

25 6. A sex offender may be granted a modification if  
26 the offender is required to be on the sex offender  
27 registry as a result of an adjudication for a sex  
28 offense, the offender is not under the supervision of  
29 the juvenile court or a judicial district judicial  
30 department of correctional services, and the  
31 department of corrections agrees to perform a risk  
32 assessment on the sex offender. However, all other  
33 provisions of this section not in conflict with this  
34 subsection shall apply to the application prior to an  
35 application being granted except that the sex offender  
36 is not required to obtain a stipulation from the  
37 director of a judicial district department of  
38 correctional services, or the director's designee.

39 7. If the court modifies the registration  
40 requirements under this chapter, the court shall send  
41 a copy of the order to the department, the sheriff of  
42 the county of the sex offender's principal residence,  
43 any county attorney notified in subsection 4, and the  
44 victim, if the victim's address is known.

45 Sec. 28. NEW SECTION. 692A.128 PROBATION AND  
46 PAROLE OFFICERS.

47 A probation or parole officer supervising a sex  
48 offender is not precluded from imposing more  
49 restrictive exclusion zone requirements, employment  
50 prohibitions, and residency restrictions than under

Page 35

1 sections 692A.113 and 692A.114.

2 Sec. 29. NEW SECTION. 692A.129 RULES.

3 The department shall adopt rules pursuant to  
4 chapter 17A to administer this chapter.

5 Sec. 30. Sections 692A.1 through 692A.16, Code  
6 2009, are repealed.

7

#### DIVISION II

8 SEX OFFENDER REGISTRY RELATED CHANGES

9 Sec. 31. Section 13.2, subsection 1, paragraph d,  
10 Code 2009, is amended to read as follows:

11 d. Prosecute and defend all actions and  
12 proceedings brought by or against any employee of a  
13 judicial district department of correctional services  
14 in the performance of an assessment of risk ~~pursuant~~  
15 ~~to chapter 692A.~~

16 Sec. 32. Section 22.7, subsection 48, Code 2009,  
17 is amended to read as follows:

18 48. Sex offender registry records under chapter  
19 692A, except as provided in section ~~692A.13~~ 692A.121.

20 Sec. 33. Section 232.53, subsections 2 and 3, Code  
21 2009, are amended to read as follows:

22 2. All dispositional orders entered prior to the  
23 child attaining the age of seventeen years shall  
24 automatically terminate when the child becomes  
25 eighteen years of age, except as provided in section  
26 2A. Dispositional orders entered subsequent to the  
27 child attaining the age of seventeen years and prior  
28 to the child's eighteenth birthday shall automatically  
29 terminate one year and six months after the date of  
30 disposition. In the case of an adult within the  
31 jurisdiction of the court under the provisions of  
32 section 232.8, subsection 1, the dispositional order  
33 shall automatically terminate one year and six months  
34 after the last date upon which jurisdiction could  
35 attach.

36 3. Notwithstanding section 233A.13, a child  
37 committed to the training school subsequent to the  
38 child attaining the age of seventeen years and prior  
39 to the child's eighteenth birthday may be held at the  
40 school beyond the child's eighteenth birthday pursuant  
41 to subsection 2 or 2A, provided that the training  
42 school makes application to and receives permission  
43 from the committing court. This extension shall be  
44 for the purpose of completion by the child of a course  
45 of instruction established for the child pursuant to  
46 section 233A.4 and cannot extend for more than one  
47 year and six months beyond the date of disposition  
48 unless the duration of the dispositional order was  
49 extended pursuant to section 2A.

50 Sec. 34. Section 232.52A, Code 2009, is amended by



Page 36

1 adding the following new unnumbered paragraph:  
2 NEW UNNUMBERED PARAGRAPH. If the duration of a  
3 dispositional order is extended pursuant to section  
4 232.53, subsection 2A, the court may continue or  
5 extend supervision by an electronic tracking and  
6 monitoring system in addition to any other conditions  
7 of supervision.

8 Sec. 35. Section 232.53, Code 2009, is amended by  
9 adding the following new subsection:

10 NEW SUBSECTION. 2A. A dispositional order entered  
11 prior to the child attaining the age of seventeen, for  
12 a child required to register as a sex offender  
13 pursuant to the provisions of chapter 692A, may be  
14 extended one year and six months beyond the date the  
15 child becomes eighteen years of age.

16 Sec. 36. Section 232.54, Code 2009, is amended by  
17 adding the following new subsection:

18 NEW SUBSECTION. 8A. With respect to a  
19 dispositional order requiring a child to register as a  
20 sex offender pursuant to chapter 692A, the juvenile  
21 court shall determine whether the child shall remain  
22 on the sex offender registry prior to termination of  
23 the dispositional order.

24 Sec. 37. Section 232.116, subsection 1, paragraph  
25 o, Code 2009, is amended to read as follows:

26 o. The parent has been convicted of a felony  
27 offense that is a ~~criminal~~ sex offense against a minor  
28 as defined in section ~~692A.1~~ 692A.101, the parent is  
29 divorced from or was never married to the minor's  
30 other parent, and the parent is serving a minimum  
31 sentence of confinement of at least five years for  
32 that offense.

33 Sec. 38. Section 272.2, subsection 17, Code 2009,  
34 is amended to read as follows:

35 17. Adopt rules to require that a background  
36 investigation be conducted by the division of criminal  
37 investigation of the department of public safety on  
38 all initial applicants for licensure. The board shall  
39 also require all initial applicants to submit a  
40 completed fingerprint packet and shall use the packet  
41 to facilitate a national criminal history background  
42 check. The board shall have access to, and shall  
43 review the sex offender registry information under  
44 section ~~692A.13~~ 692A.121 available to the general  
45 public, the central registry for child abuse  
46 information established under chapter 235A, and the  
47 dependent adult abuse records maintained under chapter  
48 235B for information regarding applicants for license  
49 renewal.

50 Sec. 39. Section 279.13, subsection 1, paragraph

Page 37

1 b, subparagraph (1), Code 2009, is amended to read as  
2 follows:

3 (1) Prior to entering into an initial contract  
4 with a teacher who holds a license other than an  
5 initial license issued by the board of educational  
6 examiners under chapter 272, the school district shall  
7 initiate a state criminal history record check of the  
8 applicant through the division of criminal  
9 investigation of the department of public safety,  
10 submit the applicant's fingerprints to the division  
11 for submission to the federal bureau of investigation  
12 for a national criminal history record check, and  
13 review the sex offender registry information under  
14 ~~section 692A.13~~ 692A.121 available to the general  
15 public, the central registry for child abuse  
16 information established under section 235A.14, and the  
17 central registry for dependent adult abuse information  
18 established under section 235B.5 for information  
19 regarding applicants for employment as a teacher.

20 Sec. 40. Section 282.9, subsection 2, Code 2009,  
21 is amended to read as follows:

22 2. Notwithstanding section ~~692A.13~~ 692A.121, or  
23 any other provision of law to the contrary, the county  
24 sheriff shall provide to the boards of directors of  
25 the school districts located within the county the  
26 name of any individual under the age of twenty-one who  
27 is required to register as a sex offender under  
28 chapter 692A.

29 Sec. 41. Section 598.41A, Code 2009, is amended to  
30 read as follows:

31 598.41A VISITATION – HISTORY OF CRIMES AGAINST A  
32 MINOR.

33 Notwithstanding section 598.41, the court shall  
34 consider in the award of visitation rights to a parent  
35 of a child, the criminal history of the parent if the  
36 parent has been convicted of a ~~criminal offense~~  
37 ~~against a minor, a sexually violent offense against a~~  
38 ~~minor, or sexual exploitation of a minor. As used in~~  
39 ~~this section, “criminal offense against a minor”;~~  
40 ~~“sexually violent offense”; and “sexual exploitation”~~  
41 ~~mean as defined in section 692A.1 sex offense against~~  
42 a minor as defined in section 692A.101.

43 Sec. 42. Section 600A.8, subsection 10, Code 2009,  
44 is amended to read as follows:

45 10. The parent has been convicted of a felony  
46 offense that is a ~~criminal sex~~ offense against a minor  
47 as defined in section ~~692A.1~~ 692A.101, the parent is  
48 divorced from or was never married to the minor's  
49 other parent, and the parent is serving a minimum  
50 sentence of confinement of at least five years for

Page 38

1 that offense.

2 Sec. 43. Section 602.8105, subsection 2, Code  
3 2009, is amended by adding the following new  
4 paragraph:

5 NEW PARAGRAPH. gg. For applicable convictions  
6 under section 692A.110 prior to July 1, 2009, a civil  
7 penalty of two hundred dollars, and for applicable  
8 convictions under section 692A.110 on or after July 1,  
9 2009, a civil penalty of two hundred fifty dollars.

10 Sec. 44. Section 602.8107, subsection 4, paragraph  
11 a, Code 2009, is amended to read as follows:

12 a. This subsection does not apply to amounts  
13 collected for victim restitution, the victim  
14 compensation fund, the criminal penalty surcharge, sex  
15 offender civil penalty, drug abuse resistance  
16 education surcharge, the law enforcement initiative  
17 surcharge, county enforcement surcharge, amounts  
18 collected as a result of procedures initiated under  
19 subsection 5 or under section 8A.504, or fees charged  
20 pursuant to section 356.7.

21 Sec. 45. Section 602.8108, subsection 2, Code  
22 2009, is amended to read as follows:

23 2. Except as otherwise provided, the clerk of the  
24 district court shall report and submit to the state  
25 court administrator, not later than the fifteenth day  
26 of each month, the fines and fees received during the  
27 preceding calendar month. Except as provided in  
28 subsections 3, 4, 5, 7, 8, ~~and 9~~, and 10, the state  
29 court administrator shall deposit the amounts received  
30 with the treasurer of state for deposit in the general  
31 fund of the state. The state court administrator  
32 shall report to the legislative services agency within  
33 thirty days of the beginning of each fiscal quarter  
34 the amount received during the previous quarter in the  
35 account established under this section.

36 Sec. 46. Section 602.8108, Code 2009, is amended  
37 by adding the following new subsection:

38 NEW SUBSECTION. 10. The clerk of the district  
39 court shall remit to the treasurer of state, not later  
40 than the fifteenth day of each month, all moneys  
41 collected from the sex offender civil penalty provided  
42 in section 692A.110 during the preceding calendar  
43 month. Of the amount received from the clerk, the  
44 treasurer of state shall allocate ten percent to be  
45 deposited in the court technology and modernization  
46 fund established in subsection 7. The treasurer of  
47 state shall deposit the remainder into the sex  
48 offender registry fund established in section  
49 692A.119.

50 Sec. 47. Section 707.2, Code 2009, is amended by

Page 39

1 adding the following new unnumbered paragraph after  
2 subsection 6:

3 NEW UNNUMBERED PARAGRAPH. For purposes of  
4 determining whether a person should register as a sex  
5 offender pursuant to the provisions of chapter 692A,  
6 the fact finder shall make a determination as provided  
7 in section 692A.126.

8 Sec. 48. Section 707.3, Code 2009, is amended by  
9 adding the following new unnumbered paragraph after  
10 unnumbered paragraph 2:

11 NEW UNNUMBERED PARAGRAPH. For purposes of  
12 determining whether a person should register as a sex  
13 offender pursuant to the provisions of chapter 692A,  
14 the fact finder shall make a determination as provided  
15 in section 692A.126.

16 Sec. 49. Section 707.4, Code 2009, is amended by  
17 adding the following new unnumbered paragraph after  
18 unnumbered paragraph 3:

19 NEW UNNUMBERED PARAGRAPH. For purposes of  
20 determining whether a person should register as a sex  
21 offender pursuant to the provisions of chapter 692A,  
22 the fact finder shall make a determination as provided  
23 in section 692A.126.

24 Sec. 50. Section 707.5, Code 2009, is amended by  
25 adding the following new subsection:

26 NEW SUBSECTION. 3. For purposes of determining  
27 whether a person should register as a sex offender  
28 pursuant to the provisions of chapter 692A, the fact  
29 finder shall make a determination as provided in  
30 section 692A.126.

31 Sec. 51. Section 707.11, Code 2009, is amended by  
32 adding the following new unnumbered paragraph after  
33 unnumbered paragraph 2:

34 NEW UNNUMBERED PARAGRAPH. For purposes of  
35 determining whether the person should register as a  
36 sex offender pursuant to the provisions of chapter  
37 692A, the fact finder shall make a determination as  
38 provided in section 692A.126.

39 Sec. 52. Section 708.7, Code 2009, is amended by  
40 adding the following new subsection:

41 NEW SUBSECTION. 5. For purposes of determining  
42 whether or not the person should register as a sex  
43 offender pursuant to the provisions of chapter 692A,  
44 the fact finder shall make a determination as provided  
45 in section 692A.126.

46 Sec. 53. Section 708.11, Code 2009, is amended by  
47 adding the following new subsection:

48 NEW SUBSECTION. 6. For purposes of determining  
49 whether or not the person should register as a sex  
50 offender pursuant to the provisions of chapter 692A,

Page 40

1 the fact finder shall make a determination as provided  
2 in section 692A.126.

3 Sec. 54. Section 710.2, Code 2009, is amended by  
4 adding the following new unnumbered paragraph after  
5 unnumbered paragraph 2:

6 NEW UNNUMBERED PARAGRAPH. For purposes of  
7 determining whether the person should register as a  
8 sex offender pursuant to the provisions of chapter  
9 692A, the fact finder shall make a determination as  
10 provided in section 692A.126.

11 Sec. 55. Section 710.3, Code 2009, is amended by  
12 adding the following new unnumbered paragraph:

13 NEW UNNUMBERED PARAGRAPH. For purposes of  
14 determining whether the person should register as a  
15 sex offender pursuant to the provisions of chapter  
16 692A, the fact finder shall make a determination as  
17 provided in section 692A.126.

18 Sec. 56. Section 710.4, Code 2009, is amended by  
19 adding the following new unnumbered paragraph:

20 NEW UNNUMBERED PARAGRAPH. For purposes of  
21 determining whether the person should register as a  
22 sex offender pursuant to the provisions of chapter  
23 692A, the fact finder shall make a determination as  
24 provided in section 692A.126.

25 Sec. 57. Section 710.5, Code 2009, is amended by  
26 adding the following new unnumbered paragraph:

27 NEW UNNUMBERED PARAGRAPH. For purposes of  
28 determining whether the person should register as a  
29 sex offender pursuant to the provisions of chapter  
30 692A, the fact finder shall make a determination as  
31 provided in section 692A.126.

32 Sec. 58. Section 903B.1, Code 2009, is amended to  
33 read as follows:

34 903B.1 SPECIAL SENTENCE – CLASS “B” OR CLASS “C”  
35 FELONIES.

36 A person convicted of a class “C” felony or greater  
37 offense under chapter 709, or a class “C” felony under  
38 section 728.12, shall also be sentenced, in addition  
39 to any other punishment provided by law, to a special  
40 sentence committing the person into the custody of the  
41 director of the Iowa department of corrections for the  
42 rest of the person's life, with eligibility for parole  
43 as provided in chapter 906. The board of parole shall  
44 determine whether the person should be released on  
45 parole or placed in a work release program. The  
46 special sentence imposed under this section shall  
47 commence upon completion of the sentence imposed under  
48 any applicable criminal sentencing provisions for the  
49 underlying criminal offense and the person shall begin  
50 the sentence under supervision as if on parole or work

Page 41

1 release. The person shall be placed on the  
2 corrections continuum in chapter 901B, and the terms  
3 and conditions of the special sentence, including  
4 violations, shall be subject to the same set of  
5 procedures set out in chapters 901B, 905, 906, and  
6 chapter 908, and rules adopted under those chapters  
7 for persons on parole or work release. The revocation  
8 of release shall not be for a period greater than two  
9 years upon any first revocation, and five years upon  
10 any second or subsequent revocation. A special  
11 sentence shall be considered a category "A" sentence  
12 for purposes of calculating earned time under section  
13 903A.2.

14 Sec. 59. Section 903B.2, Code 2009, is amended to  
15 read as follows:

16 903B.2 SPECIAL SENTENCE – CLASS "D" FELONIES OR  
17 MISDEMEANORS.

18 A person convicted of a misdemeanor or a class "D"  
19 felony offense under chapter 709, section 726.2, or  
20 section 728.12 shall also be sentenced, in addition to  
21 any other punishment provided by law, to a special  
22 sentence committing the person into the custody of the  
23 director of the Iowa department of corrections for a  
24 period of ten years, with eligibility for parole as  
25 provided in chapter 906. The board of parole shall  
26 determine whether the person should be released on  
27 parole or placed in a work release program. The  
28 special sentence imposed under this section shall  
29 commence upon completion of the sentence imposed under  
30 any applicable criminal sentencing provisions for the  
31 underlying criminal offense and the person shall begin  
32 the sentence under supervision as if on parole or work  
33 release. The person shall be placed on the  
34 corrections continuum in chapter 901B, and the terms  
35 and conditions of the special sentence, including  
36 violations, shall be subject to the same set of  
37 procedures set out in chapters 901B, 905, 906, and  
38 908, and rules adopted under those chapters for  
39 persons on parole or work release. The revocation of  
40 release shall not be for a period greater than two  
41 years upon any first revocation, and five years upon  
42 any second or subsequent revocation. A special  
43 sentence shall be considered a category "A" sentence  
44 for purposes of calculating earned time under section  
45 903A.2.

46 Sec. 60. Section 907.3, subsection 1, Code 2009,  
47 is amended by adding the following new paragraph:  
48 NEW PARAGRAPH. m. The offense is a violation of  
49 chapter 692A.

50 Sec. 61. Section 907.3, subsection 2, Code 2009,

Page 42

1 is amended by adding the following new paragraph:

2 NEW PARAGRAPH. g. The offense is a violation of  
3 chapter 692A.

4 Sec. 62. NEW SECTION. 915.17A NOTIFICATION BY  
5 JUDICIAL DISTRICT DEPARTMENT OF CORRECTIONAL SERVICES.

6 A judicial district department of correctional  
7 services shall notify a registered victim, regarding a  
8 sex offender convicted of a sex offense against a  
9 minor who is under the supervision of a judicial  
10 district department of correctional services, of the  
11 following:

12 1. The beginning date for use of an electronic  
13 tracking and monitoring system to supervise the sex  
14 offender and the type of electronic tracking and  
15 monitoring system used.

16 2. The date of any modification to the use of an  
17 electronic tracking and monitoring system and the  
18 nature of the change.

19 DIVISION III

20 COHABITATION WITH A SEX OFFENDER

21 Sec. 63. Section 232.68, subsection 2, paragraph  
22 i, Code 2009, is amended to read as follows:

23 i. ~~Cohabitation with a person~~ Knowingly allowing a  
24 person custody or control of, or unsupervised access  
25 to a child or minor, after knowing the person is  
26 required to register or is on the sex offender  
27 registry under chapter 692A ~~is for~~ a violation of  
28 section 726.6.

29 Sec. 64. Section 726.6, subsection 1, paragraph h,  
30 Code 2009, is amended to read as follows:

31 h. ~~Cohabits with a person~~ Knowingly allows a  
32 person custody or control of, or unsupervised access  
33 to a child or a minor after knowing the person is  
34 required to register or is on the sex offender  
35 registry as a sex offender under chapter 692A.

36 However, this paragraph does not apply to a person who  
37 is a parent, or guardian, or a person having custody  
38 or control over of a child or a minor, who is required  
39 to register as a sex offender, or to a person who is  
40 married to and living with a person required to  
41 register as a sex offender.

42 DIVISION IV

43 SEVERABILITY

44 Sec. 65. SEVERABILITY OF ACT. If any provision of  
45 this Act or the application of this Act to any person  
46 is held invalid, the invalidity shall not affect the  
47 provisions or application of this Act which can be  
48 given effect without the invalid provisions or  
49 application, and to this end the provisions of this  
50 Act are severable.

Page 43

1                           DIVISION V  
 2                           STATE MANDATE  
 3    Sec. 66. IMPLEMENTATION OF ACT. Section 25B.2,  
 4    subsection 3, shall not apply to this Act.”

Roll call was requested by Paulsen of Linn and Tymeson of Madison.

On the question “Shall amendment H–1712 be adopted?” (S.F. 340)

The ayes were, 29:

Alons	Cownie	Deyoe	Drake
Forristall	Grassley	Hagenow	Helland
Huseman	Kaufmann	Koester	Lukan
Miller, L.	Olson, S.	Paulsen	Pettengill
Rants	Rayhons	Roberts	Schulte
Schultz	Soderberg	Sorenson	Struyk
Sweeney	Tymeson	Upmeyer	Wagner
Windschitl			

The nays were, 66:

Abdul-Samad	Anderson	Arnold	Bailey
Baudler	Beard	Bell	Berry
Bukta	Burt	Cphoon	Dolecheck
Ficken	Ford	Frevert	Gaskill
Gayman	Heaton	Heddens	Horbach
Hunter	Huser	Isenhardt	Jacoby
Kearns	Kelley	Kressig	Kuhn
Lensing	Lykam	Marek	Mascher
May	McCarthy	Mertz	Miller, H.
Murphy, Spkr.	Oldson	Olson, D.	Olson, R.
Palmer	Petersen	Quirk	Reasoner
Reichert	Schueller	Shomshor	Smith
Steckman	Swaim	Taylor, D.	Taylor, T.
Thede	Thomas	Tjepkes	Van Engelenhoven
Watts	Wendt	Wessel-Kroeschell	Whitaker
Whitead	Willems	Winckler	Worthan
Zirkelbach	Olson, T., Presiding		

Absent or not voting, 5:

Chambers	De Boef	Raecker	Sands
Wenthe			

Amendment H–1712 lost.



Baudler of Adair 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. 340)

The ayes were, 93:

Abdul-Samad	Alons	Anderson	Arnold
Bailey	Baudler	Beard	Bell
Berry	Bukta	Burt	Cohoon
Cownie	Deyoe	Dolecheck	Drake
Ficken	Ford	Forristall	Frevert
Gaskill	Gayman	Grassley	Hagenow
Heaton	Heddens	Helland	Horbach
Hunter	Huseman	Huser	Isenhart
Jacoby	Kaufmann	Kearns	Kelley
Koester	Kressig	Kuhn	Lensing
Lukan	Lykam	Marek	Mascher
May	McCarthy	Mertz	Miller, H.
Miller, L.	Murphy, Spkr.	Oldson	Olson, D.
Olson, R.	Olson, S.	Palmer	Paulsen
Petersen	Quirk	Rayhons	Reasoner
Reichert	Roberts	Sands	Schueller
Schulte	Schultz	Shomshor	Smith
Soderberg	Sorenson	Steckman	Swaim
Sweeney	Taylor, D.	Taylor, T.	Thede
Thomas	Tjepkes	Tymeson	Upmeyer
Van Engelenhoven	Wagner	Watts	Wendt
Wessel-Kroeschell	Whitaker	Whitead	Willems
Winckler	Windschitl	Worthan	Zirkelbach
Olson, T., Presiding			

The nays were, 3:

Pettengill	Rants	Struyk
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Absent or not voting, 4:

Chambers	De Boef	Raecker	Wenthe
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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 MESSAGE

McCarthy of Polk asked and received unanimous consent that **Senate File 340** be immediately messaged to the Senate.

On motion by McCarthy of Polk, the House was recessed at 2:08 p.m., until 3:10 p.m.

### AFTERNOON SESSION

The House reconvened at 3:30 p.m., Zirkelbach of Jones in the chair.

### QUORUM CALL

A non-record roll call was requested to determine that a quorum was present. The vote revealed ninety members present, ten absent.

### ADOPTION OF THE REPORT OF THE CONFERENCE COMMITTEE (Senate File 457)

T. Olson of Linn called up for consideration the report of the conference committee on Senate File 457 and moved the adoption of the conference committee report and the amendments contained therein as follows:

### REPORT OF THE CONFERENCE COMMITTEE ON SENATE FILE 457

To the President of the Senate and the Speaker of the House of Representatives:

We, the undersigned members of the conference committee appointed to resolve the differences between the Senate and the House of Representatives on Senate File 457, a bill for an Act relating to disaster recovery by legalizing certain actions taken and proceedings conducted by cities and counties in response to a natural disaster, designating certain activities as essential corporate purposes and essential county purposes, amending provisions related to local bonding authority and contract letting requirements, amending provisions relating to emergency contract letting requirements for joint governmental entities and institutions under the control of the board of regents, amending provisions related to city and county lease contracts and loan agreements, modifying provisions relating to municipal support of certain projects, amending provisions related to expenditures from certain revolving loan funds, authorizing cities and counties to create disaster revitalization areas, and including effective date and retroactive applicability date provisions, respectfully make the following report:

1. That the Senate recedes from its amendment, H-1655.
2. That the House amendment, S-3246, to Senate File 457, as amended, passed, and reprinted by the Senate, is amended as follows:

1. Page 3, by inserting after line 15 the following:

“ \_\_\_ . Page 12, by inserting after line 22 the following:

“DIVISION IV  
DISASTER RECOVERY HOUSING PROJECT TAX CREDIT

Sec. \_\_\_ . NEW SECTION. 16.191 DISASTER RECOVERY HOUSING PROJECT TAX CREDIT.

1. a. A tax credit shall be allowed against the taxes imposed in chapter 422, divisions II and III for a portion of a taxpayer's qualifying investment, as provided in subsection 3, in a qualifying disaster recovery housing project. To qualify as a disaster recovery housing project, a property, and the activities affecting the property, shall meet all of the following conditions:

(1) The property is owned by a taxpayer who is an individual, business, or corporation subject to taxation under chapter 422, divisions II or III.

(2) A qualifying investment, as defined in subsection 3, is made by the taxpayer.

(3) The project involves the construction or rehabilitation of housing on the property.

(4) The property is located in an area that the governor proclaimed a disaster emergency or the president of the United States declared a major disaster during the period of time beginning May 1, 2008, and ending August 31, 2008.

(5) An application for low-income housing tax credits pursuant to section 42 of the Internal Revenue Code has been submitted to the Iowa finance authority on behalf of the project and has been determined by the authority to meet the threshold requirements for an award of credits as set forth in the applicable qualified allocation plan.

(6) The project meets the requirements relating to the density of residential housing in the area as established by the authority.

(7) The project meets the requirements relating to the availability of and the accessibility to educational services as established by the authority. For the purposes of this section “educational services” includes but is not limited to public schools, job training, and financial literacy services.

(8) The project is designed to avoid, prevent, or mitigate the effects of a future natural disaster.

b. An individual may claim a tax credit under this subsection of a partnership, limited liability company, S corporation, estate, or trust electing to have income taxed directly to the individual. The amount claimed by the individual shall be based upon the pro rata share of the individual's earnings from the partnership, limited liability company, S corporation, estate, or trust.

2. a. To claim a disaster recovery housing project tax credit under this section, a taxpayer must attach one or more tax credit certificates to the taxpayer's tax return. The tax credit certificate or certificates attached to the taxpayer's tax return shall be issued in the taxpayer's name, expire on or after the last day of the taxable year for which the taxpayer is claiming the tax credit, and show a tax credit amount equal to or greater than the tax credit claimed on the taxpayer's tax return.

b. After verifying the eligibility of a taxpayer for a tax credit pursuant to this section, the authority shall issue a disaster recovery housing project tax credit certificate to be attached to the taxpayer's tax return. The tax credit certificate shall contain the taxpayer's name, address, tax identification number; the amount of the credit; and any other information required by the department of revenue.

c. The tax credit certificate, unless otherwise void, shall be accepted by the department of revenue as payment for taxes imposed pursuant to chapter 422, divisions II or III subject to any conditions or restrictions placed by the authority upon the face of the tax credit certificate and subject to the limitations of this section.

d. Tax credit certificates issued under this section are not transferable to any person or entity.

3. a. The tax credit equals seventy-five percent of the taxpayer's qualifying investment in a disaster recovery housing project. For the purposes of this section, "qualifying investment" means the costs incurred by the taxpayer that are directly related to a disaster recovery housing project, as defined in subsection 1, and which are incurred on or after the effective date of this division of this Act and prior to July 1, 2010.

b. The amount of the tax credit calculated under paragraph "a" shall be divided by five and applied equally to the taxpayer's tax liability for five consecutive tax years commencing with the tax year beginning in the 2011 calendar year. Any tax credit in excess of the taxpayer's liability for the tax year is not refundable.

4. For purposes of individual and corporate income taxes, the increase in the basis of the property that would otherwise result from the disaster recovery housing investment shall be reduced by the amount of the tax credit allowed under this section.

5. The maximum amount of tax credits issued by the authority under this section shall not exceed three million dollars in each of the five tax years. The authority shall issue the tax credit certificates on a first-come, first-served basis.

Sec.     . NEW SECTION. 16.192 APPROVAL – REQUIREMENTS – REPAYMENT.

1. A taxpayer seeking to claim a tax credit pursuant to section 16.191 shall apply to the authority which shall have the power to approve the amount of tax credit available for each disaster recovery housing project.

2. A taxpayer applying for a tax credit shall provide the authority with all of the following:

a. Information showing the total qualified investment made in the disaster recovery housing project.

b. Information about the financing sources that are directly related to the disaster recovery housing project for which the taxpayer is seeking approval for the tax credit.

3. If a taxpayer receives a tax credit pursuant to section 16.191, but fails to comply with any of the requirements in this section or section 16.191, or fails to comply with local zoning or construction ordinances, the tax credit is void, and the department of revenue shall seek recovery of the value of the credit received.

Sec.\_\_\_\_. NEW SECTION. 422.11X DISASTER RECOVERY HOUSING PROJECT TAX CREDIT.

The taxes imposed under this division, less the credits allowed under section 422.12, shall be reduced by a disaster recovery housing project tax credit allowed under section 16.191.

Sec.\_\_\_\_. Section 422.33, Code 2009, is amended by adding the following new subsection:

NEW SUBSECTION. 27. The taxes imposed under this division shall be reduced by a disaster recovery housing project tax credit allowed under section 16.191.

Sec.\_\_\_\_. EFFECTIVE AND APPLICABILITY DATES. This division of this Act, being deemed of immediate importance, takes effect upon enactment and applies to disaster recovery housing project costs incurred on or after the effective date of this Act and before July 1, 2010.”

\_\_\_\_. Title page, line 14, by inserting after the word “areas,” the following: “providing income tax credits for certain disaster recovery housing projects.””

2. By renumbering as necessary.

ON THE PART OF THE SENATE:

ON THE PART OF THE HOUSE:

ROBERT HOGG, CHAIR  
JOE BOLKCOM  
SHAWN HAMERLINCK  
MATT MCCOY  
KIM REYNOLDS

TYLER OLSON, CHAIR  
PAT GRASSLEY  
ERIK HELLAND  
CHUCK ISENHART  
DONOVAN OLSON

The motion prevailed and the conference committee report was adopted.

T. Olson of Linn moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 457)

The ayes were, 95:

Abdul-Samad	Alons	Anderson	Arnold
Bailey	Beard	Bell	Berry
Bukta	Burt	Cphoon	Cownie
Deyoe	Dolecheck	Drake	Ficken
Ford	Forristall	Frevert	Gaskill
Gayman	Grassley	Hagenow	Heaton
Heddens	Helland	Horbach	Hunter
Huseman	Huser	Isenhart	Jacoby
Kaufmann	Kearns	Kelley	Koester
Kressig	Kuhn	Lensing	Lukan
Lykam	Marek	Mascher	May
McCarthy	Mertz	Miller, H.	Miller, L.
Murphy, Spkr.	Oldson	Olson, D.	Olson, S.
Olson, T.	Palmer	Paulsen	Petersen
Pettengill	Quirk	Raecker	Rants
Rayhons	Reasoner	Reichert	Roberts
Sands	Schueller	Schulte	Schultz
Shomshor	Smith	Soderberg	Sorenson
Steckman	Struyk	Swaim	Sweeney
Taylor, D.	Taylor, T.	Thede	Thomas
Tjepkes	Tymeson	Upmeyer	Van Engelenhoven
Wagner	Watts	Wendt	Wessel-Kroeschell
Whitaker	Whitead	Willems	Winckler
Windschitl	Worthan	Zirkelbach,	
	Presiding		

The nays were, none.

Absent or not voting, 5:

Baudler	Chambers	De Boef	Olson, R.
Wenthe			

The bill having received a constitutional majority was declared to have passed the House and the title, as amended, was agreed to.

Mascher of Johnson in the chair at 3:53 p.m.

## IMMEDIATE MESSAGE

McCarthy of Polk asked and received unanimous consent that **Senate File 457** be immediately messaged to the Senate.

## Ways and Means Calendar

**Senate File 304**, a bill for an act relating to withholding agreements and local match requirements of the targeted jobs withholding tax credit program, with report of committee recommending amendment and passage, was taken up for consideration.

D. Olson of Boone asked and received unanimous consent to withdraw amendment H-1651 filed by him on April 20, 2009.

Wendt of Woodbury asked and received unanimous consent to withdraw the committee amendment H-1663 filed by the committee on ways and means on April 22, 2009, placing out of order amendment H-1690 filed by Sands of Louisa on April 23, 2009 and amendment H-1703 filed by Sands of Louisa on April 23, 2009.

D. Olson of Boone offered amendment H-1704 filed by him and Wendt of Woodbury as follows:

H-1704

1 Amend Senate File 304, as passed by the Senate, as  
2 follows:  
3 1. By striking everything after the enacting  
4 clause and inserting the following:  
5 "Section 1. Section 403.19A, subsection 3,  
6 paragraph c, Code 2009, is amended to read as follows:  
7 c. (1) The pilot project city shall enter into a  
8 withholding agreement with each employer concerning  
9 the targeted jobs withholding credit. The withholding  
10 agreement shall provide for the total amount of  
11 withholding tax credits awarded. An agreement shall  
12 not provide for an amount of withholding credits that  
13 exceeds the amount of the qualifying investment made  
14 in the project. However, an An agreement shall not be  
15 entered into by a pilot project city with a business  
16 currently located in this state unless the business  
17 either creates ten new jobs or makes a qualifying

18 investment of at least five hundred thousand dollars  
 19 within the urban renewal area. The withholding  
 20 agreement may have a term of up to ten years. An  
 21 employer shall not be obligated to enter into a  
 22 withholding agreement. An agreement shall not be  
 23 entered into with an employer not already located in a  
 24 pilot project city when another Iowa community is  
 25 competing for the same project and both the pilot  
 26 project city and the other Iowa community are seeking  
 27 assistance from the department.

28 (2) The pilot project city shall not enter into a  
 29 withholding agreement after June 30, ~~2010~~ 2013.

30 (3) The pilot project city shall provide on an  
 31 annual basis to the department of economic development  
 32 information documenting the total amount of payments  
 33 and receipts under a withholding agreement, including  
 34 all agreements with an employer to suspend, abate,  
 35 exempt, rebate, refund, or reimburse property taxes,  
 36 to provide a grant for property taxes paid or a grant  
 37 not related to property taxes, or to make a direct  
 38 payment of taxes, with moneys in the special fund.  
 39 The department of economic development shall verify  
 40 the information provided by the pilot project city.  
 41 (4) The department shall have the authority to  
 42 approve or deny a withholding agreement and shall only  
 43 deny an agreement if the agreement fails to meet the  
 44 requirements of this paragraph "c" or the local match  
 45 requirements in paragraph "j", or if an employer is  
 46 not in good standing as to prior or existing  
 47 agreements with the department of economic  
 48 development. The department may suggest changes to an  
 49 agreement.

50 Sec. 2. Section 403.19A, subsection 3, paragraph

Page 2

1 j, Code 2009, is amended by striking the paragraph and  
 2 inserting in lieu thereof the following:

3 j. (1) A pilot project city entering into a  
 4 withholding agreement shall arrange for matching local  
 5 financial support for the project. The local match  
 6 required under this paragraph "j" shall be in an  
 7 amount equal to one dollar for every dollar of  
 8 withholding credit received by the pilot project city.

9 (2) For purposes of this paragraph "j", "local  
 10 financial support" means cash or in-kind contributions  
 11 to the project from a private donor, a business, or  
 12 the pilot project city.

13 (3) If the project, when completed, will increase  
 14 the amount of an employer's taxable capital investment  
 15 by an amount equal to at least ten percent of the  
 16 amount of withholding credit dollars received by the



17 pilot project city, then the pilot project city shall  
 18 itself contribute at least ten percent of the local  
 19 match amount computed under subparagraph (1).  
 20 (4) If the project, when completed, will not  
 21 increase the amount of an employer's taxable capital  
 22 investment by an amount at least equal to ten percent  
 23 of the amount of withholding credit dollars received  
 24 by the pilot project city, then the pilot project city  
 25 shall not be required to make a contribution to the  
 26 local match.  
 27 (5) A pilot project city's contribution, if any,  
 28 to the local match may include the dollar value of any  
 29 tax abatement provided by the city to the business for  
 30 new construction.”  
 31 2. By renumbering as necessary.

Sands of Louisa offered the following amendment H-1708, to amendment H-1704, filed by him from the floor and moved its adoption:

H-1708

1 Amend the amendment, H-1704, to Senate File 304, as  
 2 passed by the Senate, as follows:  
 3 1. Page 1, by inserting before line 5 the  
 4 following:  
 5 “Section 1. Section 403.19A, subsection 2, Code  
 6 2009, is amended to read as follows:  
 7 2. a. An eligible city may apply to the  
 8 department of economic development to be designated as  
 9 a pilot project city. An eligible city is a city that  
 10 ~~contains~~ meets one of the following requirements:  
 11 (1) Contains three or more census tracts and is  
 12 located in a county meeting one of the following  
 13 requirements:  
 14 ~~(a)~~ (a) A county that borders Nebraska.  
 15 ~~(b)~~ (b) A county that borders South Dakota.  
 16 ~~(c)~~ (c) A county that borders a state other than  
 17 Nebraska or South Dakota.  
 18 (2) Shares a boundary contiguous with an approved  
 19 pilot project city.  
 20 b. (1) The department of economic development  
 21 shall approve four eligible cities as pilot project  
 22 cities, one pursuant to paragraph “a”, subparagraph  
 23 (1), ~~subparagraph division (a)~~, one pursuant to  
 24 paragraph “a”, subparagraph ~~(2)~~ (1), subparagraph  
 25 division (b), and two pursuant to paragraph “a”,  
 26 subparagraph ~~(3)~~ (1), subparagraph division (c). The  
 27 department shall approve additional eligible cities as  
 28 pilot project cities pursuant to paragraph “a”,  
 29 subparagraph (2). If two eligible cities are approved

30 pursuant to paragraph "a", subparagraph (1), which are  
 31 located in the same county and the county has a  
 32 population of less than forty-five thousand, the two  
 33 approved eligible cities shall be considered one pilot  
 34 project city. If more than two cities meeting the  
 35 requirements of paragraph "a", subparagraph ~~(3)~~ (1),  
 36 subparagraph division (c), apply to be designated as a  
 37 pilot project city, the department of economic  
 38 development shall determine which two cities hold the  
 39 most potential to create new jobs or generate the  
 40 greatest capital within their areas. ~~Applications~~  
 41 ~~from eligible cities filed on or after October 1,~~  
 42 ~~2006, shall not be considered.~~  
 43 (2) If a pilot project city does not enter into a  
 44 withholding agreement within one year of its approval  
 45 as a pilot project city, the city shall lose its  
 46 status as a pilot project city. If two pilot project  
 47 cities are located in the same county, the loss of  
 48 status by one pilot project city shall not cause the  
 49 second pilot project city in the county to lose its  
 50 status as a pilot project city. Upon such occurrence,

Page 2

1 the department of economic development shall take  
 2 applications from other eligible cities to replace  
 3 that city. Another city shall be designated within  
 4 six months."  
 5 2. Page 2, by inserting after line 30 the  
 6 following:  
 7 "\_\_\_\_. Title page, line 1, by inserting after the  
 8 word "agreements" the following: ", pilot project  
 9 cities,"."  
 10 3. By renumbering as necessary.

Amendment H-1708 lost.

On motion by D. Olson of Boone, amendment H-1704 was adopted.

Wendt of Woodbury moved that the bill be read a last time now and went upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 304)

The ayes were, 96:

Abdul-Samad  
 Bailey

Alons  
 Baudler

Anderson  
 Beard

Arnold  
 Bell

Berry	Bukta	Burt	Cohoon
Cownie	Deyoe	Dolecheck	Drake
Ficken	Ford	Forristall	Frevert
Gaskill	Gayman	Grassley	Hagenow
Heaton	Heddens	Helland	Horbach
Hunter	Huseman	Huser	Isenhart
Jacoby	Kaufmann	Kearns	Kelley
Koester	Kressig	Kuhn	Lensing
Lukan	Lykam	Marek	May
McCarthy	Mertz	Miller, H.	Miller, L.
Oldson	Olson, D.	Olson, R.	Olson, S.
Olson, T.	Palmer	Paulsen	Petersen
Pettengill	Quirk	Raecker	Rants
Rayhons	Reasoner	Reichert	Roberts
Sands	Schueller	Schulte	Schultz
Shomshor	Smith	Soderberg	Sorenson
Steckman	Struyk	Swaim	Sweeney
Taylor, D.	Taylor, T.	Thede	Thomas
Tjepkes	Tymeson	Upmeyer	Van Engelenhoven
Wagner	Watts	Wendt	Wessel-Kroeschell
Whitaker	Whitead	Willems	Winckler
Windschitl	Worthan	Zirkelbach	Mascher, Presiding

The nays were, none.

Absent or not voting, 4:

Chambers	De Boef	Murphy, Spkr.	Wenthe
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The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

### LEAVE OF ABSENCE

Leave of absence was granted as follows:

Arnold of Lucas on request of Roberts of Carroll.

### IMMEDIATE MESSAGE

McCarthy of Polk asked and received unanimous consent that **Senate File 304** be immediately messaged to the Senate.

## Unfinished Business Calendar

**House File 790**, a bill for an act regulating animal feeding operations, making penalties applicable, and providing for penalties, was taken up for consideration.

Zirkelbach of Jones offered the following amendment H-1307 filed by him and moved its adoption:

H-1307

- 1 Amend House File 790 as follows:
- 2 1. Page 2, line 17, by inserting after the word
- 3 "application." the following: "The department's
- 4 telephone number shall be the same telephone number
- 5 available on a twenty-four-hour-per-day,
- 6 seven-days-per-week basis for notifying the department
- 7 of other types of emergency conditions."
- 8 2. Page 2, by striking lines 27 and 28 and
- 9 inserting the following:
- 10 "\_\_\_\_. The liquid manure must be applied on a field
- 11 with a phosphorus index rating of two or less."
- 12 3. Page 2, line 33, by striking the words "one
- 13 week" and inserting the following: "two weeks".
- 14 4. Page 5, line 1, by striking the word
- 15 "building" and inserting the following: "building,".
- 16 5. Page 8, by striking lines 1 and 2 and
- 17 inserting the following:
- 18 "\_\_\_\_. The person must construct the dry bedded
- 19 confinement feeding operation structure with a floor
- 20 consisting of reinforced concrete at least".
- 21 6. Page 11, by inserting after line 31 the
- 22 following:
- 23 "Sec.\_\_\_\_. EFFECTIVE DATE. This division of this
- 24 Act, being deemed of immediate importance, takes
- 25 effect upon enactment."
- 26 7. Page 17, by inserting after line 2 the
- 27 following:
- 28 "Sec.\_\_\_\_. Section 459.102, subsections 5 and 35,
- 29 Code 2009, are amended to read as follows:
- 30 5. "Animal feeding operation structure" means a
- 31 confinement building, manure storage structure, dry
- 32 bedded confinement feeding operation structure as
- 33 defined in section 459B.102, or egg washwater storage
- 34 structure.
- 35 35. "Manure storage structure" means a formed
- 36 manure storage structure or an unformed manure storage
- 37 structure.
- 38 a. A manure storage structure includes a dry
- 39 bedded manure storage structure as defined in section

40 459B.102.

41 b. A manure storage structure does not include an  
42 egg wash water storage structure.”

43 8. Page 17, by inserting after line 8 the

44 following:

45 “Sec. \_\_\_\_\_. EFFECTIVE DATE. This division of this  
46 Act, being deemed of immediate importance, takes  
47 effect upon enactment.”

48 9. Title page, line 2, by inserting after the  
49 word “penalties” the following: “and effective  
50 dates”.

Page 2

1 10. By renumbering as necessary.

Amendment H-1307 was adopted.

#### SENATE FILE 432 SUBSTITUTED FOR HOUSE FILE 790

Zirkelbach of Jones asked and received unanimous consent to substitute Senate File 432 for House File 790.

**Senate File 432**, a bill for an act regulating animal feeding operations, making penalties applicable, and providing for penalties and effective dates, was taken up for consideration.

D. Olson of Boone asked and received unanimous consent to withdraw amendment H-1411 filed by him and Gaskill of Wapello on April 2, 2009.

Whitaker of Van Buren asked and received unanimous consent to withdraw amendment H-1426 filed by him and Kuhn of Floyd on April 6, 2009.

Kuhn of Floyd offered amendment H-1438 filed by Wenthe et al., as follows:

H-1438

1 Amend Senate File 432, as amended, passed, and  
2 reprinted by the Senate, as follows:

3 1. Page 1, lines 2 and 3, by striking the words  
4 “FROZEN GROUND AND SNOW COVERED GROUND” and inserting  
5 the following: “SNOW COVERED GROUND AND FROZEN

6 GROUND”.

7 2. Page 1, line 32, by striking the words “FROZEN  
8 GROUND AND SNOW COVERED GROUND” and inserting the  
9 following: “SNOW COVERED GROUND AND FROZEN GROUND”.

10 3. Page 1, line 34, by striking the words “frozen  
11 ground or snow covered ground” and inserting the  
12 following: “snow covered ground or frozen ground”.

13 4. By striking page 1, line 35, through page 2,  
14 line 1, and inserting the following: “, except to the  
15 extent otherwise provided by applicable requirements  
16 in this section, this chapter, or the national  
17 pollutant discharge elimination system pursuant to the  
18 federal Water Pollution Control Act, 33 U.S.C. ch. 26,  
19 as amended, and 40 C.F.R. pts. 122 and 412.”

20 5. Page 2, line 2, by inserting before the word  
21 “During” the following: “During the period beginning  
22 January 1 and ending April 1, the person may apply  
23 liquid manure originating from a manure storage  
24 structure, that is part of a confinement feeding  
25 operation, on snow covered ground only when there is  
26 an emergency.”

27 6. Page 2, line 5, by striking the words “or snow  
28 covered ground”.

29 7. Page 2, line 14, by striking the words “frozen  
30 ground or snow covered ground” and inserting the  
31 following: “snow covered ground or frozen ground”.

32 8. Page 2, line 25, by striking the word “person”  
33 and inserting the following: “owner of the  
34 confinement feeding operation”.

35 9. Page 10, by inserting after line 1 the  
36 following:

37 “Sec. \_\_\_\_\_. NEW SECTION. 459B.305 DRY BEDDED  
38 MANURE CONTROL – WATER QUALITY.

39 A dry bedded confinement feeding operation shall  
40 retain all dry bedded manure produced by the operation  
41 between periods of dry bedded manure application. For  
42 purposes of this section, dry bedded manure may be  
43 retained by stockpiling as provided in this chapter.  
44 A dry bedded confinement feeding operation shall not  
45 discharge dry bedded manure directly into water of the  
46 state or into a tile line that discharges directly  
47 into water of the state.

48 Sec. \_\_\_\_\_. NEW SECTION. 459B.306 STOCKPILING –  
49 NPDES REQUIREMENTS – WATER QUALITY.

50 A person stockpiling dry bedded manure shall comply

Page 2

1 with applicable requirements of the national pollutant  
2 discharge elimination system pursuant to the federal  
3 Water Pollution Control Act, 33 U.S.C. ch. 26, as  
4 amended, and 40 C.F.R. pts. 122 and 412.”

- 5 10. Page 10, by striking line 2 and inserting the  
6 following:  
7 “Sec. \_\_\_\_\_. NEW SECTION. 459B.307 STOCKPILING –  
8 STATE REQUIREMENTS – WATER”.  
9 11. Page 11, line 12, by striking the figure  
10 “459B.303” and inserting the following: “459B.308”.  
11 12. By renumbering as necessary.

Whitaker of Van Buren offered the following amendment H-1578, to amendment H-1438, filed by Whitaker et al., and moved its adoption:

H-1578

- 1 Amend the amendment, H-1438, to Senate File 432, as  
2 amended, passed, and reprinted by the Senate, as  
3 follows:  
4 1. Page 1, line 22, by striking the word and  
5 figure “January 1” and inserting the following:  
6 “December 21”.  
7 2. Page 1, by inserting after line 31 the  
8 following:  
9 “\_\_\_\_\_. Page 2, by striking lines 17 through 21 and  
10 inserting the following: “prior to the application.”“  
11 3. Page 1, by inserting after line 34 the  
12 following:  
13 “\_\_\_\_\_. Page 3, by inserting after line 21 the  
14 following:  
15 “Sec.\_\_\_\_. NEW SECTION. 459.313B APPLICATION OF  
16 LIQUID MANURE ON SNOW COVERED GROUND OR FROZEN GROUND  
17 – ANNUAL REPORT.  
18 1. On or before February 15 of each year, the  
19 director of the department, or the department's  
20 designee, shall appear before and present a report to  
21 the standing committees of the senate and house of  
22 representatives having jurisdiction over agriculture  
23 and environmental protection. The report shall  
24 include all instances in which persons have applied  
25 liquid manure originating from a manure storage  
26 structure, that is part of a confinement feeding  
27 operation, on snow covered ground or frozen ground  
28 because of an emergency as provided in section  
29 459.313A. The report shall include an assessment of  
30 the application's impact on water quality, including  
31 the success of actions taken to prevent or remediate  
32 such impact.  
33 2. This section is repealed on July 1, 2014.”“  
34 4. By renumbering as necessary.

Amendment H-1578 was adopted.

On motion by Kuhn of Floyd, amendment H-1438, as amended, 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. 432)

The ayes were, 87:

Alons	Anderson	Bailey	Baudler
Beard	Bell	Berry	Bukta
Burt	Cohoon	Cownie	Deyoe
Dolecheck	Drake	Ficken	Ford
Forristall	Frevert	Gaskill	Gayman
Grassley	Hagenow	Heaton	Helland
Horbach	Hunter	Huseman	Huser
Isenhardt	Kaufmann	Kearns	Kelley
Koester	Kuhn	Lukan	Lykam
Marek	May	McCarthy	Mertz
Miller, H.	Miller, L.	Murphy, Spkr.	Olson, R.
Olson, S.	Olson, T.	Palmer	Paulsen
Pettengill	Quirk	Raecker	Rants
Rayhons	Reasoner	Reichert	Roberts
Sands	Schueller	Schulte	Schultz
Shomshor	Smith	Soderberg	Sorenson
Steckman	Struyk	Swaim	Sweeney
Taylor, D.	Taylor, T.	Thede	Thomas
Tjepkes	Tymeson	Upmeyer	Van Engelenhoven
Wagner	Watts	Wendt	Whitaker
Whitead	Willems	Winckler	Windschitl
Worthan	Zirkelbach	Mascher,	
		Presiding	

The nays were, 9:

Abdul-Samad	Heddens	Jacoby	Kressig
Lensing	Oldson	Olson, D.	Petersen
Wessel-Kroeschell			

Absent or not voting, 4:

Arnold	Chambers	De Boef	Wenthe
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The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.



## LEAVE OF ABSENCE

Leave of absence was granted as follows:

Kaufmann of Cedar, until his return, on request of Roberts of Carroll.

## HOUSE FILE 790 WITHDRAWN

Zirkelbach of Jones asked and received unanimous consent to withdraw House File 790 from further consideration by the House.

## HOUSE FILE 711 WITHDRAWN

Baudler of Adair asked and received unanimous consent to withdraw House File 711 from further consideration by the House.

## IMMEDIATE MESSAGE

McCarthy of Polk asked and received unanimous consent that **Senate File 432** be immediately messaged to the Senate.

The House stood at ease at 4:34 p.m., until the fall of the gavel.

The House resumed session at 5:46 p.m., Zirkelbach of Jones 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 April 24, 2009, adopted the conference committee report and passed Senate File 224, a bill for an act relating to the licensing and regulation of plumbers, mechanical professionals, and contractors, and including an applicability provision.

Also: That the Senate has on April 24, 2009, concurred in the House amendment and passed the following bill in which the concurrence of the Senate was asked:

Senate File 304, A bill for an act relating to withholding agreements and local match requirements of the targeted jobs withholding tax credit program.

Also: that the Senate has on April 24, 2009, adopted the conference committee report and passed Senate File 389, a bill for an act relating to health care, health care providers, and health care coverage, providing penalties, and providing retroactive and other effective dates.

Also: That the Senate has on April 24, 2009, concurred in the House amendment and passed the following bill in which the concurrence of the Senate was asked:

Senate File 432, a bill for an act regulating animal feeding operations, making penalties applicable, and providing for penalties and effective dates.

Also: That the Senate has on April 24, 2009, adopted the conference committee report and passed Senate File 470, a bill for an act relating to the funding of, the operation of, and appropriation of moneys to the college student aid commission, the department for the blind, the department of education, and the state board of regents, providing for related matters, and providing effective dates.

MICHAEL E. MARSHALL, Secretary

ADOPTION OF THE REPORT OF THE  
CONFERENCE COMMITTEE  
(Senate File 224)

Quirk of Chickasaw called up for consideration the report of the conference committee on Senate File 224 and moved the adoption of the conference committee report and the amendments contained therein filed from the floor as follows:

REPORT OF THE CONFERENCE COMMITTEE  
ON SENATE FILE 224

To the President of the Senate and the Speaker of the House of Representatives:

We, the undersigned members of the conference committee appointed to resolve the differences between the Senate and the House of Representatives on Senate File 224, a bill for an Act relating to the licensing and regulation of plumbers, mechanical professionals, and contractors, and including an applicability provision, respectfully make the following report:

1. That the House amendment, S-3300, to Senate File 224, as amended, passed, and reprinted by the Senate, is amended as follows:

1. Page 1, by striking lines 7 through 9 and inserting the following: “strainers. Routine maintenance shall include emergency repairs, and the board shall define the term emergency repairs to include the repair of water pipes to prevent imminent damage to property.”“

2. Page 1, line 23, by inserting after the word “chapter” the following: “; except for projects that exceed the dollar amount specified as the competitive bid threshold in section 26.3”.

## ON THE PART OF THE SENATE:

JEFF DANIELSON, Chair  
 STACI APPEL  
 STEVE SODDERS

## ON THE PART OF THE HOUSE

BRIAN QUIRK, Chair  
 KEVIN KOESTER  
 DOUG STRUYK  
 ROGER THOMAS  
 NATE WILLEMS

The motion prevailed and the conference committee report was adopted.

Quirk of Chickasaw moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 224)

The ayes were, 71:

Abdul-Samad	Alons	Anderson	Bailey
Beard	Bell	Berry	Bukta
Burt	Cohoon	Cownie	Dolecheck
Ficken	Ford	Frevert	Gaskill
Gayman	Hagenow	Heddens	Helland
Hunter	Huseman	Huser	Isenhart
Jacoby	Kearns	Kelley	Koester
Kressig	Kuhn	Lensing	Lykam
Marek	Mascher	May	McCarthy
Mertz	Miller, H.	Miller, L.	Oldson
Olson, D.	Olson, S.	Olson, T.	Palmer
Paulsen	Petersen	Quirk	Reasoner
Reichert	Schueller	Schulte	Schultz
Smith	Soderberg	Sorenson	Steckman
Struyk	Taylor, D.	Taylor, T	Thede
Thomas	Tjepkes	Wagner	Wendt
Wessel-Kroeschell	Whitaker	Whitead	Willems
Winckler	Windschitl	Zirkelbach,	
		Presiding	

The nays were, 19:

Deyoe	Drake	Forristall	Grassley
Heaton	Horbach	Lukan	Pettengill
Raecker	Rants	Rayhons	Roberts

Sands	Sweeney	Tymeson	Upmeyer
Van Engelenhoven	Watts	Worthan	

Absent or not voting, 10:

Arnold	Baudler	Chambers	De Boef
Kaufmann	Murphy, Spkr.	Olson, R.	Shomshor
Swaim	Wenthe		

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

### IMMEDIATE MESSAGE

McCarthy of Polk asked and received unanimous consent that **Senate File 224** be immediately messaged to the Senate.

### ADOPTION OF THE REPORT OF THE CONFERENCE COMMITTEE (Senate File 470)

Winckler of Scott called up for consideration the report of the conference committee on Senate File 470 and moved the adoption of the conference committee report and the amendments contained therein, filed from the floor as follows:

#### REPORT OF THE CONFERENCE COMMITTEE ON SENATE FILE 470

To the President of the Senate and the Speaker of the House of Representatives:

We, the undersigned members of the conference committee appointed to resolve the differences between the Senate and the House of Representatives on Senate File 470, a bill for an Act relating to the funding of, the operation of, and appropriation of moneys to the college student aid commission, the department for the blind, the department of education, and the state board of regents, providing for related matters, and providing effective dates, respectfully make the following report:

1. That the Senate recedes from its amendment, H-1659.
2. That the House recedes from its amendment, S-3268.
3. That Senate File 470, as amended, passed, and reprinted by the Senate, is amended as follows:
  1. Page 1, by inserting before line 1 the following:

“DIVISION I EDUCATION APPROPRIATIONS”

2. Page 6, by striking line 22 and inserting the following:

“..... \$ 7,477,675”

3. Page 8, by inserting after line 8 the following:

“d. Of the amount appropriated in this subsection for deposit in the school ready children grants account of the Iowa empowerment fund, \$916,700 shall be used for support of professional development and training activities for persons working in early care, health, and education by the Iowa empowerment board in collaboration with representation from the Iowa state university of science and technology cooperative extension service in agriculture and home economics, the university of northern Iowa, the department of education, area education agencies, community colleges, child care resource and referral services, and community empowerment area boards. Expenditures shall be limited to professional development and training activities agreed upon by the parties participating in the collaboration.”

4. Page 8, by striking line 12 and inserting the following:.....”\$ 8,772,150”

5. Page 8, by striking lines 25 through 30 and inserting the following: “other copayment provisions.”

6. Page 9, by striking line 28 and inserting the following:

“..... \$ 11,538,863”

7. Page 16, by inserting after line 9 the following:

“(1) (a) Iowa state university shall not reduce the amount that it allocates to support the college of veterinary medicine from any other source due to the appropriation made in this lettered paragraph.

(b) Subparagraph subdivision (a) does not apply to a reduction made to support the college of veterinary medicine if the same percentage of reduction imposed on the college of veterinary medicine is also imposed on all of Iowa state university's budget units.

(2)”.

8. Page 17, by striking lines 6 through 12.

9. Page 18, by inserting after line 11 the following:

“Sec. \_\_\_\_ . STATE DEPARTMENT OR AGENCY COST-SAVING MEASURES.

For the fiscal year beginning July 1, 2009, and ending June 30, 2010, a state department or state agency to which an appropriation is made pursuant to this Act shall do the following:

1. Submit electronically any report the department or agency is required to submit to the general assembly. Notwithstanding any provision to the contrary, the department or agency shall not submit a printed copy of any report to the general assembly.

2. Develop and implement procedures that result in cost savings for office supplies, service contracts, professional services, video conferencing, use of the Iowa telecommunications network, equipment purchases, and interstate and intrastate travel by state employees and members of state boards, committees, commissions, and councils for which the department or agency provides administrative services.

3. Require employees, in order to receive expense reimbursement, to submit actual receipts for meals and other costs. To the extent possible, receipts shall be submitted electronically. Reimbursement up to the maximum amount shall only be allowed in an amount equal to the sum of the receipts submitted by an employee."

10. Page 19, line 5, by inserting before the word "If" the following: "Revenues received by a school district attributed to a school district's weighted enrollment pursuant to this paragraph shall be expended for the purpose for which the weighting was assigned under this paragraph."

11. Page 24, lines 19 and 20, by striking the words "beginning with the October payroll".

12. Page 24, lines 24 and 25, by striking the words "scholarship or grant moneys" and inserting the following: "assistance under programs".

13. Page 27, by inserting after line 17 the following:

"Sec. \_\_\_\_\_. NEW SECTION. 261D.4 PROVISIONAL WITHDRAWAL FROM COMPACT.

The state of Iowa hereby withdraws from the Midwestern higher education compact effective July 1, 2009, until such time as the state has the resources to resume membership and reenters into the compact. The state of Iowa's obligations and liability under the compact shall cease upon the effective date of its withdrawal from the compact. This section shall prevail over any contrary provisions of this chapter."

14. Page 27, line 19, by striking the word "subsection" and inserting the following: "subsections".

15. Page 27, by inserting after line 21 the following:

"NEW SUBSECTION. 33. Annually, by October 1, submit in a report to the general assembly the following information for the previous fiscal year:

a. Total revenue received from each local school district as a result of high school students enrolled in courses under the postsecondary enrollment options program at the institutions of higher learning under the board's control.

b. Unduplicated headcount of high school students enrolled in courses under the postsecondary enrollment options program at the institutions of higher learning under the board's control.

c. Total credits earned by high school students enrolled in courses under the postsecondary enrollment options program at the institutions of higher learning under the board's control, broken down by degree program.

d. The compensation and benefits paid to the members of the board pursuant to section 7E.6.

e. The contracted salary and benefits and any other expenses related to support for governmental affairs efforts, including expenditures for liaisons and lobbying activities for the board and its institutions.

f. The contracted salaries, including but not limited to bonus wages and benefits, including but not limited to annuity payments or any other benefit covered using state funds of any kind for administrators of the institutions governed by the board.”

16. Page 27, by inserting after line 31 the following:

“Sec.\_\_. Section 272.2, subsection 10, Code 2009, is amended to read as follows:

10. Issue statements of professional recognition to school service personnel who have attained a minimum of a baccalaureate degree and who are licensed by another professional licensing board, including but not limited to athletic trainers licensed under chapter 152D.

Sec.\_\_\_\_. Section 272.2, Code 2009, is amended by adding the following new subsection:

NEW SUBSECTION. 18. May adopt rules for practitioners who are not eligible for a statement of professional recognition under subsection 10, but have received a baccalaureate degree and provide a service to students at any or all levels from prekindergarten through grade twelve for a school district, accredited nonpublic school, area education agency, or preschool program established pursuant to chapter 256C.”

17. Page 32, by inserting after line 28 the following:

“Sec.\_\_\_\_. Section 422.33, Code 2009, is amended by adding the following new subsection:

NEW SUBSECTION. 27. The taxes imposed under this division shall be reduced by a school tuition organization tax credit allowed under section 422.11S. The maximum amount of tax credits that may be approved under this subsection for a tax year equals twenty-five percent of the school tuition organization's tax credits that may be approved pursuant to section 422.11S, subsection 7, for a tax year.”

18. Page 33, by striking line 6 and inserting the following:

“Sec.\_\_. Chapter 7K, Code 2009, is repealed.”

19. Page 33, line 9, by inserting after the word “this” the following: “division of this”.

20. Page 33, line 12, by inserting after the word “this” the following: “division of this”.

21. Page 33, line 15, by inserting after the word “this” the following: “division of this”.

22. Page 33, by inserting before line 18 the following:

“DIVISION II RESEARCH AND DEVELOPMENT SCHOOL

Sec.\_\_\_\_. NEW SECTION. 256G.1 LEGISLATIVE INTENT.

It is the intent of the general assembly to develop a state research and development prekindergarten through grade twelve school in order to do the following:

1. To raise and sustain the level of all prekindergarten through grade twelve students' educational attainment and personal development through innovative and promising teaching practice.

2. To enhance the preparation and professional competence of the educators in this state through collaborative inquiry and exchange of professional knowledge in teaching and learning.

3. To focus on research that transforms teaching practice to meet the changing needs of this state's educational system.

Sec.\_\_\_\_. NEW SECTION. 256G.2 DEFINITIONS.

For purposes of this chapter:

1. “Department” means the department of education.

2. “Director” means the director of the department of education.

3. “President” means the president of the university of northern Iowa.

4. “Research and development school” means a prekindergarten through grade twelve research, development, demonstration, and dissemination school using expanded facilities at the center for early development education, also known as the Price laboratory school, in Cedar Falls.

5. “University” means the university of northern Iowa.

Sec.\_\_\_\_. NEW SECTION. 256G.3 RESEARCH AND DEVELOPMENT SCHOOL FUNDING.

1. a. (1) The university and the board of directors of the Cedar Falls community school district shall develop a student transfer policy for the research and development school that will protect and promote the quality and integrity of the teacher education program and the viability of the education program of the Cedar Falls community school district.

(2) The policy shall include, in order of consideration, the reasons for which a request to transfer to the research and development school will be allowed by the school district. The research and development school may deny any request for transfer under the policy and such denial for transfer is not subject to appeal under section 290.1. The research and development school shall report the transfer and enrollment of a new student directly to the department.



b. The research and development school shall create and maintain a basic geographic boundary line agreement with the Cedar Falls community school district. The boundary line agreement shall ensure that students currently enrolled at the center for early development education shall continue to have priority access to enrollment at the research and development school. If such an agreement cannot be reached, the boundary line for the research and development school shall be the official boundary line of the Cedar Falls community school district.

c. Open enrollment under section 282.18 applies to the research and development school.

2. Funds provided by the university for the center for early development education under section 262.71 shall be redirected as applicable to support the research component at the research and development school.

Sec. \_\_\_\_ NEW SECTION. 256G.4 RESEARCH AND DEVELOPMENT SCHOOL – GOVERNANCE.

1. The board of regents shall be the governing entity of the research and development school and as such shall be responsible for the faculty, facility, grounds, and staffing.

2. The department shall be the accreditation agency and as such shall serve as the authority on teacher qualification requirements and waiver provisions.

3. a. A seventeen-member advisory council is created, composed of the following members:

(1) Three standing committee members as follows:

(a) The director.

(b) The president.

(c) The director of the research and development school, serving as an ex officio, nonvoting member.

(2) Ten members shall be jointly recommended for membership by the president and the director and shall be jointly approved by the state board of regents and the state board of education, shall serve three-year staggered terms, and shall be eligible to serve for two consecutive three-year terms on the council in addition to any partial, initial term:

(a) One member representing prekindergarten through grade six public school teachers, who is also a participating member of a teacher quality committee created pursuant to section 284.4, subsection 1, paragraph “c”.

(b) One member representing grade seven through grade nine public school teachers, who is also a participating member of a teacher quality committee created pursuant to section 284.4, subsection 1, paragraph “c”.

(c) One member representing grade ten through grade twelve public school teachers, who is also a participating member of a teacher quality committee created pursuant to section 284.4, subsection 1, paragraph "c".

(d) One member representing prekindergarten through grade twelve administrators.

(e) One member representing area education agencies.

(f) One member representing Iowa state university of science and technology.

(g) One member representing the university of Iowa.

(h) One member representing parents of students at the research and development school.

(i) One member representing business and industry.

(j) One member representing private colleges in the state.

(3) Four members of the general assembly serving as ex officio, nonvoting members, one representative to be appointed by the speaker of the house of representatives, one representative to be appointed by the minority leader of the house of representatives, one senator to be appointed by the majority leader of the senate after consultation with the president of the senate, and one senator to be appointed by the minority leader of the senate.

b. One of the members representing public school teachers approved for membership pursuant to paragraph "a", subparagraph (2), subparagraph divisions (a) through (c) shall be an active teacher in the Cedar Falls community school district.

c. (1) The advisory council shall review and evaluate the educational processes and results of the research and development school.

(2) The advisory council shall provide an annual report to the president, the director, the state board of regents, the state board of education, and the general assembly.

4. a. An eleven-member standing institutional research committee, appointed by the president and the director, is created, composed of the following members:

(1) The director of research at the research and development school or the person designated with this responsibility.

(2) One member representing the university of northern Iowa.

(3) One member representing Iowa state university of science and technology.

(4) One member representing the university of Iowa.

(5) One member representing business and industry.

(6) One member representing prekindergarten through grade six public school teachers, who is also a participating member of a teacher quality committee created pursuant to section 284.4, subsection 1, paragraph “c”.

(7) One member representing grade seven through grade nine public school teachers, who is also a participating member of a teacher quality committee created pursuant to section 284.4, subsection 1, paragraph “c”.

(8) One member representing grade ten through grade twelve public school teachers, who is also a participating member of a teacher quality committee created pursuant to section 284.4, subsection 1, paragraph “c”.

(9) One member representing the boards of school districts selected from a list of nominees submitted by the Iowa association of school boards.

(10) One member representing the department.

(11) One member representing private colleges in the state.

b. The appointed members should collectively possess the following characteristics:

(1) Be well informed about the educational needs of students in the state.

(2) Be aware of and understand the standards and protocol for educational research.

(3) Understand the dissemination of prekindergarten through grade twelve research results.

(4) Understand the impact of educational research.

(5) Be knowledgeable about compliance with human subject protection protocol.

c. One of the members representing public school teachers approved for membership pursuant to paragraph “a”, subparagraphs (6) through (8) shall be an active teacher in the Cedar Falls community school district.

d. The committee shall serve as the clearinghouse for the investigative and applied research at the research and development school.

e. The committee shall create research protocols, approve research proposals, review the quality and results of performed research, and provide support for dissemination efforts.

Sec.\_\_. Section 257.6, subsection 1, paragraph b, Code 2009, is amended by striking the paragraph.

Sec.\_\_\_\_. Section 282.18, Code 2009, is amended by adding the following new subsections:

NEW SUBSECTION. 15A. a. If a request under this section is for transfer to a laboratory school, as described in chapter 256G, the student, who is the subject of the

request, shall be included in the basic enrollment of the student's district of residence and the board of directors of the district of residence shall pay to a laboratory school the state cost per pupil for the previous school year, plus any moneys received for the pupil as a result of the non-English speaking weighting under section 280.4, subsection 3, for the previous school year multiplied by the state cost per pupil for the previous year.

b. Notwithstanding subsection 7, a district of residence shall not be required to pay the state cost per pupil for a student attending a laboratory school during the school year beginning July 1, 2010, if the student was not included in the district of residence's enrollment count for funding purposes in the school year beginning July 1, 2009.

NEW SUBSECTION. 15B. a. The total enrollment of the research and development school shall be limited to six hundred fifty students.

b. Open enrollment requests accepted by the research and development school shall be limited to a five percent increase per year of students from each of the Cedar Falls community school district and the Waterloo school district over the previous year's enrollment at the research and development school.

c. The total number of students enrolled in the research and development school from the Cedar Falls community school district shall be limited to not more than ten percent of the total district enrollment of the Cedar Falls community school district.

d. Open enrollment requests accepted by the research and development school from a school district shall be limited to not more than two percent of a school district's previous year's total enrollment count. This subsection does not apply to the Cedar Falls community and Waterloo school districts.

Sec.\_\_\_\_. RESEARCH AND DEVELOPMENT SCHOOL – INFRASTRUCTURE FUNDING STUDY. The department of education, in collaboration with representatives of the university of northern Iowa, as designated by the president, shall create a report about potential access to various infrastructure funding for the research and development school. The department shall submit the report to the general assembly and the governor by January 15, 2010.

Sec.\_\_\_\_. RESEARCH AND DEVELOPMENT SCHOOL INFRASTRUCTURE.

1. a. There is appropriated from the general fund of the state to the university of northern Iowa for the fiscal year beginning July 1, 2009, and ending June 30, 2010, the following amount, or so much thereof as is necessary, to be used for the purposes designated:

For a contract with a design firm to evaluate the condition of the center for early development education in Cedar Falls and determine an approximate cost of both renovation of the current facility and new construction with a recommendation as to which is more feasible: .....\$ 35,000

b. The design firm's recommendation shall consider the following property elements:

- (1) Grounds, utility, and paving systems.
- (2) Exterior systems, including the roof, walls, windows, exterior doors, and structural components.
- (3) Interior systems, including walls, doors, floors, and ceilings.
- (4) Fire and life safety issues.
- (5) Readily achievable design features meeting the requirements of the federal Americans With Disabilities Act.
- (6) Heating, ventilation, and air conditioning including control mechanisms.
- (7) Electrical and electrical distribution system.
- (8) Plumbing.
- (9) Fire protection.
- (10) Elevators.
- (11) Special construction.

c. The design firm shall report in fiscal year 2010-2011 to the president, the director, and the transition team the results of its evaluation and recommendation. The transition team shall report the design firm's findings to the general assembly by January 15, 2012.

2. Leadership in energy and environmental design certification shall be sought in order that the research and development school serve as a model of energy efficiency and design.

3. A three-year timeline to establish the research and development school is proposed for the university and the department. A transition team, appointed by the president and the director, shall develop and implement specific transition plans for the first year of the transition and for the entire three-year transition period in order to establish a functioning research and development school at the end of the transition period. The transition team shall include but not be limited to two members who are active teachers in the Cedar Falls community school district and one member who is an active teacher in the Waterloo school district. The transition team shall use the recommendations for each year of the transition as submitted in the report of the committees required by 2008 Iowa Acts, chapter 1101, to oversee the transition.

Sec.\_\_\_\_. EFFECTIVE DATES.

1. This division of this Act takes effect July 1, 2009.

2. Notwithstanding subsection 1, the sections of this division of this Act enacting section 256G.3 and amending section 257.6, subsection 1, and section 282.18 take effect July 1, 2010.”

23. By renumbering, relettering, or redesignating and correcting internal references as necessary.

ON THE PART OF THE SENATE:

ON THE PART OF THE HOUSE:

BRIAN SCHOENJAHN, CHAIR  
WILLIAM HECKROTH  
HERMAN QUIRMBACH

CINDY WINCKLER, CHAIR  
GENE FICKEN  
BOB KRESSIG

The motion prevailed and the conference committee report was adopted.

Winckler 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?" (SF 470)

The ayes were, 55:

Abdul-Samad	Bailey	Beard	Bell
Berry	Bukta	Burt	Cohoon
Ficken	Ford	Frevert	Gaskill
Gayman	Heddens	Hunter	Huser
Isenhardt	Jacoby	Kearns	Kelley
Kressig	Kuhn	Lensing	Lykam
Marek	Mascher	McCarthy	Mertz
Miller, H.	Murphy, Spkr.	Oldson	Olson, D.
Olson, R.	Olson, T.	Palmer	Petersen
Quirk	Reasoner	Reichert	Schueller
Shomshor	Smith	Steckman	Swaim
Taylor, D.	Taylor, T.	Thede	Thomas
Wendt	Wessel-Kroeschell	Whitaker	Whitead
Willems	Winckler	Zirkelbach, Presiding	

The nays were, 40:

Alons	Anderson	Baudler	Cownie
Deyoe	Dolecheck	Drake	Forristall
Grassley	Hagenow	Heaton	Helland
Horbach	Huseman	Koester	Lukan
May	Miller, L.	Olson, S.	Paulsen
Pettengill	Raecker	Rants	Rayhons
Roberts	Sands	Schulte	Schultz
Soderberg	Sorenson	Struyk	Sweeney

Tjepkes  
Wagner

Tymeson  
Watts

Upmeyer  
Windschitl

Van Engelenhoven  
Worthan

Absent or not voting, 5:

Arnold  
Wenthe

Chambers

De Boef

Kaufmann

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

**ADOPTION OF THE REPORT OF THE  
CONFERENCE COMMITTEE  
(Senate File 389)**

Smith of Marshall called up for consideration the report of the conference committee on Senate File 389 and moved the adoption of the conference committee report and the amendments contained therein from the floor as follows:

**REPORT OF THE CONFERENCE COMMITTEE  
ON SENATE FILE 389**

To the President of the Senate and the Speaker of the House of Representatives:

We, the undersigned members of the conference committee appointed to resolve the differences between the Senate and the House of Representatives on Senate File 389, a bill for an Act relating to health care, health care providers, and health care coverage, providing penalties, and providing retroactive and other effective dates, respectfully make the following report:

1. That the Senate recedes from its amendment, H-1661.
2. That the House amendment, S-3296, to Senate File 389, as amended, passed, and reprinted by the Senate, is amended as follows:
  - "(1) A person who represents large employers.
  - (2) A person who represents Iowa insurers.
  - (3) A person who represents health underwriters.
  - (4) A health care provider.
  - (5) A person who represents labor.
  - (6) A consumer who represents the pre-Medicare population.
  - (7) A consumer who represents middle-income adults and families.
  - (8) A consumer who represents low-income adults and families.
  - (9) A person who represents small businesses.
  - (10) A person who represents nonprofit entities.
  - (11) A person who represents independent insurance agents."
2. Page 1, line 42, by striking the word "coordinator" and inserting the following: "person or persons".
3. Page 1, line 43, by striking the word "coordinator" and inserting the following: "person or persons employed or contracted with to assist the commission".
4. Page 3, lines 29 and 30, by striking the words "health insurance experts" and inserting the following: "health care coverage experts".

5. Page 4, line 23, by striking the words "health insurance experts" and inserting the following: "health care coverage experts".

6. Page 4, line 30, by striking the words "last report" and inserting the following: "previous annual report provided on January 1, 2010, including but not limited to information about health care coverage for adults, including enrollment information, that was available for purchase by the public by July 1, 2010, consistent with the commission's recommendations and priorities, and including further recommendations and prioritization of those recommendations".

ON THE PART OF THE SENATE:

JACK HATCH, Chair  
 MIKE GRONSTAL  
 DAVID HARTSUCH  
 DAVID JOHNSON  
 JOHN KIBBIE

ON THE PART OF THE HOUSE

RICK OLSON, Chair  
 WAYNE FORD  
 JEFF KAUFMANN  
 MARK SMITH  
 CHUCK SODERBERG

The motion prevailed and the conference committee report was adopted.

Smith of Marshall 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. 389)

The ayes were, 95:

Abdul-Samad	Alons	Anderson	Bailey
Baudler	Beard	Bell	Berry
Bukta	Burt	Cphoon	Cownie
Deyoe	Dolecheck	Drake	Ficken
Ford	Forristall	Frevort	Gaskill
Gayman	Grassley	Hagenow	Heaton
Heddens	Helland	Horbach	Hunter
Huseman	Huser	Isenhardt	Jacoby
Kearns	Kelley	Koester	Kressig
Kuhn	Lensing	Lukan	Lykam
Marek	Mascher	May	McCarthy
Mertz	Miller, H.	Miller, L.	Murphy, Spkr.
Oldson	Olson, D.	Olson, R.	Olson, S.
Olson, T.	Palmer	Paulsen	Petersen
Pettengill	Quirk	Raecker	Rants
Rayhons	Reasoner	Reichert	Roberts
Sands	Schueller	Schulte	Schultz
Shomshor	Smith	Soderberg	Sorenson
Steckman	Struyk	Swaim	Sweeney
Taylor, D.	Taylor, T.	Thede	Thomas
Tjepkes	Tymeson	Upmeyer	Van Engelenhoven
Wagner	Watts	Wendt	Wessel-Kroeschell
Whitaker	Whitead	Willems	Winckler
Windschitl	Worthan	Zirkelbach, Presiding	



The nays were, none.

Absent or not voting, 5:

Arnold  
Wenthe

Chambers

De Boef

Kaufmann

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

### IMMEDIATE MESSAGE

McCarthy of Polk asked and received unanimous consent that **Senate File 389** be immediately messaged to the Senate.

The House stood at ease at 6:16 p.m., until the fall of the gavel.

The House resumed session at 6:45 p.m., Zirkelbach of Jones in the chair.

### Appropriations Calendar

**Senate File 474**, a bill for an act relating to the bonding authorization of the state board of regents for flood repair, restoration, replacement, and mitigation at the state university of Iowa, with report of committee recommending passage, was taken up for consideration.

Cohon of Des Moines offered the following amendment H-1710 filed by him from the floor and moved its adoption:

H-1710

- 1 Amend Senate File 474, as passed by the Senate, as
- 2 follows:
- 3 1. Page 1, by striking line 27 and inserting the
- 4 following:
- 5 "Sec.\_\_\_\_. STATE BOARD OF REGENTS BONDING – FLOOD
- 6 REPAIR AND MITIGATION."
- 7 2. Page 3, by inserting after line 18 the
- 8 following:
- 9 "Sec.\_\_\_\_. STATE BOARD OF REGENTS BONDING –
- 10 BUILDINGS AND FACILITIES IMPROVEMENT PROGRAM.
- 11 1. FINDINGS. The general assembly finds that:
- 12 a. The state board of regents has approved a
- 13 buildings and facilities improvement program for the
- 14 institutions of higher learning under the jurisdiction
- 15 of the board, which the board deems necessary to
- 16 further the educational objectives of the
- 17 institutions, together with an estimate of the cost of
- 18 each of the buildings and facilities.
- 19 b. The projects contained in the buildings and
- 20 facilities improvement program are deemed necessary

21 for the proper performance of the instructional,  
22 research, and service functions of the institutions.  
23 c. Section 262A.4 provides that the state board of  
24 regents, after authorization by a constitutional  
25 majority of each house of the general assembly and  
26 approval by the governor, may undertake and carry out  
27 at the institutions of higher learning under the  
28 jurisdiction of the board any project as defined in  
29 chapter 262A.

30 d. Chapter 262A authorizes the state board of  
31 regents to borrow moneys and to issue and sell  
32 negotiable revenue bonds to pay all or any part of the  
33 cost of carrying out projects at any institution  
34 payable solely from and secured by an irrevocable  
35 pledge of a sufficient portion of the student fees and  
36 charges and institutional income received by the  
37 particular institution.

38 e. To further the educational objectives of the  
39 institutions, the state board of regents requests  
40 authorization to finance certain costs of the capital  
41 improvement program by borrowing moneys and issuing  
42 negotiable bonds under chapter 262A in a total amount  
43 as provided in this section, with the remaining costs  
44 of the projects to be financed by appropriations or by  
45 federal or other funds lawfully available.

46 2. AUTHORIZATION OF PROJECTS. The state board of  
47 regents is authorized to undertake, plan, construct,  
48 reconstruct, improve, repair, remodel, furnish, and  
49 equip, and otherwise carry out \$15,000,000 for phase  
50 II of the construction and renovation of the

Page 2

1 veterinary medical facilities at Iowa state university  
2 of science and technology, specifically the renovation  
3 and modernization of the area formerly occupied by the  
4 large animal area of the teaching hospital for  
5 expanded clinical services in a small animal hospital.

6 3. BONDS AUTHORIZED. The general assembly  
7 authorizes the state board of regents to borrow moneys  
8 and to issue and sell negotiable revenue bonds in the  
9 amount of \$15,000,000 in the manner provided in  
10 sections 262A.5 and 262A.6 in order to pay all or any  
11 part of the costs of carrying out the projects at the  
12 institutions approved and authorized in subsection 2,  
13 with the remaining costs of the projects to be  
14 financed by appropriations or by federal or other  
15 funds lawfully available. The amount of bonds may be  
16 exceeded by the amount the state board of regents  
17 determines to be necessary to capitalize bond  
18 reserves, interest during construction, and issuance  
19 costs. No commitment is implied or intended by

20 approval to fund any portion of the buildings and  
 21 facilities improvement program beyond the portion that  
 22 is financed and approved by the Eighty-third General  
 23 Assembly, 2009 Session, and the governor.”  
 24 3. Title page, line 2, by inserting after the  
 25 word “regents” the following: “for buildings and  
 26 facilities including bonding”.  
 27 4. By renumbering as necessary.

A non-record roll call was requested.

The ayes were 51, nays 39.

Amendment H-1710 was adopted.

Cohoon of Des Moines 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. 474)

The ayes were, 54:

Abdul-Samad	Bailey	Beard	Bell
Berry	Bukta	Burt	Cohoon
Ficken	Ford	Frevert	Gaskill
Gayman	Heddens	Hunter	Huser
Isenhardt	Jacoby	Kearns	Kelley
Kressig	Kuhn	Lensing	Lykam
Marek	Mascher	McCarthy	Mertz
Miller, H.	Murphy, Spkr.	Oldson	Olson, D.
Olson, R.	Olson, T.	Palmer	Petersen
Quirk	Reasoner	Reichert	Shomshor
Smith	Steckman	Swaim	Taylor, T.
Thede	Thomas	Wendt	Wenthe
Wessel-Kroeschell	Whitaker	Whitead	Willems
Winckler	Zirkelbach, Presiding		

The nays were, 41:

Alons	Anderson	Baudler	Cownie
Deyoe	Dolecheck	Drake	Forristall
Grassley	Hagenow	Heaton	Helland
Horbach	Huseman	Koester	Lukan
May	Miller, L.	Olson, S.	Paulsen
Pettengill	Raecker	Rants	Rayhons
Roberts	Sands	Schueller	Schulte
Schultz	Soderberg	Sorenson	Struyk

Sweeney	Tjepkes	Tymeson	Upmeyer
Van Engelenhoven	Wagner	Watts	Windschitl
Worthan			

Absent or not voting, 5:

Arnold	Chambers	De Boef	Kaufmann
Taylor, D.			

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

### IMMEDIATE MESSAGE

McCarthy of Polk asked and received unanimous consent that **Senate File 474** be immediately messaged to the Senate.

McCarthy of Polk asked and received unanimous consent for the immediate consideration of Senate File 483.

Speaker Murphy in the chair at 7:08 p.m.

### LEAVE OF ABSENCE

Leave of absence was granted as follows:

Koester of Polk on request of Lukan of Dubuque.

### Ways and Means Calendar

**Senate File 483**, a bill for an act relating to state taxes by limiting tax credits available under certain economic development programs and agricultural assets transfer agreements, eliminating the carryback of net operating losses, modifying refund interest provisions, and including retroactive applicability date and other applicability date provisions, with report of committee recommending amendment and passage, was taken up for consideration.

Thomas of Clayton offered amendment H-1664 filed by the committee on ways and means as follows:

H-1664

1 Amend Senate File 483, as passed by the Senate, as

2 follows:

- 3 1. Page 1, line 10, by striking the word
- 4 "seventy-five" and inserting the following:
- 5 "eighty-five".
- 6 2. Page 1, by striking line 11 and inserting the
- 7 following: "dollars for any fiscal year. However,
- 8 the department may authorize an amount of tax credits
- 9 in one fiscal year in excess of one hundred
- 10 eighty-five million, and such excess amount shall be
- 11 counted against the total amount of tax credits that
- 12 may be authorized in the next fiscal year."
- 13 3. Page 2, line 2, by striking the word "three"
- 14 and inserting the following: "six".
- 15 4. Page 2, line 2, by striking the word "fiscal"
- 16 and inserting the following: "calendar".
- 17 5. Page 2, lines 6 and 7, by striking the words
- 18 "to contracts and agreements entered into or tax
- 19 credits awarded on or".
- 20 6. By renumbering as necessary.

Thomas of Clayton offered the following amendment H-1667, to the committee amendment H-1664, filed by him and moved its adoption:

H-1667

- 1 Amend the amendment, H-1664, to Senate File 483, as
- 2 passed by the Senate, as follows:
- 3 1. Page 1, by striking lines 15 and 16.
- 4 2. By renumbering as necessary.

Amendment H-1667 was adopted.

Thomas of Clayton offered the following amendment H-1707, to the committee amendment H-1664, filed by Shomshor of Pottawattamie and Sands of Louisa from the floor and moved its adoption:

H-1707

- 1 Amend the amendment, H-1664, to Senate File 483, as
- 2 passed by the Senate, as follows:
- 3 1. Page 1, by striking lines 17 through 19 and
- 4 inserting the following:
- 5 "\_\_\_\_. Page 2, by striking lines 5 through 7 and
- 6 inserting the following:
- 7 "Sec.\_\_\_\_. APPLICABILITY DATES.
- 8 1. The section of this division of this Act
- 9 amending section 175.37 applies to agricultural assets

10 transfer agreements executed on or after July 1, 2009.  
 11 2. The section of this division of this Act  
 12 enacting section 15.119 applies to tax credits awarded  
 13 on or after July 1, 2009.”“  
 14 2. By renumbering as necessary.

Amendment H-1707 was adopted.

Thomas of Clayton moved the adoption of the committee amendment H-1664, as amended.

A non-record roll call was requested.

The ayes were 69, nays none.

The committee amendment H-1664, as amended, was adopted, placing out of order amendment H-1581 filed by Thomas of Clayton on April 14, 2009.

Quirk of Chickasaw offered the following amendment H-1695 filed by Quirk et al., and moved its adoption:

H-1695

1 Amend Senate File 483, as passed by the Senate, as  
 2 follows:  
 3 1. By striking page 2, line 8, through page 3,  
 4 line 25.  
 5 2. Title page, lines 3 and 4, by striking the  
 6 words “eliminating the carryback of net operating  
 7 losses,”.  
 8 3. By renumbering as necessary.

Roll call was requested by Sands of Louisa and Paulsen of Linn.

On the question “Shall amendment H-1695 be adopted?” (S.F. 483)

The ayes were, 44:

Alons	Anderson	Baudler	Cownie
Deyoe	Dolecheck	Drake	Forristall
Grassley	Hagenow	Heaton	Helland
Horbach	Huseman	Huser	Kelley
Lukan	Marek	May	Mertz
Miller, L.	Olson, S.	Paulsen	Pettengill
Quirk	Raecker	Rants	Rayhons

Roberts	Sands	Schulte	Schultz
Soderberg	Sorenson	Struyk	Sweeney
Tjepkes	Tymeson	Upmeyer	Van Engelenhoven
Wagner	Watts	Windschitl	Worthan

The nays were, 51:

Abdul-Samad	Bailey	Beard	Bell
Berry	Bukta	Burt	Cohoon
Ficken	Ford	Frevert	Gaskill
Gayman	Heddens	Hunter	Isenhardt
Jacoby	Kearns	Kressig	Kuhn
Lensing	Lykam	Mascher	McCarthy
Miller, H.	Oldson	Olson, D.	Olson, R.
Olson, T.	Palmer	Petersen	Reasoner
Reichert	Schueller	Shomshor	Smith
Steckman	Swaim	Taylor, D.	Taylor, T.
Thede	Thomas	Wendt	Wenthe
Wessel-Kroeschell	Whitaker	Whitead	Willems
Winckler	Zirkelbach	Mr. Speaker Murphy	

Absent or not voting, 5:

Arnold	Chambers	De Boef	Kaufmann
Koester			

Amendment H-1695 lost.

Wagner of Linn offered the following amendment H-1713 filed by him from the floor and moved its adoption:

H-1713

- 1 Amend Senate File 483, as passed by the Senate, as
- 2 follows:
- 3 1. By striking page 3, line 26, through page 5,
- 4 line 8.
- 5 2. Title page, by striking line 4 and inserting
- 6 the following: "operating losses, and".
- 7 3. By renumbering as necessary.

Roll call was requested by Sands of Louisa and Horbach of Tama.

On the question "Shall amendment H-1713 be adopted?" (S.F. 483)

The ayes were, 95:

Abdul-Samad	Alons	Anderson	Bailey
Baudler	Beard	Bell	Berry
Bukta	Burt	Cphoon	Cownie
Deyoe	Dolecheck	Drake	Ficken
Ford	Forristall	Frevert	Gaskill
Gayman	Grassley	Hagenow	Heaton
Heddens	Helland	Horbach	Hunter
Huseman	Huser	Isenhart	Jacoby
Kearns	Kelley	Kressig	Kuhn
Lensing	Lukan	Lykam	Marek
Mascher	May	McCarthy	Mertz
Miller, H.	Miller, L.	Oldson	Olson, D.
Olson, R.	Olson, S.	Olson, T.	Palmer
Paulsen	Petersen	Pettengill	Quirk
Raecker	Rants	Rayhons	Reasoner
Reichert	Roberts	Sands	Schueller
Schulte	Schultz	Shomshor	Smith
Soderberg	Sorenson	Steckman	Struyk
Swaim	Sweeney	Taylor, D.	Taylor, T.
Thede	Thomas	Tjepkes	Tymeson
Upmeyer	Van Engelenhoven	Wagner	Watts
Wendt	Wenthe	Wessel-Kroeschell	Whitaker
Whitead	Willems	Winckler	Windschitl
Worthan	Zirkelbach	Mr. Speaker	
		Murphy	

The nays were, none.

Absent or not voting, 5:

Arnold	Chambers	De Boef	Kaufmann
Koester			

Amendment H-1713 was adopted.

Thomas of Clayton 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. 483)

The ayes were, 52:

Abdul-Samad	Bailey	Beard	Bell
Berry	Bukta	Burt	Cphoon
Ficken	Ford	Frevert	Gaskill
Gayman	Heddens	Hunter	Isenhart
Jacoby	Kearns	Kressig	Kuhn



Lensing	Lykam	Marek	Mascher
McCarthy	Miller, H.	Oldson	Olson, D.
Olson, R.	Olson, T.	Palmer	Petersen
Reasoner	Reichert	Schueller	Shomshor
Smith	Steckman	Swaim	Taylor, D.
Taylor, T.	Thede	Thomas	Wendt
Wenthe	Wessel-Kroeschell	Whitaker	Whitead
Willems	Winckler	Zirkelbach	Mr. Speaker
			Murphy

The nays were, 43:

Alons	Anderson	Baudler	Cownie
Deyoe	Dolecheck	Drake	Forristall
Grassley	Hagenow	Heaton	Helland
Horbach	Huseman	Huser	Kelley
Lukan	May	Mertz	Miller, L.
Olson, S.	Paulsen	Pettengill	Quirk
Raecker	Rants	Rayhons	Roberts
Sands	Schulte	Schultz	Soderberg
Sorenson	Struyk	Sweeney	Tjepkes
Tymeson	Upmeyer	Van Engelenhoven	Wagner
Watts	Windschitl	Worthan	

Absent or not voting, 5:

Arnold	Chambers	De Boef	Kaufmann
Koester			

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

### IMMEDIATE MESSAGE

McCarthy of Polk asked and received unanimous consent that **Senate File 483** be immediately messaged to the Senate.

McCarthy of Polk asked and received unanimous consent for the appropriations committee to meet at 8:45 p.m.

On motion by McCarthy of Polk, the House was recessed at 7:44 p.m., until 8:45 p.m.

### EVENING SESSION

The House reconvened at 9:01 p.m., Swaim of Davis in the chair.

## QUORUM CALL

A non-record roll call was requested to determine that a quorum was present. The vote revealed seventy-five members present, twenty-five absent.

## 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 April 24, 2009, concurred in the House amendment and passed the following bill in which the concurrence of the Senate was asked:

Senate File 474, a bill for an act relating to the bonding authorization of the state board of regents for flood repair, restoration, replacement, and mitigation at the state university of Iowa.

MICHAEL E. MARSHALL, Secretary

## Appropriations Calendar

**Senate File 376**, a bill for an act relating to the issuance of bonds including the issuance of annual appropriation bonds, creating an annual appropriation bonds debt service fund and an appropriation bonds capitals fund, making and revising appropriations, and including effective date provisions, with report of committee recommending amendment and passage, was taken up for consideration

The House stood at ease at 9:22 p.m., until the fall of the gavel.

The House resumed session at 10:25 p.m., Swaim of Davis in the chair.

## QUORUM CALL

A non-record roll call was requested to determine that a quorum was present. The vote revealed eighty-five members present, fifteen absent.

The House resumed consideration of Senate File 376.

Cohon of Des Moines asked and received unanimous consent to withdraw the committee amendment H-1637 filed by the committee on appropriations on April 17, 2009.

Cohon of Des Moines offered amendment H-1715 filed by him from the floor as follows:

H-1715

1 Amend Senate File 376, as amended, passed, and  
2 reprinted by the Senate, as follows:

3 1. By striking everything after the enacting  
4 clause and inserting the following:

5 "DIVISION I

6 REVENUE BONDING – IOWA JOBS PROGRAM

7 Section 1. NEW SECTION. 12.87 GENERAL AND

8 SPECIFIC BONDING POWERS – REVENUE BONDS – IOWA JOBS  
9 PROGRAM.

10 1. The treasurer of state is authorized to issue  
11 and sell bonds on behalf of the state to provide funds  
12 for certain infrastructure projects and for purposes  
13 of the Iowa jobs program established in section  
14 16.194. The treasurer of state shall have all of the  
15 powers which are necessary or convenient to issue,  
16 sell and secure bonds and carry out the treasurer of  
17 state's duties, and exercise the treasurer of state's  
18 authority under this section and sections 12.88  
19 through 12.90. The treasurer of state may issue and  
20 sell bonds in such amounts as the treasurer of state  
21 determines to be necessary to provide sufficient funds  
22 for certain infrastructure projects and the revenue  
23 bonds capitals fund, the payment of interest on the  
24 bonds, the establishment of reserves to secure the  
25 bonds, the payment of costs of issuance of the bonds,  
26 the payment of other expenditures of the treasurer of  
27 state incident to and necessary or convenient to carry  
28 out the issuance and sale of the bonds, and the  
29 payment of all other expenditures of the treasurer of  
30 state necessary or convenient to administer the funds  
31 and to carry out the purposes for which the bonds are  
32 issued and sold. The treasurer of state may issue and  
33 sell bonds in one or more series on the terms and  
34 conditions the treasurer of state determines to be in  
35 the best interest of the state, in accordance with  
36 this section in such amounts as the treasurer of state  
37 determines to be necessary to fund the purposes for  
38 which such bonds are issued and sold. The treasurer  
39 of state may issue and sell bonds in amounts which  
40 provide aggregate net proceeds of not more than five  
41 hundred forty-five million dollars, excluding any

42 bonds issued and sold to refund outstanding bonds  
43 issued under this section, as follows:  
44 a. The treasurer of state may issue and sell bonds  
45 in amounts which provide aggregate net proceeds of not  
46 more than one hundred eighty-five million dollars for  
47 capital projects which qualify as vertical  
48 infrastructure projects as defined in section 8.57,  
49 subsection 6, paragraph "c", to the extent practicable  
50 in any fiscal year and without limiting other

Page 2

1 qualifying capital expenditures.  
2 b. The treasurer of state may issue and sell bonds  
3 in amounts which provide aggregate net proceeds of not  
4 more than three hundred sixty million dollars for  
5 purposes of the Iowa jobs program established in  
6 section 16.194 and for watershed flood rebuilding and  
7 prevention projects, soil conservation projects, sewer  
8 infrastructure projects, for certain housing and  
9 public service shelter projects and public broadband  
10 and alternative energy projects, and for projects  
11 relating to bridge safety and the rehabilitation of  
12 deficient bridges.  
13 2. Bonds issued and sold under this section are  
14 payable solely and only out of the moneys in the  
15 revenue bonds debt service fund and any bond reserve  
16 funds established pursuant to section 12.89, and only  
17 to the extent provided in the trust indenture,  
18 resolution, or other instrument authorizing their  
19 issuance. All moneys in the revenue bonds debt  
20 service fund and any bond reserve funds established  
21 pursuant to section 12.89 may be deposited with  
22 trustees or depositories in accordance with the terms  
23 of the trust indentures, resolutions, or other  
24 instruments authorizing the issuance of bonds and  
25 pledged by the treasurer of state to the payment  
26 thereof. Bonds issued and sold under this section  
27 shall contain a statement that the bonds are limited  
28 special obligations of the state and do not constitute  
29 a debt or indebtedness of the state or a pledge of the  
30 faith or credit of the state or a charge against the  
31 general credit or general fund of the state. The  
32 treasurer of state shall not pledge the credit or  
33 taxing power of this state or any political  
34 subdivision of this state or make bonds issued and  
35 sold pursuant to this section payable out of any  
36 moneys except those in the revenue bonds debt service  
37 fund and any bond reserve funds established pursuant  
38 to section 12.89.  
39 3. The proceeds of bonds issued and sold by the  
40 treasurer of state and not required for immediate

41 disbursement may be deposited with a trustee or  
42 depository as provided in the bond documents and  
43 invested or reinvested in any investment as directed  
44 by the treasurer of state and specified in the trust  
45 indenture, resolution, or other instrument pursuant to  
46 which the bonds are issued and sold without regard to  
47 any limitation otherwise provided by law.

48 4. The bonds, if issued and sold, shall be:

49 a. In a form, issued in denominations, executed in  
50 a manner, and payable over terms and with rights of

Page 3

1 redemption, and be subject to such other terms and  
2 conditions as prescribed in the trust indenture,  
3 resolution, or other instrument authorizing their  
4 issuance.

5 b. Negotiable instruments and investment  
6 securities under the laws of the state and sold at  
7 prices, at public or private sale, and in a manner, as  
8 prescribed by the treasurer of state. Chapters 73A,  
9 74, 74A, and 75 do not apply to the sale or issuance  
10 of the bonds.

11 c. Subject to the terms, conditions, and covenants  
12 providing for the payment of the principal, redemption  
13 premiums, if any, interest, and other terms,  
14 conditions, covenants, and protective provisions  
15 safeguarding payment, not inconsistent with this  
16 section and as determined by the trust indenture,  
17 resolution, or other instrument authorizing their  
18 issuance.

19 5. The bonds are securities in which public  
20 officers and bodies of this state; political  
21 subdivisions of this state; insurance companies and  
22 associations and other persons carrying on an  
23 insurance business; banks, trust companies, savings  
24 associations, savings and loan associations, and  
25 investment companies; administrators, guardians,  
26 executors, trustees, and other fiduciaries; and other  
27 persons authorized to invest in bonds or other  
28 obligations of the state, may properly and legally  
29 invest funds, including capital, in their control or  
30 belonging to them.

31 6. Bonds must be authorized by a trust indenture,  
32 resolution, or other instrument of the treasurer of  
33 state.

34 7. The resolution, trust indenture, or any other  
35 instrument by which a pledge is created shall not be  
36 required to be recorded or filed under the Iowa  
37 uniform commercial code, chapter 554, to be valid,  
38 binding, or effective.

39 8. Any bonds issued and sold under the provisions

40 of this section are declared to be issued and sold for  
41 an essential public and governmental purpose, and all  
42 bonds issued and sold under this section except as  
43 otherwise provided in any trust indentures,  
44 resolutions, or other instruments authorizing their  
45 issuance shall be exempt from taxation by the state of  
46 Iowa and the interest on the bonds shall be exempt  
47 from the state income tax and the state inheritance  
48 tax.

49 9. The treasurer of state may issue and sell bonds  
50 for the purpose of refunding any bonds issued and sold

Page 4

1 pursuant to this section then outstanding, including  
2 the payment of any redemption premiums thereon and any  
3 interest accrued or to accrue to the date of  
4 redemption of the outstanding bonds. Until the  
5 proceeds of bonds issued for the purpose of refunding  
6 outstanding bonds are applied to the purchase or  
7 retirement of outstanding bonds or the redemption of  
8 outstanding bonds, the proceeds may be placed in  
9 escrow and be invested and reinvested in accordance  
10 with the provisions of this section. The interest,  
11 income, and profits earned or realized on an  
12 investment may also be applied to the payment of the  
13 outstanding bonds to be refunded by purchase,  
14 retirement, or redemption. After the terms of the  
15 escrow have been fully satisfied and carried out, any  
16 balance of proceeds and interest earned or realized on  
17 the investments shall be returned to the treasurer of  
18 state for deposit in the revenue bonds debt service  
19 fund established in section 12.89. All refunding  
20 bonds shall be issued, sold and secured and subject to  
21 the provisions of this section in the same manner and  
22 to the same extent as other bonds issued and sold  
23 pursuant to this section.

24 10. Bonds issued and sold pursuant to this section  
25 are limited special obligations of the state and are  
26 not a debt or indebtedness of the state, nor of any  
27 political subdivision of the state, and do not  
28 constitute a pledge of the faith and credit of the  
29 state or a charge against the general credit or  
30 general fund of the state. The issuance and sale of  
31 any bonds pursuant to this section by the treasurer of  
32 state do not directly, indirectly, or contingently  
33 obligate the state or a political subdivision of the  
34 state to apply moneys from or to levy or pledge any  
35 form of taxation whatever to, or to continue the  
36 appropriation of the funds for, the payment of the  
37 bonds. Bonds issued and sold under this section are  
38 payable solely and only from moneys in the revenue

39 bonds debt service fund and any reserve fund created  
40 in section 12.89 and only to the extent provided in  
41 the trust indenture, resolution, or other instrument  
42 authorizing their issuance.

43 11. The treasurer of state may enter into or  
44 obtain authorizing documents and other agreements and  
45 ancillary arrangements with respect to the bonds as  
46 the treasurer of state determines to be in the best  
47 interests of the state, including but not limited to  
48 trust indentures, resolutions, other instruments  
49 authorizing the issuance of the bonds, liquidity  
50 facilities, remarketing or dealer agreements, letter

Page 5

1 of credit agreements, insurance policies, guaranty  
2 agreements, reimbursement agreements, indexing  
3 agreements, or interest rate exchange agreements.

4 12. Neither the treasurer of state, the Iowa jobs  
5 board, nor any person acting on behalf of the  
6 treasurer of state or the Iowa jobs board while acting  
7 within the scope of their employment or agency, is  
8 subject to personal liability resulting from carrying  
9 out the powers and duties conferred by this section  
10 and sections 12.88 through 12.90.

11 13. As used in this section and sections 12.88  
12 through 12.90, the term "bonds" means bonds, notes, or  
13 other evidence of obligations.

14 Sec. 2. NEW SECTION. 12.88 REVENUE BONDS  
15 CAPITALS FUND.

16 1. A revenue bonds capitals fund is created and  
17 established as a separate and distinct fund in the  
18 state treasury. The treasurer of state shall act as  
19 custodian of the fund and disburse moneys contained in  
20 the fund.

21 2. Revenue for the revenue bonds capitals fund  
22 shall include but is not limited to the following,  
23 which shall be deposited with the treasurer of state  
24 or the treasurer of state's designee as provided by  
25 any bond or security documents and credited to the  
26 fund:

27 a. The net proceeds of bonds issued pursuant to  
28 section 12.87 other than bonds issued for the purpose  
29 of refunding such bonds, and investment earnings on  
30 the net proceeds.

31 b. Interest attributable to investment of moneys  
32 in the fund or an account of the fund.

33 c. Moneys in the form of a devise, gift, bequest,  
34 donation, federal or other grant, reimbursement,  
35 repayment, judgment, transfer, payment, or  
36 appropriation from any source intended to be used for  
37 the purposes of the fund.

38 3. Moneys in the revenue bonds capitals fund are  
 39 not subject to section 8.33. Notwithstanding section  
 40 12C.7, subsection 2, interest or earnings on moneys in  
 41 the fund shall be credited to the fund.

42 4. Annually, on or before January 15 of each year,  
 43 a state agency that received an appropriation from the  
 44 revenue bonds capitals fund shall report to the  
 45 legislative services agency and the department of  
 46 management the status of all projects completed or in  
 47 progress. The report shall include a description of  
 48 the project, the work completed, the total estimated  
 49 cost of the project, a list of all revenue sources  
 50 being used to fund the project, the amount of funds

Page 6

1 expended, the amount of funds obligated, and the date  
 2 the project was completed or an estimated completion  
 3 date of the project, where applicable.

4 Sec. 3. NEW SECTION. 12.89 REVENUE BONDS DEBT  
 5 SERVICE FUND AND BOND RESERVE FUNDS.

6 1. A revenue bonds debt service fund is created  
 7 and established as a separate and distinct fund in the  
 8 state treasury. The treasurer of state shall act as  
 9 custodian of the fund and disburse moneys contained in  
 10 the fund. The moneys in such fund are appropriated  
 11 and shall be used for the purpose of making all  
 12 payments with respect to bonds issued and sold  
 13 pursuant to section 12.87, including but not limited  
 14 to the following:

15 a. Principal payments, interest payments, sinking  
 16 fund payments, purchase price, redemption price,  
 17 redemption premiums, and interest rate exchange  
 18 payments.

19 b. Fees and expenses of trustees, paying agents,  
 20 remarketing agents, financial advisors, underwriters,  
 21 depositories, guarantors, bond insurers, liquidity or  
 22 credit facility providers, interest rate indexing  
 23 agents, and other professional services providers.

24 c. Costs and expenses of the treasurer of state  
 25 incident to and necessary and convenient to carry out  
 26 the issuance and sale of the bonds and the  
 27 administration of the revenue bonds.

28 2. Moneys in the revenue bonds debt service fund  
 29 shall include but are not limited to the following,  
 30 which shall be deposited with the treasurer of state  
 31 or the treasurer of state's designee as provided in  
 32 any bond or security documents and credited to the  
 33 fund:

34 a. The proceeds of bonds to the extent provided in  
 35 the trust indenture, resolution, or other instrument  
 36 authorizing their issuance and investment earnings on



37 the proceeds.

38 b. The revenues required to be deposited into the  
39 fund pursuant to section 8.57, subsection 6, paragraph  
40 "e", subparagraphs (1) and (2).

41 c. Transfers from any bond reserve fund created  
42 pursuant to this section.

43 d. Interest attributable to investment of moneys  
44 in the fund or an account of the fund.

45 e. Any other moneys from any other sources which  
46 may be legally available to the treasurer of state for  
47 the purpose of the fund.

48 3. a. The treasurer of state may create and  
49 establish one or more special funds, to be known as  
50 bond reserve funds, to secure one or more issues of

Page 7

1 bonds issued and sold pursuant to section 12.87. The  
2 treasurer of state shall pay into each bond reserve  
3 fund any moneys appropriated and made available for  
4 the purpose of the fund, any proceeds of sale of bonds  
5 to the extent provided in the trust indenture,  
6 resolution, or other instrument authorizing their  
7 issuance, and any other moneys which may be legally  
8 available to the treasurer of state for the purpose of  
9 the fund from any other sources. All moneys held in a  
10 bond reserve fund shall be used or transferred to the  
11 revenue bonds debt service fund to be used as required  
12 solely to make the payments authorized to be made from  
13 such fund pursuant to subsection 1.

14 b. Moneys in a bond reserve fund shall not be  
15 transferred or withdrawn from the fund at any time in  
16 an amount that will reduce the amount of the fund to  
17 less than the bond reserve fund requirement  
18 established for the fund, as provided in this  
19 subsection, except for the purpose of making, with  
20 respect to bonds secured in whole or in part by the  
21 fund, the payments authorized to be made from such  
22 fund pursuant to subsection 1 for the payment of which  
23 sufficient moneys in the revenue bonds debt service  
24 fund are not available. Any income or interest earned  
25 by, or incremental to, a bond reserve fund due to the  
26 investment of moneys in the bond reserve fund may be  
27 transferred by the treasurer of state to other funds  
28 or accounts to the extent the transfer does not reduce  
29 the amount of that bond reserve fund below the  
30 established bond reserve fund requirement.

31 c. The treasurer of state shall not at any time  
32 issue and sell bonds, secured in whole or in part by a  
33 bond reserve fund if, upon the issuance of the bonds,  
34 the amount in the bond reserve fund will be less than  
35 the bond reserve fund requirement for the fund, unless

36 the treasurer of state at the time of issuance of the  
37 bonds deposits in the fund from the proceeds of the  
38 bonds issued or from other legally available sources  
39 an amount which, together with the amount then in the  
40 fund, will not be less than the bond reserve fund  
41 requirement for the fund. For the purposes of this  
42 subsection, the term "bond reserve fund requirement"  
43 means, as of any particular date of computation, an  
44 amount of moneys, as provided in the trust indenture,  
45 resolution, or other instrument authorizing the bonds  
46 with respect to which the fund is established.

47 d. To assure the continued solvency of any bonds  
48 secured by a bond reserve fund, provision is made in  
49 paragraph "c" for the accumulation in each bond  
50 reserve fund of an amount equal to the bond reserve

Page 8

1 fund requirement for the fund. In order further to  
2 assure maintenance of the bond reserve funds, the  
3 treasurer of state shall, on or before January 1 of  
4 each calendar year, make and deliver to the governor  
5 and to both houses of the general assembly the  
6 treasurer of state's certificate stating the sum, if  
7 any, required to restore each bond reserve fund to the  
8 bond reserve fund requirement for that fund and  
9 requesting that the budget and appropriation bills  
10 approved for such fiscal year include amounts  
11 sufficient to restore each bond reserve fund to the  
12 bond reserve fund requirement for such fund. Within  
13 thirty days after the beginning of the session of the  
14 general assembly next following the delivery of the  
15 certificate, the governor may submit to both houses  
16 printed copies of a budget including the sum, if any,  
17 required to restore each bond reserve fund to the bond  
18 reserve fund requirement for that fund. Any sums  
19 appropriated by the general assembly and paid to the  
20 treasurer of state pursuant to this subsection shall  
21 be deposited by the treasurer of state in the  
22 applicable bond reserve fund.

23 4. Except as otherwise provided in this section,  
24 the moneys on deposit in the revenue bonds debt  
25 service fund or any bond reserve fund relating to  
26 bonds issued pursuant to section 12.87 shall be held  
27 for the sole benefit of the bonds and shall not be  
28 pledged or used for the benefit of any bonds issued by  
29 the treasurer of state pursuant to any other section  
30 of the Code.

31 5. Moneys in the revenue bonds debt service fund  
32 and any bond reserve fund created pursuant to this  
33 section are not subject to section 8.33; provided  
34 however, that on August 31 following the close of each

35 fiscal year, any moneys on deposit in the revenue  
36 bonds debt service fund at the end of such fiscal  
37 year, which is determined by the treasurer of state to  
38 not be encumbered or obligated or otherwise necessary  
39 to make the payments for such fiscal year authorized  
40 to be made from such fund pursuant to subsection 1,  
41 shall be credited to the rebuild Iowa infrastructure  
42 fund. Notwithstanding section 12C.7, subsection 2,  
43 interest or earnings on moneys in the revenue bonds  
44 debt service fund and any bond reserve fund shall be  
45 credited to such funds.

46 Sec. 4. NEW SECTION. 12.90 PLEDGES –  
47 CONSTRUCTION.

48 1. It is the intention of the general assembly  
49 that a pledge made in respect of bonds shall be valid  
50 and binding from the time the pledge is made, that the

Page 9

1 money or property so pledged and received after the  
2 pledge by the treasurer of state shall immediately be  
3 subject to the lien of the pledge without physical  
4 delivery or further act, and that the lien of the  
5 pledge shall be valid and binding as against all  
6 parties having claims of any kind in tort, contract,  
7 or otherwise against the treasurer of state whether or  
8 not the parties have notice of the lien.

9 2. Sections 12.87 through 12.89, and this section,  
10 being necessary for the welfare of this state and its  
11 inhabitants, shall be liberally construed to effect  
12 its purposes.

#### 13 DIVISION II

#### 14 IOWA JOBS BOARD, IOWA JOBS PROGRAM, 15 AND IOWA JOBS FUND

16 Sec. 5. NEW SECTION. 16.191 IOWA JOBS BOARD.

17 1. An Iowa jobs board is established consisting of  
18 eleven members and is located for administrative  
19 purposes within the Iowa finance authority. The  
20 executive director of the Iowa finance authority shall  
21 provide staff assistance and necessary supplies and  
22 equipment for the board. The executive director shall  
23 budget funds received pursuant to section 16.193 to  
24 operate the program including but not limited to  
25 paying the per diem expenses of the board members. In  
26 performing its functions, the board is performing a  
27 public function on behalf of the state and is a public  
28 instrumentality of the state.

29 2. The membership of the board shall be as  
30 follows:

31 a. Six members of the general public appointed by  
32 the governor.

33 b. The director of the department of economic

- 34 development or the director's designee.  
35 c. The executive director of the Iowa finance  
36 authority or the director's designee.  
37 d. The director of the department of workforce  
38 development or the director's designee.  
39 e. The executive director of the rebuild Iowa  
40 office or the director's designee until June 30, 2011,  
41 and then the administrator of the homeland security  
42 and emergency management division of the department of  
43 public defense or the administrator's designee.  
44 f. The treasurer of state or the treasurer of  
45 state's designee.
- 46 3. a. All public member appointments made  
47 pursuant to subsection 2, paragraph "a" shall comply  
48 with sections 69.16, 69.16A, and 69.16C, and shall be  
49 subject to confirmation by the senate.  
50 b. Three of the public members appointed pursuant

Page 10

- 1 to subsection 2, paragraph "a" shall have demonstrable  
2 experience or expertise in the field of public  
3 financing, architecture, engineering, or major  
4 facility development or construction and one of the  
5 public members appointed pursuant to subsection 2,  
6 paragraph "a", shall be an employee of a  
7 not-for-profit organization.
- 8 c. All public members shall be from geographically  
9 diverse areas of this state.
- 10 d. All public members shall be appointed to  
11 three-year staggered terms and the terms shall  
12 commence and end as provided by section 69.19. If a  
13 vacancy occurs, a successor shall be appointed to  
14 serve the unexpired term. A successor shall be  
15 appointed in the same manner and subject to the same  
16 qualifications as the original appointment to serve  
17 the unexpired term.
- 18 4. The chairperson and vice chairperson of the  
19 board shall be designated by the governor from the  
20 public members appointed pursuant to subsection 2,  
21 paragraph "a". In case of the absence or disability  
22 of the chairperson and vice chairperson, the members  
23 of the board shall elect a temporary chairperson by a  
24 majority vote of those members who are present and  
25 voting.
- 26 5. A majority of the board constitutes a quorum.
- 27 Sec. 6. NEW SECTION. 16.192 BOARD DUTIES AND  
28 POWERS.  
29 The Iowa jobs board has any and all powers  
30 necessary to carry out its purposes and duties, and to  
31 exercise its specific powers, including but not  
32 limited to doing all of the following:

- 33 1. Organize.
- 34 2. Establish the Iowa jobs program pursuant to  
35 section 16.194.
- 36 3. Oversee and provide approval of the  
37 administration of the Iowa jobs program.
- 38 4. Award financial assistance in the form of  
39 grants under the Iowa jobs program pursuant to  
40 sections 16.194 and 16.195.
- 41 5. Enter into and enforce grant agreements as  
42 necessary or convenient to implement the Iowa jobs  
43 program.
- 44 Sec. 7. NEW SECTION. 16.193 IOWA FINANCE  
45 AUTHORITY DUTIES – APPROPRIATION.
- 46 1. The Iowa finance authority, subject to approval  
47 by the Iowa jobs board, shall adopt administrative  
48 rules pursuant to chapter 17A necessary to administer  
49 the Iowa jobs program. The authority shall provide  
50 the board with assistance in implementing

Page 11

- 1 administrative functions, providing technical  
2 assistance and application assistance to applicants  
3 under the programs, negotiating contracts, and  
4 providing project follow up. The authority, in  
5 cooperation with the board, may conduct negotiations  
6 on behalf of the board with applicants regarding terms  
7 and conditions applicable to awards under the program.
- 8 2. During the term of the Iowa jobs program  
9 established in section 16.194, two hundred thousand  
10 dollars of the moneys deposited in the rebuild Iowa  
11 infrastructure fund shall be allocated each fiscal  
12 year to the Iowa finance authority for purposes of  
13 administering the Iowa jobs program, notwithstanding  
14 section 8.57, subsection 6, paragraph “c”.
- 15 Sec. 8. NEW SECTION. 16.194 IOWA JOBS PROGRAM.
- 16 1. An Iowa jobs program is created to assist in  
17 the development and completion of public construction  
18 projects relating to disaster relief and mitigation  
19 and to local infrastructure. “Local infrastructure”  
20 includes projects relating to disaster rebuilding,  
21 reconstruction and replacement of local public  
22 buildings, flood control and flood protection, and  
23 future flood prevention.
- 24 2. A city or county or a public organization in  
25 this state may submit an application to the Iowa jobs  
26 board for financial assistance for a local  
27 infrastructure competitive grant for an eligible  
28 project under the program, notwithstanding any  
29 limitation on the state's percentage in funding as  
30 contained in section 29C.6, subsection 17.
- 31 3. Financial assistance under the program shall be

32 awarded in the form of grants.  
33 4. The board shall consider the following criteria  
34 in evaluating eligible projects to receive financial  
35 assistance under the program:  
36 a. The total number and quality of jobs to be  
37 created and the benefits likely to accrue to areas  
38 distressed by high unemployment.  
39 b. Financial feasibility, including the ability of  
40 projects to fund depreciation costs or replacement  
41 reserves, and the availability of other federal,  
42 state, local, and private sources of funds.  
43 c. Sustainability and energy efficiency.  
44 d. Benefits for disaster recovery.  
45 e. The project's readiness to proceed.  
46 5. An applicant must demonstrate local support for  
47 the project as defined by rule.  
48 6. Any award of financial assistance to a project  
49 shall be limited as follows:  
50 a. Up to seventy-five percent of the total cost of

Page 12

1 a project for replacing or rebuilding existing  
2 disaster-related damaged property.  
3 b. Up to fifty percent of the total cost for all  
4 other projects.  
5 7. In order for a project to be eligible to  
6 receive financial assistance from the board, the  
7 project must be a public construction project pursuant  
8 to subsection 1 with a demonstrated substantial local,  
9 regional, or statewide economic impact.  
10 8. The board shall not approve an application for  
11 assistance for any of the following purposes:  
12 a. To refinance a loan existing prior to the date  
13 of the initial financial assistance application.  
14 b. For a project that has previously received  
15 financial assistance under the program, unless the  
16 applicant demonstrates that the financial assistance  
17 would be used for a significant expansion of a  
18 project.  
19 9. a. The total amount of allocations for future  
20 flood prevention, reconstruction and replacement of  
21 local public buildings, disaster rebuilding, flood  
22 control and flood protection projects shall not exceed  
23 one hundred sixty-five million dollars for the fiscal  
24 year beginning July 1, 2009.  
25 b. Any portion of an amount allocated for projects  
26 that remains unexpended or unencumbered one year after  
27 the allocation has been made may be reallocated to  
28 another project category, at the discretion of the  
29 board. The board shall ensure that all bond proceeds  
30 be expended within three years from when the

31 allocation was initially made.

32 10. The board shall ensure that funds obligated  
33 under this section are coordinated with other federal  
34 program funds received by the state, and that projects  
35 receiving funds are located in geographically diverse  
36 areas of the state.

37 11. For purposes of this section, "public  
38 organization" means a nonprofit organization that  
39 sponsors or supports the public needs of the local  
40 community.

41 Sec. 9. NEW SECTION. 16.195 IOWA JOBS PROGRAM  
42 APPLICATION REVIEW.

43 1. Applications for assistance under the Iowa jobs  
44 program shall be submitted to the Iowa finance  
45 authority. The authority shall provide a staff review  
46 and evaluation of applications to the Iowa jobs  
47 program review committee referred to in subsection 2  
48 and to the Iowa jobs board.

49 2. A review committee composed of members of the  
50 board as determined by the board shall review Iowa

Page 13

1 jobs program applications submitted to the board and  
2 make recommendations regarding the applications to the  
3 board. When reviewing the applications, the review  
4 committee and the authority shall consider the project  
5 criteria specified in section 16.194. The board shall  
6 develop the appropriate level of transparency  
7 regarding project fund allocations.

8 3. Upon approval of an application for financial  
9 assistance under the program, the board shall notify  
10 the treasurer of state regarding the amount of moneys  
11 needed to satisfy the award of financial assistance  
12 and the terms of the award. The treasurer of state  
13 shall notify the Iowa finance authority any time  
14 moneys are disbursed to a recipient of financial  
15 assistance under the program.

16 Sec. 10. NEW SECTION. 16.196 IOWA JOBS  
17 RESTRICTED CAPITALS FUND – APPROPRIATIONS.

18 1. An Iowa jobs restricted capitals fund is  
19 created and established as a separate and distinct  
20 fund in the state treasury. The fund consists of  
21 moneys appropriated from the revenue bonds capitals  
22 fund created in section 12.88. The moneys in the fund  
23 are appropriated to the Iowa jobs board for purposes  
24 of the Iowa jobs program established in section  
25 16.194. Moneys in the fund shall not be subject to  
26 appropriation for any other purpose by the general  
27 assembly, but shall be used only for the purposes of  
28 the Iowa jobs program. The treasurer of state shall  
29 act as custodian of the fund and disburse moneys

30 contained in the fund. The fund shall be administered  
31 by the board which shall make allocations from the  
32 fund consistent with the purposes of the Iowa jobs  
33 program.

34 2. There is appropriated from the revenue bonds  
35 capitals fund created in section 12.88, to the Iowa  
36 jobs restricted capitals fund, for the fiscal year  
37 beginning July 1, 2009, and ending June 30, 2010, one  
38 hundred sixty-five million dollars to be allocated as  
39 follows:

40 a. One hundred eighteen million five hundred  
41 thousand dollars for competitive grants for local  
42 infrastructure projects relating to disaster  
43 rebuilding, reconstruction and replacement of local  
44 buildings, flood control and flood protection, and  
45 future flood prevention public projects. An applicant  
46 for a local infrastructure grant shall not receive  
47 more than fifty million dollars in financial  
48 assistance from the fund.

49 b. Forty-six million five hundred thousand dollars  
50 for disaster relief and mitigation and local

Page 14

1 infrastructure grants for the following renovation and  
2 construction projects, notwithstanding any limitation  
3 on the state's percentage participation in funding as  
4 contained in section 29C.6, subsection 17:

5 (1) For grants to a county with a population  
6 between one hundred eighty nine thousand and one  
7 hundred ninety six thousand in the latest preceding  
8 certified federal census, to be distributed as  
9 follows:

10 (a) Ten million dollars for the construction of a  
11 new, shared facility between nonprofit human service  
12 organizations serving the public, especially the needs  
13 of low-income Iowans, including those displaced as a  
14 result of the disaster of 2008.

15 (b) Five million dollars for the construction or  
16 renovation of a facility for a county-funded workshop  
17 program serving the public and particularly persons  
18 with mental illness or developmental disabilities.

19 (2) For grants to a city with a population between  
20 one hundred ten thousand and one hundred twenty  
21 thousand in the latest preceding certified federal  
22 census, to be distributed as follows:

23 (a) Five million dollars for an economic  
24 redevelopment project benefiting the public by  
25 improving energy efficiency and the development of  
26 alternative and renewable energy technologies.

27 (b) Ten million dollars for a museum serving the  
28 public and dedicated to the preservation of an eastern



29 European cultural heritage through the collection,  
30 exhibition, preservation, and interpretation of  
31 historical artifacts.

32 (c) Five million dollars for a theater serving the  
33 public and promoting culture, entertainment, and  
34 tourism.

35 (d) Five million dollars for a public library.

36 (e) Five million dollars for a public works  
37 building.

38 (3) One million five hundred thousand dollars, to  
39 be distributed as follows:

40 (a) Five hundred thousand dollars to a city with a  
41 population between six hundred and six hundred fifty  
42 in the latest preceding certified federal census, for  
43 a public fire station.

44 (b) Five hundred thousand dollars to a city with a  
45 population between one thousand four hundred and one  
46 thousand five hundred in the latest preceding  
47 certified federal census, for a public fire station.

48 (c) Five hundred thousand dollars for a city with  
49 a population between seven thousand eight hundred and  
50 seven thousand eight hundred fifty, for a public fire

Page 15

1 station.

2 3. Grant awards for a project under subsection 2,  
3 paragraph "b", are contingent upon submission of a  
4 plan for each project by the applicable county or city  
5 governing board or in the case of a project submitted  
6 pursuant to subsection 2, paragraph "b", subparagraph

7 (2), subparagraph division (b), by the board of  
8 directors, to the Iowa jobs board, no later than  
9 September 1, 2009, detailing a description of the  
10 project, the plan to rebuild, and the amount or  
11 percentage of federal, state, local, or private  
12 matching moneys which will be or have been provided  
13 for the project. Funds not utilized in accordance  
14 with subsection 2, paragraph "b", due to failure to  
15 file a plan by the September 1 deadline shall revert  
16 to the Iowa jobs restricted capitals fund to be  
17 available for local infrastructure competitive grants.  
18 A grant recipient under subsection 2, paragraph "b",  
19 shall not be precluded from applying for a local  
20 infrastructure competitive grant pursuant to this  
21 section and section 16.195.

22 4. Moneys in the fund are not subject to section  
23 8.33. Notwithstanding section 12C.7, subsection 2,  
24 interest or earnings on moneys in the fund shall be  
25 credited to the fund.

26 5. Annually, on or before January 15 of each year,  
27 the board shall report to the legislative services

28 agency and the department of management the status of  
 29 all projects receiving moneys from the fund completed  
 30 or in progress. The report shall include a  
 31 description of the project, the progress of work  
 32 completed, the total estimated cost of the project, a  
 33 list of all revenue sources being used to fund the  
 34 project, the amount of funds expended, the amount of  
 35 funds obligated, and the date the project was  
 36 completed or an estimated completion date of the  
 37 project, where applicable.

38 6. Payment of moneys appropriated from the fund  
 39 shall be made in a manner that does not adversely  
 40 affect the tax-exempt status of any outstanding bonds  
 41 issued by the treasurer of state.

42 Sec. 11. NEW SECTION. 16.197 LIMITATION OF  
 43 LIABILITY.

44 A member of the Iowa jobs board, a person acting on  
 45 behalf of the board while acting within the scope of  
 46 their employment or agency, or the treasurer of state,  
 47 shall not be subject to personal liability resulting  
 48 from carrying out the powers and duties of the board  
 49 or the treasurer, as applicable, in sections 16.192  
 50 through 16.196.

Page 16

1 Sec. 12. EMERGENCY RULES. The Iowa finance  
 2 authority, subject to approval by the Iowa jobs board,  
 3 may adopt emergency rules under section 17A.4,  
 4 subsection 3, and section 17A.5, subsection 2,  
 5 paragraph "b", to implement the provisions of this Act  
 6 and the rules shall be effective immediately upon  
 7 filing unless a later date is specified in the rules.  
 8 Any rules adopted in accordance with this section  
 9 shall also be published as a notice of intended action  
 10 as provided in section 17A.4.

11 DIVISION III

12 REVENUE BONDS CAPITALS FUND – APPROPRIATIONS

13 Sec. 13. There is appropriated from the revenue  
 14 bonds capitals fund created in section 12.88, to the  
 15 following departments and agencies for the fiscal year  
 16 beginning July 1, 2009, and ending June 30, 2010, the  
 17 following amounts, or so much thereof as is necessary,  
 18 to be used for the purposes designated:

19 1. DEPARTMENT OF AGRICULTURE AND LAND STEWARDSHIP

20 To the soil conservation division of the department  
 21 established in section 161A.4:

22 ..... \$ 11,500,000

23 a. Of the moneys appropriated in this subsection,  
 24 the department may provide moneys on a cost-share  
 25 basis as provided in chapter 161A in order to  
 26 accomplish any public purpose described in chapter

27 161A, including but not limited to providing for the  
28 reconstruction or repair of permanent soil and water  
29 conservation practices that were damaged by the 2008  
30 precipitation event.

31 b. Of the moneys appropriated in this subsection,  
32 the department may award moneys to provide affordable  
33 wetland mitigation banks.

34 c. Of the moneys appropriated in this subsection,  
35 the department may award moneys to allow more  
36 landowners to participate in the conservation reserve  
37 enhancement program to improve water quality and  
38 intercept nitrates.

39 d. Any award of moneys made under paragraph "a",  
40 "b", or "c" shall be in the form of a grant. Any  
41 grant awards for conservation practices on private  
42 property shall be for flood control or soil and  
43 watershed management public purposes.

44 2. DEPARTMENT OF NATURAL RESOURCES  
45 ..... \$ 13,500,000

46 Of the moneys appropriated in this subsection, the  
47 department may provide moneys to construct,  
48 reconstruct, or repair infrastructure associated with  
49 the control and movement of surface water, including  
50 but not limited to addressing issues affected by

Page 17

1 combined sewer overflows, enrolling larger contiguous  
2 areas in emergency watershed programs, improving  
3 facilities or systems that provide water quality,  
4 mitigating flood damage or the threat of flood damage  
5 in the areas most severely affected by the 2008 flood,  
6 and improving or replacing low-head dams. Any award  
7 of moneys made under this subsection shall be in the  
8 form of a grant. Any grant awards for practices on  
9 private property shall be for the public purposes of  
10 flood control, watershed management, or improving  
11 water quality.

12 3. IOWA ENERGY CENTER  
13 For deposit into the alternate energy revolving  
14 loan fund created in section 476.46 to encourage the  
15 development of alternate energy production facilities  
16 and small hydro facilities, as defined in section  
17 476.42, within the state:  
18 ..... \$ 5,000,000

19 Any award of loans to private individuals or  
20 organizations must be for the public purpose of  
21 encouraging the development of alternate energy  
22 production facilities and small hydro facilities  
23 within the state in order to conserve finite and  
24 expensive energy resources and to provide for their  
25 most efficient use. Funds from bond proceeds shall

26 not be used for administration or planning purposes.  
 27 These moneys, and any loan repayments, shall be  
 28 maintained in separate accounts and shall only be used  
 29 for these public purposes.

30 4. IOWA FINANCE AUTHORITY

31 a. For water quality and wastewater improvement  
 32 projects:

33 ..... \$ 55,000,000

34 (1) Of the amount appropriated in this subsection,  
 35 thirty-five million dollars shall be allocated for  
 36 water quality and wastewater improvement projects  
 37 located in cities with a population of ten thousand or  
 38 less, as determined by the preceding federal census,  
 39 or in townships.

40 (2) The Iowa finance authority shall establish and  
 41 administer a water quality financial assistance  
 42 program. The purpose of the program shall be to  
 43 provide additional financial assistance to communities  
 44 receiving loans from the Iowa water pollution control  
 45 works and drinking water facilities financing program  
 46 pursuant to section 16.131. The program shall be  
 47 administered in accordance with rules adopted by the  
 48 authority pursuant to chapter 17A.

49 b. For deposit into the public service shelter  
 50 grant fund created in section 16.185 for grants for

Page 18

1 the construction, renovation, and improvements to  
 2 homeless shelters, emergency shelters, and family and  
 3 domestic violence shelters:

4 ..... \$ 10,000,000

5 c. For deposit into the disaster damage housing  
 6 assistance grant fund created in section 16.186 for  
 7 grants to ease and speed recovery efforts from the  
 8 natural disasters of 2008, including stabilizing  
 9 neighborhoods damaged by the natural disasters,  
 10 preventing population loss and neighborhood  
 11 deterioration, and improving the health, safety, and  
 12 welfare of persons living in such disaster-damaged  
 13 neighborhoods:

14 ..... \$ 5,000,000

15 d. For deposit into the affordable housing  
 16 assistance grant fund created in section 16.187 for  
 17 grants for housing for certain elderly, disabled, and  
 18 low-income persons and public servants in critical  
 19 skills shortage areas of the state:

20 ..... \$ 20,000,000

21 5. IOWA TELECOMMUNICATIONS AND TECHNOLOGY  
 22 COMMISSION

23 For public broadband technology grants for the  
 24 deployment and sustainability of high-speed broadband

25 access:

26 ..... \$ 25,000,000

27 a. It is the intent of the general assembly that  
28 funds appropriated under this subsection for the  
29 deployment and sustainability of high-speed broadband  
30 access be used to access any federal funds made  
31 available. State and federal funds made available for  
32 broadband deployment shall be used to promote  
33 universal access to high-speed broadband services for  
34 speeds to exceed federal requirements throughout the  
35 state for the benefit of Iowans and for the  
36 sustainability of such services.

37 b. (1) The utilities board created in section  
38 474.1, the economic development board created in  
39 section 15.103, and the telecommunications and  
40 technology commission established in section 8D.3  
41 shall establish a joint governance board of fifteen  
42 members including the following:

43 (a) Eleven members shall be voting members as  
44 follows:

45 (i) Three members representing educational users  
46 and local governments including one member  
47 representing cities, one member representing counties,  
48 and one member representing educational users.

49 (ii) Two members, one representing urban  
50 residential users in the state, and one representing

Page 19

1 rural residential users in the state.

2 (iii) Three members representing broadband and  
3 telecommunications providers including at one member  
4 representing cable providers, one member representing  
5 wire-line telecommunications providers, and one member  
6 representing wireless providers.

7 (iv) Three members representing the state,  
8 including one member designated by the  
9 telecommunications and technology commission, one  
10 member designated by the economic development board,  
11 and one member designated by the utilities board.

12 (b) Four nonvoting, ex-officio members  
13 representing the general assembly as follows:

14 (i) Two members appointed from the senate with one  
15 member appointed by the majority leader of the senate  
16 and one member appointed by the minority leader of the  
17 senate.

18 (ii) Two members appointed from the house of  
19 representatives with one member appointed by the  
20 speaker of the house and one member appointed by the  
21 minority leader of the house.

22 (2) Administrative support and planning costs  
23 incurred for the governance board shall be provided

24 jointly by the utilities board, the economic  
25 development board, and the telecommunications and  
26 technology commission. Any necessary rules shall be  
27 adopted by the economic development board on behalf of  
28 the governance board.

29 (3) A quorum of the governance board shall be a  
30 majority of the voting members.

31 c. The governance board established in paragraph  
32 "b" shall do all of the following:

33 (1) Establish a comprehensive plan for the  
34 deployment and sustainability of high-speed broadband  
35 access in areas capable of timely implementation of  
36 such access. The plan shall be consistent with  
37 federal requirements established for federal funds  
38 made available for the purposes of projects that may  
39 be considered by the governance board and shall be the  
40 basis for a comprehensive statewide plan. The  
41 governance board shall seek public input when  
42 establishing the plan and the competitive process  
43 established under subparagraph (2).

44 (2) Establish a competitive process for the  
45 disbursement of funds made available for the  
46 deployment and sustainability of high-speed broadband  
47 services in the form of grants. The governance board  
48 shall only consider applications from parties seeking  
49 to use funds for projects that are sustainable.

50 (a) Priority shall be given under the plan to

Page 20

1 applications submitted by qualified private providers  
2 of high-speed broadband services.

3 (b) The plan shall require collaboration involving  
4 qualified private providers and public entities, as  
5 appropriate.

6 (c) The plan shall allow for the participation of  
7 public entities to accomplish project purposes that  
8 are financially feasible in areas of the state that  
9 remain unserved or underserved as a result of a lack  
10 of private sector investment.

11 (3) Make recommendations to the general assembly  
12 regarding any necessary legislation needed to further  
13 the purposes of this subsection.

14 (4) Establish and maintain separate accounts for  
15 the use of bond proceeds and nonbond proceeds.

16 d. Applications submitted shall be designed to  
17 accomplish all of the following:

18 (1) Provide minimum broadband capacity throughout  
19 the area as determined by the governance board  
20 consistent with any applicable state and federal law  
21 or guidelines. The governance board shall ensure that  
22 the minimum broadband capacity established meets or

23 exceeds any federal requirements established with  
24 regard to the availability of federal funds, in the  
25 form of grants.

26 (2) Provide broadband connections to all business,  
27 government, educational, and residential locations  
28 within the project area.

29 (3) Utilize, where appropriate and feasible,  
30 existing privately owned telecommunications fiber  
31 infrastructure and wireless facilities to establish  
32 universal access to high-speed broadband services, as  
33 appropriate and consistent with the priorities  
34 established by the governance board for the  
35 competitive process under paragraph "c", subparagraph  
36 (2).

37 (4) Demonstrate that any project undertaken and  
38 funded by the governance board shall be economically  
39 sustainable with no further government assistance  
40 based upon expected revenue generation.

41 6. DEPARTMENT OF TRANSPORTATION  
42 For deposit into the bridge safety fund created in  
43 section 313.68 to be used for infrastructure projects  
44 relating to functionally obsolete and structurally  
45 deficient bridges:

46 ..... \$ 50,000,000

47 Sec. 14. TAX-EXEMPT STATUS – USE OF  
48 APPROPRIATIONS.

49 1. Payment of moneys appropriated in this division  
50 of this Act shall be made in a manner that does not

Page 21

1 adversely affect the tax-exempt status of any  
2 outstanding bonds issued by the treasurer of state.

3 2. Payment of moneys appropriated in this division  
4 of this Act shall not used for administrative or  
5 planning purposes.

6 Sec. 15. REVERSION. Notwithstanding section 8.33,  
7 moneys appropriated in this division of this Act for  
8 the fiscal year beginning July 1, 2009, and ending  
9 June 30, 2010, shall not revert at the close of the  
10 fiscal year for which they are appropriated but shall  
11 remain available for the purposes designated until the  
12 close of the fiscal year that begins July 1, 2012, or  
13 until the project for which the appropriation was made  
14 is completed, whichever is earlier.

15 DIVISION IV  
16 REGENTS BONDING

17 Sec. 16. Section 263A.2, Code 2009, is amended to  
18 read as follows:  
19 263A.2 AUTHORIZATION OF GENERAL ASSEMBLY AND  
20 GOVERNOR.

21 Subject to and in accordance with the provisions of

22 this chapter, the state board of regents ~~after~~  
 23 ~~authorization by a constitutional majority of the~~  
 24 ~~general assembly and approval by the governor~~ may  
 25 undertake and carry out any project as defined in this  
 26 chapter at the state university of Iowa. The state  
 27 board of regents is authorized to operate, control,  
 28 maintain, and manage buildings and facilities and  
 29 additions to such buildings and facilities at said  
 30 institution. All contracts for the construction,  
 31 reconstruction, completion, equipment, improvement,  
 32 repair, or remodeling of any buildings, additions, or  
 33 facilities shall be let in accordance with the  
 34 provisions of section 262.34. The title to all real  
 35 estate acquired under the provisions of this chapter  
 36 and the improvements erected thereon shall be taken  
 37 and held in the name of the state of Iowa.

38 Sec. 17. Section 263A.3, unnumbered paragraph 1,  
 39 Code 2009, is amended to read as follows:

40 The board is authorized to borrow money and to  
 41 issue and sell negotiable bonds or notes to pay all or  
 42 any part of the cost of carrying out any project at  
 43 the institution and to refund and refinance bonds or  
 44 notes issued for any project or for refunding purposes  
 45 at the same rate or at a lower rate. ~~Such bonds or~~  
 46 ~~notes shall be sold by the board at public sale on the~~  
 47 ~~basis of sealed proposals received pursuant to a~~  
 48 ~~notice specifying the time and place of sale and the~~  
 49 ~~amount of bonds to be sold which shall be published at~~  
 50 ~~least once not less than seven days prior to the date~~

Page 22

1 ~~of sale in a newspaper published in the state of Iowa~~  
 2 ~~and having a general circulation in the state. The~~  
 3 ~~provisions of chapter 75 shall not apply to bonds or~~  
 4 ~~notes issued under authority contained in this~~  
 5 ~~chapter, but such bonds or notes shall be sold upon~~  
 6 ~~terms of not less than par plus accrued interest. The~~  
 7 ~~bonds or notes issued under this chapter may be sold~~  
 8 ~~at public sale as provided in chapter 75, but if the~~  
 9 ~~board finds it advisable and in the public interest to~~  
 10 ~~do so, such bonds or notes may be sold by the board at~~  
 11 ~~private sale without published notice of any kind and~~  
 12 ~~without regard to the requirements of chapter 75.~~  
 13 Bonds or notes issued to refund other bonds or notes  
 14 issued under the provisions of this chapter may either  
 15 be sold in the manner specified in this chapter and  
 16 the proceeds thereof applied to the payment of the  
 17 obligations being refunded, or the refunding bonds or  
 18 notes may be exchanged for and in payment and  
 19 discharge of the obligations being refunded. The  
 20 refunding bonds or notes may be sold or exchanged in



21 installments at different times or an entire issue or  
22 series may be sold or exchanged at one time. Any  
23 issue or series of refunding bonds or notes may be  
24 exchanged in part or sold in parts in installments at  
25 different times or at one time. The refunding bonds  
26 or notes may be sold or exchanged at any time on,  
27 before, or after the maturity of any of the  
28 outstanding notes, bonds, or other obligations to be  
29 refinanced thereby and may be issued for the purpose  
30 of refunding a like or greater principal amount of  
31 bonds or notes, except that the principal amount of  
32 the refunding bonds or notes may exceed the principal  
33 amount of the bonds or notes to be refunded to the  
34 extent necessary to pay any premium due on the call of  
35 the bonds or notes to be refunded or to fund interest  
36 in arrears or about to become due.

37 Sec. 18. Section 263A.4, Code 2009, is amended to  
38 read as follows:

39 263A.4 BONDS OR NOTES PROVISIONS.

40 Such bonds or notes may bear such date or dates,  
41 may bear interest at such rate or rates, payable  
42 semiannually, may mature at such time or times, may be  
43 in such form and denominations, carry such  
44 registration privileges, may be payable at such place  
45 or places, may be subject to such terms of redemption  
46 prior to maturity with or without premium, if so  
47 stated on the face thereof, and may contain such terms  
48 and covenants, including the establishment of  
49 reserves, all as may be provided by this chapter,  
50 section 76.17, and the resolution of the board

Page 23

1 authorizing the issuance of the bonds or notes. In  
2 addition to the estimated cost of construction,  
3 including site costs, the cost of the project may  
4 include interest upon the bonds or notes during  
5 construction and for six months after the estimated  
6 completion date, the compensation of a fiscal agent or  
7 adviser, engineering, architectural, administrative,  
8 and legal expenses and provision for contingencies.  
9 Such bonds or notes shall be executed by the president  
10 of the state board of regents and attested by the  
11 executive director, secretary, or other official  
12 thereof performing the duties of executive director,  
13 and the coupons thereto attached shall be executed  
14 with the original or facsimile signatures of said  
15 president, executive director, secretary, or other  
16 official; provided, however, that the facsimile  
17 signature of either of such officers executing such  
18 bonds may be imprinted on the face of the bonds in  
19 lieu of the manual signature of such officer, but at

20 least one of the signatures appearing on the face of  
 21 each bond shall be a manual signature. Any bonds or  
 22 notes bearing the signatures of officers in office on  
 23 the date of the signing thereof shall be valid and  
 24 binding for all purposes, notwithstanding that before  
 25 delivery thereof any or all such persons whose  
 26 signatures appear thereon shall have ceased to be such  
 27 officers. Each such bond or note shall state upon its  
 28 face the name of the institution on behalf of which it  
 29 is issued, that it is payable solely and only from  
 30 hospital income received by such institution as  
 31 provided in this chapter, and that it does not  
 32 constitute a debt of or charge against the state of  
 33 Iowa within the meaning or application of any  
 34 constitutional or statutory limitation or provision.  
 35 The issuance of such bonds or notes shall be recorded  
 36 in the office of the treasurer of the institution, and  
 37 a certificate by such treasurer to this effect shall  
 38 be printed on the back of each such bond or note.

39 Sec. 19. 2004 Iowa Acts, chapter 1175, section  
 40 277, is amended by adding the following new  
 41 subsection:

42 NEW SUBSECTION. 5. DEFINITION. For purposes of  
 43 subsection 3, paragraph "b", "project" means the same  
 44 as defined in section 262A.2, subsection 6, and  
 45 includes the construction of replacement facilities  
 46 and flood recovery and flood mitigation expenses  
 47 resulting from a disaster in an area included in a  
 48 proclamation of disaster emergency in accordance with  
 49 section 29C.6.

50 Sec. 20. 2007 Iowa Acts, chapter 205, section 1,

Page 24

1 is amended by adding the following new subsection:

2 NEW SUBSECTION. 4. DEFINITION. For purposes of  
 3 subsection 2, paragraph "a", "project" means the same  
 4 as defined in section 262A.2, subsection 6, and  
 5 includes the construction of replacement facilities  
 6 and flood recovery and flood mitigation expenses  
 7 resulting from a disaster in an area included in a  
 8 proclamation of disaster emergency in accordance with  
 9 section 29C.6.

10 DIVISION V  
 11 CHANGES TO PRIOR APPROPRIATIONS

12 Sec. 21. 2008 Iowa Acts, chapter 1179, section 7,  
 13 is amended to read as follows:

14 SEC. 7. DEPARTMENT OF ECONOMIC DEVELOPMENT. There  
 15 is appropriated from the rebuild Iowa infrastructure  
 16 fund to the department of economic development for the  
 17 designated fiscal years the following amounts, or so  
 18 much thereof as is necessary, to be used for the

19 purposes designated:

20 For deposit into the river enhancement community  
21 attraction and tourism fund created in 2008 Iowa Acts,  
22 Senate File 2430, if enacted:

23	FY 2009-2010 .....	\$ 10,000,000
24		<u>0</u>
25	FY 2010-2011 .....	\$ 10,000,000
26	FY 2011-2012 .....	\$ 10,000,000
27	FY 2012-2013 .....	\$ 10,000,000

28 ~~Notwithstanding section 8.33, moneys appropriated~~  
29 ~~in this section for the fiscal year beginning July 1,~~  
30 ~~2009, and ending June 30, 2010, shall not revert at~~  
31 ~~the close of the fiscal year for which they are~~  
32 ~~appropriated but shall remain available for the~~  
33 ~~purpose designated until the close of the fiscal year~~  
34 ~~that begins July 1, 2012, or until the project for~~  
35 ~~which the appropriation was made is completed,~~  
36 ~~whichever is earlier.~~

37 Notwithstanding section 8.33, moneys appropriated  
38 in this section for the fiscal year beginning July 1,  
39 2010, and ending June 30, 2011, shall not revert at  
40 the close of the fiscal year for which they are  
41 appropriated but shall remain available for the  
42 purpose designated until the close of the fiscal year  
43 that begins July 1, 2013, or until the project for  
44 which the appropriation was made is completed,  
45 whichever is earlier.

46 Notwithstanding section 8.33, moneys appropriated  
47 in this section for the fiscal year beginning July 1,  
48 2011, and ending June 30, 2012, shall not revert at  
49 the close of the fiscal year for which they are  
50 appropriated but shall remain available for the

Page 25

1 purpose designated until the close of the fiscal year  
2 that begins July 1, 2014, or until the project for  
3 which the appropriation was made is completed,  
4 whichever is earlier.

5 Notwithstanding section 8.33, moneys appropriated  
6 in this section for the fiscal year beginning July 1,  
7 2012, and ending June 30, 2013, shall not revert at  
8 the close of the fiscal year for which they are  
9 appropriated but shall remain available for the  
10 purpose designated until the close of the fiscal year  
11 that begins July 1, 2015, or until the project for  
12 which the appropriation was made is completed,  
13 whichever is earlier.

14 Sec. 22. 2008 Iowa Acts, chapter 1179, section 18,  
15 unnumbered paragraph 1, is amended to read as follows:  
16 There is appropriated from the ~~FY 2009 tax exempt~~  
17 ~~bond proceeds restricted capital funds account of the~~

18 ~~tobacco settlement trust fund~~ revenue bonds capitals  
 19 fund pursuant to section ~~12E.12, subsection 1,~~  
 20 ~~paragraph "b", subparagraph (1A) 12.88, as if enacted~~  
 21 ~~in this Act by the Eighty-third General Assembly, 2009~~  
 22 ~~Session,~~ to the following departments and agencies for  
 23 the fiscal year beginning July 1, 2008, and ending  
 24 June 30, 2009, the following amounts, or so much  
 25 thereof as is necessary, to be used for the purposes  
 26 designated:

27 Sec. 23. 2008 Iowa Acts, chapter 1179, section 18,  
 28 subsection 1, paragraphs b through k, are amended to  
 29 read as follows:

- 30 b. For renovations to the capitol complex utility  
 31 tunnel system:  
 32 ..... \$ 4,763,078  
 33 ..... 0
- 34 c. For costs associated with capitol interior and  
 35 exterior restoration:  
 36 ..... \$ 6,900,000  
 37 ..... 0
- 38 d. For upgrades to the electrical distribution  
 39 system serving the capitol complex:  
 40 ..... \$ 4,470,000  
 41 ..... 0
- 42 e. For heating, ventilating, and air conditioning  
 43 improvements in the Hoover state office building:  
 44 ..... \$ 1,500,000  
 45 ..... 0
- 46 f. For costs associated with the central energy  
 47 plant addition and improvements:  
 48 ..... \$ 623,000  
 49 ..... 0
- 50 g. For building security and firewall protection

Page 26

- 1 in the Hoover state office building:  
 2 ..... \$ 165,000  
 3 ..... 0
- 4 h. For projects related to major repairs and major  
 5 maintenance for state buildings and facilities under  
 6 the purview of the department:  
 7 ..... \$ 15,000,000  
 8 ..... 14,624,923
- 9 Of the amount appropriated in this lettered  
 10 paragraph, up to \$1,000,000 may be used for demolition  
 11 purposes.
- 12 i. For the purchase of Mercy capitol hospital:  
 13 ..... \$ 3,400,000  
 14 ..... 0
- 15 It is the intent of the general assembly that the  
 16 department will use other appropriations made or other

17 funds available to the department for the acquisition  
18 of buildings to complete the purchase of this  
19 building.

20 j. For capital improvements at the civil  
21 commitment unit for a sexual offenders facility at  
22 Cherokee:

23 ..... \$ 829,000  
24 ..... 0

25 k. For costs associated with the restoration and  
26 renovation, including major repairs and major  
27 maintenance, at the governor's mansion at Terrace  
28 Hill:

29 ..... \$ 769,543  
30 ..... 0

31 Sec. 24. 2008 Iowa Acts, chapter 1179, section 18,  
32 subsections 2 through 9, are amended to read as  
33 follows:

34 2. DEPARTMENT FOR THE BLIND

35 For costs associated with the renovation of  
36 dormitory buildings:

37 ..... \$ 869,748

38 3. DEPARTMENT OF CORRECTIONS

39 a. For expansion of the community-based  
40 corrections facility at Sioux City:

41 ..... \$ 5,300,000

42 b. For expansion of the community-based  
43 corrections facility at Ottumwa:

44 ..... \$ 4,100,000

45 c. For expansion of the community-based  
46 corrections facility at Waterloo:

47 ..... \$ 6,000,000

48 d. For expansion of the community-based  
49 corrections facility at Davenport:

50 ..... \$ 2,100,000

Page 27

1 e. For expansion, including land acquisition, of  
2 the community-based corrections facility at Des  
3 Moines:

4 ..... \$ 13,100,000

5 The appropriation in this lettered paragraph is  
6 contingent upon relocation of the sex offender  
7 treatment program from the community-based corrections  
8 facility at Des Moines to the property in northeast  
9 Des Moines identified by the fifth judicial district  
10 in the facility and site study final report submitted  
11 December 12, 2008.

12 It is the intent of the general assembly that the  
13 funds appropriated in paragraphs "a" through "e"  
14 be used to expand the number of beds available through  
15 new construction and remodeling and ~~not~~ for the

16 ~~replacement~~ expansion of existing facilities.  
 17 ~~d. f.~~ For expansion of the Iowa correctional  
 18 facility for women at Mitchellville:  
 19 ..... \$ 47,500,000  
 20 ~~e. g.~~ For the remodeling of kitchens at the  
 21 correctional facilities at Mount Pleasant and Rockwell  
 22 City:  
 23 ..... \$ 12,500,000  
 24 4. DEPARTMENT OF ECONOMIC DEVELOPMENT  
 25 a. For deposit into the community attraction and  
 26 tourism fund created in section 15F.204:  
 27 ..... \$ 12,000,000  
 28 b. For deposit into the river enhancement  
 29 community attraction and tourism fund created in  
 30 section 15F.205:  
 31 ..... \$ 10,000,000  
 32 Moneys appropriated for grants awarded in  
 33 paragraphs "a" and "b" shall be used to assist  
 34 communities in the development and creation of  
 35 multiple purpose attraction or community service  
 36 facilities for public use.  
 37 c. For accelerated career education program  
 38 capital projects at community colleges that are  
 39 authorized under chapter 260G and that meet the  
 40 definition of vertical infrastructure in section 8.57,  
 41 subsection 6, paragraph "c":  
 42 ..... \$ 5,500,000  
 43 ~~4.~~ 5. DEPARTMENT OF EDUCATION  
 44 For major renovation and major repair needs,  
 45 including health, life, and fire safety needs, and for  
 46 compliance with the federal Americans With  
 47 Disabilities Act, for state buildings and facilities  
 48 under the purview of the community colleges:  
 49 ..... \$ 2,000,000  
 50 The moneys appropriated in this subsection shall be

Page 28

1 allocated to the community colleges based upon the  
 2 distribution formula established in section 260C.18C.  
 3 ~~5.~~ 6. DEPARTMENT OF NATURAL RESOURCES  
 4 a. For infrastructure improvements for a state  
 5 river recreation area located in a county with a  
 6 population between 21,900 and 22,100:  
 7 ..... \$ 750,000  
 8 ~~b. For the construction and installation of an~~  
 9 ~~angled well, pumps, and piping to connect the existing~~  
 10 ~~infrastructure from the new well to a lake located in~~  
 11 ~~a county with a population between 87,500 and 88,000~~  
 12 For the implementation of a water quality improvement  
 13 project for the restoration of a lake located in a  
 14 county with a population between 87,500 and 88,000:

15 ..... \$ 500,000

16 ~~Monies appropriated in this lettered paragraph are~~  
17 ~~contingent upon receipt of matching funds from a state~~  
18 ~~taxing authority surrounding such lake.~~

19 ~~e. For the construction of the cabins, activity~~  
20 ~~building, picnic shelters, and other costs associated~~  
21 ~~with the opening of the Honey creek premier~~  
22 ~~destination park.~~

23 ..... \$ 4,900,000

24 ~~The department shall not obligate any funding under~~  
25 ~~this appropriation without approval from the~~  
26 ~~department of management. The department shall~~  
27 ~~provide quarterly updates to the Honey creek premier~~  
28 ~~destination park authority and the legislative~~  
29 ~~services agency on the obligation and spending of this~~  
30 ~~appropriation.~~

31 ~~In light of this appropriation, the department~~  
32 ~~shall not request additional appropriations for~~  
33 ~~funding the construction of future additional~~  
34 ~~amenities at the Honey creek destination park beyond~~  
35 ~~the fiscal year ending June 30, 2009. In the event~~  
36 ~~that the chairperson of the authority delivers a~~  
37 ~~certificate to the governor, pursuant to section~~  
38 ~~463C.13, stating the amounts necessary to restore bond~~  
39 ~~reserve funds, it is the general assembly's intent~~  
40 ~~upon consideration of the governor's request to first~~  
41 ~~seek refunding from the department's budget.~~

42 ~~d. c. For implementation of lake projects that~~  
43 ~~have established watershed improvement initiatives and~~  
44 ~~community support in accordance with the department's~~  
45 ~~annual lake restoration plan and report,~~  
46 ~~notwithstanding section 8.57, subsection 6, paragraph~~  
47 ~~"e".~~

48 ..... \$ 8,600,000

49 ..... 10,000,000

50 ~~(1) It is the intent of the general assembly that~~

Page 29

1 ~~the department of natural resources shall implement~~  
2 ~~the lake restoration annual report and plan submitted~~  
3 ~~to the joint appropriations subcommittee on~~  
4 ~~transportation, infrastructure, and capitals and the~~  
5 ~~legislative services agency on December 26, 2006,~~  
6 ~~pursuant to section 456A.33B. The lake restoration~~  
7 ~~projects that are recommended by the department to~~  
8 ~~receive funding for fiscal year 2007-2008 and that~~  
9 ~~satisfy the criteria in section 456A.33B, including~~  
10 ~~local commitment of funding for the projects, shall be~~  
11 ~~funded in the amounts provided in the report.~~  
12 ~~Of the amounts appropriated in this lettered~~  
13 ~~paragraph, at least the following amounts shall be~~

14 allocated as follows:

- 15 (a) For clear lake in Cerro Gordo county:
- 16 ..... \$ 3,000,000
- 17 (b) For storm lake in Buena Vista county:
- 18 ..... \$ 1,000,000
- 19 (c) For carter lake in Pottawattamic county:
- 20 ..... \$ 200,000

21 (2) Of the moneys appropriated in this lettered  
22 paragraph, \$200,000 shall be used for the purposes of  
23 supporting a low head dam public hazard improvement  
24 program. The moneys shall be used to provide grants  
25 to local communities, including counties and cities,  
26 for projects approved by the department.

27 (a) The department shall award grants to dam  
28 owners including counties, cities, state agencies,  
29 cooperatives, and individuals, to support projects  
30 approved by the department.

31 (b) The department shall require each dam owner  
32 applying for a project grant to submit a project plan  
33 for the expenditure of the moneys, and file a report  
34 with the department regarding the project, as required  
35 by the department.

36 (c) The funds can be used for signs, posts, and  
37 related cabling, and the department shall only award  
38 money on a matching basis, pursuant to the dam owner  
39 contributing at least 20 cents for every 80 cents  
40 awarded by the department, in order to finance the  
41 project. For the remainder of the funds, including  
42 any balance of money not awarded for signs, posts, and  
43 related cabling, the department shall only award  
44 moneys to a dam owner on a matching basis. A dam  
45 owner shall contribute one dollar for each dollar  
46 awarded by the department in order to finance a  
47 project.

48 ~~6.~~ 7. STATE BOARD OF REGENTS

49 a. For infrastructure, deferred maintenance, and  
50 equipment related to Iowa public radio:

Page 30

- 1 ..... \$ 2,000,000
- 2 ..... 1,900,000

3 b. For phase II of the construction and renovation  
4 of the veterinary medical facilities at Iowa state  
5 university of science and technology, specifically the  
6 renovation and modernization of the area formerly  
7 occupied by the large animal area of the teaching  
8 hospital for expanded clinical services in a small  
9 animal hospital:

- 10 ..... \$ 10,000,000

11 ~~7.~~ 8. IOWA STATE FAIR

12 For infrastructure improvements to the Iowa state



13 fairgrounds including but not limited to the  
14 construction of an agricultural exhibition center on  
15 the Iowa state fairgrounds:

16 ..... \$ 5,000,000

17 ..... 0

18 ~~8.~~ 9. DEPARTMENT OF TRANSPORTATION

19 a. For deposit into the public transit  
20 infrastructure grant fund created in section 324A.6A:

21 ..... \$ 2,200,000

22 b. For infrastructure improvements at the  
23 commercial service airports within the state:

24 ..... \$ 1,500,000

25 Fifty percent of the funds appropriated in this  
26 lettered paragraph shall be allocated equally between  
27 each commercial air service airport, forty percent of  
28 the funds shall be allocated based on the percentage  
29 that the number of enplaned passengers at each  
30 commercial air service airport bears to the total  
31 number of enplaned passengers in the state during the  
32 previous fiscal year, and ten percent of the funds  
33 shall be allocated based on the percentage that the  
34 air cargo tonnage at each commercial air service  
35 airport bears to the total air cargo tonnage in the  
36 state during the previous fiscal year. In order for a  
37 commercial air service airport to receive funding  
38 under this lettered paragraph, the airport shall be  
39 required to submit applications for funding of  
40 specific projects to the department for approval by  
41 the state transportation commission.

42 ~~9.~~ 10. DEPARTMENT OF VETERANS AFFAIRS

43 ~~a.~~ For matching funds for the construction of  
44 resident living areas at the Iowa veterans home and  
45 related improvements associated with the Iowa veterans  
46 home comprehensive plan:

47 ..... \$ 20,555,320

48 ..... 22,555,320

49 ~~b. To build a memorial plaza that honors veterans~~  
50 ~~from the Dubuque area:~~

1 ..... \$ 100,000

2 Sec. 25. 2008 Iowa Acts, chapter 1179, sections 19  
3 and 20, are amended to read as follows:

4 SEC. 19. TAX-EXEMPT STATUS -- USE OF  
5 APPROPRIATIONS. Payment of moneys from the  
6 appropriations in this division of this Act shall be  
7 made in a manner that does not adversely affect the  
8 tax-exempt status of any outstanding bonds issued by  
9 the ~~tobacco settlement authority~~ treasurer of state.

10 SEC. 20. REVERSION. Notwithstanding section 8.33,  
11 moneys appropriated in this division of this Act for

12 the fiscal year beginning July 1, 2008, and ending  
 13 June 30, 2009, shall not revert at the close of the  
 14 fiscal year for which they are appropriated but shall  
 15 remain available for the purposes designated until the  
 16 close of the fiscal year that begins July 1, ~~2011~~  
 17 2012, or until the project for which the appropriation  
 18 was made is completed, whichever is earlier.

#### 19 DIVISION VI

#### 20 MISCELLANEOUS CODE CHANGES

21 Sec. 26. Section 8.57, subsection 6, paragraph e,  
 22 Code 2009, is amended to read as follows:

23 e. (1) ~~(a) (i)~~ Notwithstanding provisions to the  
 24 contrary in sections 99D.17 and 99F.11, for the fiscal  
 25 year beginning July 1, 2000, and for each fiscal year  
 26 thereafter, not more than a total of sixty million  
 27 dollars shall be deposited in the general fund of the  
 28 state in any fiscal year pursuant to sections 99D.17  
 29 and 99F.11.

30 (ii) However, in lieu of the deposit in  
 31 subparagraph subdivision (i), for the fiscal year  
 32 beginning July 1, 2010, and for each fiscal year  
 33 thereafter until the principal and interest on all  
 34 bonds issued by the treasurer of state pursuant to  
 35 section 12.87 are paid, as determined by the treasurer  
 36 of state, the first fifty-five million dollars of the  
 37 moneys directed to be deposited in the general fund of  
 38 the state under subparagraph subdivision (i) shall be  
 39 deposited in the revenue bonds debt service fund  
 40 created in section 12.89, and the next five million  
 41 dollars of the moneys directed to be deposited in the  
 42 general fund of the state under subparagraph  
 43 subdivision (i) shall be deposited in the general fund  
 44 of the state.

45 (b) The next fifteen million dollars of the moneys  
 46 directed to be deposited in the general fund of the  
 47 state in a fiscal year pursuant to sections 99D.17 and  
 48 99F.11 shall be deposited in the vision Iowa fund  
 49 created in section 12.72 for the fiscal year beginning  
 50 July 1, 2000, and for each fiscal year through the

Page 32

1 fiscal year beginning July 1, 2019.

2 (c) The next five million dollars of the moneys  
 3 directed to be deposited in the general fund of the  
 4 state in a fiscal year pursuant to sections 99D.17 and  
 5 99F.11 shall be deposited in the school infrastructure  
 6 fund created in section 12.82 for the fiscal year  
 7 beginning July 1, 2000, and for each fiscal year  
 8 thereafter until the principal and interest on all  
 9 bonds issued by the treasurer of state pursuant to  
 10 section 12.81 are paid, as determined by the treasurer

11 of state.

12 ~~(d) (i) The total moneys in excess of the moneys~~  
 13 ~~deposited in the general fund of the state revenue~~  
 14 ~~bonds debt service fund, the vision Iowa fund, and the~~  
 15 ~~school infrastructure fund, and the general fund of~~  
 16 ~~the state~~ in a fiscal year shall be deposited in the  
 17 rebuild Iowa infrastructure fund and shall be used as  
 18 provided in this section, notwithstanding section  
 19 8.60.

20 ~~(ii) However, in lieu of the deposit in~~  
 21 ~~subparagraph subdivision (i), for the fiscal year~~  
 22 ~~beginning July 1, 2010, and for each fiscal year~~  
 23 ~~thereafter until the principal and interest on all~~  
 24 ~~bonds issued by the treasurer of state pursuant to~~  
 25 ~~section 12.87 are paid, as determined by the treasurer~~  
 26 ~~of state, fifty-five million dollars of the excess~~  
 27 ~~moneys directed to be deposited in the rebuild Iowa~~  
 28 ~~infrastructure fund under subparagraph subdivision (i)~~  
 29 ~~shall be deposited in the general fund of the state.~~

30 ~~(2) If the total amount of moneys directed to be~~  
 31 ~~deposited in the general fund of the state under~~  
 32 ~~sections 99D.17 and 99F.11 in a fiscal year is less~~  
 33 ~~than the total amount of moneys directed to be~~  
 34 ~~deposited in the revenue bonds debt service fund in~~  
 35 ~~the fiscal year pursuant to this paragraph "e", the~~  
 36 ~~difference shall be paid from moneys deposited in the~~  
 37 ~~beer and liquor control fund created in section 123.53~~  
 38 ~~in the manner provided in section 123.53, subsection~~  
 39 ~~2A.~~

40 ~~(2) (3) If After the deposit of moneys directed to~~  
 41 ~~be deposited in the general fund of the state and the~~  
 42 ~~revenue bonds debt service fund as provided in~~  
 43 ~~subparagraph (2), if the total amount of moneys~~  
 44 ~~directed to be deposited in the general fund of the~~  
 45 ~~state under sections 99D.17 and 99F.11 in a fiscal~~  
 46 ~~year is less than the total amount of moneys directed~~  
 47 ~~to be deposited in the vision Iowa fund and the school~~  
 48 ~~infrastructure fund in the fiscal year pursuant to~~  
 49 ~~this paragraph "e", the difference shall be paid from~~  
 50 ~~lottery revenues in the manner provided in section~~

Page 33

1 99G.39, subsection 3.

2 Sec. 27. Section 15F.204, subsection 8, paragraph  
 3 a, subparagraph (6), Code 2009, is amended by striking  
 4 the subparagraph.

5 Sec. 28. NEW SECTION. 16.185 PUBLIC SERVICE  
 6 SHELTER GRANT FUND.

7 1. A public service shelter grant fund is created  
 8 under the authority of the Iowa finance authority.  
 9 The fund shall consist of appropriations made to the

10 fund. The fund shall be separate from the general  
11 fund of the state and the balance in the fund shall  
12 not be considered part of the balance of the general  
13 fund of the state. However, the fund shall be  
14 considered a special account for the purposes of  
15 section 8.53, relating to generally accepted  
16 accounting principles.

17 2. Notwithstanding section 12C.7, subsection 2,  
18 interest or earnings on moneys in the fund shall be  
19 credited to the fund.

20 3. Moneys in the fund in a fiscal year shall be  
21 used as appropriated by the general assembly for  
22 grants for construction, renovations, or improvements  
23 of homeless shelters, emergency shelters, and family  
24 and domestic violence shelters, to assist communities  
25 in providing certain essential social services  
26 including supportive services and other kinds of  
27 assistance to individuals in need of temporary housing  
28 necessary to improve their living situations.

29 4. Annually, on or before January 15 of each year,  
30 a state agency that received an appropriation for the  
31 public service shelter grant fund shall report to the  
32 legislative services agency and the department of  
33 management the status of all projects completed or in  
34 progress. The report shall include a description of  
35 the project, the progress of work completed, the total  
36 estimated cost of the project, a list of all revenue  
37 sources being used to fund the project, the amount of  
38 funds expended, the amount of funds obligated, and the  
39 date the project was completed or an estimated  
40 completion date of the project, where applicable.

41 5. Payment of moneys from appropriations from the  
42 fund shall be made in a manner that does not adversely  
43 affect the tax-exempt status of any outstanding bonds  
44 issued by the treasurer of state pursuant to section  
45 12.87.

46 6. The authority shall adopt rules pursuant to  
47 chapter 17A to administer this section.

48 Sec. 29. NEW SECTION. 16.186 DISASTER DAMAGE  
49 HOUSING ASSISTANCE GRANT FUND.

50 1. A disaster damage housing assistance grant fund

Page 34

1 is created under the authority of the Iowa finance  
2 authority. The fund shall consist of appropriations  
3 made to the fund. The fund shall be separate from the  
4 general fund of the state and the balance in the fund  
5 shall not be considered part of the balance of the  
6 general fund of the state. However, the fund shall be  
7 considered a special account for the purposes of  
8 section 8.53, relating to generally accepted

9 accounting principles.

10 2. Notwithstanding section 12C.7, subsection 2,  
11 interest or earnings on moneys in the fund shall be  
12 credited to the fund.

13 3. Moneys in the fund in a fiscal year shall be  
14 used as appropriated by the general assembly for  
15 grants to ease and speed recovery efforts from the  
16 natural disasters of 2008, including stabilizing  
17 neighborhoods damaged by the natural disasters,  
18 preventing population loss and neighborhood  
19 deterioration, and improving the health, safety, and  
20 welfare of persons living in such disaster-damaged  
21 neighborhoods.

22 4. Annually, on or before January 15 of each year,  
23 a state agency that received an appropriation for the  
24 disaster damage housing assistance grant fund shall  
25 report to the legislative services agency and the  
26 department of management the status of all projects  
27 completed or in progress. The report shall include a  
28 description of the project, the progress of work  
29 completed, the total estimated cost of the project, a  
30 list of all revenue sources being used to fund the  
31 project, the amount of funds expended, the amount of  
32 funds obligated, and the date the project was  
33 completed or an estimated completion date of the  
34 project, where applicable.

35 5. Payment of moneys from appropriations from the  
36 fund shall be made in a manner that does not adversely  
37 affect the tax-exempt status of any outstanding bonds  
38 issued by the treasurer of state pursuant to section  
39 12.87.

40 6. The authority shall adopt rules pursuant to  
41 chapter 17A to administer this section.

42 Sec. 30. NEW SECTION. 16.187 AFFORDABLE HOUSING  
43 ASSISTANCE GRANT FUND.

44 1. An affordable housing assistance grant fund is  
45 created under the authority of the Iowa finance  
46 authority. The fund shall consist of appropriations  
47 made to the fund. The fund shall be separate from the  
48 general fund of the state and the balance in the fund  
49 shall not be considered part of the balance of the  
50 general fund of the state. However, the fund shall be

Page 35

1 considered a special account for the purposes of  
2 section 8.53, relating to generally accepted  
3 accounting principles.

4 2. Notwithstanding section 12C.7, subsection 2,  
5 interest or earnings on moneys in the fund shall be  
6 credited to the fund.

7 3. Moneys in the fund in a fiscal year shall be

8 used as appropriated by the general assembly for  
9 grants for housing for certain elderly, disabled, and  
10 low-income persons and public servants in professions  
11 meeting critical skill shortages in the state, to  
12 assist communities in providing safe and affordable  
13 housing for the general welfare and security of the  
14 citizens of the state.

15 4. Annually, on or before January 15 of each year,  
16 a state agency that received an appropriation for the  
17 affordable housing assistance grant fund shall report  
18 to the legislative services agency and the department  
19 of management the status of all projects completed or  
20 in progress. The report shall include a description  
21 of the project, the progress of work completed, the  
22 total estimated cost of the project, a list of all  
23 revenue sources being used to fund the project, the  
24 amount of funds expended, the amount of funds  
25 obligated, and the date the project was completed or  
26 an estimated completion date of the project, where  
27 applicable.

28 5. Payment of moneys from appropriations from the  
29 fund shall be made in a manner that does not adversely  
30 affect the tax-exempt status of any outstanding bonds  
31 issued by the treasurer of state pursuant to section  
32 12.87.

33 6. The authority shall adopt rules pursuant to  
34 chapter 17A to administer this section.

35 Sec. 31. Section 123.53, Code 2009, is amended by  
36 adding the following new subsections:

37 **NEW SUBSECTION.** 2A. Notwithstanding subsection 2,  
38 if gaming revenues under sections 99D.17 and 99F.11  
39 are insufficient in a fiscal year to meet the total  
40 amount of such revenues directed to be deposited in  
41 the revenue bonds debt service fund during the fiscal  
42 year pursuant to section 8.57, subsection 6, paragraph  
43 "e", the difference shall be paid from moneys  
44 deposited in the beer and liquor control fund prior to  
45 transfer of such moneys to the general fund pursuant  
46 to subsection 2 and prior to the transfer of such  
47 moneys pursuant to subsections 3 and 4. If moneys  
48 deposited in the beer and liquor control fund are  
49 insufficient during the fiscal year to pay the  
50 difference, the remaining difference shall be paid

Page 36

1 from moneys deposited in the beer and liquor control  
2 fund in subsequent fiscal years as such moneys become  
3 available.

4 **NEW SUBSECTION.** 2B. The treasurer of state shall,  
5 each quarter, prepare an estimate of the gaming  
6 revenues and of the moneys to be deposited in the beer

7 and liquor control fund that will become available  
8 during the remainder of the appropriate fiscal year  
9 for the purposes described in subsection 2A. The  
10 department of management, the department of  
11 inspections and appeals and the department of commerce  
12 shall take appropriate actions to provide that the sum  
13 of the amount of gaming revenues available to be  
14 deposited into the revenue bonds debt service fund  
15 during a fiscal year and the amount of moneys to be  
16 deposited in the beer and liquor control fund  
17 available to be deposited into the revenue bonds debt  
18 service fund during such fiscal year will be  
19 sufficient to cover any anticipated deficiencies.

20 Sec. 32. Section 123.53, subsections 3 and 4, Code  
21 2009, are amended to read as follows:

22 3. ~~The treasurer of state~~ After any transfer  
23 provided for in subsection 2A is made, the department  
24 of commerce shall transfer into a special revenue  
25 account in the general fund of the state, a sum of  
26 money at least equal to seven percent of the gross  
27 amount of sales made by the division from the beer and  
28 liquor control fund on a monthly basis but not less  
29 than nine million dollars annually. Of the amounts  
30 transferred, two million dollars, plus an additional  
31 amount determined by the general assembly, shall be  
32 appropriated to the Iowa department of public health  
33 for use by the staff who administer the comprehensive  
34 substance abuse program under chapter 125 for  
35 substance abuse treatment and prevention programs.  
36 Any amounts received in excess of the amounts  
37 appropriated to the Iowa department of public health  
38 for use by the staff who administer the comprehensive  
39 substance abuse program under chapter 125 shall be  
40 considered part of the general fund balance.

41 4. ~~The treasurer of state, after making the~~  
42 ~~transfer~~ After any transfers provided for in  
43 ~~subsection~~ subsections 2A and 3, the department of  
44 commerce shall transfer to the division from the beer  
45 and liquor control fund and before any other transfer  
46 to the general fund, an amount sufficient to pay the  
47 costs incurred by the division for collecting and  
48 properly disposing of the liquor containers.

49 Sec. 33. Section 331.441, subsection 2, paragraph  
50 b, subparagraph 16, Code 2009, is amended to read as

Page 37

1 follows:

2 (16) Capital projects for the construction,  
3 reconstruction, improvement, repair, or equipping of  
4 bridges, roads, and culverts if such capital projects  
5 assist in economic development which creates jobs and

6 wealth, if such capital projects relate to damage  
 7 caused by a disaster as defined in section 29C.2, or  
 8 if such capital projects are designed to prevent or  
 9 mitigate future disasters as defined in section 29C.2.

10 Sec. 34. **NEW SECTION.** 313.68 BRIDGE SAFETY FUND.

11 1. A bridge safety fund is created in the  
 12 department under the authority of the state  
 13 transportation commission. The fund shall consist of  
 14 appropriations made to the fund. The fund shall be  
 15 separate from the general fund of the state and the  
 16 balance in the fund shall not be considered part of  
 17 the balance of the general fund of the state.  
 18 However, the fund shall be considered a special  
 19 account for the purposes of section 8.53, relating to  
 20 generally accepted accounting principles.

21 2. Notwithstanding section 12C.7, subsection 2,  
 22 interest or earnings on moneys in the fund shall be  
 23 credited to the fund.

24 3. Moneys in the fund in a fiscal year shall be  
 25 used as appropriated by the general assembly for  
 26 infrastructure projects relating to functionally  
 27 obsolete and structurally deficient bridges on the  
 28 primary road system.

29 4. Annually, on or before January 15 of each year,  
 30 the department of transportation shall report to the  
 31 legislative services agency and the department of  
 32 management the status of all projects completed or in  
 33 progress. The report shall include a description of  
 34 the project, the progress of work completed, the total  
 35 estimated cost of the project, a list of all revenue  
 36 sources being used to fund the project, the amount of  
 37 funds expended, the amount of funds obligated, and the  
 38 date the project was completed or an estimated  
 39 completion date of the project, where applicable.

40 5. Payment of moneys from appropriations from the  
 41 fund shall be made in a manner that does not adversely  
 42 affect the tax-exempt status of any outstanding bonds  
 43 issued by the treasurer of state pursuant to section  
 44 12.87.

45 6. The department shall adopt rules pursuant to  
 46 chapter 17A to administer this section.

47 Sec. 35. Section 476.46, subsection 2, paragraph  
 48 d, subparagraph (1), Code 2009, is amended to read as  
 49 follows:

50 d. (1) A gas or electric utility that is not

Page 38

1 required to be rate-regulated shall not be eligible  
 2 for a loan under this section. However, gas and  
 3 electric utilities not required to be rate-regulated  
 4 shall be eligible for loans from moneys remitted to



5 the fund except as provided in subsection 3. Such  
6 loans shall be limited to a maximum of five hundred  
7 thousand dollars per applicant and shall be limited to  
8 one loan every two years.

9 DIVISION VI

10 EFFECTIVE DATE

11 Sec. 36. EFFECTIVE DATE. This Act, being deemed  
12 of immediate importance, takes effect upon enactment.”

13 2. Title page, by striking lines 1 through 5 and  
14 inserting the following: “An Act creating an Iowa  
15 jobs program, an Iowa jobs board, and Iowa jobs fund,  
16 authorizing the issuance of bonds, including the  
17 issuance of tax-exempt bonds, making and revising  
18 appropriations, and providing an effective date.”

Schueller of Jackson asked and received unanimous consent to withdraw amendment H–1716, to amendment H–1715, filed by him from the floor.

The House stood at ease at 10:46 p.m., until the fall of the gavel.

The House resumed session at 10:50 p.m., Swaim of Davis in the chair.

R. Olson of Polk asked and received unanimous consent to withdraw amendment H–1717, to amendment H–1715, filed by him from the floor.

Cohoon of Des Moines moved the adoption of amendment H–1715.

A non-record roll call was requested.

The ayes were 52, nays 41.

Amendment H–1715 was adopted.

DISSENT FROM SENATE FILE 376

Mr. Speaker:

Article III Section 10 of the Constitution of the State of Iowa provides:

Protest – record of vote – Every member of the general assembly shall have the liberty to dissent from, or protest against any act or resolution which he may think injurious to the public, or an individual, and have the reasons for his dissent entered on the journals; and the yeas and nays of the members of either house, on any question, shall, at the desire of any two members present, be entered on the journals.

I have here a written statement explaining one reason inter alia for our dissent on Senate File 376 to be placed into the journal as provided by Article III Section 10.

Article VII Section 2 of the Constitution of the State of Iowa, states “The state may contract debts to supply casual deficits or failures in revenues, or to meet expenses not otherwise provided for; but the aggregate amount of such debts, direct and contingent, whether contracted by virtue of one or more acts of the general assembly, or at different periods of time, shall never exceed the sum of two hundred and fifty-thousand dollars; and the money arising from the creation of such debts, shall be applied to the purpose for which it was obtained, or to repay the debts so contracted, and to no other purpose whatever.”

On 24 April 2009, the Iowa House passed Senate File 376, which issues bond debt of \$475 million. This is clearly above the \$250,000 threshold set by Article VII of the Constitution. Therefore, it is our belief that the bill is unconstitutional.

For this and other reasons we, the undersigned, object to Senate File 376 being before the body and voted against passage of the bill.

Representative Dwayne Alons	Representative Kraig Paulsen
Representative Rich Anderson	Representative Dawn Pettengill
Representative Clel Baudler	Representative Scott Raecker
Representative Peter Cownie	Representative Christopher Rants
Representative Dave Deyoe	Representative Rod Roberts
Representative Cecil Dolecheck	Representative Tom Sands
Representative Jack Drake	Representative Renee Schulte
Representative Greg Forristall	Representative Jason Schultz
Representative Pat Grassley	Representative Chuck Soderberg
Representative Chris Hagenow	Representative Kent Sorenson
Representative Dave Heaton	Representative Doug Struyk
Representative Lance Horbach	Representative Annette Sweeney
Representative Dan Huseman	Representative Dave Tjepkes
Representative Jeff Kaufmann	Representative Jodi Tymeson
Representative Kevin Koester	Representative Linda Upmeyer
Representative Steve Lukan	Representative Jim Van Engelenhoven
Representative Mike May	Representative Nick Wagner
Representative Linda Miller	Representative Ralph Watts
Representative Steve Olson	Representative Matt Windschitl
	Representative Gary Worthan

Cohoon of Des Moines 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. 376)

The ayes were, 53:

Abdul-Samad	Bailey	Beard	Bell
Berry	Bukta	Burt	Cohoon

Ficken	Ford	Frevert	Gaskill
Gayman	Heddens	Hunter	Isenhart
Jacoby	Kearns	Kelley	Kressig
Kuhn	Lensing	Lykam	Marek
Mascher	McCarthy	Mertz	Miller, H.
Murphy, Spkr.	Oldson	Olson, D.	Olson, R.
Olson, T.	Palmer	Petersen	Quirk
Reasoner	Reichert	Shomshor	Smith
Steckman	Taylor, D.	Taylor, T.	Thede
Thomas	Wendt	Wenthe	Wessel-Kroeschell
Whitaker	Whitead	Willems	Winckler
Zirkelbach			

The nays were, 43:

Alons	Anderson	Baudler	Cownie
Deyoe	Dolecheck	Drake	Forristall
Grassley	Hagenow	Heaton	Helland
Horbach	Huseman	Huser	Kaufmann
Koester	Lukan	May	Miller, L.
Olson, S.	Paulsen	Pettengill	Raecker
Rants	Roberts	Sands	Schueller
Schulte	Schultz	Soderberg	Sorenson
Struyk	Sweeney	Tjepkes	Tymeson
Upmeyer	Van Engelenhoven	Wagner	Watts
Windschitl	Worthan	Swaim, Presiding	

Absent or not voting, 4:

Arnold	Chambers	De Boef	Rayhons
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The bill having received a constitutional majority was declared to have passed the House and the title, as amended, was agreed to.

## 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 April 24, 2009, passed the following bill in which the concurrence of the House is asked:

Senate File 477, a bill for an act relating to the issuance of bonds and making of appropriations for capital and other essential purposes.

Also: That the Senate has on April 24, 2009, concurred in the House amendment and passed the following bill in which the concurrence of the Senate was asked:

Senate File 483, a bill for an act relating to state taxes by limiting tax credits available under certain economic development programs and agricultural assets

transfer agreements, eliminating the carryback of net operating losses, modifying refund interest provisions, and including retroactive applicability date and other applicability date provisions.

MICHAEL E. MARSHALL, Secretary

### INTRODUCTION OF BILL

**House File 830**, by committee on appropriations, a bill for an act relating to state and local finances by providing for funding of property tax credits and reimbursements, by making, increasing, and reducing appropriations, providing for salaries and compensation of state employees, providing for matters relating to tax credits, providing for fees and penalties, and providing for properly related matters.

Read first time and placed on the **appropriations calendar**.

### SENATE MESSAGE CONSIDERED

**Senate File 477**, by committee on appropriations, a bill for an act authorizing the treasurer of state to issue annual appropriation bonds, and creating an annual appropriation bonds debt service fund, an appropriation bonds capitals fund, a vertical infrastructure restricted capitals fund, making appropriations, and including an applicability provision.

Read first time and **passed on file**.

### Unfinished Business Calendar

**House File 822**, a bill for an act relating to and making appropriations to state departments and agencies from the rebuild Iowa infrastructure fund and the technology reinvestment fund and other funds, and providing for properly related matters, was taken up for consideration.

The House stood at ease at 1:53 a.m., until the fall of the gavel.

The House resumed session at 2:12 a.m., Swaim of Davis in the chair.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Baudler of Adair on request of Roberts of Carroll; Rayhons of Hancock on request of Kaufmann of Cedar; Van Engelenhoven of Marion on request of Roberts of Carroll.

Cohoon of Des Moines offered amendment H-1675 filed by him as follows:

H-1675

1 Amend House File 822 as follows:

2 1. By striking everything after the enacting  
3 clause and inserting the following:

4 "DIVISION I

5 REBUILD IOWA INFRASTRUCTURE FUND

6 Section 1. There is appropriated from the rebuild  
7 Iowa infrastructure fund to the following departments  
8 and agencies for the fiscal year beginning July 1,  
9 2009, and ending June 30, 2010, the following amounts,  
10 or so much thereof as is necessary, to be used for the  
11 purposes designated:

12 1. DEPARTMENT OF ADMINISTRATIVE SERVICES

13 a. For distribution to other governmental entities  
14 for the payment of services related to the integrated  
15 information for Iowa system, notwithstanding section  
16 8.57, subsection 6, paragraph "c":

17 ..... \$ 3,700,000

18 Moneys appropriated in this lettered paragraph  
19 shall be separately accounted for in a distribution  
20 account and shall be distributed to other governmental  
21 entities based upon a formula established by the  
22 department to pay for services provided during the  
23 fiscal year to such other governmental entities by the  
24 department associated with the integrated information  
25 for Iowa system.

26 During the fiscal year, the department may use up  
27 to \$1,000,000 of unexpended or unobligated funds in  
28 the information technology operations fund established  
29 under the provisions of section 8A.123 to provide  
30 funding for costs associated with the integrated  
31 information for Iowa system. By October 31, 2010, the  
32 department shall report to the department of  
33 management and the legislative services agency  
34 regarding any moneys that are used for this purpose.

35 b. For routine maintenance of state buildings and  
36 facilities, notwithstanding section 8.57, subsection  
37 6, paragraph "c":

38 ..... \$ 3,000,000

39 Of the amounts appropriated in this lettered  
40 paragraph, up to \$1,000,000 may be used for demolition  
41 purposes.

42 c. For costs associated with improvements to and  
43 renovation of the Wallace building for extending the  
44 useful life of the building:

45 ..... \$ 1,500,000

46 d. For upgrades to the electrical distribution  
47 system serving the capitol complex:

48 ..... \$ 850,000

49 e. For costs associated with capitol interior and  
50 exterior restoration and for compliance with the

Page 2

1 federal Americans With Disabilities Act:

2 ..... \$ 5,000,00

3 f. For heating, ventilating, and air conditioning  
4 improvements in the Hoover state office building:

5 ..... \$ 1,500,00

6 g. For costs associated with the central energy  
7 plant addition and improvements:

8 ..... \$ 623,00

9 h. For costs associated with Mercy capitol  
10 hospital building operations upon acquisition of the  
11 hospital, notwithstanding section 8.57, subsection 6,  
12 paragraph "c":

13 ..... \$ 500,000

14 i. For costs associated with the restoration and  
15 renovation, including major repairs and major  
16 maintenance, at the governor's mansion at Terrace  
17 Hill:

18 ..... \$ 769,543

19 j. For the state's share of support in conjunction  
20 with the city of Des Moines and local area businesses  
21 to provide a free shuttle service to the citizens of  
22 Iowa that includes transportation between the capitol  
23 complex and the downtown Des Moines area,  
24 notwithstanding section 8.57, subsection 6, paragraph  
25 "c":

26 ..... \$ 188,000

27 Details for the shuttle service, including the  
28 route to be served, shall be determined pursuant to an  
29 agreement to be entered into by the department with  
30 the Des Moines area regional transit authority (DART)  
31 and any other participating entities.

32 Of the amount appropriated in this lettered  
33 paragraph, up to \$50,000 shall be used to encourage  
34 state employees to utilize transit services provided  
35 by the Des Moines area regional transit authority.

36 2. DEPARTMENT OF CORRECTIONS

37 For project management costs at Fort Madison and

38 Mitchellville prison, associated with construction  
 39 projects at the department, notwithstanding section  
 40 8.57, subsection 6, paragraph "c":  
 41 ..... \$ 1,750,000

42 3. DEPARTMENT OF CULTURAL AFFAIRS

43 a. For deposit into the Iowa great places program  
 44 fund created in section 303.3D for Iowa great places  
 45 program projects that meet the definition of the term  
 46 "vertical infrastructure" in section 8.57, subsection  
 47 6, paragraph "c":  
 48 ..... \$ 1,900,000

49 b. For costs relating to a traveling exhibit and  
 50 museum exhibit of the sesquicentennial of the American

Page 3

1 civil war including but not limited to restoration and  
 2 duplication of muster records, publishing and  
 3 publication costs, relocation of battle flag  
 4 laboratory to a public viewing area including  
 5 educational and program costs, notwithstanding section  
 6 8.57, subsection 6, paragraph "c":  
 7 ..... \$ 350,00

8 c. For grants for a cultural community grant  
 9 program:  
 10 ..... \$ 200,000

11 The department shall establish a cultural community  
 12 grant program to provide grants for a cultural and  
 13 educational center to showcase an immigrant community  
 14 from Laos and Vietnam and their cultures. The  
 15 department shall distribute the grants on a  
 16 competitive basis to communities with an approved plan  
 17 for the establishment of the cultural center.  
 18 Applications must be submitted to the department no  
 19 later than July 15, 2009.

20 d. For historical site preservation grants to be  
 21 used for the restoration, preservation, and  
 22 development of historic sites:  
 23 ..... \$ 1,000,000

24 In making grants pursuant to this lettered  
 25 paragraph, the department shall consider the existence  
 26 and amount of other funds available to an applicant  
 27 for the designated project. A grant awarded from  
 28 moneys appropriated in this lettered paragraph shall  
 29 not exceed \$100,000 per project. Not more than two  
 30 grants may be awarded in the same county.

31 4. DEPARTMENT OF ECONOMIC DEVELOPMENT

32 a. For equal distribution to regional sports  
 33 authority districts certified by the department  
 34 pursuant to section 15E.3211, notwithstanding section  
 35 8.57, subsection 6, paragraph "c":  
 36 ..... \$ 500,000

37 b. For deposit into the workforce training and  
 38 economic development funds for each community college  
 39 in section 260C.18A, notwithstanding section 8.57,  
 40 subsection 6, paragraph "c":  
 41 ..... \$ 2,000,000

42 Moneys from this lettered paragraph may be used to  
 43 provide job training services to underserved  
 44 populations in Iowa. "Underserved populations"  
 45 include people making less than twenty thousand  
 46 dollars annual net income, minorities, women, disabled  
 47 persons, the elderly, and people convicted of felonies  
 48 trying to reenter society after release from prison.

49 c. For a city with a population between seven  
 50 hundred fifty and eight hundred fifty within a county

Page 4

1 with a population of between six thousand seven  
 2 hundred and six thousand eight hundred as determined  
 3 by the 2000 certified federal census for demolition  
 4 costs for a building asbestos abatement:  
 5 ..... \$ 50,00

6 d. For costs associated with the hosting of a  
 7 national junior summer olympics by a nonprofit sports  
 8 organization, notwithstanding section 8.57, subsection  
 9 6, paragraph "c":  
 10 ..... \$ 200,000

11 e. For the renovation of a building for the  
 12 relocation of a juvenile courthouse in a county with a  
 13 population between thirty-nine thousand and forty-one  
 14 thousand as determined by the 2000 certified federal  
 15 census:  
 16 ..... \$ 100,000

17 f. For fire station improvements in a city with a  
 18 population between twenty-one thousand and  
 19 twenty-three thousand as determined by the 2000  
 20 certified federal census:  
 21 ..... \$ 200,000

22 g. For a community center that hosts congregate  
 23 meals in a city with a population between seven  
 24 hundred forty-six and seven hundred fifty-six as  
 25 determined by the 2000 certified federal census for  
 26 compliance with the federal Americans With  
 27 Disabilities Act:  
 28 ..... \$ 10,000

29 5. DEPARTMENT OF EDUCATION

30 To provide resources for structural and  
 31 technological improvements to local libraries and for  
 32 the enrich Iowa program, notwithstanding section 8.57,  
 33 subsection 6, paragraph "c":  
 34 ..... \$ 1,000,000

35 Of the moneys appropriated in this subsection,



36 \$50,000 shall be allocated equally to each library  
37 service area.

38 6. DEPARTMENT OF HUMAN SERVICES

39 For a mental health systems community development  
40 building safety improvements including electrical  
41 wiring and emergency systems in a city with a  
42 population between five thousand fifty and six  
43 thousand fifty as determined by the 2000 certified  
44 federal census:

45 ..... \$ 200,000

46 7. DEPARTMENT OF NATURAL RESOURCES

47 a. For implementation of lake projects that have  
48 established watershed improvement initiatives and  
49 community support in accordance with the department's  
50 annual lake restoration plan and report,

Page 5

1 notwithstanding section 8.57, subsection 6, paragraph  
2 "c":

3 ..... \$ 12,800,00

4 It is the intent of the general assembly that the  
5 department of natural resources shall implement the  
6 lake restoration annual report and plan submitted to  
7 the joint appropriations subcommittee on  
8 transportation, infrastructure, and capitals and the  
9 legislative services agency pursuant to section  
10 456A.33B. The lake restoration projects that are  
11 recommended by the department to receive funding for  
12 fiscal year 2007-2008 and that satisfy the criteria in  
13 section 456A.33B, including local commitment of  
14 funding for the projects, shall be funded in the  
15 amounts provided in the report.

16 b. For floodplain management and dam safety,  
17 notwithstanding section 8.57, subsection 6, paragraph  
18 "c":

19 ..... \$ 2,000,000

20 Of the amounts appropriated in this lettered  
21 paragraph, up to \$400,000 is authorized for stream  
22 gages to be used for tracking and predicting flood  
23 events and for compiling necessary data relating to  
24 flood frequency analysis.

25 Of the number of full-time equivalent positions  
26 authorized to the department for FY 2009-2010 pursuant  
27 to 2009 Iowa Acts, Senate File 467, if enacted, up to  
28 21.00 full-time equivalent positions shall be  
29 allocated for the floodplain management and dam safety  
30 program.

31 c. For deposit in the loess hills development and  
32 conservation fund created in section 161D.2 for  
33 allocation to the fund's hungry canyons account for  
34 purposes of streambed erosion and degradation to the

35 loess hills area, notwithstanding section 8.57,  
 36 subsection 6, paragraph "c":  
 37 ..... \$ 100,000  
 38 d. For the administration of a water trails and  
 39 low head dam public hazard statewide plan, including  
 40 salaries, support, maintenance, and miscellaneous  
 41 purposes, notwithstanding section 8.57, subsection 6,  
 42 paragraph "c":  
 43 ..... \$ 800,000  
 44 8. DEPARTMENT OF PUBLIC DEFENSE  
 45 a. For major maintenance projects at national  
 46 guard armories and facilities:  
 47 ..... \$ 1,500,000  
 48 b. For construction and renovation costs at the  
 49 Davenport aviation readiness center:  
 50 ..... \$ 2,000,000

Page 6

1 c. For construction and renovation costs at the  
 2 Mt. Pleasant readiness center:  
 3 ..... \$ 1,000,000  
 4 9. DEPARTMENT OF PUBLIC HEALTH  
 5 For a grant to an existing national affiliated  
 6 volunteer eye organization that has an established  
 7 program for children and adults and that is solely  
 8 dedicated to preserving sight and preventing blindness  
 9 through education, nationally certified vision  
 10 screening and training, community and patient service  
 11 programs, notwithstanding section 8.57, subsection 6,  
 12 paragraph "c":  
 13 ..... \$ 130,000  
 14 10. STATE BOARD OF REGENTS  
 15 a. For phase II of the construction and renovation  
 16 of the veterinary medical facilities at Iowa state  
 17 university of science and technology, specifically the  
 18 renovation and modernization of the area formerly  
 19 occupied by the large animal area of the teaching  
 20 hospital for expanded clinical services for a small  
 21 animal hospital:  
 22 ..... \$ 6,000,000  
 23 b. For the Iowa flood center, as established  
 24 pursuant to section 466C.2, as enacted in this Act,  
 25 including salaries, support, maintenance, and  
 26 miscellaneous purposes, notwithstanding section 8.57,  
 27 subsection 6, paragraph "c":  
 28 ..... \$ 1,300,000  
 29 11. IOWA STATE FAIR  
 30 For infrastructure improvements to the Iowa state  
 31 fairgrounds including but not limited to the  
 32 construction of an agricultural exhibition center on  
 33 the Iowa state fairgrounds:

34 ..... \$ 5,500,000  
 35 12. DEPARTMENT OF TRANSPORTATION  
 36 a. To provide funds for capital improvements and  
 37 for related studies for expanding passenger rail  
 38 services in Iowa, notwithstanding section 8.57,  
 39 subsection 6, paragraph "c":  
 40 ..... \$ 3,000,000  
 41 b. For acquiring, constructing, and improving  
 42 recreational trails within the state:  
 43 ..... \$ 3,500,000  
 44 Moneys appropriated in this lettered paragraph may  
 45 be used for purposes of building equestrian or  
 46 snowmobile trails that run parallel to a recreational  
 47 trail. It is the intent of the general assembly to  
 48 promote multiple uses for trails funding in this  
 49 lettered paragraph and to maximize the number of trail  
 50 users.

Page 7

1 Of the amounts appropriated in this lettered  
 2 paragraph, \$750,000 shall be allocated for the  
 3 development of a riverwalk in a central Iowa city with  
 4 a population between one hundred ninety-five thousand  
 5 and two hundred thousand as determined by the 2000  
 6 federal census and \$500,000 shall be allocated for the  
 7 construction and development of a trail bridge across  
 8 a river located in northeastern Iowa that would link  
 9 the east and west sides of the Pinicon ridge park.  
 10 c. For deposit into the railroad revolving loan  
 11 and grant fund created in section 327H.20A,  
 12 notwithstanding section 8.57, subsection 6, paragraph  
 13 "c":  
 14 ..... \$ 1,500,000  
 15 d. For infrastructure improvement grants at  
 16 general aviation airports within the state:  
 17 ..... \$ 750,000  
 18 13. TREASURER OF STATE  
 19 a. For county fair infrastructure improvements for  
 20 distribution in accordance with chapter 174 to  
 21 qualified fairs which belong to the association of  
 22 Iowa fairs:  
 23 ..... \$ 1,590,000  
 24 b. For deposit in the watershed improvement fund  
 25 created in section 466A.2, notwithstanding section  
 26 8.57, subsection 6, paragraph "c":  
 27 ..... \$ 5,000,000  
 28 14. DEPARTMENT OF VETERANS AFFAIRS  
 29 For transfer to the Iowa finance authority for the  
 30 continuation of the home ownership assistance program  
 31 for persons who are or were eligible members of the  
 32 armed forces of the United States, pursuant to section

33 16.54, notwithstanding section 8.57, subsection 6,  
 34 paragraph "c":  
 35 ..... \$ 1,600,000  
 36 Of the funds transferred pursuant to this  
 37 subsection, the Iowa finance authority may retain not  
 38 more than \$20,000 for administrative purposes.  
 39 Sec. 2. There is appropriated from the rebuild  
 40 Iowa infrastructure fund to the following departments  
 41 and agencies for the fiscal year beginning July 1,  
 42 2010, and ending June 30, 2011, the following amounts,  
 43 or so much thereof as is necessary, to be used for the  
 44 purposes designated:  
 45 1. DEPARTMENT OF ADMINISTRATIVE SERVICES  
 46 For projects related to major repairs and major  
 47 maintenance for state buildings and facilities under  
 48 the purview of the department:  
 49 ..... \$ 15,000,000  
 50 2. DEPARTMENT OF CORRECTIONS

Page 8

1 For expansion, including land acquisition, of the  
 2 community-based corrections facility at Des Moines:  
 3 ..... \$ 5,000,000  
 4 The appropriation in this subsection is contingent  
 5 upon relocation of the sex offender treatment program  
 6 from the community-based corrections facility at Des  
 7 Moines to the property in northeast Des Moines  
 8 identified by the fifth judicial district in the  
 9 facility and site study final report submitted  
 10 December 12, 2008.  
 11 3. DEPARTMENT OF ECONOMIC DEVELOPMENT  
 12 For costs associated with the renovation and  
 13 expansion of phase II of a zoo project located in a  
 14 city with a population of between one hundred ninety  
 15 thousand and two hundred thousand as determined by the  
 16 2000 certified federal census:  
 17 ..... \$ 500,000  
 18 4. STATE BOARD OF REGENTS  
 19 For phase II of the construction and renovation of  
 20 the veterinary medical facilities at Iowa state  
 21 university of science and technology, specifically the  
 22 renovation and modernization of the area formerly  
 23 occupied by the large animal area of the teaching  
 24 hospital for expanded clinical services in a small  
 25 animal hospital:  
 26 ..... \$ 22,000,000  
 27 5. IOWA STATE FAIR  
 28 For infrastructure improvements to the Iowa state  
 29 fairgrounds including but not limited to the  
 30 construction of an agricultural exhibition center on  
 31 the Iowa state fairgrounds:

32 ..... \$ 2,500,000  
 33 6. DEPARTMENT OF TRANSPORTATION  
 34 For deposit into the railroad revolving loan and  
 35 grant fund created in section 327H.20A,  
 36 notwithstanding section 8.57, subsection 6, paragraph  
 37 "c":  
 38 ..... \$ 2,000,000  
 39 Sec. 3. There is appropriated from the rebuild  
 40 Iowa infrastructure fund to the department of  
 41 transportation for the fiscal year beginning July 1,  
 42 2011, and ending June 30, 2012, the following amounts,  
 43 or so much thereof as is necessary, to be used for the  
 44 purposes designated:  
 45 For deposit into the railroad revolving loan and  
 46 grant fund created in section 327H.20A,  
 47 notwithstanding section 8.57, subsection 6, paragraph  
 48 "c":  
 49 ..... \$ 2,000,000  
 50 Sec. 4. REVERSION. For purposes of section 8.33,

Page 9

1 unless specifically provided otherwise, unencumbered  
 2 or unobligated moneys made from an appropriation in  
 3 this division of this Act shall not revert but shall  
 4 remain available for expenditure for the purposes  
 5 designated until the close of the fiscal year that  
 6 ends three years after the end of the fiscal year for  
 7 which the appropriation was made. However, if the  
 8 project or projects for which such appropriation was  
 9 made are completed in an earlier fiscal year,  
 10 unencumbered or unobligated moneys shall revert at the  
 11 close of that same fiscal year.

DIVISION II

REBUILD IOWA INFRASTRUCTURE FUND – GROW  
IOWA VALUES FUND

15 Notwithstanding the amount of the standing  
 16 appropriation from the rebuild Iowa infrastructure  
 17 fund as provided in section 15G.110, subsection 2,  
 18 there is appropriated from the rebuild Iowa  
 19 infrastructure fund to the department of economic  
 20 development for deposit into the grow Iowa values  
 21 fund, in lieu of the appropriation made in section  
 22 15G.110, subsection 2, for the fiscal year beginning  
 23 July 1, 2009, and ending June 30, 2010, the following  
 24 amount, notwithstanding section 8.57, subsection 6,  
 25 paragraph "c":  
 26 ..... \$ 45,000,000  
 27

DIVISION III

TECHNOLOGY REINVESTMENT FUND

29 Sec. 5. There is appropriated from the technology  
30

31 reinvestment fund created in section 8.57C to the  
 32 following departments and agencies for the fiscal year  
 33 beginning July 1, 2009, and ending June 30, 2010, the  
 34 following amounts, or so much thereof as is necessary,  
 35 to be used for the purposes designated:

36 1. DEPARTMENT OF ADMINISTRATIVE SERVICES  
 37 For technology improvement projects:  
 38 ..... \$ 2,037,184

39 2. DEPARTMENT OF CORRECTIONS  
 40 For costs associated with the Iowa corrections  
 41 offender network data system:  
 42 ..... \$ 500,000

43 3. DEPARTMENT OF EDUCATION  
 44 a. For maintenance and lease costs associated with  
 45 connections for Part III of the Iowa communications  
 46 network:  
 47 ..... \$ 2,727,000

48 b. For the implementation of an educational data  
 49 warehouse that will be utilized by teachers, parents,  
 50 school district administrators, area education agency

Page 10

1 staff, department of education staff, and  
 2 policymakers:  
 3 ..... \$ 600,000

4 The department may use a portion of the moneys  
 5 appropriated in this lettered paragraph for an  
 6 etranscript data system capable of tracking students  
 7 throughout their education via interconnectivity with  
 8 multiple schools.

9 4. DEPARTMENT OF HUMAN RIGHTS  
 10 For costs associated with the justice enterprise  
 11 data warehouse:  
 12 ..... \$ 361,072

13 5. IOWA ETHICS AND CAMPAIGN DISCLOSURE BOARD  
 14 For technological improvements for the board's  
 15 electronic filing system including an online  
 16 searchable database:  
 17 ..... \$ 15,000

18 6. IOWA LAW ENFORCEMENT ACADEMY  
 19 For technology upgrades for the development of  
 20 computer online testing and training and for a  
 21 firearms training simulator:  
 22 ..... \$ 185,000

23 7. IOWA TELECOMMUNICATIONS AND TECHNOLOGY  
 24 COMMISSION  
 25 a. For replacement of equipment for the Iowa  
 26 communications network:  
 27 ..... \$ 2,211,863

28 The commission may continue to enter into contracts  
 29 pursuant to section 8D.13 for the replacement of

30 equipment and for operations and maintenance costs of  
31 the network.

32 In addition to moneys appropriated in this lettered  
33 paragraph, the commission may use a financing  
34 agreement entered into by the treasurer of state in  
35 accordance with section 12.28 for the replacement of  
36 equipment for the network. For purposes of this  
37 lettered paragraph, the treasurer of state is not  
38 subject to the maximum principal limitation contained  
39 in section 12.28, subsection 6. Repayment of any  
40 amounts financed shall be made from receipts  
41 associated with fees charged for use of the network.

42 b. For generator replacement:  
43 ..... \$ 2,755,246

44 c. For continued additions to network redundancy  
45 for continuity of operations for the capitol complex:  
46 ..... \$ 2,320,000

47 8. DEPARTMENT OF PUBLIC DEFENSE

48 For the homeland security and emergency management  
49 division for grants to support 211 nonprofit call  
50 centers providing human resources information to

Page 11

1 citizens of this state:  
2 ..... \$ 250,000

3 The division shall award moneys appropriated  
4 pursuant to this section to support the statewide  
5 improvement of a free and confidential telephone  
6 hotline available twenty-four hours a day, seven days  
7 a week, that provides information or refers callers to  
8 appropriate private or government entities that  
9 provide assistance relating to families, housing,  
10 food, health, legal advice, child and senior services,  
11 or volunteer opportunities.

12 9. DEPARTMENT OF PUBLIC SAFETY

13 For continuation of payments on the lease-purchase  
14 of the automated fingerprint identification system:  
15 ..... \$ 350,000

16 Sec. 6. REVERSION. For purposes of section 8.33,  
17 unless specifically provided otherwise, unencumbered  
18 or unobligated moneys made from an appropriation in  
19 this division of this Act shall not revert but shall  
20 remain available for expenditure for the purposes  
21 designated until the close of the fiscal year that  
22 ends three years after the end of the fiscal year for  
23 which the appropriation was made. However, if the  
24 project or projects for which such appropriation was  
25 made are completed in an earlier fiscal year,  
26 unencumbered or unobligated moneys shall revert at the  
27 close of that same fiscal year.

29 TAX-EXEMPT BOND PROCEEDS RESTRICTED  
30 CAPITAL FUNDS ACCOUNT

31 Sec. 7. There is appropriated from the tax-exempt  
32 bond proceeds restricted capital funds account of the  
33 tobacco settlement trust fund to the department of  
34 administrative services for the fiscal year beginning  
35 July 1, 2009, and ending June 30, 2010, the following  
36 amount, or so much thereof as is necessary, to be used  
37 for the purposes designated:

38 For projects related to major repairs and major  
39 maintenance for state buildings and facilities under  
40 the purview of the department:

41 ..... \$ 195,484

42 Sec. 8. TAX-EXEMPT STATUS – USE OF  
43 APPROPRIATIONS. Payment of moneys from the  
44 appropriations in this division of this Act shall be  
45 made in a manner that does not adversely affect the  
46 tax-exempt status of any outstanding bonds issued by  
47 the tobacco settlement authority.

48 DIVISION V  
49 TRANSFERS

50 Sec. 9. ENDOWMENT FOR IOWA'S HEALTH RESTRICTED

Page 12

1 CAPITALS FUND AND TAX-EXEMPT BOND PROCEEDS RESTRICTED

2 CAPITALS FUND – TRANSFERS. Notwithstanding any  
3 provision of law to the contrary, the unencumbered or  
4 unobligated balances of the endowment for Iowa's  
5 health restricted capitals fund at the close of the  
6 fiscal year beginning July 1, 2009, and the tax-exempt  
7 bond proceeds restricted capitals fund at the close of  
8 the fiscal year beginning July 1, 2009, or the close  
9 of any succeeding fiscal year, shall be transferred to  
10 the department of administrative services for projects  
11 related to major repairs and major maintenance for  
12 state buildings and facilities under the purview of  
13 the department. Upon receipt of a transfer, the  
14 department of administrative services shall report to  
15 the legislative services agency and to the department  
16 of management the amount transferred in conjunction  
17 with the department's report filed pursuant to section  
18 8.57, subsection 6, paragraph "h".

19 DIVISION VI  
20 SUBCHAPTER I

21 ALTERNATIVE PUBLIC PROJECT DELIVERY PILOT PROGRAM

22 Sec. 10. NEW SECTION. 26A.1 DEFINITIONS.

23 As used in this chapter, unless the context clearly  
24 indicates otherwise:

25 1. "Alternative project delivery" means procuring  
26 and delivering design and construction services for a  
27 public project according to the selection procedure



28 outlined in subchapter II.

29 2. "Construction documents" means the drawings,  
30 specifications, technical submissions, and other  
31 documents upon which a construction project is based.

32 3. "Construction services" means the process of  
33 planning, building, equipping, altering, repairing,  
34 improving, or demolishing any structure or  
35 appurtenance thereto, including facilities, utilities,  
36 or other improvements to real property, but excluding  
37 highways, roads, bridges, dams, or stand-alone parking  
38 lots.

39 4. "Criteria consultant" means an individual  
40 employed or retained by the governmental entity to  
41 assist in the preparation of a request for  
42 qualifications and a request for proposals. A  
43 criteria consultant shall have professional licensure  
44 or significant professional experience in a field  
45 related to the proposed public project. If the design  
46 criteria package for a public project includes the  
47 practice of architecture under chapter 544A, the  
48 practice of engineering under chapter 542B, or the  
49 practice of landscape architecture under chapter 544B,  
50 the criteria consultant shall be a design

Page 13

1 professional.

2 5. "Design professional" means an individual who  
3 is licensed to practice architecture, engineering, or  
4 landscape architecture in this state.

5 6. "Design-build services" means a method of  
6 alternative project delivery for which both design and  
7 construction services are provided under one contract.  
8 "Design-build services" may include architecture,  
9 engineering, and related design services required for  
10 a given project and the labor, materials, and other  
11 construction services for the project.

12 7. "Design-builder" means an individual,  
13 partnership, joint venture, corporation, or other  
14 legal entity that furnishes design-build services,  
15 whether by itself or through subcontracts.

16 8. "Estimated total cost" means the estimated  
17 total cost to a governmental entity to construct a  
18 public project, including the cost of labor,  
19 materials, equipment, supplies, and fees.

20 9. "Governmental entity" means the department of  
21 administrative services or an institution under the  
22 control of the state board of regents.

23 10. "Preconstruction services" means a series of  
24 services including but not limited to scheduling,  
25 review of design, estimating, cost control, value  
26 engineering, constructability evaluation, and

27 preparation and coordination of bid packages.  
 28 11. "Public project" means a project under the  
 29 control of a governmental entity with an estimated  
 30 total cost in excess of ten million dollars that is  
 31 paid for in whole or in part with funds of the  
 32 governmental entity, including a building or  
 33 improvement constructed or operated jointly with any  
 34 other public or private agency. A "public project"  
 35 may include planning, acquiring, designing, building,  
 36 equipping, altering, repairing, improving, or  
 37 demolishing any structure or appurtenance thereto,  
 38 including facilities, utilities, or other improvements  
 39 to any real property owned by or under the control of  
 40 the governmental entity, but excluding highways,  
 41 roads, bridges, dams, or stand-alone parking lots.  
 42 However, a parking lot included as part of the site  
 43 work of a public project may be included as part of a  
 44 design-build services contract. Parking ramps and  
 45 parking garages are not considered to be parking lots  
 46 and may be a "public project" constructed utilizing  
 47 alternative project delivery methods.  
 48 12. "Selection plan" means a written procedure  
 49 adopted by a governmental entity that establishes the  
 50 evaluation criteria for submissions in response to the

Page 14

1 request for qualifications and the request for  
 2 proposals and specifies criteria and scoring  
 3 methodology relating to the selection of a  
 4 design-builder for a public project.  
 5 13. "Total contract cost" means the guaranteed  
 6 maximum cost or the lump sum total cost of the public  
 7 project as defined in the public project contract  
 8 between the governmental entity and the  
 9 design-builder.  
 10 Sec. 11. NEW SECTION. 26A.2 ALTERNATIVE PROJECT  
 11 DELIVERY COMMISSION.  
 12 1. An alternative project delivery commission is  
 13 established consisting of seven members.  
 14 2. Members of the commission shall consist of all  
 15 of the following:  
 16 a. One member appointed by the state board of  
 17 regents.  
 18 b. One member appointed by the director of the  
 19 department of administrative services.  
 20 c. One member appointed by the Iowa chapter of the  
 21 American institute of architects.  
 22 d. One member appointed by the American council of  
 23 engineering companies of Iowa.  
 24 e. One member appointed by the Iowa chapter of the  
 25 design-build institute of America.

26 f. One member appointed by the master builders of  
27 Iowa.

28 g. One member appointed by the mechanical  
29 contractors association of Iowa.

30 3. Each member of the commission shall serve until  
31 January 15, 2012, or until the member resigns. A  
32 vacancy on the commission shall be filled in the same  
33 manner as the original appointment. The appointment  
34 of members is subject to the requirements of sections  
35 69.16 and 69.16A.

36 4. The member appointed by the state board of  
37 regents shall serve as the chairperson of the  
38 commission.

39 5. Meetings of the commission may be called by the  
40 chairperson or by a majority of the members.

41 6. A majority of the members of the commission  
42 constitutes a quorum. Any action taken by the  
43 commission must be adopted by the affirmative vote of  
44 a majority of its membership.

45 7. A member shall not vote on a matter before the  
46 commission if the individual has a pecuniary,  
47 equitable, or other interest in the matter or  
48 conditions exist that would interfere with the  
49 member's ability to properly discharge the member's  
50 duties.

Page 15

1 8. The duties of the commission shall include all  
2 of the following:

3 a. Administer the alternative project delivery  
4 pilot program created under section 26A.3.

5 b. Prepare and file with the governor and the  
6 general assembly on or before January 15, 2012, a  
7 report detailing the activities of the commission and  
8 summarizing each public project selected for inclusion  
9 in the alternative project delivery pilot program,  
10 including information related to the cost to the  
11 governmental entity, the duration of the public  
12 project, whether the goals of the public project were  
13 met, the quality of the work and services performed in  
14 completing the public project, the transparency of the  
15 alternative project delivery process, the impact of  
16 the alternative project delivery process on the  
17 persons contracted with to perform the work and  
18 services for a public project, and any other  
19 information the commission deems relevant.

20 c. Adopt policies and procedures to carry out any  
21 duty specified in this chapter.

22 Sec. 12. **NEW SECTION. 26A.3 ALTERNATIVE PROJECT**  
23 **DELIVERY PILOT PROGRAM.**

24 1. The alternative project delivery commission

25 shall administer an alternative project delivery pilot  
26 program consistent with the requirements of this  
27 chapter. The purpose of the pilot program is to  
28 determine whether alternative project delivery methods  
29 are financially beneficial and efficient for  
30 governmental entities in undertaking public projects.

31 2. The pilot program shall consist of public  
32 projects selected by the commission and undertaken by  
33 governmental entities using the alternative project  
34 delivery method authorized under subchapter II. The  
35 selection of public projects for inclusion in the  
36 pilot program shall be completed no later than  
37 November 1, 2010.

38 3. A governmental entity that is interested in  
39 undertaking a public project using alternative project  
40 delivery methods shall submit an application to the  
41 commission detailing the nature of the project. Each  
42 application shall be on a form prescribed by the  
43 commission and may include additional materials  
44 requested by the commission.

45 4. The commission shall review each application  
46 and shall select those public projects for inclusion  
47 in the pilot program which are best suited to  
48 accomplish the purposes of the pilot program. In  
49 selecting public projects for inclusion in the pilot  
50 program the commission shall consider all of the

Page 16

1 following:

2 a. The likelihood that the public project will  
3 provide a cost savings to the governmental entity as  
4 compared to the use of competitive bid procedures  
5 under other provisions of law.

6 b. Whether the use of design-build services,  
7 including the simultaneous completion of design and  
8 construction phases of the public project, meets the  
9 needs of the governmental entity.

10 c. Whether the public project requires the use of  
11 an accelerated design and construction schedule as a  
12 result of an emergency situation.

13 d. Whether the public project presents  
14 complexities that would best be addressed through the  
15 use of an integrated team under the direction of a  
16 design-builder.

17 e. Whether the use of an alternative project  
18 delivery method would diminish competition for the  
19 public project.

20 5. The commission shall monitor the selection  
21 process for each public project selected for inclusion  
22 in the pilot program and may require the governmental  
23 entity to provide periodic updates on the public

24 project following selection of a design-builder for  
25 the public project.

26 6. Notwithstanding any other provision of law to  
27 the contrary, a governmental entity may utilize the  
28 alternative project delivery procedures under this  
29 chapter to procure design-build services related to  
30 the completion of a public project.

31 Sec. 13. NEW SECTION. 26A.4 PUBLIC NOTICE.

32 A governmental entity utilizing the alternative  
33 project delivery method under subchapter II shall  
34 publish public notices as follows:

35 1. The notice shall be published at least once,  
36 not less than fifteen and not more than forty-five  
37 days before the date for filing submissions, if  
38 applicable, in a newspaper published at least once  
39 weekly and having general circulation in the  
40 geographic area served by the governmental entity and  
41 in a relevant trade publication.

42 2. The notice may also be published in a relevant  
43 contractor organization publication and a relevant  
44 contractor plan room service with statewide  
45 circulation, provided that a notice is posted on an  
46 internet site sponsored by either the governmental  
47 entity or a statewide association that represents the  
48 governmental entity.

49 Sec. 14. NEW SECTION. 26A.5 PUBLIC RECORDS.

50 Each proposal received by a governmental entity

Page 17

1 under this chapter, together with the name of the  
2 proposer, after award or letting of the contract, is  
3 subject to public inspection upon request. The  
4 governmental entity shall, within five days after  
5 award or letting of the contract, publish notice of  
6 the name of the successful proposer including the  
7 proposer's scores received pursuant to the selection  
8 process under subchapter II. In addition, such notice  
9 shall include the names of all proposers whose  
10 proposals were not selected, together with each  
11 proposer's scores.

12 Sec. 15. NEW SECTION. 26A.6 PROHIBITION ON  
13 PROVIDING FINANCING.

14 The design-builder executing the construction or  
15 design of a public project utilizing an alternative  
16 project delivery method under subchapter II shall not  
17 provide any financing, funding, or facility operations  
18 for the public project.

19 SUBCHAPTER II  
20 DESIGN-BUILD PROJECT DELIVERY  
21 BEST VALUE SELECTION

22 Sec. 16. NEW SECTION. 26A.11 APPLICATION TO THE

## 23 COMMISSION.

24 1. When in the judgment of the governing body of a  
 25 governmental entity it is desirable to use  
 26 design-build services pursuant to a best value  
 27 selection process for the completion of a public  
 28 project, the governmental entity shall prepare a  
 29 selection plan and submit an application to the  
 30 alternative project delivery commission pursuant to  
 31 section 26A.3, subsection 3. If the public project is  
 32 selected by the alternative project delivery  
 33 commission for inclusion in the pilot program, the  
 34 governmental entity shall select a design-builder in  
 35 accordance with the procedures of this subchapter.  
 36 2. A criteria consultant shall be employed or  
 37 retained to assist the governmental entity in  
 38 preparing a request for qualifications and a request  
 39 for proposals. The criteria consultant may be an  
 40 employee of the governmental entity or an individual  
 41 retained specifically to assist the governmental  
 42 entity with the public project. The request for  
 43 qualifications and the request for proposals shall  
 44 specify the selection criteria and scoring methodology  
 45 included in the selection plan. The criteria  
 46 consultant shall also assist the governmental entity  
 47 in selecting a design-builder. A criteria consultant  
 48 employed or retained by the governmental entity shall  
 49 not submit a statement of qualifications or a proposal  
 50 for the public project.

Page 18

1 Sec. 17. NEW SECTION. 26A.12 BEST VALUE  
 2 SELECTION PROCESS – GENERAL PROCEDURE.

3 The governmental entity shall select a  
 4 design-builder for a public project pursuant to a  
 5 two-phase selection process.

6 1. Phase I of the selection process includes  
 7 publication of a request for qualifications by the  
 8 governmental entity, review of the statements of  
 9 qualifications, and the selection of a minimum of two  
 10 but not more than five design-builders to advance to  
 11 phase II.

12 2. Phase II includes a request for proposals, the  
 13 receipt of proposals from those design-builders  
 14 selected during phase I, including a separate cost and  
 15 schedule proposal, an interview with each  
 16 design-builder that submits a proposal, evaluation of  
 17 each proposal, and selection of a design-builder for  
 18 the public project.

19 Sec. 18. NEW SECTION. 26A.13 PHASE I – REQUEST  
 20 FOR QUALIFICATIONS, STATEMENT, EVALUATION, AND  
 21 SELECTION.

22 1. During phase I, the governmental entity shall  
23 publish notice of a request for qualifications  
24 pursuant to the requirements of section 26A.4. The  
25 governmental entity shall specify in the request for  
26 qualifications a time, place, and other specific  
27 instructions for the submission of the statements of  
28 qualifications, the amount of the stipend required to  
29 be paid by the governmental entity under section  
30 26A.14, subsection 9, and may include any terms of  
31 contract. A statement of qualifications not submitted  
32 according to the instructions shall be rejected and  
33 returned to the design-builder.

34 2. Each design-builder shall submit a statement of  
35 qualifications that includes but is not limited to the  
36 following information:

37 a. Similar project experience, including  
38 experience in the design-build method of alternative  
39 project delivery.

40 b. Qualifications of proposed project personnel.

41 c. References from similar projects.

42 d. The design-builder's experience modification  
43 rating and a description of the design-builder's  
44 safety plan.

45 e. Bonding capacity and insurance.

46 Design-builders submitting a statement of  
47 qualifications shall be capable of providing a bond  
48 according to the requirements of chapter 573, shall  
49 include evidence of such bonding capacity, and shall  
50 include evidence of all required insurance with their

Page 19

1 statement of qualifications. If a design-builder  
2 fails to include evidence of bonding capacity or  
3 required insurance, the design-builder shall be deemed  
4 unqualified for selection under phase I.

5 f. Other information requested by the governmental  
6 entity in accordance with the selection plan.

7 3. The governmental entity shall evaluate and  
8 score each statement of qualifications received  
9 according to the predetermined selection criteria and  
10 scoring methodology that were specified in the request  
11 for qualifications. The cost or fees associated with  
12 a public project shall not be considered by the  
13 governmental entity when evaluating a statement of  
14 qualifications.

15 4. The governmental entity shall select a minimum  
16 of two and a maximum of five design-builders who have  
17 the highest scores to proceed to phase II. Scores  
18 assigned during phase I shall not carry forward to  
19 phase II. The governmental entity shall have  
20 discretion to disqualify any design-builder that lacks

21 the minimum qualifications required to perform the  
22 design-build services for the public project. If two  
23 qualified design-builders cannot be identified, the  
24 selection process shall cease. If all design-builders  
25 are rejected, the governmental entity may solicit new  
26 proposals using different design and budget criteria.

27 Sec. 19. NEW SECTION, 26A.14 PHASE II – REQUEST  
28 FOR PROPOSALS, PROPOSAL REVIEW, SELECTION, AND  
29 NEGOTIATION.

30 1. During phase II, each design-builder selected  
31 during phase I shall be given a request for proposals.  
32 The request for proposals shall include but is not  
33 limited to the following information:

34 a. The procedures to be followed in submitting  
35 proposals and information relating to design-builder  
36 interviews under subsection 5.

37 b. The selection criteria and scoring methodology  
38 for the proposals.

39 c. Information related to the requirements,  
40 specifications, budget, and schedule for the public  
41 project, including the specifications of the design  
42 criteria package and the requirements and  
43 specifications for design services, preconstruction  
44 services, and construction services. The request for  
45 proposals shall also specify any requirements for a  
46 design professional who is employed by the  
47 design-builder to assist in designing the public  
48 project, including but not limited to requirements  
49 relating to communication between the design  
50 professional, the design-builder, and the governmental

Page 20

1 entity, the amount of authority the design  
2 professional has over the design of the public  
3 project, and the responsibility of the design  
4 professional to act in the best interest of the  
5 governmental entity.

6 d. The proposed terms and conditions for the  
7 public project contract.

8 e. The requirements for the submission of a  
9 separate cost and schedule proposal.

10 f. Other information requested by the governmental  
11 entity in accordance with the selection plan.

12 2. Each design-builder selected during phase I may  
13 submit a proposal to the governmental entity. Each  
14 proposal submitted under this section shall not  
15 contain references to costs associated with work  
16 contained in the proposal. The governmental entity  
17 shall evaluate and score each proposal according to  
18 the selection criteria and scoring methodology  
19 specified in the request for proposals.



20 3. Each design-builder selected during phase I  
21 shall also provide the governmental entity with a  
22 separate cost and schedule proposal. A proposal  
23 submitted under subsection 2 and the cost and schedule  
24 proposal may be submitted sequentially or  
25 concurrently, according to the requirements of the  
26 request for proposals. Failure to submit a cost and  
27 schedule proposal according to the delivery  
28 requirements of the request for proposals shall be  
29 grounds to reject the proposal.

30 4. The cost and schedule proposal shall include  
31 all of the following:

- 32 a. A total contract cost for the public project.
- 33 b. A bid security pursuant to chapter 573.
- 34 c. A proposed contract time, in calendar days, for  
35 completing the public project.
- 36 d. Any other information required by the request  
37 for proposals.

38 5. After the deadline for submission of proposals  
39 has passed, the governmental entity shall interview  
40 each design-builder that has submitted a proposal  
41 individually, allowing each design-builder to present  
42 the design-builder's proposed team members,  
43 qualifications, and proposal, and to answer questions  
44 from the governmental entity.

45 6. The cost and schedule proposals submitted under  
46 subsection 3 shall be opened only after all proposals  
47 submitted under subsection 2 have been evaluated and  
48 scored and after completion of all design-builder  
49 interviews under subsection 5. At the time that the  
50 cost and schedule proposals are opened, the

Page 21

1 governmental entity shall make public its scoring of  
2 the proposals submitted under subsection 2. Cost and  
3 schedule proposals shall be evaluated and scored  
4 according to selection criteria and scoring  
5 methodology specified in the request for proposals.

6 7. The governmental entity shall select the  
7 design-builder receiving the highest score based on  
8 the selection criteria and scoring methodology  
9 specified in the request for proposals. The  
10 governmental entity shall proceed to negotiate with  
11 and attempt to enter into a contract with the selected  
12 design-builder to serve as the design-builder for the  
13 public project. If the governmental entity is unable  
14 to negotiate a satisfactory contract with the selected  
15 design-builder, negotiations with that design-builder  
16 shall be terminated, and the governmental entity shall  
17 undertake negotiations with the design-builder  
18 receiving the second highest score. If negotiations

19 cannot be successfully completed with the  
20 design-builder receiving the second highest score, the  
21 contract shall not be awarded.

22 8. If the governmental entity determines that it  
23 is not in its best interest to proceed with the public  
24 project pursuant to the proposals offered, the  
25 governmental entity shall reject all proposals. If  
26 all proposals are rejected, the governmental entity  
27 may solicit new statements of qualifications and  
28 proposals using different design or budget criteria.

29 9. As an inducement to qualified design-builders,  
30 the governmental entity shall pay a fair and  
31 reasonable stipend, the amount of which shall be  
32 established in the request for proposals, to each  
33 design-builder who participates in phase II, but is  
34 not selected as the design-builder for the public  
35 project.

### 36 SUBCHAPTER III

#### 37 REPEAL

38 Sec. 20. NEW SECTION. 26A.21 REPEAL.

39 This chapter is repealed June 30, 2012.

#### 40 DIVISION VII

#### 41 IOWA FLOOD CENTER

42 Sec. 21. Section 466B.3, subsection 6, paragraph  
43 b, subparagraph (7), Code 2009, is amended by striking  
44 the subparagraph.

45 Sec. 22. Section 466B.9, Code 2009, is amended to  
46 read as follows:

47 466B.9 RULEMAKING AUTHORITY.

48 The department and the department of agriculture  
49 and land stewardship shall have the power and  
50 authority reasonably necessary to carry out the duties

Page 22

1 imposed by this chapter. ~~As to the department, this~~  
2 ~~includes rulemaking authority to carry out the~~  
3 ~~regional watershed assessment program described in~~  
4 ~~section 466B.5. As to the department of agriculture~~  
5 ~~and land stewardship, this includes rulemaking~~  
6 ~~authority to assist in the implementation of~~  
7 ~~community based subwatershed improvement plans.~~

8 Sec. 23. NEW SECTION. 466C.1 DEFINITIONS.

9 For purposes of this chapter, unless the context  
10 otherwise requires:

11 1. "Center" means the Iowa flood center  
12 established pursuant to section 466C.2.

13 2. "Council" means the water resources  
14 coordinating council established in section 466B.3.

15 3. "Regional watershed" means the watershed of  
16 hydrologic unit code scale 8.

17 4. "Subwatershed" means a watershed of hydrologic

18 unit code scale 12 or smaller.

19 5. "Watershed" means a geographic area in which  
20 surface water is drained by rivers, streams, or other  
21 bodies of water.

22 Sec. 24. NEW SECTION. 466C.2 IOWA FLOOD CENTER.

23 1. The state board of regents shall establish and  
24 maintain in Iowa City as a part of the state  
25 university of Iowa an Iowa flood center. In  
26 conducting the activities of this chapter, the center  
27 shall work cooperatively with the department of  
28 natural resources, the department of agriculture and  
29 land stewardship, the water resources coordinating  
30 council, and other state and federal agencies.

31 2. The Iowa flood center shall have all of the  
32 following purposes:

33 a. To develop hydrologic models for  
34 physically-based flood frequency estimation and  
35 real-time forecasting of floods, including hydraulic  
36 models of floodplain inundation mapping.

37 b. To establish community-based programs to  
38 improve flood monitoring and prediction along Iowa's  
39 major waterways and to support ongoing flood research.

40 c. To share resources and expertise of the Iowa  
41 flood center.

42 d. To assist in the development of a workforce in  
43 the state knowledgeable regarding flood research,  
44 prediction, and mitigation strategies.

45 e. To conduct the activities required by this  
46 chapter in cooperation with various state and federal  
47 agencies.

48 Sec. 25. NEW SECTION. 466C.3 REGIONAL WATERSHED  
49 ASSESSMENT, PLANNING, AND PRIORITIZATION.

50 1. The center shall create a regional watershed

Page 23

1 assessment program. The program shall assess all the  
2 regional watersheds in the state.

3 a. Under the program, a statewide assessment shall  
4 be conducted at the rate of approximately one-third of  
5 the watersheds in the state per year, and an initial  
6 statewide assessment shall be completed within three  
7 years. Thereafter, the center shall review and update  
8 the assessments on a regular basis.

9 b. Each regional watershed assessment shall  
10 provide a summary of the overall condition of the  
11 watershed. The information provided in the summary  
12 may include land use patterns, soil types, slopes,  
13 management practices, stream conditions, and both  
14 point and nonpoint source impairments.

15 c. In conducting regional watershed assessments,  
16 the center may identify and facilitate local data

17 collection to support the assessment process.

18 2. In conducting the regional watershed assessment  
19 program, the center shall provide hydrologic and  
20 geologic information sufficient for the council to  
21 prioritize watersheds statewide and for the various  
22 communities in those watersheds to plan remedial  
23 efforts in their local communities and subwatersheds.

24 3. Upon completion of the initial statewide  
25 assessment, and upon subsequent assessment updates,  
26 the center shall report the results of the assessment,  
27 and any updates, to the council and the general  
28 assembly, and shall make the report available to the  
29 public.

30 Sec. 26. NEW SECTION. 466C.4 COMMUNITY-BASED  
31 SUBWATERSHED IMPROVEMENT PLANS.

32 1. After the center's completion of the initial  
33 regional watershed assessment, and after the council's  
34 prioritization of the regional watersheds, the council  
35 shall initiate the organization of an interagency  
36 integrated water resources committee to facilitate the  
37 development and implementation of local,  
38 community-based subwatershed improvement plans.

39 2. In facilitating the development of  
40 community-based subwatershed improvement plans, the  
41 interagency integrated water resources committee  
42 shall, based on the results of the regional watershed  
43 assessment program, identify critical subwatersheds  
44 within priority regional watersheds and recruit  
45 communities, citizen groups, local governmental  
46 entities, or other stakeholders to engage in the  
47 assessment, planning, prioritization, and  
48 implementation of a local community-based subwatershed  
49 improvement plan. The interagency integrated water  
50 resources committee may assist in the formation of a

Page 24

1 group of initial local community-based subwatershed  
2 improvement plans that can be implemented as pilot  
3 projects, in order to develop an effective process  
4 that can be replicated across the state.

5 Sec. 27. NEW SECTION. 466C.5 COMMUNITY-BASED  
6 SUBWATERSHED MONITORING.

7 1. After completion of the statewide regional  
8 watershed assessment and prioritization, and  
9 throughout the implementation of local community-based  
10 subwatershed improvement plans, the center shall  
11 assist communities with the monitoring and measurement  
12 of local subwatersheds. The monitoring and  
13 measurement shall be designed for the particular needs  
14 of individual communities while considering statewide  
15 watershed issues.

16 2. Local communities in which the center conducts  
17 subwatershed monitoring shall use the information to  
18 support subwatershed planning activities, guide  
19 supplemental local data collection efforts, and  
20 identify priority areas needing additional resources.  
21 Local communities shall collect data over time and use  
22 the data to evaluate the impacts of their management  
23 efforts. Data collected, as directed by interagency  
24 integrated water resources committees, shall be  
25 integrated into a digital regional watershed framework  
26 in real-time, or near real-time, by the center for use  
27 in assessment and planning by all the communities in  
28 the watershed. The center shall integrate digital  
29 regional watershed information into a digital  
30 statewide framework for assessment and planning for  
31 state water resources planning.

32 Sec. 28. NEW SECTION. 466C.6 DEVELOPMENT OF  
33 ADVANCED NUMERICAL TOOLS FOR WATER RESOURCES  
34 MANAGEMENT.

35 1. After completion of the statewide regional  
36 watershed assessment and prioritization, the center  
37 shall develop and implement physically based  
38 hydrologic models to improve watershed and community  
39 scale flood prediction and mitigation planning.

40 a. Physically based hydrologic models shall be  
41 used to improve understanding of frequency of flood  
42 occurrence within the state and to guide risk-based  
43 flood mitigation planning.

44 b. Physically based hydrologic models shall be  
45 used in conjunction with hydrologic sensor networks to  
46 provide real-time river discharge forecasts to aid  
47 communities in implementing flood response plans.

48 2. The center shall produce flood inundation maps  
49 relating the spatial extent of flooding to predicted  
50 stream flows.

Page 25

1 a. The center shall perform hydrodynamic  
2 simulations of river flow to create detailed water  
3 surface profiles for use in developing high-resolution  
4 flood inundation maps. A library of inundation maps  
5 including but not limited to the one hundred year and  
6 five hundred year recurrence intervals shall be  
7 developed and made available along all rivers and  
8 streams within each watershed. In addition to the  
9 static library of flood inundation maps, the center  
10 shall provide real-time forecasted flood inundation  
11 maps during the threat of severe flooding for  
12 imperiled communities.

13 b. Flood inundation maps shall be stored in a  
14 geospatial database and publicly distributed through

15 web-based applications.

16 Sec. 29. NEW SECTION. 466C.7 COMMUNITY  
17 ENGAGEMENT AND TRAINING.

18 1. The center shall implement statewide programs  
19 to educate Iowans on water quality, best management  
20 practices, and flood risk and mitigation.

21 2. The center shall provide technical training  
22 through regional workshops and short courses to water  
23 resources professionals in state agencies, city and  
24 county administrators, and private companies.  
25 Training shall focus on application of hydrologic and  
26 water quality monitoring and forecasting technologies.

27 DIVISION VIII

28 CHANGES TO PRIOR APPROPRIATIONS

29 Sec. 30. 2005 Iowa Acts, chapter 178, section 9,  
30 is amended to read as follows:

31 SEC. 9. REVERSION.

32 1. Notwithstanding Except as provided in  
33 subsection 2 and notwithstanding section 8.33, moneys  
34 appropriated from the rebuild Iowa infrastructure fund  
35 in this division of this Act, except for the moneys  
36 appropriated in section 1, subsection 2, paragraph  
37 “a”, for maintenance costs of the department of  
38 corrections and subsection 5, paragraph “d”, for the  
39 vocational rehabilitation division of the department  
40 of education, shall not revert at the close of the  
41 fiscal year for which they were appropriated but shall  
42 remain available for the purposes designated until the  
43 close of the fiscal year that begins July 1, 2008, or  
44 until the project for which the appropriation was made  
45 is completed, whichever is earlier. This section does  
46 not apply to the sections in this division of this Act  
47 that were previously enacted and are amended in this  
48 division of this Act.

49 2. Notwithstanding section 8.33, moneys  
50 appropriated in section 3, subsection 1, paragraph h

Page 26

1 of this division of this Act shall not revert at the  
2 close of the fiscal year for which they were  
3 appropriated but shall remain available for the  
4 purpose designated until the close of the fiscal year  
5 that begins July 1, 2009, or until the project for  
6 which the appropriation was made is completed,  
7 whichever is earlier.

8 Sec. 31. 2007 Iowa Acts, chapter 219, section 7,  
9 subsection 1, is amended to read as follows:

10 1. For costs associated with the construction and  
11 establishment of the Iowa institute for biomedical  
12 discovery at the state university of Iowa:

13 FY 2008-2009 ..... \$ 10,000,000

14 FY 2009-2010 ..... \$ 10,000,000  
 15 ..... 0  
 16 FY 2010-2011 ..... \$ 10,000,000

17 Sec. 32. 2008 Iowa Acts, chapter 1178, section 18,  
 18 is amended by adding the following new subsection:  
 19 NEW SUBSECTION. 7. Notwithstanding section 8.33,  
 20 moneys appropriated in this section shall not revert  
 21 at the close of the fiscal year for which they are  
 22 appropriated but shall remain available for the  
 23 purposes designated until the close of the fiscal year  
 24 that begins July 1, 2009. The full-time equivalent  
 25 position authorized in this section shall continue to  
 26 be authorized until the close of the fiscal year that  
 27 begins July 1, 2009.

28 Sec. 33. 2008 Iowa Acts, chapter 1178, section 19,  
 29 is amended to read as follows:  
 30 SEC. 19. WATER TRAILS AND LOW HEAD DAM PUBLIC  
 31 HAZARD STATEWIDE PLAN – APPROPRIATION. There is  
 32 appropriated from any interest or earnings on moneys  
 33 in the federal economic stimulus and jobs holding fund  
 34 to the department of natural resources for the fiscal  
 35 year beginning July 1, 2008, and ending June 30, 2009,  
 36 the following amount, or so much thereof as is  
 37 necessary, to be used for the purposes designated:

38 For the establishment and administration of a water  
 39 trails and low head dam public hazard statewide plan,  
 40 including salaries, support, maintenance, and  
 41 miscellaneous purposes:  
 42 ..... \$ 250,000

43 Notwithstanding section 8.33, moneys appropriated  
 44 in this section shall not revert at the close of the  
 45 fiscal year for which they are appropriated but shall  
 46 remain available for the purposes designated until the  
 47 close of the fiscal year that begins July 1, 2009.

48 Sec. 34. 2008 Iowa Acts, chapter 1179, section 1,  
 49 subsection 1, paragraph e, is amended to read as  
 50 follows:

Page 27

1 e. For the state's share of support in conjunction  
 2 with the city of Des Moines and local area businesses  
 3 to provide a free shuttle service to the citizens of  
 4 Iowa visiting the capitol complex that includes  
 5 transportation between the capitol complex and the  
 6 downtown Des Moines area, notwithstanding section  
 7 8.57, subsection 6, paragraph "c":  
 8 ..... \$ 170000  
 9 ..... 183000

10 Details for the shuttle service, including the  
 11 route to be served, shall be determined pursuant to an  
 12 agreement to be entered into by the department with

13 the Des Moines area regional transit authority (DART)  
14 and any other participating entities.

15 Of the amount appropriated in this lettered  
16 paragraph, up to \$50,000 shall be used to encourage  
17 state employees to utilize transit services provided  
18 by the Des Moines area regional transit authority.

19 Sec. 35. 2008 Iowa Acts, chapter 1179, section 1,  
20 subsection 1, is amended by adding the following new  
21 paragraphs:

22 NEW PARAGRAPH. h. For projects related to major  
23 repairs and major maintenance for state buildings and  
24 facilities under the purview of the department:  
25 ..... \$ 2,000,000

26 NEW PARAGRAPH. i. For capital improvements at the  
27 civil commitment unit for a sexual offenders facility  
28 at Cherokee:  
29 ..... \$ 829,000

30 NEW PARAGRAPH. j. For costs associated with  
31 capitol interior and exterior restoration and for  
32 compliance with the federal Americans With  
33 Disabilities Act:  
34 ..... \$ 1,900,000

35 NEW PARAGRAPH. k. For renovations to the capitol  
36 complex utility tunnel system:  
37 ..... \$ 1,000,000

38 NEW PARAGRAPH. l. For heating, ventilating, and  
39 air conditioning improvements in the Hoover state  
40 office building:  
41 ..... \$ 165,000

42 NEW PARAGRAPH. m. (1) For the purchase of Mercy  
43 capitol hospital:  
44 ..... \$ 3,950,000

45 (2) It is the intent of the general assembly that  
46 the department will use other appropriations made or  
47 other funds available to the department for the  
48 acquisition of buildings to complete the purchase of  
49 this building.

50 (3) The department is authorized to enter into

Page 28

1 agreements for the use of Mercy capitol hospital, once  
2 acquired by the state, with any state agency or other  
3 governmental entity, political subdivision, as deemed  
4 appropriate by the department.

5 Sec. 36. 2008 Iowa Acts, chapter 1179, section 1,  
6 subsection 13, paragraph c, is amended to read as  
7 follows:

8 c. For the construction of a depot and platform to  
9 accommodate the future Amtrak service from Dubuque to  
10 Chicago, notwithstanding section 8.57, subsection 6,  
11 paragraph "c":



12 ..... \$ 300,000

13 Sec. 37. 2008 Iowa Acts, chapter 1179, section 1,  
14 subsection 14, paragraph a, is amended to read as  
15 follows:

16 a. For county fair infrastructure improvements for  
17 distribution in accordance with chapter 174 to  
18 qualified fairs which belong to the association of  
19 Iowa fairs:

20 ..... \$ ~~1,590,000~~  
21 1,060,000

22 ~~Of the amount appropriated in this lettered~~  
23 ~~paragraph, \$530,000 shall be deposited into the~~  
24 ~~fairgrounds infrastructure aid fund created pursuant~~  
25 ~~to section 12.101, as enacted in this Act, for~~  
26 ~~fairgrounds infrastructure aid as provided in section~~  
27 ~~12.102, as enacted in this Act.~~

28 Sec. 38. 2008 Iowa Acts, chapter 1179, section 15,  
29 subsection 4, paragraph b, is amended to read as  
30 follows:

31 b. To the public broadcasting division for the  
32 purchase and installation of generators at transmitter  
33 sites:

34 ..... \$ 1,602,437

35 Of the amount appropriated in this lettered  
36 paragraph, up to \$210,477 may be used for operational  
37 costs of the division for FY 2008-2009 and up to  
38 \$1,000,000 may be used for operational costs of the  
39 division for FY 2009-2010.

40 Sec. 39. 2008 Iowa Acts, chapter 1186, section 20,  
41 subsection 2, is amended to read as follows:  
42 2. Notwithstanding any provision of law to the  
43 contrary, the unencumbered or unobligated balances of  
44 the healthy Iowans tobacco trust ~~at the close of~~  
45 available prior to the close of the fiscal year  
46 beginning July 1, 2008, or the endowment for Iowa's  
47 health account ~~at the close~~ available prior to the  
48 close of the fiscal year beginning July 1, 2008, ~~or~~  
49 ~~the close of any succeeding fiscal year~~ shall be  
50 transferred to the general fund of the state.

Page 29

1 Sec. 40. 2009 Iowa Acts, Senate File 344, section  
2 9, subsection 3, if enacted, is amended by striking  
3 the subsection and inserting in lieu thereof the  
4 following:

5 3. Effective July 1, 2009, all funds remaining in  
6 the accelerated career education account of the  
7 physical infrastructure assistance fund created in  
8 section 15E.175 shall be transferred to the  
9 accelerated career education fund established in  
10 section 260G.6, subsection 1, as amended by this Act.

11 Sec. 41. EFFECTIVE AND RETROACTIVE APPLICABILITY  
12 DATES.

13 1. Except as provided in subsection 2, this  
14 division of this Act, being deemed of immediate  
15 importance, takes effect upon enactment.

16 2. The sections of this division of this Act,  
17 amending 2008 Iowa Acts, chapter 1179, section 1,  
18 subsection 13, paragraph “c”; section 1, subsection  
19 14, paragraph “a”; and section 15, subsection 4,  
20 paragraph “b”, apply retroactively to July 1, 2008.

21 DIVISION IX  
22 CODE CHANGES

23 Sec. 42. Section 8.57C, subsection 3, paragraph b,  
24 Code 2009, is amended to read as follows:

25 b. There is appropriated from the rebuild Iowa  
26 infrastructure fund for ~~each the~~ fiscal year ~~of the~~  
27 ~~fiscal period~~ beginning July 1, 2008, and ending June  
28 30, ~~2010~~ 2009, the sum of seventeen million five  
29 hundred thousand dollars, and for the fiscal year  
30 beginning July 1, 2009, and ending June 30, 2010, the  
31 sum of fourteen million five hundred twenty-five  
32 thousand dollars to the technology reinvestment fund,  
33 notwithstanding section 8.57, subsection 6, paragraph  
34 “c”.

35 Sec. 43. Section 12E.12, subsection 1, paragraph  
36 b, subparagraph (2), subparagraph division (b), Code  
37 2007, as amended by 2008 Iowa Acts, chapter 1186,  
38 section 16, is amended to read as follows:

39 (b) For each fiscal year beginning July 1, 2009,  
40 the moneys deposited in the endowment for Iowa's  
41 health account of the tobacco settlement trust fund  
42 are transferred to the ~~general fund of the state~~  
43 ~~rebuild Iowa infrastructure fund. The moneys~~  
44 ~~transferred shall be used for the purposes specified~~  
45 ~~in section 12E.3A.~~

46 Sec. 44. Section 15.329, subsection 7, Code 2009,  
47 is amended by striking the subsection.

48 Sec. 45. Section 15F.201, Code 2009, is amended by  
49 adding the following new subsection:

50 NEW SUBSECTION. 3. “River enhancement community

Page 30

1 attraction and tourism project” means a project that  
2 creates or enhances recreational opportunities and  
3 community attractions on and near lakes or rivers or  
4 river corridors within cities across the state under  
5 the purview of the program.

6 Sec. 46. NEW SECTION. 15F.206 RIVER ENHANCEMENT  
7 COMMUNITY ATTRACTION AND TOURISM PROJECTS –  
8 APPLICATION REVIEW.

9 1. Applications for assistance for river

10 enhancement community attraction and tourism projects  
11 shall be submitted to the department. For those  
12 applications that meet the eligibility criteria, the  
13 department shall provide a staff review analysis and  
14 evaluation to the vision Iowa program review committee  
15 referred to in section 15F.304, subsection 2, and the  
16 board.

17 2. When reviewing the applications, the vision  
18 Iowa program review committee and the department shall  
19 consider, at a minimum, all of the following:

20 a. Whether the wages, benefits, including health  
21 benefits, safety, and other attributes of the project  
22 would improve the quality of life or the quality of  
23 attraction or tourism employment in the community.

24 b. The extent to which such a project would  
25 generate additional recreational and cultural  
26 attractions or tourism opportunities.

27 c. The ability of the project to produce a  
28 long-term, tax-generating economic impact.

29 d. The location of the projects and geographic  
30 diversity of the applications.

31 e. The project is primarily a vertical  
32 infrastructure project with demonstrated substantial  
33 regional or statewide economic impact. For purposes  
34 of the program, "vertical infrastructure" means land  
35 acquisition and construction, major renovation and  
36 major repair of buildings, all appurtenant structures,  
37 utilities, site development, and recreational trails  
38 and water trails. "Vertical infrastructure" does not  
39 include routine, recurring maintenance, or operational  
40 expenses or leasing of a building, appurtenant  
41 structure, or utility without a lease-purchase  
42 agreement.

43 f. Whether the applicant has received financial  
44 assistance under the program for the same project.

45 g. The extent to which the project has taken the  
46 following planning principles into consideration:

47 (1) Efficient and effective use of land resources  
48 and existing infrastructure by encouraging development  
49 in areas with existing infrastructure or capacity to  
50 avoid costly duplication of services and costly use of

Page 31

1 land.

2 (2) Provision for a variety of transportation  
3 choices, including pedestrian traffic.

4 (3) Maintenance of a unique sense of place by  
5 respecting local cultural and natural environmental  
6 features.

7 (4) Conservation of open space and farmland and  
8 preservation of critical environmental areas.

9 (5) Promotion of the safety, livability, and  
10 revitalization of existing urban and rural  
11 communities.

12 3. Upon review of the recommendations of the  
13 review committee, the board shall approve, defer, or  
14 deny the applications.

15 4. Upon approval of an application for financial  
16 assistance under the program, the board shall notify  
17 the treasurer of state regarding the amount of moneys  
18 needed to satisfy the award of financial assistance  
19 and the terms of the award. The treasurer of state  
20 shall notify the department anytime moneys are  
21 disbursed to a recipient of financial assistance under  
22 the program.

23 Sec. 47. Section 15F.304, subsection 2, Code 2009,  
24 is amended to read as follows:

25 2. A review committee composed of eight members of  
26 the board shall review vision Iowa program  
27 applications and river enhancement community  
28 attraction and tourism project applications submitted  
29 to the board and make recommendations regarding the  
30 applications to the board. The review committee shall  
31 consist of members of the board listed in section  
32 15F.102, subsection 2, paragraphs “d” through “h”.

33 Sec. 48. Section 15F.304, Code 2009, is amended by  
34 adding the following new subsection:

35 NEW SUBSECTION. 5. The review committee shall  
36 consider, review, and make recommendations regarding  
37 applications for assistance for river enhancement  
38 community attractions and tourism projects a provided  
39 in section 15F.206.

40 Sec. 49. Section 15G.111, subsection 4, paragraph  
41 a, Code 2009, as amended by 2009 Iowa Acts, Senate  
42 File 344, section 2, if enacted, is amended to read as  
43 follows:

44 a. For administrative costs, an amount not more  
45 than ~~one and one half percent~~ six hundred thousand  
46 dollars of the moneys subject to allocation under this  
47 subsection.

48 Sec. 50. Section 135.63, subsection 2, paragraph  
49 1, unnumbered paragraph 1, Code 2009, is amended to  
50 read as follows:

Page 32

1 The replacement or modernization of any  
2 institutional health facility if the replacement or  
3 modernization does not add new health services or  
4 additional bed capacity for existing health services,  
5 notwithstanding any provision in this division to the  
6 contrary. With respect to a nursing facility,  
7 “replacement” means establishing a new facility within

8 the same county as the prior facility to be closed.  
9 With reference to a hospital, “replacement” means  
10 establishing a new hospital that demonstrates  
11 compliance with all of the following criteria through  
12 evidence submitted to the department:

13 Sec. 51. Sections 12.101 and 12.102, Code 2009,  
14 are repealed.

15 Sec. 52. EFFECTIVE DATE. The section of this  
16 division of this Act amending section 12E.12 takes  
17 effect June 30, 2009.”

18 2. Title page, by striking lines 1 through 4 and  
19 inserting the following: “An Act relating to and  
20 making, reducing, and transferring appropriations to  
21 state departments and agencies from the rebuild Iowa  
22 infrastructure fund, the technology reinvestment fund,  
23 and other funds creating and funding the Iowa flood  
24 center, establishing an alternative public project  
25 delivery pilot program, providing for related matters,  
26 and providing effective and retroactive applicability  
27 date provisions.”

Helland of Polk offered the following amendment H-1697, to  
amendment H-1675, filed by him and moved its adoption:

H-1697

1 Amend the amendment, H-1675, to House File 822, as  
2 follows:

3 1. Page 1, line 15, by striking the word  
4 “notwithstanding” and inserting the following: “if  
5 the project meets the definition of “vertical  
6 infrastructure” in”.

7 2. Page 1, line 36, by striking the word  
8 “notwithstanding” and inserting the following: “if  
9 the project meets the definition of “vertical  
10 infrastructure” in”.

11 3. Page 2, line 11, by striking the word  
12 “notwithstanding” and inserting the following: “if  
13 the project meets the definition of “vertical  
14 infrastructure” in”.

15 4. Page 2, line 24, by striking the word  
16 “notwithstanding” and inserting the following: “if  
17 the project meets the definition of “vertical  
18 infrastructure” in”.

19 5. Page 2, line 39, by striking the word  
20 “notwithstanding” and inserting the following: “if  
21 the project meets the definition of “vertical  
22 infrastructure” in”.

23 6. Page 3, line 5, by striking the word  
24 “notwithstanding” and inserting the following: “if  
25 the project meets the definition of “vertical

26 infrastructure” in”.

27 7. Page 3, line 34, by striking the word  
28 “notwithstanding” and inserting the following: “if  
29 the project meets the definition of “vertical  
30 infrastructure” in”.

31 8. Page 3, line 39, by striking the word  
32 “notwithstanding” and inserting the following: “if  
33 the project meets the definition of “vertical  
34 infrastructure” in”.

35 9. Page 4, line 8, by striking the word  
36 “notwithstanding” and inserting the following: “if  
37 the project meets the definition of “vertical  
38 infrastructure” in”.

39 10. Page 4, line 32, by striking the word  
40 “notwithstanding” and inserting the following: “if  
41 the project meets the definition of “vertical  
42 infrastructure” in”.

43 11. Page 5, line 1, by striking the word  
44 “notwithstanding” and inserting the following: “if  
45 the project meets the definition of “vertical  
46 infrastructure” in”.

47 12. Page 5, line 17, by striking the word  
48 “notwithstanding” and inserting the following: “if  
49 the project meets the definition of “vertical  
50 infrastructure” in”.

Page 2

1 13. Page 5, line 35, by striking the word  
2 “notwithstanding” and inserting the following: “if  
3 the project meets the definition of “vertical  
4 infrastructure” in”.

5 14. Page 5, line 41, by striking the word  
6 “notwithstanding” and inserting the following: “if  
7 the project meets the definition of “vertical  
8 infrastructure” in”.

9 15. Page 6, line 11, by striking the word  
10 “notwithstanding” and inserting the following: “if  
11 the project meets the definition of “vertical  
12 infrastructure” in”.

13 16. Page 6, line 26, by striking the word  
14 “notwithstanding” and inserting the following: “if  
15 the project meets the definition of “vertical  
16 infrastructure” in”.

17 17. Page 6, line 38, by striking the word  
18 “notwithstanding” and inserting the following: “if  
19 the project meets the definition of “vertical  
20 infrastructure” in”.

21 18. Page 7, line 12, by striking the word  
22 “notwithstanding” and inserting the following: “if  
23 the project meets the definition of “vertical  
24 infrastructure” in”.

25 19. Page 7, line 25, by striking the word  
 26 “notwithstanding” and inserting the following: “if  
 27 the project meets the definition of “vertical  
 28 infrastructure” in”.

29 20. Page 7, line 33, by striking the word  
 30 “notwithstanding” and inserting the following: “if  
 31 the project meets the definition of “vertical  
 32 infrastructure” in”.

33 21. Page 8, line 36, by striking the word  
 34 “notwithstanding” and inserting the following: “if  
 35 the project meets the definition of “vertical  
 36 infrastructure” in”.

37 22. Page 8, line 47, by striking the word  
 38 “notwithstanding” and inserting the following: “if  
 39 the project meets the definition of “vertical  
 40 infrastructure” in”.

41 23. Page 9, line 24, by striking the word  
 42 “notwithstanding” and inserting the following: “if  
 43 the project meets the definition of “vertical  
 44 infrastructure” in”.

Roll call was requested by Helland of Polk and Raecker of Polk.

On the question “Shall amendment H-1697 to amendment H-1675 be adopted?” (H.F. 822)

The ayes were, 38:

Alons	Anderson	Cownie	Deyoe
Dolecheck	Drake	Forristall	Grassley
Hagenow	Heaton	Helland	Horbach
Huseman	Kaufmann	Koester	Lukan
May	Miller, L.	Olson, S.	Paulsen
Pettengill	Raecker	Rants	Roberts
Sands	Schulte	Schultz	Soderberg
Sorenson	Struyk	Sweeney	Tjepkes
Tymeson	Upmeyer	Wagner	Watts
Windschitl	Worthan		

The nays were, 55:

Abdul-Samad	Bailey	Beard	Bell
Berry	Bukta	Burt	Cohoon
Ficken	Ford	Frevert	Gaskill
Gayman	Heddens	Hunter	Huser
Isenhardt	Jacoby	Kearns	Kelley
Kressig	Kuhn	Lensing	Lykam
Marek	Mascher	McCarthy	Mertz
Miller, H.	Murphy, Spkr.	Oldson	Olson, D.
Olson, R.	Olson, T.	Palmer	Petersen

Reasoner	Reichert	Schueller	Shomshor
Smith	Steckman	Taylor, D.	Taylor, T.
Thede	Thomas	Wendt	Wenthe
Wessel-Kroeschell	Whitaker	Whitead	Willems
Winckler	Zirkelbach	Swaim, Presiding	

Absent or not voting, 7:

Arnold	Baudler	Chambers	De Boef
Quirk	Rayhons	Van Engelenhoven	

Amendment H-1697 lost.

Cohoon of Des Moines offered amendment H-1719, to amendment H-1675, filed by him from the floor and requested division as follows:

H-1719

1 Amend the amendment, H-1675, to House File 822, as  
 2 follows:

H-1719A

3 1. Page 1, by striking lines 39 through 41.  
 4 2. Page 3, line 9, by inserting after the word  
 5 "program" the following: ", notwithstanding section  
 6 8.57, subsection 6, paragraph "c".  
 7 3. Page 3, line 34, by striking the figure  
 8 "15E.3211," and inserting the following: "15E.321".  
 9 4. Page 5, line 3, by striking the figure  
 10 "12,800,000" and inserting the following:  
 11 "2,800,000".  
 12 5. Page 6, by striking lines 15 through 28 and  
 13 inserting the following:  
 14 "For the establishment and administration of an  
 15 Iowa flood center at the state university of Iowa for  
 16 use by the university's college of engineering,  
 17 pursuant to section 466C.1, as enacted in this Act,  
 18 notwithstanding section 8.57, subsection 6, paragraph  
 19 "c":  
 20 ..... \$ 1,300,000"  
 21 6. Page 7, by inserting after line 17 the  
 22 following:  
 23 "e. For deposit into the public transit  
 24 infrastructure grant fund created in section 324A.6A:  
 25 ..... \$ 1,250,000  
 26 f. For a discretionary grant program to assist  
 27 local governments to rebuild and repair local roads,  
 28 notwithstanding section 8.57, subsection 6, paragraph  
 29 "c":



30 ..... \$ 14,750,000

31 The department shall allocate the amount  
32 appropriated in this lettered paragraph as follows:  
33 50 percent shall be allocated to the street  
34 construction fund of the cities and 50 percent shall  
35 be allocated to the secondary road fund of the  
36 counties, to be used for construction, reconstruction,  
37 repair, and maintenance of city roads or secondary  
38 roads. The moneys allocated to such funds shall be  
39 expended within two years. Any allocated moneys not  
40 expended within two years shall be reallocated by the  
41 state transportation commission to other projects.  
42 The department shall, in cooperation with the cities  
43 and counties, provide a report to the legislative  
44 services agency regarding the projects funded by this  
45 appropriation by January 15 each year until the  
46 projects are completed."

47 7. Page 7, line 49, by striking the figure  
48 "15,000,000" and inserting the following:  
49 "10,000,000".

50 8. Page 7, by inserting before line 50 the

Page 2

1 following:

2 "Of the amount appropriated in this subsection, up  
3 to \$1,000,000 may be used for demolition purposes."

4 9. Page 8, line 26, by striking the figure  
5 "22,000,000" and inserting the following:  
6 "13,000,000".

7 10. Page 8, line 34, by striking the word "For"  
8 and inserting the following: "a. For".

9 11. Page 8, by inserting after line 38 the  
10 following:

11 "b. For a discretionary grant program to assist  
12 local governments to rebuild and repair local roads,  
13 notwithstanding section 8.57, subsection 6, paragraph  
14 "c":

15 ..... \$ 24,700,000

16 The department shall allocate the amount  
17 appropriated in this lettered paragraph as follows:  
18 50 percent shall be allocated to the street  
19 construction fund of the cities and 50 percent shall  
20 be allocated to the secondary road fund of the  
21 counties, to be used for construction, reconstruction,  
22 repair, and maintenance of city roads or secondary  
23 roads. The moneys allocated to such funds shall be  
24 expended within two years. Any allocated moneys not  
25 expended within two years shall be reallocated by the  
26 state transportation commission to other projects.  
27 The department shall, in cooperation with the cities  
28 and counties, provide a report to the legislative

29 services agency regarding the projects funded by this  
 30 appropriation by January 15 each year until the  
 31 projects are completed.”

32 12. By striking page 10, line 48, through page  
 33 11, line 1, and inserting the following:

34 “For the homeland security and emergency management  
 35 division for providing a grant to the statewide 211  
 36 nonprofit call centers to enhance its human resources  
 37 assistance directory project:”

38 13. Page 11, by striking line 5 and inserting the  
 39 following: “improvement of the free and confidential  
 40 211”.

#### H-1719B

41 14. Page 14, line 13, by striking the word  
 42 “seven” and inserting the following: “eleven”.

43 15. Page 14, by inserting after line 29 the  
 44 following:

45 “h. One member appointed by the Iowa state  
 46 building and construction trades council.

47 i. One public member, appointed by the governor,  
 48 with expertise in construction.

49 j. One member appointed by the Iowa chapter of the  
 50 American society of landscape architects.

#### Page 3

1 k. One member appointed by the Iowa competitive  
 2 bidding alliance.”

#### H-1719A

3 16. By striking page 21, line 42, through page  
 4 25, line 26, and inserting the following:

5 “Sec.\_\_\_\_. NEW SECTION. 466C.1 IOWA FLOOD  
 6 CENTER.

7 1. The state board of regents shall establish and  
 8 maintain in Iowa City as a part of the state  
 9 university of Iowa an Iowa flood center. In  
 10 conducting the activities of this chapter, the center  
 11 shall work cooperatively with the department of  
 12 natural resources, the department of agriculture and  
 13 land stewardship, the water resources coordinating  
 14 council, and other state and federal agencies.

15 2. The Iowa flood center shall have all of the  
 16 following purposes:

17 a. To develop hydrologic models for physically  
 18 based flood frequency estimation and real-time  
 19 forecasting of floods, including hydraulic models of  
 20 flood plain inundation mapping.

21 b. To establish community-based programs to

22 improve flood monitoring and prediction along Iowa's  
 23 major waterways and to support ongoing flood research.  
 24 c. To share resources and expertise of the Iowa  
 25 flood center.  
 26 d. To assist in the development of a workforce in  
 27 the state knowledgeable regarding flood research,  
 28 prediction, and mitigation strategies.”

29 17. Page 25, line 50, by striking the word “h”  
 30 and inserting the following: ““h””.

31 18. Page 28, line 3, by striking the word  
 32 “entity,” and inserting the following: “entity or”.

33 19. Page 28, by inserting after line 27 the  
 34 following:

35 “Sec.     . 2008 Iowa Acts, chapter 1179, section  
 36 6, is amended to read as follows:

37 SEC. 6. DEPARTMENT OF CORRECTIONS. There is  
 38 appropriated from the rebuild Iowa infrastructure fund  
 39 to the department of corrections for the designated  
 40 fiscal years the following amounts, or so much thereof  
 41 as is necessary, to be used for the purposes  
 42 designated:

43 For expansion of the Iowa correctional facility for  
 44 women at Mitchellville:

45 FY <del>2010-2011</del> <u>2011-2012</u> .....	\$ 11,700,000
46 FY <del>2011-2012</del> <u>2012-2013</u> .....	\$ 8,779,000

47 Notwithstanding section 8.33, moneys appropriated  
 48 in this section for the fiscal year beginning July 1,  
 49 ~~2010-2011~~, and ending June 30, ~~2011-2012~~, shall not  
 50 revert at the close of the fiscal year for which they

Page 4

1 are appropriated but shall remain available for the  
 2 purpose designated until the close of the fiscal year  
 3 that begins July 1, ~~2013~~ 2014, or until the project  
 4 for which the appropriation was made is completed,  
 5 whichever is earlier.

6 Notwithstanding section 8.33, moneys appropriated  
 7 in this section for the fiscal year beginning July 1,  
 8 ~~2011-2012~~, and ending June 30, ~~2012-2013~~, shall not  
 9 revert at the close of the fiscal year for which they  
 10 are appropriated but shall remain available for the  
 11 purpose designated until the close of the fiscal year  
 12 that begins July 1, ~~2014~~ 2015, or until the project  
 13 for which the appropriation was made is completed,  
 14 whichever is earlier.”

15 20. Page 28, line 39, by inserting after the  
 16 figures “2009-2010” the following: “, notwithstanding  
 17 section 8.57C, subsection 2”.

18 21. Page 29, line 22, by inserting after the word  
 19 “CODE” the following: “AND MISCELLANEOUS”.

20 22. Page 32, by inserting after line 12 the

21 following:

22 "Sec.\_\_\_\_. 1989 Iowa Acts, chapter 131, section  
 23 63, is amended to read as follows:  
 24 SEC. 63. Sections 455G.6 and 455G.7 are repealed  
 25 effective July 1, ~~2009~~ 2010, except as such sections  
 26 apply with respect to any outstanding bonds issued  
 27 thereunder, or refinancing of such outstanding bonds."  
 28 23. By renumbering as necessary.

Cohoon of Des Moines moved the adoption of amendment H-1719A to amendment H-1675.

Roll call was requested by Raecker of Polk and Paulsen of Linn.

On the question "Shall amendment H-1719A to amendment H-1675 be adopted?" (H.F. 822)

The ayes were, 56:

Abdul-Samad	Bailey	Beard	Bell
Berry	Bukta	Burt	Cohoon
Ficken	Ford	Frevert	Gaskill
Gayman	Heddens	Hunter	Huser
Isenhardt	Jacoby	Kearns	Kelley
Kressig	Kuhn	Lensing	Lykam
Marek	Mascher	McCarthy	Mertz
Miller, H.	Murphy, Spkr.	Oldson	Olson, D.
Olson, R.	Olson, T.	Palmer	Petersen
Quirk	Reasoner	Reichert	Schueller
Shomshor	Smith	Steckman	Taylor, D.
Taylor, T.	Thede	Thomas	Wendt
Wenthe	Wessel-Kroeschell	Whitaker	Whitead
Willems	Winckler	Zirkelbach	Swaim, Presiding

The nays were, 38:

Alons	Anderson	Cownie	Deyoe
Dolecheck	Drake	Forristall	Grassley
Hagenow	Heaton	Helland	Horbach
Huseman	Kaufmann	Koester	Lukan
May	Miller, L.	Olson, S.	Paulsen
Pettengill	Raecker	Rants	Roberts
Sands	Schulte	Schultz	Soderberg
Sorenson	Struyk	Sweeney	Tjepkes
Tymeson	Upmeyer	Wagner	Watts
Windschitl	Worthan		

Absent or not voting, 6:

Arnold  
Rayhons

Baudler  
Van Engelenhoven

Chambers

De Boef

Amendment H-1719A was adopted, placing out of order amendment H-1678 filed by Cohoon of Des Moines on April 23, 2009, amendment H-1698 filed by Wagner of Linn on April 23, 2009 and amendment H-1700 filed by Huseman of Cherokee on April 23, 2009.

Steckman of Cerro Gordo offered the following amendment H-1706, to amendment H-1675, filed by her from the floor and moved its adoption:

H-1706

1 Amend the amendment, H-1675, to House File 822, as  
2 follows:  
3 1. Page 3, by striking lines 29 and 30 and  
4 inserting the following: "not exceed \$100,000 per  
5 project. Not more than \$200,000 may be awarded in the  
6 same county in the same round of grant reviews."

Amendment H-1706 was adopted.

R. Olson of Polk asked and received unanimous consent to withdraw amendment H-1692, to amendment H-1675, filed by him on April 23, 2009.

Thomas of Clayton offered the following amendment H-1682, to amendment H-1675, filed by him and moved its adoption:

H-1682

1 Amend the amendment, H-1675, to House File 822 as  
2 follows:  
3 1. Page 9, by inserting after line 26 the  
4 following:  
5 "Sec. \_\_\_\_\_. 2009 Iowa Acts, House File 817, section  
6 2, if enacted is amended to read as follows:  
7 SEC. 2. GROW IOWA VALUES FUND APPROPRIATION -  
8 TRANSFER.  
9 1. ~~In lieu of any standing appropriation in~~  
10 ~~section 15G.111 from the grow Iowa values fund to the~~  
11 ~~department of economic development, for the fiscal~~  
12 ~~year beginning July 1, 2009, there is appropriated~~  
13 ~~from the grow Iowa values fund to the department of~~

14 ~~economic development for purposes of administering~~  
 15 ~~financial assistance programs:~~  
 16 ..... \$ 31,000,000

17 Of the amount allocated for departmental purposes  
 18 in section 15G.111, subsection 4, if enacted by 2009  
 19 Iowa Acts, Senate File 344, section 2, the department  
 20 of economic development shall allocate one million  
 21 dollars for transfer to the general fund of the state  
 22 for purposes of funding the increased amount of tax  
 23 credits authorized in this Act. The amount remaining  
 24 after allocating the one million dollars for transfer  
 25 shall be allocated for departmental purposes as  
 26 described in section 15G.111, subsection 4, if enacted  
 27 by 2009 Iowa Acts, Senate File 344, section 2.

28 2. For the fiscal year beginning July 1, 2009, and  
 29 ending June 30, 2010, ~~the~~ one million dollars  
 30 allocated for transfer pursuant to subsection 1 is  
 31 transferred ~~from the grow Iowa values fund~~ to the  
 32 general fund of the state only if a tax credit is  
 33 awarded pursuant to section 15.335, as amended by this  
 34 Act. If one or more tax credits are not awarded, the  
 35 department may reallocate the one million dollars for  
 36 departmental purposes.

37 Sec.\_\_\_\_. REDUCTION OF THE GROW IOWA VALUES FUND  
 38 APPROPRIATION TO THE DEPARTMENT OF ECONOMIC

39 DEVELOPMENT. In lieu of the fifty million dollars  
 40 appropriated for the fiscal year beginning July 1,  
 41 2009, and ending June 30, 2010, from the grow Iowa  
 42 values fund to the department of economic development  
 43 pursuant to section 15G.111, subsection 3, if enacted  
 44 by 2009 Iowa Acts, Senate File 344, section 2, there  
 45 is appropriated from the grow Iowa values fund to the  
 46 department of economic development for the fiscal year  
 47 beginning July 1, 2009, and ending June 30, 2010,  
 48 forty-five million dollars for purposes of making  
 49 expenditures pursuant to chapter 15G.

50 Sec.\_\_\_\_. GROW IOWA VALUES FUND ALLOCATIONS. In

Page 2

1 lieu of the amounts allocated pursuant to section  
 2 15G.111, subsections 4 through 10, if enacted by 2009  
 3 Iowa Acts, Senate File 344, section 2, for the fiscal  
 4 year beginning July 1, 2009, and ending June 30, 2010,  
 5 of the forty-five million dollars appropriated to the  
 6 department of economic development pursuant to this  
 7 division of this Act, the department shall allocate  
 8 the following amounts for the following purposes as  
 9 described in section 15G.111, subsections 4 through  
 10 10, if enacted by 2009 Iowa Acts, Senate File 344,  
 11 section 2:

12 1. For departmental purposes, twenty-eight million

13 eight hundred thousand dollars. Of the moneys  
14 allocated pursuant to this subsection and in lieu of  
15 the two million dollars allocated for deposit in the  
16 renewable fuel infrastructure fund under section  
17 15G.111, subsection 4, paragraph “h”, if enacted by  
18 2009 Iowa Acts, Senate File 344, section 2, the  
19 department shall allocate one million eight hundred  
20 thousand dollars for deposit in the renewable fuel  
21 infrastructure fund.

22 2. For the state board of regents institutions,  
23 four million five hundred thousand dollars.

24 3. For state parks, nine hundred thousand dollars.

25 4. For deposit in the Iowa cultural trust fund,  
26 nine hundred thousand dollars.

27 5. For community colleges, six million three  
28 hundred thousand dollars.

29 6. For regional financial assistance, nine hundred  
30 thousand dollars. Of the moneys allocated pursuant to  
31 this subsection and in lieu of the three hundred fifty  
32 thousand dollars transferred under section 15G.111,  
33 subsection 9, paragraph “a”, if enacted by 2009 Iowa  
34 Acts, Senate File 344, section 2, the department shall  
35 transfer three hundred fifteen thousand dollars to  
36 Iowa state university of science and technology, for  
37 purposes of providing financial assistance to  
38 establish small business development centers.

39 7. For commercialization services, two million  
40 seven hundred thousand dollars.

41 Sec.\_\_\_\_. CONDITIONAL GROW IOWA VALUES FUND  
42 APPROPRIATIONS. If 2009 Iowa Acts, Senate File 344 is  
43 not enacted, for the fiscal year beginning July 1,  
44 2009 and ending June 30, 2009, the following amounts  
45 are appropriated from the grow Iowa values fund in  
46 lieu of the amounts appropriated under section  
47 15G.111:

48 1. To the department of economic development for  
49 departmental purposes as described in section 15G.111,  
50 subsection 1, twenty-eight million eight hundred

Page 3

1 thousand dollars.

2 2. To the department of economic development for  
3 financial assistance to the state board of regents  
4 institutions pursuant to section 15G.111, subsection  
5 2, four million five hundred thousand dollars.

6 3. To the department of economic development for  
7 financial assistance to state parks pursuant to  
8 section 15G.111, subsection 3, nine hundred thousand  
9 dollars.

10 4. To the treasurer of state for deposit in the  
11 Iowa cultural trust fund pursuant to section 15G.111,

- 12 subsection 4, nine hundred thousand dollars.
- 13 5. To the department of economic development for  
14 deposit in the workforce training and economic  
15 development funds of the community colleges pursuant  
16 to section 15G.111, subsection 5, six million three  
17 hundred thousand dollars.
- 18 6. To the department of economic development for  
19 providing economic development region financial  
20 assistance pursuant to section 15G.111, subsection 6,  
21 nine hundred thousand dollars. Of the moneys  
22 appropriated pursuant to this subsection and in lieu  
23 of the three hundred fifty thousand dollars  
24 transferred under section 15G.111, subsection 6,  
25 paragraph "b", the department shall transfer three  
26 hundred fifteen thousand dollars to Iowa state  
27 university of science and technology, for purposes of  
28 providing financial assistance to establish small  
29 business development centers.
- 30 7. To the department of economic development for  
31 providing commercialization services pursuant to  
32 section 15G.111, subsection 7, two million seven  
33 hundred thousand dollars."
- 34 2. By renumbering as necessary.

Amendment H-1682 was adopted.

Struyk of Pottawattamie asked and received unanimous consent to withdraw amendment H-1701, to amendment H-1675, filed by him on April 23, 2009.

Cohon of Des Moines offered the following amendment H-1720, to amendment H-1675, filed by him from the floor and moved its adoption:

H-1720

- 1 Amend the amendment, H-1675, to House File 822, as  
2 follows:  
3 1. By striking page 12, line 19, through page 21,  
4 line 39.  
5 2. By renumbering as necessary.

Amendment H-1720 was adopted, placing out of order amendment H-1719B.

Hagenow of Polk offered the following amendment H-1699, to amendment H-1675, filed by him and moved its adoption:



H-1699

1 Amend the amendment, H-1675, to House File 822, as  
2 follows:

3 1. Page 28, by striking lines 8 through 12 and  
4 inserting the following:

5 ~~“e. For the construction of a depot and platform~~  
6 ~~to accommodate the future Amtrak service from Dubuque~~  
7 ~~to Chicago:~~

8 .....\$ 300000”

9 2. By renumbering as necessary.

Roll call was requested by Hagenow of Polk and Paulsen of Linn.

On the question “Shall amendment H-1699 be adopted?” (H.F. 822)

The ayes were, 37:

Alons	Anderson	Cownie	Deyoe
Dolecheck	Drake	Forristall	Grassley
Hagenow	Heaton	Helland	Horbach
Huseman	Kaufmann	Koester	May
Miller, L.	Olson, S.	Paulsen	Pettengill
Raecker	Rants	Roberts	Sands
Schulte	Schultz	Soderberg	Sorenson
Struyk	Sweeney	Tjepkes	Tymeson
Upmeyer	Wagner	Watts	Windschitl
Worthan			

The nays were, 57:

Abdul-Samad	Bailey	Beard	Bell
Berry	Bukta	Burt	Cphoon
Ficken	Ford	Frevort	Gaskill
Gayman	Heddens	Hunter	Huser
Isenhardt	Jacoby	Kearns	Kelley
Kressig	Kuhn	Lensing	Lukan
Lykam	Marek	Mascher	McCarthy
Mertz	Miller, H.	Murphy, Spkr.	Oldson
Olson, D.	Olson, R.	Olson, T.	Palmer
Petersen	Quirk	Reasoner	Reichert
Schueller	Shomshor	Smith	Steckman
Taylor, D.	Taylor, T.	Thede	Thomas
Wendt	Wenthe	Wessel-Kroeschell	Whitaker
Whitead	Willems	Winckler	Zirkelbach
Swaim,			
Presiding			

Absent or not voting, 6:

Arnold	Baudler	Chambers	De Boef
Rayhons	Van Engelenhoven		

Amendment H-1699 lost.

Cphoon of Des Moines offered the following amendment H-1689, to amendment H-1675, filed by him and Huseman of Cherokee and moved its adoption:

H-1689

1 Amend the amendment, H-1675, to House File 822, as  
 2 follows:  
 3 1. Page 29, by inserting after line 22, the  
 4 following:  
 5 "Sec. \_\_\_\_ Section 8.57, subsection 6, Code 2009,  
 6 is amended by adding the following new paragraph:  
 7 NEW PARAGRAPH. i. Annually, on or before December  
 8 31 of each year, a recipient of moneys from the  
 9 rebuild Iowa infrastructure fund for any purpose shall  
 10 report to the state agency to which the moneys are  
 11 appropriated the status of all projects completed or  
 12 in progress. The report shall include a description  
 13 of the project, the progress of work completed, the  
 14 total estimated cost of the project, a list of all  
 15 revenue sources being used to fund the project, the  
 16 amount of funds expended, the amount of funds  
 17 obligated, and the date the project was completed or  
 18 an estimated completion date of the project, where  
 19 applicable."  
 20 2. By renumbering as necessary.

Roll call was requested by Paulsen of Linn and Zirkelbach of Jones.

On the question "Shall amendment H-1689 to amendment H-1675 be adopted?" (H.F. 822)

The ayes were, 93:

Abdul-Samad	Alons	Anderson	Bailey
Beard	Bell	Berry	Bukta
Burt	Cphoon	Cownie	Deyoe
Dolecheck	Drake	Ficken	Ford

Forristall	Frevert	Gaskill	Gayman
Grassley	Hagenow	Heaton	Heddens
Helland	Horbach	Hunter	Huseman
Huser	Isenhart	Jacoby	Kaufmann
Kearns	Kelley	Koester	Kressig
Kuhn	Lensing	Lukan	Lykam
Marek	Mascher	May	McCarthy
Mertz	Miller, H.	Miller, L.	Murphy, Spkr.
Oldson	Olson, D.	Olson, S.	Olson, T.
Palmer	Paulsen	Petersen	Pettengill
Quirk	Raecker	Rants	Reasoner
Reichert	Roberts	Sands	Schueller
Schulte	Schultz	Shomshor	Smith
Soderberg	Sorenson	Steckman	Struyk
Sweeney	Taylor, D.	Taylor, T.	Thede
Thomas	Tjepkes	Tymeson	Upmeyer
Wagner	Watts	Wendt	Wenthe
Wessel-Kroeschell	Whitaker	Whitead	Willems
Winckler	Windschitl	Worthan	Zirkelbach
Swaim, Presiding			

The nays were, none.

Absent or not voting, 7:

Arnold	Baudler	Chambers	De Boef
Olson, R.	Rayhons	Van Engelenhoven	

Amendment H-1689 was adopted.

Windschitl of Harrison offered the following amendment H-1696, to amendment H-1675, filed by him and moved its adoption:

H-1696

- 1 Amend the amendment, H-1675, to House File 822, as
- 2 follows:
- 3 1. Page 31, by striking lines 40 through 47.
- 4 2. By renumbering as necessary.

Speaker Murphy in the chair at 3:10 a.m.

Roll call was requested by Windschitl of Harrison and Paulsen of Linn.

On the question "Shall amendment H-1696 to amendment 1675 be adopted?" (H.F. 822)

The ayes were, 39:

Alons	Anderson	Cownie	Deyoe
Dolecheck	Drake	Forristall	Grassley
Hagenow	Heaton	Helland	Horbach
Huseman	Kaufmann	Koester	Lukan
May	Mertz	Miller, L.	Olson, S.
Paulsen	Pettengill	Raecker	Rants
Roberts	Sands	Schulte	Schultz
Soderberg	Sorenson	Struyk	Sweeney
Tjepkes	Tymeson	Upmeyer	Wagner
Watts	Windschitl	Worthan	

The nays were, 55:

Abdul-Samad	Bailey	Beard	Bell
Berry	Bukta	Burt	Cohoon
Ficken	Ford	Frevert	Gaskill
Gayman	Heddens	Hunter	Huser
Isenhardt	Jacoby	Kearns	Kelley
Kressig	Kuhn	Lensing	Lykam
Marek	Mascher	McCarthy	Miller, H.
Oldson	Olson, D.	Olson, R.	Olson, T.
Palmer	Petersen	Quirk	Reasoner
Reichert	Schueller	Shomshor	Smith
Steckman	Swaim	Taylor, D.	Taylor, T.
Thede	Thomas	Wendt	Wenthe
Wessel-Kroeschell	Whitaker	Whitead	Willems
Winckler	Zirkelbach	Mr. Speaker	
		Murphy	

Absent or not voting, 6:

Arnold	Baudler	Chambers	De Boef
Rayhons	Van Engelenhoven		

Amendment H-1696 lost.

Quirk of Chickasaw offered amendment H-1721 to amendment H-1675 filed by him and Struyk of Pottawattamie from the floor as follows:

H-1721

- 1 Amend the amendment, H-1675, to House File 822, as
- 2 follows:
- 3 1. Page 31, by inserting after line 47 the
- 4 following:
- 5 "Sec.\_\_\_\_. Section 103.22, subsection 7, Code
- 6 2009, is amended to read as follows:

7 7. Prohibit an owner of property from performing  
 8 work on the owner's ~~principal~~ residence, if such  
 9 residence is an existing dwelling rather than new  
 10 construction and is not an apartment that is attached  
 11 to any other apartment or building, as those terms are  
 12 defined in section 499B.2, and is not larger than a  
 13 single-family dwelling, or farm property, excluding  
 14 commercial or industrial installations or  
 15 installations in public use buildings or facilities,  
 16 or require such owner to be licensed under this  
 17 chapter. ~~In order to qualify for inapplicability~~  
 18 ~~pursuant to this subsection, a residence shall qualify~~  
 19 ~~for the homestead tax exemption.~~

20 Sec.\_\_\_\_. Section 105.11, subsection 11, Code  
 21 2009, if enacted by 2009 Iowa Acts, Senate File 224,  
 22 is amended to read as follows:

23 11. Prohibit a private college, an accredited  
 24 nonpublic school, or an owner or operator of a health  
 25 care facility licensed pursuant to chapter 135C,  
 26 assisted living center licensed pursuant to chapter  
 27 231C, hospital licensed pursuant to chapter 135B,  
 28 adult day care center licensed pursuant to chapter  
 29 231D, or a retirement facility certified pursuant to  
 30 chapter 523D from performing work on the facility or  
 31 requiring such owner or operator to be licensed under  
 32 this chapter; except for projects that exceed the  
 33 dollar amount specified as the competitive bid  
 34 threshold in section 26.3.”

35 2. By renumbering as necessary.

Cohon of Des Moines rose on a point of order that amendment H-1721 was not germane, to amendment H-1675.

The Speaker ruled the point well taken and amendment H-1721 not germane, to amendment H-1675.

Struyk of Pottawattamie offered amendment H-1709, to amendment H-1675, filed by him from the floor as follows:

H-1709

1 Amend the amendment, H-1675, to House File 822, as  
 2 follows:

3 1. Page 32, by inserting after line 12 the  
 4 following:

5 “Sec.\_\_\_\_. Section 105.11, subsection 11, Code  
 6 2009, if enacted by 2009 Iowa Acts, Senate File 224,  
 7 is amended to read as follows:

8 11. Prohibit a private college, an accredited

9 nonpublic school, or an owner or operator of a health  
 10 care facility licensed pursuant to chapter 135C,  
 11 assisted living center licensed pursuant to chapter  
 12 231C, hospital licensed pursuant to chapter 135B,  
 13 adult day care center licensed pursuant to chapter  
 14 231D, or a retirement facility certified pursuant to  
 15 chapter 523D from performing work on the facility or  
 16 requiring such owner or operator to be licensed under  
 17 this chapter; except for projects that exceed the  
 18 dollar amount specified as the competitive bid  
 19 threshold in section 26.3.”  
 20 2. By renumbering as necessary.

Cohoon of Des Moines rose on a point of order that amendment H-1709 to amendment H-1675 was not germane.

The Speaker ruled the point well taken and amendment H-1709 to amendment H-1675 not germane.

Struyk of Pottawattamie moved to suspend the rules to consider amendment H-1709.

Roll call was requested by Struyk of Pottawattamie and Paulsen of Linn.

On the question “Shall the rules be suspended to consider amendment H-1709?” (H.F. 822)

The ayes were, 41:

Alons	Anderson	Cownie	Deyoe
Dolecheck	Drake	Forristall	Grassley
Hagenow	Heaton	Helland	Horbach
Huseman	Kaufmann	Kelley	Koester
Lukan	May	Mertz	Miller, L.
Olson, S.	Paulsen	Pettengill	Quirk
Raecker	Rants	Roberts	Sands
Schulte	Schultz	Soderberg	Sorenson
Struyk	Sweeney	Tjepkes	Tymeson
Upmeyer	Wagner	Watts	Windschitl
Worthan			

The nays were, 53:

Abdul-Samad	Bailey	Beard	Bell
Berry	Bukta	Burt	Cohoon
Ficken	Ford	Frevert	Gaskill
Gayman	Heddens	Hunter	Huser

Isenhart	Jacoby	Kearns	Kressig
Kuhn	Lensing	Lykam	Marek
Mascher	McCarthy	Miller, H.	Oldson
Olson, D.	Olson, R.	Olson, T.	Palmer
Petersen	Reasoner	Reichert	Schueller
Shomshor	Smith	Steckman	Swaim
Taylor, D.	Taylor, T.	Thede	Thomas
Wendt	Wenthe	Wessel-Kroeschell	Whitaker
Whitead	Willems	Winckler	Zirkelbach
Mr. Speaker Murphy			

Absent or not voting, 6:

Arnold	Baudler	Chambers	De Boef
Rayhons	Van Engelenhoven		

The motion to suspend the rules lost.

The House stood at ease at 3:20 a.m., until the fall of the gavel.

The House resumed session at 3:47 a.m., Mascher of Johnson in the chair.

Huseman of Cherokee offered the following amendment H-1725, to amendment H-1675, filed by him from the floor and moved its adoption:

H-1725

- 1 Amend the amendment, H-1675, to House File 822, as
- 2 follows:
- 3 1. Page 4, by striking lines 11 through 16.
- 4 2. By renumbering as necessary.

Roll call was requested by Paulsen of Linn and Huseman of Cherokee.

On the question "Shall amendment H-1725 to amendment H-1675 be adopted?" (H.F. 822)

The ayes were, 38:

Alons	Anderson	Cownie	Deyoe
Dolecheck	Drake	Forristall	Grassley
Hagenow	Heaton	Helland	Horbach
Huseman	Kaufmann	Koester	Lukan

May	Miller, L.	Olson, S.	Paulsen
Pettengill	Raecker	Rants	Roberts
Sands	Schulte	Schultz	Smith
Soderberg	Struyk	Sweeney	Tjepkes
Tymeson	Upmeyer	Wagner	Watts
Windschitl	Worthan		

The nays were, 56:

Abdul-Samad	Bailey	Beard	Bell
Berry	Bukta	Burt	Cohoon
Ficken	Ford	Frevert	Gaskill
Gayman	Heddens	Hunter	Huser
Isenhardt	Jacoby	Kearns	Kelley
Kressig	Kuhn	Lensing	Lykam
Marek	McCarthy	Mertz	Miller, H.
Murphy, Spkr.	Oldson	Olson, D.	Olson, R.
Olson, T.	Palmer	Petersen	Quirk
Reasoner	Reichert	Schueller	Shomshor
Sorenson	Steckman	Swaim	Taylor, D.
Taylor, T.	Thede	Thomas	Wendt
Wenthe	Wessel-Kroeschell	Whitaker	Whitead
Willems	Winckler	Zirkelbach	Mascher, Presiding

Absent or not voting, 6:

Arnold	Baudler	Chambers	De Boef
Rayhons	Van Engelenhoven		

Amendment H-1725 lost.

Huseman of Cherokee offered the following amendment H-1726, to amendment H-1675, filed by him from the floor and moved its adoption:

- 1 Amend the amendment, H-1675, to House File 822 as
- 2 follows:
- 3 1. Page 2, by striking lines 19 through 35.
- 4 2. By striking page 3, line 49, through page 4,
- 5 line 10.
- 6 3. Page 4, by striking lines 17 through 28.
- 7 4. Page 4, by striking lines 38 through 45.
- 8 5. Page 6, by striking lines 4 through 13.
- 9 6. Page 7, by striking lines 1 through 9.
- 10 7. Page 8, by striking lines 11 through 17.
- 11 8. By renumbering as necessary.

Division was requested as follows:



Page 1 Line 3, division A

Page 1 Lines 4 through 11, division B.

Huseman of Cherokee moved the adoption of amendment H-1726A to amendment H-1675.

Roll call was requested by Huseman of Cherokee and Paulsen of Linn.

On the question "Shall amendment H-1726A to amendment H-1675 be adopted?" (H.F. 822)

The ayes were, 93:

Alons	Anderson	Bailey	Beard
Bell	Berry	Bukta	Burt
Cohoon	Cownie	Deyoe	Dolecheck
Drake	Ficken	Ford	Forristall
Frevert	Gaskill	Gayman	Grassley
Hagenow	Heaton	Heddens	Helland
Horbach	Hunter	Huseman	Huser
Isenhardt	Jacoby	Kaufmann	Kearns
Kelley	Koester	Kressig	Kuhn
Lensing	Lukan	Lykam	Marek
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	Reasoner	Reichert
Roberts	Sands	Schueller	Schulte
Schultz	Shomshor	Smith	Soderberg
Sorenson	Steckman	Struyk	Swaim
Sweeney	Taylor, D.	Taylor, T.	Thede
Thomas	Tjepkes	Tymeson	Upmeyer
Wagner	Watts	Wendt	Wenthe
Wessel-Kroeschell	Whitaker	Whitead	Willems
Winckler	Windschitl	Worthan	Zirkelbach
Mascher, Presiding			

The nays were, 1:

Abdul-Samad

Absent or not voting, 6:

Arnold	Baudler	Chambers	De Boef
Rayhons	Van Engelenhoven		

Amendment H-1726A was adopted.

Huseman of Cherokee moved the adoption of amendment H-1726B to amendment H-1675.

Roll call was requested by Huseman of Cherokee and Smith of Marshall.

On the question "Shall amendment H-1726B to amendment H-1675 be adopted?" (H.F. 822)

The ayes were, 39:

Alons	Anderson	Cownie	Deyoe
Dolecheck	Drake	Forristall	Grassley
Hagenow	Heaton	Helland	Horbach
Huseman	Kaufmann	Kelley	Koester
Lukan	May	Miller, L.	Olson, S.
Paulsen	Pettengill	Raecker	Rants
Roberts	Sands	Schulte	Schultz
Soderberg	Sorenson	Struyk	Sweeney
Tjepkes	Tymeson	Upmeyer	Wagner
Watts	Windschitl	Worthan	

The nays were, 55:

Abdul-Samad	Bailey	Beard	Bell
Berry	Bukta	Burt	Cohoon
Ficken	Ford	Frevert	Gaskill
Gayman	Heddens	Hunter	Huser
Isenhardt	Jacoby	Kearns	Kressig
Kuhn	Lensing	Lykam	Marek
McCarthy	Mertz	Miller, H.	Murphy, Spkr.
Oldson	Olson, D.	Olson, R.	Olson, T.
Palmer	Petersen	Quirk	Reasoner
Reichert	Schueller	Shomshor	Smith
Steckman	Swaim	Taylor, D.	Taylor, T.
Thede	Thomas	Wendt	Wenthe
Wessel-Kroeschell	Whitaker	Whitead	Willems
Winckler	Zirkelbach	Mascher, Presiding	

Absent or not voting, 6:

Arnold	Baudler	Chambers	De Boef
Rayhons	Van Engelenhoven		

Amendment H-1726B lost.

Cohoon of Des Moines moved the adoption of amendment H-1675, as amended.

Amendment H-1675, as amended, was adopted.

Cohoon of Des Moines 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. 822)

The ayes were, 55:

Abdul-Samad	Bailey	Beard	Bell
Berry	Bukta	Burt	Cohoon
Ficken	Ford	Frevert	Gaskill
Gayman	Heddens	Hunter	Isenhart
Jacoby	Kearns	Kelley	Kressig
Kuhn	Lensing	Lykam	Marek
McCarthy	Mertz	Miller, H.	Murphy, Spkr.
Oldson	Olson, D.	Olson, R.	Olson, T.
Palmer	Petersen	Quirk	Reasoner
Reichert	Schueller	Shomshor	Smith
Steckman	Swaim	Taylor, D.	Taylor, T.
Thede	Thomas	Wendt	Wenthe
Wessel-Kroeschell	Whitaker	Whitead	Willems
Winckler	Zirkelbach	Mascher, Presiding	

The nays were, 39:

Alons	Anderson	Cownie	Deyoe
Dolecheck	Drake	Forristall	Grassley
Hagenow	Heaton	Helland	Horbach
Huseman	Huser	Kaufmann	Koester
Lukan	May	Miller, L.	Olson, S.
Paulsen	Pettengill	Raecker	Rants
Roberts	Sands	Schulte	Schultz
Soderberg	Sorenson	Struyk	Sweeney
Tjepkes	Tymeson	Upmeyer	Wagner
Watts	Windschitl	Worthan	

Absent or not voting, 6:

Arnold	Baudler	Chambers	De Boef
Rayhons	Van Engelenhoven		

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

#### IMMEDIATE MESSAGE

McCarthy of Polk asked and received unanimous consent that **House File 822** and **Senate File 376** be immediately messaged to the Senate.

#### MOTION TO RECONSIDER (Senate File 470)

I move to reconsider the vote by which Senate File 470 passed the House on April 24, 2009.

MCCARTHY of Polk

#### EXPLANATIONS OF VOTE

I was necessarily absent from the House chamber on April 24, 2009. Had I been present, I would have voted "aye" on amendment H-1713 to Senate File 483 and "nay" on Senate File 483.

KOESTER of Polk

I was necessarily absent from the House chamber on April 24, 2009. Had I been present, I would have voted "aye" on Senate File 340 and "nay" on Senate File 465.

RAECKER of Polk

I was necessarily absent from the House chamber on April 24, 2009 from 10 a.m. to 6:30 p.m. Had I been present, I would have voted "aye" on Senate Files 340, 389, 432, 457 and 470.

WENTHE of Fayette

## BILLS SIGNED BY THE GOVERNOR

A communication was received from the Governor announcing that on April 24, 2009, he approved and transmitted to the Secretary of State the following bills:

House File 311, an Act requiring health care benefit coverage for certain medically necessary prosthetic devices and providing an applicability date.

House File 321, an Act exempting certain persons who transport members of the Iowa veterans home from the requirement to be licensed as a chauffeur.

House File 400, an Act relating to the licensing of persons installing fire protection systems.

House File 496, an Act relating to the authority of a city to dispose of real property by gift.

House File 505, an Act requiring record checks for persons who are prospective or current volunteers for the Iowa veterans home.

House File 720, an Act relating to boiler and pressure vessel inspections and the boiler and pressure vessel board that oversees the inspections.

Senate File 114, an Act relating to the number of historic preservation grants that may be awarded in a county and providing an effective date.

Senate File 142, an Act relating to economic development by providing for an innovation and commercialization development fund, making the department of revenue responsible for approving certain tax credits for third-party developers, making appropriations, and providing an effective date.

Senate File 187, an Act providing for the issuance of special deer hunting licenses to residents who are nonambulatory.

Senate File 203, an Act relating to the identification of the eligibility of tenants of an assisted living program for benefits through the United States department of veterans affairs.

Senate File 318, an Act pertaining to the duties and regulations under the purview of the labor commissioner.

Senate File 334, an Act relating to the legislative committees charged with providing government oversight.

Senate File 336, an Act providing for waivers of certain community attraction and tourism program requirements.

Senate File 380, an Act relating to the practices and procedures of the department of public safety including gaming floor or wagering area restrictions, interception of communications, and peace officers acting with federal agents, and providing penalties.

### 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

- 2009\3751 Ashton Wickett, Indianola – For celebrating his 101<sup>st</sup> birthday.
- 2009\3752 Mr. and Mrs. Emery Neymeyer, Greene – For celebrating their 60<sup>th</sup> wedding anniversary.
- 2009\3753 Marie Meyer, Webster City – For celebrating her 90<sup>th</sup> birthday.
- 2009\3754 Gerald and Sandra Hammond, Hartford – For celebrating their 50<sup>th</sup> wedding anniversary.

### HOUSE STUDY BILL COMMITTEE ASSIGNMENT

#### **H.S.B. 294 Appropriations**

Relating to state and local finances by providing for funding of property tax credits and reimbursements, by making, increasing, and reducing appropriations, providing for salaries and compensation of state employees, providing for matters relating to tax credits, providing for fees and penalties, and providing for properly related matters.

### COMMITTEE RECOMMENDATION

MR. SPEAKER: The Chief Clerk of the House respectfully reports that the following committee recommendation has been received and is on file in the office of the Chief Clerk.

MARK W. BRANDSGARD  
Chief Clerk of the House

## COMMITTEE ON APPROPRIATIONS

**Committee Bill** (Formerly House Study Bill 294), relating to state and local finances by providing for funding of property tax credits and reimbursements, by making, increasing, and reducing appropriations, providing for salaries and compensation of state employees, providing for matters relating to tax credits, providing for fees and penalties, and providing for properly related matters.

Fiscal Note is not required.

Recommended **Do Pass** April 24, 2009.

## RESOLUTION FILED

**HCR 9**, by Smith and Upmeyer, a concurrent resolution relating to a legislative health care coverage commission.

Laid over under **Rule 25**.

## AMENDMENTS FILED

H—1714	S.F.	429	Whitaker of Van Buren
H—1718	H.F.	820	Wenthe of Fayette
H—1722	H.F.	807	Shomshor of Pottawattamie
H—1723	H.F.	807	Shomshor of Pottawattamie
H—1724	H.F.	820	Petersen of Polk

On motion by McCarthy of Polk the House adjourned at 4:21 a.m., until 10:00 a.m., Saturday, April 25, 2009.

# JOURNAL OF THE HOUSE

One Hundred-fourth Calendar Day - Seventieth Session Day

Hall of the House of Representatives  
Des Moines, Iowa, Saturday, April 25, 2009

The House met pursuant to adjournment at 10:26 a.m., Speaker Murphy in the chair.

Prayer was offered by the honorable Chuck Soderberg, state representative from Plymouth County.

## PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Allison Adams, House Page from Montgomery.

The Journal of Friday, April 24, 2009 was approved.

## PETITION FILED

The following petition was received and placed on file:

By Frevert of Palo Alto, from seventy-nine constituents from the seventh district opposing excessive government spending.

## 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 April 24, 2009, passed the following bill in which the concurrence of the House is asked:

Senate File 478, a bill for an act relating to state and local finances by providing for funding of property tax credits and reimbursements, by making, increasing, and reducing appropriations, providing for salaries and compensation of state employees, providing for matters relating to tax credits, providing for fees and penalties, and providing for properly related matters.

MICHAEL E. MARSHALL, Secretary



## SENATE MESSAGE CONSIDERED

**Senate File 478**, by committee on appropriations, a bill for an act relating to state and local finances by providing for funding of property tax credits and reimbursements, by making, increasing, and reducing appropriations, providing for salaries and compensation of state employees, providing for matters relating to tax credits, providing for fees and penalties, and providing for properly related matters and including effective date and retroactive and other applicability provisions.

Read first time and **passed on file**.

The House stood at ease at 10:36 a.m., until the fall of the gavel.

The House resumed session at 11:26 a.m., Speaker Murphy in the chair.

## LEAVE OF ABSENCE

Leave of absence was granted as follows:

Arnold of Lucas, Baudler of Adair, until his arrival, and De Boef of Keokuk on request of Tymeson of Madison; Van Engelenhoven of Marion, until his arrival, on request of Tymeson of Madison.

## CONSIDERATION OF BILLS

### Appropriations Calendar

**Senate File 471**, a bill for an act relating to energy efficiency and renewable energy, including allocating appropriated amounts from the Iowa power fund to fund tax credits for innovative renewable energy generation components, transferring authority over specified energy-related measures and programs from the department of natural resources to the office of energy independence, providing transition provisions relating to the transfer of authority, and providing an effective date, with report of committee recommending amendment and passage, was taken up for consideration.

Petersen of Polk offered the following amendment H-1657 filed by the committee on ways and means and moved its adoption:

H-1657

1 Amend Senate File 471, as amended, passed, and  
2 reprinted by the Senate, as follows:

3 1. By striking page 6, line 33, through page 7,  
4 line 1.

5 2. Page 10, line 21, by inserting after the word  
6 "funds" the following: "or the permissible limit  
7 for administrative cost expenditures specified in the  
8 federal Act if such limit is less than five percent".

9 3. Page 10, by striking line 33 and inserting the  
10 following: "469.9, subsection 4, and notwithstanding  
11 the limitation on the amount of tax credits under  
12 section 15.335, the board may allocate up to one".

13 4. By renumbering as necessary.

The committee amendment H-1657 was adopted.

D. Olson of Boone offered the following amendment H-1728 filed  
by him from the floor and moved its adoption:

H-1728

1 Amend Senate File 471, as amended, passed, and  
2 reprinted by the Senate, as follows:

3 1. Page 17, by striking lines 26 through 35 and  
4 inserting the following:

5 "~~13. 12.~~ Conduct a study on activities related to  
6 energy production and use which contribute to global  
7 climate change and the depletion of the stratospheric  
8 ozone layer, in conjunction with institutions under  
9 the control of the state board of regents. The study  
10 shall identify the types and relative contributions of  
11 these activities in Iowa. The department shall  
12 develop a strategy to reduce emissions from activities  
13 identified as having an adverse impact on the global  
14 climate and the stratospheric ozone layer. The study  
15 shall take the form of a climate change impacts  
16 review, to include the following:

17 a. Performance of an initial review of available  
18 climate change impacts studies relevant to this state.

19 b. Preparation of a summary of available data on  
20 recent changes in relevant climate conditions.

21 c. Identification of climate change impacts issues  
22 which require further research and an estimate of  
23 their cost.

24 d. Identification of important public policy  
25 issues relevant to climate change impacts.

26 In the course of the review, the institutions shall  
27 meet at least twice with the Iowa climate change

28 advisory council established in section 455B.851. The  
 29 department office shall submit a report, based upon  
 30 input from the institutions, containing its findings  
 31 and recommendations to the governor and general  
 32 assembly by January 1, ~~1992~~ 2011."  
 33 2. By renumbering as necessary.

A non-record roll call was requested.

The ayes were 48, nays 43.

Amendment H-1728 was adopted.

Abdul-Samad of Polk in the chair at 11:51 a.m.

Reichert of Muscatine 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. 471)

The ayes were, 79:

Anderson	Bailey	Beard	Bell
Berry	Bukta	Burt	Cohoon
Cownie	Drake	Ficken	Ford
Frevert	Gaskill	Gayman	Grassley
Hagenow	Heddens	Hunter	Huser
Isenhart	Jacoby	Kaufmann	Kearns
Kelley	Kuhn	Lensing	Lukan
Lykam	Marek	Mascher	May
McCarthy	Mertz	Miller, H.	Miller, L.
Murphy, Spkr.	Oldson	Olson, D.	Olson, R.
Olson, S.	Olson, T.	Palmer	Petersen
Quirk	Rants	Rayhons	Reasoner
Reichert	Roberts	Schueller	Schulte
Schultz	Shomshor	Smith	Soderberg
Sorenson	Steckman	Struyk	Swaim
Sweeney	Taylor, D.	Taylor, T.	Thede
Thomas	Tjepkes	Tymeson	Upmeyer
Wagner	Wendt	Wenthe	Wessel-Kroeschell
Whitaker	Whitead	Willems	Winckler
Worthan	Zirkelbach	Abdul-Samad, Presiding	

The nays were, 16:

Alons	Deyoe	Dolecheck	Forristall
Heaton	Helland	Horbach	Huseman
Koester	Paulsen	Pettengill	Raecker
Sands	Van Engelenhoven	Watts	Windschitl

Absent or not voting, 5:

Arnold	Baudler	Chambers	De Boef
Kressig			

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

### IMMEDIATE MESSAGE

McCarthy of Polk asked and received unanimous consent that **Senate File 471** be immediately messaged to the Senate.

**House File 828**, a bill for an act relating to the issuance of bonds and making of appropriations for capital and other essential purposes, was taken up for consideration.

Cohon of Des Moines offered amendment H-1732 filed by him from the floor as follows:

H-1732

- 1 Amend House File 828 as follows:
- 2 1. By striking everything after the enacting
- 3 clause and inserting the following:
- 4 "DIVISION I
- 5 APPROPRIATION BONDS
- 6 Section 1. ~~NEW SECTION.~~ 12.90A ANNUAL
- 7 APPROPRIATION BONDS.
- 8 1. As used in this section, unless the context
- 9 otherwise requires:
- 10 a. "Annual appropriation bonds" means bonds,
- 11 notes, or other evidences of obligations of the state
- 12 which may be payable during a fiscal year from one or
- 13 more of the following sources, subject to the
- 14 limitations contained in this section:
- 15 (1) Moneys appropriated by law for the payment of
- 16 debt service due with respect to the annual
- 17 appropriation bonds during that fiscal year.
- 18 (2) Proceeds of the sale of the annual
- 19 appropriation bonds.
- 20 (3) Payments received under authorizing documents

21 and other agreements and ancillary arrangements  
22 entered into with respect to the annual appropriation  
23 bonds.

24 (4) Investment earnings on amounts described in  
25 subparagraphs (1) through (3).

26 b. "Appropriation" means an act of appropriation  
27 by the general assembly which has become law by  
28 approval of the governor or otherwise.

29 c. "Authorizing documents" means a trust  
30 indenture, resolution, or other instrument pursuant to  
31 which annual appropriation bonds are issued in  
32 accordance with the provisions of this section and  
33 setting forth the terms and conditions thereof.

34 2. The treasurer of state is authorized to issue  
35 and sell annual appropriation bonds on behalf of the  
36 state to provide funds for certain infrastructure  
37 projects and other purposes as provided in subsection  
38 4 and to refund any annual appropriation bonds  
39 previously issued, and shall have all powers necessary  
40 and convenient to carry out the treasurer of state's  
41 duties, and exercise the treasurer of state's  
42 authority, under this section.

43 3. Annual appropriation bonds may be issued and  
44 sold in one or more series on the terms and conditions  
45 the treasurer of state determines to be in the best  
46 interest of the state, in accordance with this section  
47 in such amounts as the treasurer of state determines  
48 to be necessary to fund the purposes for which such  
49 annual appropriation bonds are issued. The treasurer  
50 of state may issue annual appropriation bonds in

Page 2

1 amounts which provide aggregate net proceeds of not  
2 more than one hundred five million dollars for  
3 purposes of alternative energy projects and for  
4 purposes of the vertical infrastructure restricted  
5 capitals fund created in section 8.57D.

6 4. The treasurer of state may issue annual  
7 appropriation bonds as the treasurer of state  
8 determines necessary or desirable to pay for  
9 expenditures for certain infrastructure projects and  
10 other purposes as provided in subsection 3, to the  
11 extent practicable in any fiscal year and without  
12 limiting other qualifying capital expenditures  
13 considered and approved by a constitutional majority  
14 of each house of the general assembly and the governor  
15 and to provide sufficient funds for the payment of  
16 interest on the annual appropriation bonds, the  
17 establishment of reserves with respect to the annual  
18 appropriation bonds, the payment of costs of issuance  
19 of the annual appropriation bonds, the payment of

20 other expenditures of the treasurer of state incident  
21 to and necessary or convenient in connection with the  
22 issuance of the annual appropriation bonds, and the  
23 payment of all other expenditures necessary or  
24 convenient to carry out the purposes for which the  
25 annual appropriation bonds are issued. The treasurer  
26 of state may enter into or obtain authorizing  
27 documents and other agreements and ancillary  
28 arrangements with respect to annual appropriation  
29 bonds as the treasurer of state determines to be in  
30 the best interests of the state, including but not  
31 limited to trust indentures, liquidity facilities,  
32 remarketing or dealer agreements, letter of credit  
33 agreements, insurance policies, guaranty agreements,  
34 reimbursement agreements, indexing agreements,  
35 investment agreements, or interest exchange  
36 agreements. Any authorizing document or other  
37 agreement or ancillary arrangements by which any  
38 moneys are pledged to the payment of annual  
39 appropriation bonds shall not be required to be  
40 recorded or filed under the uniform commercial code,  
41 chapter 554, to be valid, binding, or effective.

42 5. Annual appropriation bonds shall be:

43 a. In a form, issued in denominations, executed in  
44 a manner, and payable over terms and with rights of  
45 redemption, and be subject to such other terms and  
46 conditions as prescribed in their authorizing  
47 documents.

48 b. Negotiable instruments under the laws of the  
49 state and may be sold at prices, at public or private  
50 sale, and in a manner, as prescribed by the treasurer

Page 3

1 of state. Chapters 73A, 74, 74A, and 75 do not apply  
2 to the sale or issuance of the annual appropriation  
3 bonds.

4 c. Subject to the terms, conditions, and covenants  
5 providing for the payment of the principal, redemption  
6 premiums, if any, interest, and other terms,  
7 conditions, covenants, and protective provisions  
8 safeguarding payment, not inconsistent with this  
9 section and as determined by their authorizing  
10 documents.

11 d. Securities in which public officers and bodies  
12 of this state; political subdivisions of this state;  
13 insurance companies and associations and other persons  
14 carrying on an insurance business; banks, trust  
15 companies, savings associations, savings and loan  
16 associations, and investment companies;  
17 administrators, guardians, executors, trustees, and  
18 other fiduciaries; and other persons authorized to

19 invest in bonds or other obligations of the state, may  
20 properly and legally invest funds, including capital,  
21 in their control or belonging to them.

22 6. Proceeds of annual appropriation bonds not  
23 required for immediate disbursement may be deposited  
24 with the treasurer of state or a trustee, paying  
25 agent, escrow agent, or depository as provided in the  
26 authorizing documents and may be invested or  
27 reinvested in any investment as directed by the  
28 treasurer of state and specified in such authorizing  
29 documents without regard to any limitation otherwise  
30 provided by law.

31 7. Annual appropriation bonds are payable in any  
32 fiscal year solely and only out of the moneys, assets,  
33 or revenues appropriated for such purposes by law for  
34 that fiscal year, all of which amounts, once  
35 appropriated, shall be deposited into the annual  
36 appropriation bonds debt service fund and used or  
37 transferred as provided in this section to pay debt  
38 service due with respect to annual appropriation bonds  
39 during the fiscal year for which such amounts are  
40 appropriated. Annual appropriation bonds are not an  
41 obligation, indebtedness, or debt of the state, or a  
42 charge against the general credit or general fund of  
43 the state, and the state shall not be liable for the  
44 payment of any amounts due under any annual  
45 appropriation bonds except from moneys appropriated by  
46 law for the payment thereof as provided under this  
47 section. The annual appropriation bonds are not  
48 secured by any pledge of the faith and credit or the  
49 taxing powers of the state. Annual appropriation  
50 bonds shall not directly or indirectly obligate the

Page 4

1 state to make payments thereon beyond any fiscal year  
2 for which sufficient funds have been appropriated by  
3 law for such purpose.

4 8. In the event that funds are not appropriated  
5 for any fiscal year in an amount sufficient to make  
6 the payments of principal and interest and any other  
7 amounts due under the annual appropriation bonds  
8 during such fiscal year all of the following shall  
9 apply:

10 a. The state's obligations under the annual  
11 appropriation bonds shall terminate and become null  
12 and void on the last day of the fiscal year for which  
13 funds were appropriated in an amount sufficient to  
14 make the payments of principal and interest and any  
15 other amounts due under the annual appropriation bonds  
16 for such fiscal year.

17 b. The state shall not be obligated to make

18 payment from any source of any amounts due under the  
19 annual appropriation bonds beyond those amounts for  
20 which an appropriation has previously been made.

21 c. The state shall not be liable to the holders of  
22 the annual appropriation bonds or any other person for  
23 any remaining amounts due under the annual  
24 appropriation bonds or for any costs, damages, or  
25 expenses incurred by the holders of the annual  
26 appropriation bonds or any other person as a result of  
27 such failure to appropriate. Annual appropriation  
28 bonds, the repayment thereof and any reserve and debt  
29 service funds established with respect thereto shall  
30 be subject to nonappropriation. Annual appropriation  
31 bonds issued under this section shall contain a  
32 conspicuous statement of the limitations established  
33 in this subsection.

34 9. Annual appropriation bonds issued under this  
35 section are declared to be issued for an essential  
36 public and governmental purpose and all annual  
37 appropriation bonds issued under this section shall be  
38 exempt from taxation by the state of Iowa and the  
39 interest on the annual appropriation bonds shall be  
40 exempt from the state income tax and the state  
41 inheritance tax.

42 10. In order to better provide for the budgeting  
43 and appropriation of sufficient amounts to make the  
44 payments due with respect to annual appropriation  
45 bonds in any fiscal year and to fund or restore  
46 reserve funds established with respect to annual  
47 appropriation bonds, if any, the treasurer of state  
48 shall, on or before January 1 of each calendar year,  
49 make and deliver to the governor and to both houses of  
50 the general assembly the treasurer of state's

Page 5

1 certificate that includes all of the following:

2 a. A statement of the amount required to make the  
3 payments due with respect to annual appropriation  
4 bonds in the next succeeding fiscal year and the  
5 amount, if any, required to fund or restore any  
6 reserve fund to the reserve fund requirement for that  
7 reserve fund.

8 b. A request that budget and appropriation bills  
9 approved for such fiscal year include amounts  
10 sufficient to make the payments due with respect to  
11 annual appropriation bonds during that fiscal year and  
12 to fund or restore any reserve fund to the reserve  
13 fund requirement for that reserve fund.

14 11. If, after amounts have been appropriated for a  
15 fiscal year to make payment of principal and interest  
16 and any other amounts due with respect to the annual



17 appropriation bonds for such fiscal year and to fund  
18 or restore any reserve fund to the reserve fund  
19 requirement for that reserve fund, the treasurer of  
20 state determines that the amounts appropriated for  
21 such purposes are insufficient for any reason, the  
22 treasurer of state shall make and deliver to the  
23 governor and to both houses of the general assembly  
24 the treasurer of state's certificate that includes a  
25 statement of the amount of the deficiency and a  
26 request for an additional appropriation for such  
27 fiscal year to make up such deficiency.

28 12. Any amounts appropriated by law from the  
29 general fund of the state or any other legally  
30 available funds to make the payments due with respect  
31 to annual appropriation bonds for a fiscal year shall  
32 be paid to the treasurer of state on or after the  
33 first business day of such fiscal year in as many  
34 installments as are needed to accumulate the total  
35 amount so appropriated as soon as funds become legally  
36 available and such amounts, as received, shall be  
37 deposited by the treasurer of state in the annual  
38 appropriation bonds debt service fund.

39 13. Any amounts appropriated by law to fund or  
40 restore any reserve fund shall be paid to the  
41 treasurer of state as soon as funds become legally  
42 available and shall be deposited by the treasurer of  
43 state in the applicable reserve fund. For any fiscal  
44 year for which amounts have been lawfully appropriated  
45 in an amount sufficient to make payment of principal  
46 and interest and any other amounts due with respect to  
47 annual appropriation bonds for such fiscal year, to  
48 the extent that appropriated funds have not become  
49 fully available so that amounts deposited into the  
50 annual appropriation bonds debt service fund are not

Page 6

1 sufficient to make such payment when due, any moneys  
2 on deposit in a reserve fund established with respect  
3 to the annual appropriation bonds may be transferred  
4 to the annual appropriation bonds debt service fund  
5 and used to make such payments, subject to the  
6 provisions of this section.

7 14. The treasurer of state may from time to time  
8 issue annual appropriation bonds for the purpose of  
9 refunding any annual appropriation bonds then  
10 outstanding, including the payment of any redemption  
11 premiums thereon and any interest accrued or to accrue  
12 to the date of redemption of the outstanding annual  
13 appropriation bonds. Until the proceeds of annual  
14 appropriation bonds issued for the purpose of  
15 refunding outstanding annual appropriation bonds are

16 applied to the purchase or retirement of outstanding  
17 annual appropriation bonds or the redemption of  
18 outstanding annual appropriation bonds, the proceeds  
19 may be placed in escrow and be invested and reinvested  
20 in accordance with the provisions of this section, the  
21 authorizing documents, and any applicable escrow. The  
22 interest, income, and profits earned or realized on an  
23 investment may also be applied to the payment of the  
24 outstanding annual appropriation bonds to be refunded  
25 by purchase, retirement, or redemption. After the  
26 terms of the escrow have been fully satisfied and  
27 carried out, any balance of proceeds and interest  
28 earned or realized on the investments shall be  
29 returned to the general fund of the state. All  
30 refunding annual appropriation bonds shall be issued  
31 and subject to the provisions of this section in the  
32 same manner and to the same extent as other annual  
33 appropriation bonds issued pursuant to this section.  
34 15. a. It is the intent of the general assembly  
35 that the general assembly make timely appropriations  
36 from moneys in the general fund of the state or any  
37 other legally available funds that are sufficient to  
38 make payment of principal and interest and any other  
39 amounts due with respect to annual appropriation bonds  
40 in a fiscal year and to fund or restore any reserve  
41 fund established with respect to the annual  
42 appropriation bonds to the reserve fund requirement  
43 for that reserve fund.  
44 b. This section does not create and shall not be  
45 construed as creating a general, legal, or enforceable  
46 obligation of the general assembly to appropriate any  
47 moneys for any fiscal year for any of the foregoing  
48 purposes and the decision to appropriate such moneys  
49 for any fiscal year shall be at the complete  
50 discretion of the then current general assembly and

Page 7

1 governor who shall have the final responsibility for  
2 making such decisions.

3 16. Neither the treasurer of state nor any person  
4 acting on behalf of the treasurer of state, while  
5 acting within the scope of their employment or agency,  
6 is subject to personal liability resulting from  
7 carrying out the powers and duties conferred by this  
8 section.

9 17. Amounts appropriated pursuant to this section  
10 are not subject to a uniform reduction in accordance  
11 with section 8.31.

12 Sec. 2. **NEW SECTION. 12.90B ANNUAL APPROPRIATION**  
13 **BONDS DEBT SERVICE FUND AND RESERVE FUNDS.**

14 1. An annual appropriation bonds debt service fund

15 is created and established as a separate and distinct  
16 fund in the state treasury. Any amounts lawfully  
17 appropriated to make payments due with respect to  
18 annual appropriation bonds for a fiscal year shall be  
19 deposited into the annual appropriation bonds debt  
20 service fund and used by the treasurer of state or  
21 transferred to a trustee, paying agent, escrow agent,  
22 or depository as provided in the authorizing documents  
23 to make payments due with respect to the annual  
24 appropriation bonds for that fiscal year. Payments  
25 due with respect to annual appropriation bonds include  
26 but are not limited to the following:

27 a. Principal payments, interest payments, sinking  
28 fund payments, purchase price, redemption price,  
29 redemption premiums, and payments under interest  
30 exchange agreements.

31 b. Fees and expenses of trustees, paying agents,  
32 remarketing agents, financial advisors, underwriters,  
33 depositories, guarantors, bond insurers, liquidity or  
34 credit facility providers, interest rate indexing  
35 agents, and other professional and financial services  
36 providers.

37 c. Costs and expenses of the treasurer of state  
38 incident to and necessary and convenient to carry out  
39 the issuance and sale of the annual appropriation  
40 bonds and the administration of the appropriations  
41 bonds capitals fund, the annual appropriation bonds  
42 debt service fund, and any reserve funds.

43 2. The treasurer of state may create and establish  
44 one or more reserve funds with respect to the annual  
45 appropriation bonds to be used as provided in section  
46 12.90A and the authorizing documents. The treasurer  
47 of state shall pay into any reserve fund any moneys  
48 appropriated by law to fund or restore the reserve  
49 fund, any proceeds of the sale of the annual  
50 appropriation bonds to the extent provided in the

Page 8

1 authorizing documents, and any other moneys which may  
2 be legally available to the treasurer of state for the  
3 purpose of the reserve fund. Moneys in any reserve  
4 fund established with respect to annual appropriation  
5 bonds, excluding the annual appropriations debt  
6 service fund, are not subject to section 8.33.

7 3. Notwithstanding section 12C.7, subsection 2,  
8 interest or earnings on moneys in any funds or  
9 accounts established with respect to annual  
10 appropriation bonds shall be credited to the  
11 applicable fund or reserve fund.

12 Sec. 3. NEW SECTION. 12.90C APPROPRIATION BONDS  
13 CAPITALS FUND.

- 14 1. An appropriation bonds capitals fund is created  
15 as a separate fund in the state treasury. Moneys in  
16 the fund shall not be subject to appropriation for any  
17 other purpose by the general assembly, but shall be  
18 used only for the purposes of the appropriation bonds  
19 capitals fund.
- 20 2. Revenue for the appropriation bonds capitals  
21 fund shall include but is not limited to the  
22 following, which shall be deposited with the treasurer  
23 of state or the treasurer of state's designee as  
24 provided by any bond or security documents and  
25 credited to the fund:
- 26 a. The net proceeds of bonds issued pursuant to  
27 section 12.90A and investment earnings on the net  
28 proceeds.
- 29 b. Interest attributable to investment of moneys  
30 in the fund or an account of the fund.
- 31 c. Moneys in the form of a devise, gift, bequest,  
32 donation, federal or other grant, reimbursement,  
33 repayment, judgment, transfer, payment, or  
34 appropriation from any source intended to be used for  
35 the purposes of the fund.
- 36 3. Moneys in the fund in a fiscal year shall be  
37 used as appropriated by the general assembly for  
38 certain infrastructure projects and other purposes set  
39 out in section 12.90A, subsection 3, to the extent  
40 practicable in any fiscal year and without limiting  
41 other qualifying capital expenditures considered and  
42 approved by a constitutional majority of each house of  
43 the general assembly and the governor.
- 44 4. Moneys credited to the fund are not subject to  
45 section 8.33. Notwithstanding section 12C.7,  
46 subsection 2, interest or earnings on moneys in the  
47 fund shall be credited to the fund.
- 48 5. Annually, on or before January 15 of each year,  
49 a state agency that received an appropriation from the  
50 appropriation bonds capitals fund shall report to the

Page 9

- 1 legislative services agency and the department of  
2 management the status of all projects completed or in  
3 progress. The report shall include a description of  
4 the project, the work completed, the total estimated  
5 cost of the project, a list of all revenue sources  
6 being used to fund the project, the amount of funds  
7 expended, the amount of funds obligated, and the date  
8 the project was completed or an estimated completion  
9 date of the project, where applicable.
- 10 Sec. 4. APPLICABILITY. The authority of the  
11 treasurer of state to issue one or more series of  
12 annual appropriation bonds under section 12.90A,

13 subsection 3, as enacted in this division of this Act,  
14 applies to bonds issued on or after July 1, 2010.

15 DIVISION II

16 MISCELLANEOUS CODE CHANGES

17 Sec. 5. NEW SECTION. 8.57D VERTICAL  
18 INFRASTRUCTURE RESTRICTED CAPITALS FUND.

19 1. A vertical infrastructure restricted capitals  
20 fund is created in the state treasury under the  
21 authority of the department of management. The fund  
22 shall consist of appropriations made to the fund. The  
23 fund shall be separate from the general fund of the  
24 state and the balance in the fund shall not be  
25 considered part of the balance of the general fund of  
26 the state. However, the fund shall be considered a  
27 special account for the purposes of section 8.53,  
28 relating to generally accepted accounting principles.

29 2. Notwithstanding section 12C.7, subsection 2,  
30 interest or earnings on moneys in the vertical  
31 infrastructure restricted capitals fund shall be  
32 credited to the rebuild Iowa infrastructure fund.  
33 3. Moneys in the fund in a fiscal year shall be  
34 used as appropriated by the general assembly for  
35 public vertical infrastructure projects. For the  
36 purposes of this section, "vertical infrastructure"  
37 includes only land acquisition and construction, major  
38 renovation, and major repair of buildings, all  
39 appurtenant structures, utilities, and site  
40 development. "Vertical infrastructure" does not  
41 include routine, recurring maintenance, debt service,  
42 or operational expenses or leasing of a building,  
43 appurtenant structure, or utility without a  
44 lease-purchase agreement.

45 4. There is appropriated from the appropriation  
46 bonds capitals fund created in section 12.90C to the  
47 vertical infrastructure restricted capitals fund one  
48 hundred million dollars for the fiscal year beginning  
49 July 1, 2010, and ending June 30, 2011.

50 5. Annually, on or before January 15 of each year,

Page 10

1 a state agency that received an appropriation from the  
2 vertical infrastructure restricted capitals fund shall  
3 report to the legislative services agency and the  
4 department of management the status of all projects  
5 completed or in progress. The report shall include a  
6 description of the project, the progress of work  
7 completed, the total estimated cost of the project, a  
8 list of all revenue sources being used to fund the  
9 project, the amount of funds expended, the amount of  
10 funds obligated, and the date the project was  
11 completed or an estimated completion date of the

12 project, where applicable.

13 6. Payment of moneys appropriated from the fund  
14 shall be made in a manner that does not adversely  
15 affect the tax-exempt status of any outstanding bonds  
16 issued by the treasurer of state.

17 DIVISION III

18 ANNUAL APPROPRIATION BONDS CAPITALS

19 FUND – APPROPRIATION.

20 Sec. 6. There is appropriated from the  
21 appropriation bonds capitals fund created in section  
22 12.90C to the Iowa energy center for the fiscal year  
23 beginning July 1, 2010, and ending June 30, 2011, the  
24 following amount, or so much thereof as is necessary,  
25 to be used for the purposes designated:

26 For deposit into the alternate energy revolving  
27 loan fund created in section 476.46 to encourage the  
28 development of alternate energy production facilities  
29 and small hydro facilities, as defined in section  
30 476.42, within the state:

31 ..... \$ 5,000,000

32 Any award of loans to private individuals or  
33 organizations must be for the public purposes of  
34 encouraging the development of alternate energy  
35 production facilities and small hydro facilities  
36 within the state in order to conserve finite and  
37 expensive energy resources and to provide for their  
38 most efficient use. Funds from bond proceeds shall  
39 not be used for administration or planning purposes.  
40 These moneys, and any loan repayments, shall be  
41 maintained in separate accounts and shall only be used  
42 for these public purposes."

43 2. Title page, by striking lines 1 and 2 and  
44 inserting the following: "An Act authorizing the  
45 treasurer of state to issue annual appropriation  
46 bonds, and creating an annual appropriation bonds debt  
47 service fund, an appropriation bonds capitals fund, a  
48 vertical infrastructure restricted capitals fund,  
49 making appropriations, and including an applicability  
50 provision."

Amendment H-1732 was adopted.

SENATE FILE 477 SUBSTITUTED FOR HOUSE FILE 828

Cohon of Des Moines asked and received unanimous consent to substitute Senate File 477 for House File 828.

**Senate File 477**, a bill for an act authorizing the treasurer of state to issue annual appropriation bonds, and creating an annual

appropriation bonds debt service fund, an appropriation bonds capitals fund, a vertical infrastructure restricted capitals fund, making appropriations, and including an applicability provision, was taken up for consideration.

Huseman of Cherokee offered the following amendment H-1729 filed by him from the floor and moved its adoption:

H-1729

1 Amend Senate File 477, as amended, passed, and  
2 reprinted by the Senate, as follows:

3 1. Page 11, by inserting after line 6, the  
4 following:

5 "6. Annually, on or before December 31 of each  
6 year, a recipient of moneys from the appropriation  
7 bonds capitals fund for any purpose shall report to  
8 the state agency to which the moneys are appropriated  
9 the status of all projects completed or in progress.  
10 The report shall include a description of the project,  
11 the progress of work completed, the total estimated  
12 cost of the project, a list of all revenue sources  
13 being used to fund the project, the amount of funds  
14 expended, the amount of funds obligated, and the date  
15 the project was completed or an estimated completion  
16 date of the project, where applicable."

17 2. Page 12, by inserting after line 19 the  
18 following:

19 "6. Annually, on or before December 31 of each  
20 year, a recipient of moneys from the vertical  
21 infrastructure restricted capitals fund for any  
22 purpose shall report to the state agency to which the  
23 moneys are appropriated the status of all projects  
24 completed or in progress. The report shall include a  
25 description of the project, the progress of work  
26 completed, the total estimated cost of the project, a  
27 list of all revenue sources being used to fund the  
28 project, the amount of funds expended, the amount of  
29 funds obligated, and the date the project was  
30 completed or an estimated completion date of the  
31 project, where applicable."

32 3. Page 12, line 20, by striking the figure "6."  
33 and inserting the following: "7."

34 4. By renumbering as necessary.

Roll call was requested by Huseman of Cherokee and Raecker of Polk.

On the question "Shall amendment H-1729 be adopted?" (S.F. 477)

The ayes were, 96:

Alons	Anderson	Bailey	Baudler
Beard	Bell	Berry	Bukta
Burt	Cohoon	Cownie	Deyoe
Dolecheck	Drake	Ficken	Ford
Forristall	Frevert	Gaskill	Gayman
Grassley	Hagenow	Heaton	Heddens
Helland	Horbach	Hunter	Huseman
Huser	Isenhart	Jacoby	Kaufmann
Kearns	Kelley	Koester	Kuhn
Lensing	Lukan	Lykam	Marek
Mascher	May	McCarthy	Mertz
Miller, H.	Miller, L.	Murphy, Spkr.	Oldson
Olson, D.	Olson, R.	Olson, S.	Olson, T.
Palmer	Paulsen	Petersen	Pettengill
Quirk	Raecker	Rants	Rayhons
Reasoner	Reichert	Roberts	Sands
Schueller	Schulte	Schultz	Shomshor
Smith	Soderberg	Sorenson	Steckman
Struyk	Swaim	Sweeney	Taylor, D.
Taylor, T.	Thede	Thomas	Tjepkes
Tymeson	Upmeyer	Van Engelenhoven	Wagner
Watts	Wendt	Wenthe	Wessel-Kroeschell
Whitaker	Whitead	Willems	Winckler
Windschitl	Worthan	Zirkelbach	Abdul-Samad Presiding

The nays were, none.

Absent or not voting, 4:

Arnold	Chambers	De Boef	Kressig
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Amendment H-1729 was adopted.

Cohoon of Des Moines 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. 477)

The ayes were, 52:

Bailey	Beard	Bell	Berry
Bukta	Burt	Cohoon	Ficken
Ford	Frevert	Gaskill	Gayman
Heddens	Hunter	Isenhart	Jacoby
Kearns	Kelley	Kuhn	Lensing
Lykam	Marek	McCarthy	Mertz



Miller, H.	Murphy, Spkr.	Oldson	Olson, D.
Olson, R.	Olson, T.	Palmer	Petersen
Quirk	Reasoner	Reichert	Shomshor
Smith	Steckman	Swaim	Taylor, D.
Taylor, T.	Thede	Thomas	Wendt
Wenthe	Wessel-Kroeschell	Whitaker	Whitead
Willems	Winckler	Zirkelbach	Abdul-Samad, Presiding

The nays were, 44:

Alons	Anderson	Baudler	Cownie
Deyoe	Dolecheck	Drake	Forristall
Grassley	Hagenow	Heaton	Helland
Horbach	Huseman	Huser	Kaufmann
Koester	Lukan	Mascher	May
Miller, L.	Olson, S.	Paulsen	Pettengill
Raecker	Rants	Rayhons	Roberts
Sands	Schueller	Schulte	Schultz
Soderberg	Sorenson	Struyk	Sweeney
Tjepkes	Tymeson	Upmeyer	Van Engelenhoven
Wagner	Watts	Windschitl	Worthan

Absent or not voting and 4:

Arnold	Chambers	De Boef	Kressig
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The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

### HOUSE FILE 828 WITHDRAWN

Cphoon of Des Moines asked and received unanimous consent to withdraw House File 828 from further consideration by the House.

### IMMEDIATE MESSAGE

McCarthy of Polk asked and received unanimous consent that **Senate File 477** be immediately messaged to the Senate.

On motion by McCarthy of Polk, the House was recessed at 12:45 p.m., until 2:00 p.m.

### AFTERNOON SESSION

The House reconvened at 2:18 p.m., Zirkelbach of Jones in the chair.

The House stood at ease at 2:19 p.m., until the fall of the gavel.

The House resumed session at 3:23 p.m., Zirkelbach of Jones in the chair.

The House stood at ease at 3:23 p.m., until the fall of the gavel.

The House resumed session at 4:03 p.m., Zirkelbach of Jones 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 April 25, 2009, passed the following bill in which the concurrence of the Senate was asked:

House File 826, a bill for an act relating to the comprehensive recycling planning task force.

Also: That the Senate has on April 25, 2009, concurred in the House amendment and passed the following bill in which the concurrence of the Senate was asked:

Senate File 471, a bill for an act relating to energy efficiency and renewable energy, including allocating appropriated amounts from the Iowa power fund to fund tax credits for innovative renewable energy generation components, transferring authority over specified energy-related measures and programs from the department of natural resources to the office of energy independence, providing transition provisions relating to the transfer of authority, and providing an effective date.

MICHAEL E. MARSHALL, Secretary

### Unfinished Business Calendar

**House File 820**, a bill for an act appropriating federal funds made available from federal block grants, federal American Recovery and Reinvestment Act of 2009 funding, and other federal grants, allocating portions of federal block grants, and providing procedures if federal funds are more or less than anticipated or if federal block grants are more or less than anticipated, was taken up for consideration.

Wenthe of Fayette offered amendment H-1718 filed by him as follows:

H-1718

1 Amend House File 820 as follows:

2 1. Page 1, by inserting before line 1 the  
3 following:

4 "DIVISION I  
5 FEDERAL BLOCK GRANT AND OTHER  
6 FEDERAL FUNDING -- FY 2009-2010"

7 2. Page 15, by striking lines 19 through 25.

8 3. Page 24, by inserting after line 18 the  
9 following:

10 "DIVISION II  
11 FEDERAL AMERICAN RECOVERY AND  
12 REINVESTMENT ACT OF 2009 FUNDING  
13 Sec.\_\_\_\_. APPLICABILITY OF APPROPRIATIONS –  
14 TRANSFERS – UNANTICIPATED FUNDS.

15 1. a. The appropriations of available federal  
16 grants, receipts, and funds made to the departments  
17 and agencies in division I of this Act and in 2008  
18 Iowa Acts, chapter 1177, sections 17 through 57, do  
19 not apply to the federal funding available through the  
20 federal American Recovery and Reinvestment Act of 2009  
21 for the fiscal years addressed by the federal Act or  
22 to additional, unanticipated funding from federal law  
23 enacted after the effective date of this division of  
24 this Act.

25 b. However, if it is determined by the department  
26 of management, with the written consent of the  
27 governor, that federal grants, receipts, and funds  
28 available through the federal American Recovery and  
29 Reinvestment Act of 2009 are needed and are available  
30 without any match requirement and have not been  
31 appropriated in this division of this Act or are  
32 provided through federal match of state or local funds  
33 that have been appropriated, the appropriations  
34 described in paragraph "a" shall apply.

35 2. The department of management, with the written  
36 consent and approval of the governor, may exercise the  
37 transfer authority authorized in section 8.39, to  
38 transfer any of the appropriations made in this  
39 division of this Act to appropriations made from the  
40 general fund of the state for the fiscal year  
41 beginning July 1, 2008, or the fiscal year beginning  
42 July 1, 2009, provided the transfer is made within the  
43 same fiscal year for which the appropriation is made  
44 in this division of this Act. Any such transfer is  
45 subject to the notice provisions of section 8.39,  
46 subsection 3.

47 Sec.\_\_\_\_. FEDERAL RECOVERY AND REINVESTMENT FUND  
48 APPROPRIATION FOR SCHOOLS – FY 2008-2009.

49 1. There is appropriated from the federal recovery  
50 and reinvestment fund created in section 8.41A, as

Page 2

1 enacted in this division of this Act, to the  
2 department of management for the fiscal year beginning  
3 July 1, 2008, and ending June 30, 2009, the following  
4 amounts, or so much thereof as is necessary, to be  
5 used for the purposes designated:

6 From funding designated for education  
7 stabilization, to be used for state foundation aid to  
8 school districts in accordance with section 257.16,  
9 subsection 1:  
10 ..... \$ 40,000,000

11 2. The appropriation made in subsection 1 is in  
12 lieu of an equal amount of the appropriation from the  
13 general fund of the state in section 257.16,  
14 subsection 1, for the fiscal year beginning July 1,  
15 2008, and ending June 30, 2009, after applying the  
16 reduction made pursuant to executive order number 10  
17 issued December 22, 2008, and shall be used to pay  
18 that part of state foundation aid which represents the  
19 allowable growth amounts for all school districts  
20 under section 257.8, subsection 1.

21 3. For purposes of distributing the appropriation  
22 made in subsection 1 to school districts, the  
23 distribution amount shall be calculated as part of the  
24 May 2009 payment to each school district in the same  
25 ratio that the weighted enrollment, determined in  
26 accordance with section 257.6, subsection 5, of the  
27 school district for the budget year beginning July 1,  
28 2008, bears to the total weighted enrollment of all  
29 school districts in the state for that budget year.  
30 However, if the federal funding is not received in  
31 time to be included in the May 2009 payment, the  
32 distribution amount shall instead be included in the  
33 earliest possible payment to each school district,  
34 calculated as provided in this subsection.

35 Sec.\_\_\_\_. STATE FOUNDATION AID FOR SCHOOLS – FY  
36 2009-2010. Notwithstanding the standing appropriation  
37 in section 257.16, subsection 1, for state foundation  
38 aid for the fiscal year beginning July 1, 2009, and  
39 ending June 30, 2010, the amount appropriated from the  
40 general fund of the state pursuant to that section for  
41 the following designated purpose shall not exceed the  
42 following amount:

43 For state foundation aid under section 257.16,  
44 subsection 1:  
45 ..... \$2,587,500,000

46 1. Of the amount designated in this section for  
47 state foundation aid, \$309,001,736 is allocated for  
48 the teacher salary supplements, the professional  
49 development supplements, and the early intervention  
50 supplement in accordance with section 257.10,

Page 3

1 subsections 9 through 11, and section 257.37A.  
 2 2. If the remaining balance of the moneys  
 3 designated in this section, after the allocation made  
 4 in subsection 1, is less than the amount required to  
 5 pay the remainder of state foundation aid pursuant to  
 6 section 257.16, subsection 1, the difference shall be  
 7 deducted from the payments to each school district and  
 8 area education agency in the manner provided in  
 9 section 257.16, subsection 4. The reduction for area  
 10 education agencies shall be added to the reduction  
 11 made pursuant to section 257.35, subsection 5, as  
 12 amended by this division of this Act.

13 Sec.\_\_\_\_. FEDERAL RECOVERY AND REINVESTMENT FUND  
 14 APPROPRIATIONS – FY 2009-2010. There is appropriated  
 15 from the federal recovery and reinvestment fund  
 16 created in section 8.41A, as enacted in this division  
 17 of this Act, to the department of management for the  
 18 fiscal year beginning July 1, 2009, and ending June  
 19 30, 2010, the following amounts, or so much thereof as  
 20 is necessary, to be used for the purposes designated:

21 1. From funding designated for education  
 22 stabilization:  
 23 a. For state foundation aid to schools, to be used  
 24 as provided in this lettered paragraph for state  
 25 foundation aid to schools in accordance with section  
 26 257.16, subsection 1:  
 27 ..... \$202,546,705

28 (1) The appropriation made in this lettered  
 29 paragraph is in lieu of an equal amount of the  
 30 appropriation made from the general fund of the state  
 31 for the fiscal year beginning July 1, 2009, and ending  
 32 June 30, 2010, pursuant to section 257.16, as limited  
 33 by this division of this Act, and shall be used to pay  
 34 that part of state foundation aid which represents the  
 35 allowable growth amounts for all school districts  
 36 under section 257.8, subsection 1.

37 (2) For purposes of distributing the appropriation  
 38 made in this lettered paragraph to school districts,  
 39 the distribution amount shall be calculated equally in  
 40 the monthly payment to each school district in the  
 41 same ratio that the weighted enrollment, determined in  
 42 accordance with section 257.6, subsection 5, of the  
 43 school district for the budget year beginning July 1,  
 44 2009, bears to the total weighted enrollment of all  
 45 school districts in the state for that budget year.

46 b. For the institutions under the control of the  
 47 state board of regents:  
 48 ..... \$ 80,280,000

49 The state board of regents shall report to the  
 50 department of management and the legislative services

Page 4

1 agency on or before July 1, 2009, as to the  
2 distribution of the amount appropriated in this  
3 lettered paragraph among the five institutions.

4 c. For general state financial aid to merged areas  
5 as defined in section 260C.2 in accordance with  
6 chapters 258 and 260C to supplement the appropriation  
7 made for this purpose in 2009 Iowa Acts, Senate File  
8 470, if enacted:

9 ..... \$ 23,100,00

10 The amount appropriated in this lettered paragraph  
11 shall be allocated to merged areas in proportion to  
12 each merged area's share of general state financial  
13 aid appropriated in 2009 Iowa Acts, Senate File 470,  
14 if enacted.

15 2. From funding designated for government  
16 stabilization, for administration and regulation:

17 a. For the department of administrative services:

18 ..... \$ 100,000

19 b. For the office of the governor and lieutenant  
20 governor:

21 ..... \$ 100,000

22 c. For the department of management:

23 ..... \$ 100,000

24 d. For the legislative services agency:

25 ..... \$ 100,000

26 3. From funding designated for government  
27 stabilization, for general state financial aid to  
28 merged areas as defined in section 260C.2 in  
29 accordance with chapters 258 and 260C to supplement  
30 the appropriation made for this purpose in 2009 Iowa  
31 Acts, Senate File 470, if enacted:

32 ..... \$ 2,500,000

33 The amount appropriated in this subsection shall be  
34 allocated to merged areas in proportion to each merged  
35 area's share of general state financial aid  
36 appropriated in 2009 Iowa Acts, Senate File 470, if  
37 enacted.

38 4. From funding designated for government  
39 stabilization, for the department of corrections:

40 a. For the operation of the Fort Madison  
41 correctional facility:

42 ..... \$ 3,206,000

43 b. For the operation of the Anamosa correctional  
44 facility:

45 ..... \$ 119,000

46 c. For the operation of the Oakdale correctional  
47 facility:

48 ..... \$ 504,000

49 d. For the operation of the Newton correctional  
50 facility:

Page 5

1	.....	\$ 301,000
2	e. For the operation of the Mt. Pleasant	
3	correctional facility:	
4	.....	\$ 189,000
5	f. For the operation of the Rockwell City	
6	correctional facility:	
7	.....	\$ 63,000
8	g. For the operation of the Clarinda correctional	
9	facility:	
10	.....	\$ 1,862,000
11	h. For the operation of the Mitchellville	
12	correctional facility:	
13	.....	\$ 266,000
14	i. For the operation of the Fort Dodge	
15	correctional facility:	
16	.....	\$ 280,000
17	j. For general administration of the department:	
18	.....	\$ 210,000
19	5. From funding designated for government	
20	stabilization, for the department of human services:	
21	a. For the medical assistance program:	
22	.....	\$ 6,237,173
23	Of the funds appropriated in this lettered	
24	paragraph, \$6,000,000 is allocated for rebasing of	
25	nursing facility reimbursement and \$237,173 for	
26	interpreter services associated with 2009 Iowa Acts,	
27	Senate File 389, if enacted.	
28	b. For coverage of children under the medical	
29	assistance and hawk-i programs and for additional	
30	coverage provisions for children under 2009 Iowa Acts,	
31	Senate File 389, if enacted:	
32	.....	\$ 6,263,231
33	Of the funds appropriated in this lettered	
34	paragraph, \$510,249 is allocated for supplemental	
35	dental services under the hawk-i program.	
36	c. For transfer to the department of public health	
37	to be used for 0.25 full-time equivalent position and	
38	other costs associated with the volunteer health care	
39	provider program:	
40	.....	\$ 20,000
41	d. For the property tax relief fund in lieu of an	
42	equal amount of the appropriation made from the	
43	general fund of the state in section 426B.1,	
44	subsection 2:	
45	.....	\$ 10,480,000
46	Notwithstanding section 426B.1, subsection 2, for	
47	the fiscal year beginning July 1, 2009, the amount of	
48	the appropriation made from the general fund of the	
49	state in section 426B.1, subsection 2, shall be	
50	reduced by \$2,964,543 and the appropriation made from	

Page 6

1 the property tax relief fund and for the fiscal year  
2 to supplement the medical assistance program in  
3 section 426B.1, subsection 3, shall be reduced by the  
4 same amount.

5 e. For the risk pool created in the property tax  
6 relief fund in accordance with section 426B.5:  
7 ..... \$ 10,000,000

8 f. For a demonstration project providing health  
9 care coverage premium assistance for direct care  
10 workers to implement recommendations developed  
11 pursuant to 2008 Iowa Acts, chapter 1188, section 72:  
12 ..... \$ 400,000

13 g. For the department's field operations, if 2009  
14 Iowa Acts, Senate File 389, is enacted:  
15 ..... \$ 605,596

16 The funds appropriated in this lettered paragraph  
17 shall be used for 17.00 additional full-time  
18 equivalent positions for implementation costs  
19 associated with 2009 Iowa Acts, Senate File 389, if  
20 enacted.

21 6. From funding designated for government  
22 stabilization, for the state department of  
23 transportation:  
24 ..... \$ 5,550,000

25 The department shall allocate the amount  
26 appropriated in this subsection as follows: 50  
27 percent shall be allocated to the street construction  
28 fund of the cities and 50 percent shall be allocated  
29 to the secondary road fund of the counties, to be used  
30 for construction, reconstruction, repair, and  
31 maintenance of city roads or secondary roads. The  
32 moneys allocated from the funds shall be expended  
33 within two years. Any allocated moneys not expended  
34 within two years shall be reallocated by the state  
35 transportation commission to other projects. The  
36 department shall, in cooperation with the cities and  
37 counties, provide a report to the legislative services  
38 agency regarding the projects funded by this  
39 appropriation by January 15 each year until the  
40 projects are completed.

41 Sec.\_\_\_\_. DEPARTMENT OF HUMAN SERVICES TRANSFERS

42 – FY 2008-2009. There is transferred to the human  
43 services reinvestment fund created in this division of  
44 this Act, from the following appropriations made for  
45 the purposes indicated from the general fund of the  
46 state to the department of human services for the  
47 fiscal year beginning July 1, 2008, and ending June  
48 30, 2009, the following amounts:

49 1. For child support recovery, in 2008 Iowa Acts,  
50 chapter 1187, section 8:



Page 7

1	.....	\$ 3,465,000
2	2. For child and family services, in 2008 Iowa	
3	Acts, chapter 1187, section 16:	
4	.....	\$ 1,128,221
5	3. For adoption subsidy, in 2008 Iowa Acts,	
6	chapter 1187, section 17:	
7	.....	\$ 1,151,849
8	4. For the state resource center at Glenwood, in	
9	2008 Iowa Acts, chapter 1187, section 22, subsection	
10	1, paragraph "a":	
11	.....	\$ 2,301,276
12	5. For the state resource center at Woodward, in	
13	2008 Iowa Acts, chapter 1187, section 22, subsection	
14	1, paragraph "b":	
15	.....	\$ 1,347,221
16	Sec.____. DEPARTMENT OF HUMAN SERVICES TRANSFERS	
17	-- FY 2009-2010. There is transferred to the human	
18	services reinvestment fund created in this division of	
19	this Act, from the following appropriations made for	
20	the purposes indicated from the general fund of the	
21	state in 2009 Iowa Acts, House File 811, if enacted,	
22	to the department of human services for the fiscal	
23	year beginning July 1, 2009, and ending June 30, 2010,	
24	the following amounts:	
25	1. For child support recovery:	
26	.....	\$ 2,937,999
27	2. For child and family services:	
28	.....	\$ 1,387,581
29	For fiscal year 2009-2010 the statewide expenditure	
30	target under section 232.143 for group foster care	
31	maintenance and services shall be \$32,812,819 in lieu	
32	of the target amount specified in the appropriation	
33	from which this transfer is made.	
34	3. For the state resource center at Glenwood:	
35	.....	\$ 2,544,675
36	4. For the state resource center at Woodward:	
37	.....	\$ 642,029
38	Sec.____. HUMAN SERVICES REINVESTMENT FUND.	
39	1. The human services reinvestment fund is created	
40	in the office of the treasurer of state under the	
41	authority of the department of human services.	
42	2. There is appropriated from the human services	
43	reinvestment fund to the department of human services	
44	for the fiscal year beginning July 1, 2009, and ending	
45	June 30, 2010, the following amounts to be used for	
46	the following designated purposes:	
47	a. For the Iowa juvenile home at Toledo:	
48	.....	\$ 836,515
49	b. For the state training school at Eldora:	
50	.....	\$ 1,327,300

Page 8

1 c. For the state mental health institute at  
2 Cherokee:  
3 ..... \$ 673,290  
4 d. For the state mental health institute at  
5 Clarinda:  
6 ..... \$ 804,260  
7 e. For the state mental health institute at  
8 Independence:  
9 ..... \$ 1,177,790  
10 f. For the state mental health institute at Mt.  
11 Pleasant:  
12 ..... \$ 222,694  
13 g. For distribution to counties for state case  
14 services for persons with mental illness, mental  
15 retardation, and developmental disabilities:  
16 ..... \$ 325,430  
17 h. For costs associated with the commitment and  
18 treatment of sexually violent predators in the unit  
19 located at the state mental health institute at  
20 Cherokee:  
21 ..... \$ 503,554  
22 i. For the department's field operations:  
23 ..... \$ 8,386,761  
24 j. For the department's general administration:  
25 ..... \$ 1,500,000  
26 3. There is appropriated from the human services  
27 reinvestment fund for the fiscal year beginning July  
28 1, 2009, and ending June 30, 2010, the following  
29 amount to be used for the following designated  
30 purpose:  
31 For the legislative services agency to be used for  
32 costs associated with the legislative health care  
33 coverage commission created in 2009 Iowa Acts, Senate  
34 File 389, if enacted, or a similar legislative  
35 commission:  
36 ..... \$ 315,000  
37 Notwithstanding section 8.33, moneys appropriated  
38 in this subsection that remain unencumbered or  
39 unobligated at the close of the fiscal year shall not  
40 revert but shall remain available for expenditure for  
41 the purposes designated until the close of the fiscal  
42 year that begins July 1, 2010.  
43 4. Any unexpended or unobligated moneys remaining  
44 in the human services reinvestment fund at the close  
45 of the fiscal year beginning July 1, 2009, or  
46 succeeding fiscal years shall be credited to the  
47 general fund of the state.  
48 Sec.\_\_\_\_. COMMUNITY DEVELOPMENT BLOCK GRANT –  
49 HOUSING AND RECOVERY ACT.  
50 1. There is appropriated from the fund created by

1 section 8.41 to the department of economic development  
 2 for the federal fiscal year beginning October 1, 2007,  
 3 and ending September 30, 2008, the following amount:  
 4 ..... \$ 21,607,17

5 2. The funds appropriated in this section are  
 6 community development block grant funds awarded to the  
 7 state under the federal Housing and Economic Recovery  
 8 Act of 2008, Pub. L. No. 110-289.

9 3. The department of economic development shall  
 10 expend the funds appropriated in this section for  
 11 emergency assistance for redevelopment of abandoned  
 12 and foreclosed homes and residential properties,  
 13 commonly referred to as the neighborhood stabilization  
 14 program, as provided in the federal law and in  
 15 conformance with chapter 17A. An amount not to exceed  
 16 4 percent of the funds appropriated in this section  
 17 shall be used by the department for administrative  
 18 expenses. From the funds set aside for administrative  
 19 expenses, the department shall pay to the auditor of  
 20 state an amount sufficient to pay the cost of auditing  
 21 the use and administration of the state's portion of  
 22 the funds appropriated in this section.

23 4. This section is retroactively applicable to  
 24 October 1, 2007.

25 Sec.\_\_\_\_. COMMUNITY DEVELOPMENT BLOCK GRANT –  
 26 DISASTER RELIEF.

27 1. There is appropriated from the fund created by  
 28 section 8.41 to the department of economic development  
 29 for the federal fiscal year beginning October 1, 2007,  
 30 and ending September 30, 2008, the following amount:  
 31 ..... \$125,297,142

32 2. The funds appropriated in this section are  
 33 federal community development block grant funds  
 34 awarded to the state under the federal Consolidated  
 35 Security, Disaster Assistance, and Continuing  
 36 Appropriations Act, 2009, Pub. L. No. 110-329.

37 3. The department of economic development shall  
 38 expend the funds appropriated in this section for  
 39 disaster relief, long-term recovery, and restoration  
 40 of infrastructure as provided in the federal law  
 41 making the funds available and in conformance with  
 42 chapter 17A. An amount not to exceed 3 percent of the  
 43 funds appropriated in this section shall be used by  
 44 the department for administrative expenses. From the  
 45 funds set aside for administrative expenses, the  
 46 department shall pay to the auditor of state an amount  
 47 sufficient to pay the cost of auditing the use and  
 48 administration of the state's portion of the funds  
 49 appropriated in this section.

50 4. If the actual federal funding received is less

Page 10

1 than or greater than the amount appropriated in this  
2 section, the procedures specified in 2007 Iowa Acts,  
3 chapter 204, section 16 or 17, are applicable.

4 5. This section is retroactively applicable to  
5 October 1, 2007.

6 Sec.\_\_\_\_. NEW SECTION. 8.41A FEDERAL RECOVERY  
7 AND REINVESTMENT FUND.

8 1. A federal recovery and reinvestment fund is  
9 created in the state treasury under the control of the  
10 department of management consisting of moneys received  
11 from the federal government for state and local  
12 government fiscal relief under the federal American  
13 Recovery and Reinvestment Act of 2009, Pub. L. No.  
14 111-5, and other moneys received for state and local  
15 government fiscal relief under any other federal  
16 legislation. Notwithstanding section 12C.7, interest  
17 or earnings on moneys in the fund shall be credited to  
18 the fund. Notwithstanding section 8.33, moneys  
19 credited to the fund that remain unexpended or  
20 unobligated at the end of a fiscal year shall not  
21 revert to any other fund.

22 2. Moneys appropriated from the fund shall be  
23 expended as provided in the federal law making the  
24 moneys available and in conformance with chapter 17A.

25 3. The recipient of an appropriation made from the  
26 fund shall account for the appropriation in a manner  
27 agreed to by the department of management and the  
28 legislative services agency.

29 4. The governor shall create an Iowa  
30 accountability and transparency board to monitor the  
31 state's use of federal American Recovery and  
32 Reinvestment Act of 2009 funding in order to prevent  
33 fraud, waste, and abuse, and to make recommendations  
34 to the governor and general assembly to assure best  
35 practices are implemented for the use of the funding.

36 Sec.\_\_\_\_. Section 257.35, subsection 5, Code 2009,  
37 is amended to read as follows:

38 5. Notwithstanding subsection 1, and in addition  
39 to the reduction applicable pursuant to subsection 2,  
40 the state aid for area education agencies and the  
41 portion of the combined district cost calculated for  
42 these agencies for ~~the~~ each fiscal year of the fiscal  
43 period beginning July 1, 2008, and ending June 30,  
44 2010, shall be reduced by the department of management  
45 by two million five hundred thousand dollars. The  
46 reduction for each area education agency for each  
47 fiscal year of the fiscal period beginning July 1,  
48 2008, and ending June 30, 2010, shall be prorated  
49 based on the reduction that the agency received in the  
50 fiscal year beginning July 1, 2003.

Page 11

1 Sec.\_\_\_\_. Section 298.10, Code 2009, is amended to  
2 read as follows:

3 298.10 LEVY FOR CASH RESERVE.

4 1. The board of directors of a school district may  
5 certify for levy by April 15 of a school year, a tax  
6 on all taxable property in the school district in  
7 order to raise an amount for a necessary cash reserve  
8 for a school district's general fund. The amount  
9 raised for a necessary cash reserve does not increase  
10 a school district's authorized expenditures as defined  
11 in section 257.7.

12 2. For fiscal years beginning on or after July 1,  
13 2012, the cash reserve levy for a budget year shall  
14 not exceed sixteen and seven-tenths percent of the  
15 general fund expenditures for the year previous to the  
16 base year minus the general fund unexpended fund  
17 balance for the year previous to the base year.

18 Sec.\_\_\_\_. 2009 Iowa Acts, House File 414, section  
19 45, subsection 2, is amended to read as follows:

20 2. The section of this division of this Act  
21 appropriating federal community development block  
22 grant funds is retroactively applicable to ~~June 30,~~  
23 ~~2008~~ October 1, 2007.

24 Sec.\_\_\_\_. LEGISLATIVE INTENT – SCHOOL DISTRICT  
25 CASH RESERVES. It is the intent of the general  
26 assembly that school districts begin the process of  
27 maintaining a general fund unexpended fund balance  
28 that does not exceed the target percentage established  
29 in section 298.10, subsection 2, as enacted by this  
30 division of this Act. A school district with a  
31 general fund unexpended fund balance in excess of the  
32 statutory target percentage should reduce the  
33 unexpended balance to be within the target percentage  
34 by the close of the fiscal year beginning July 1,  
35 2011. If there is a shortfall in state foundation aid  
36 to school districts during the period beginning on the  
37 effective date of this section and ending June 30,  
38 2012, in lieu of implementing staff reductions, a  
39 school district should first utilize unexpended or  
40 unobligated cash balances to adjust for the shortfall.

41 Sec.\_\_\_\_. EFFECTIVE DATE – RETROACTIVE  
42 APPLICABILITY.

43 1. Except as provided in subsection 2, this  
44 division of this Act, being deemed of immediate  
45 importance, takes effect upon enactment.

46 2. The section of this division of this Act  
47 amending section 257.35 is retroactively applicable to  
48 July 1, 2008."

49 4. Title page, line 1, by inserting after the  
50 word "Act" the following: "relating to state and

Page 12

1 local financial matters by revising certain  
 2 appropriations and".  
 3 5. Title page, line 6, by inserting after the  
 4 word "anticipated" the following: ", and including  
 5 effective and retroactive applicability date  
 6 provisions".

Rants of Woodbury offered the following amendment H-1727, to amendment H-1718, filed by him and moved its adoption:

H-1727

1 Amend the amendment, H-1718, to House File 820, as  
 2 follows:  
 3 1. Page 2, line 45, by striking the figure  
 4 "2,587,500,000" and inserting the following:  
 5 "2,620,500,000".  
 6 2. Page 3, line 27, by striking the figure  
 7 "202,546,705" and inserting the following:  
 8 "235,546,705".

Roll call was requested by Rants of Woodbury and Raecker of Polk.

On the question "Shall amendment H-1727 to amendment H-1718 be adopted?" (H.F. 820)

The ayes were, 44:

Alons	Anderson	Arnold	Baudler
Cownie	Deyoe	Dolecheck	Drake
Forristall	Grassley	Hagenow	Heaton
Helland	Horbach	Huseman	Huser
Kaufmann	Koester	Lukan	May
Mertz	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, 54:

Abdul-Samad	Bailey	Beard	Bell
Berry	Bukta	Burt	Cohoon
Ficken	Ford	Frevert	Gaskill
Gayman	Heddens	Hunter	Isenhardt
Jacoby	Kearns	Kelley	Kressig

Kuhn	Lensing	Lykam	Marek
Mascher	McCarthy	Miller, H.	Murphy, Spkr.
Oldson	Olson, D.	Olson, R.	Olson, T.
Palmer	Petersen	Quirk	Reasoner
Reichert	Schueller	Shomshor	Smith
Steckman	Swaim	Taylor, D.	Taylor, T.
Thede	Thomas	Wendt	Wenthe
Wessel-Kroeschell	Whitaker	Whitead	Willems
Winckler	Zirkelbach, Presiding		

Absent or not voting, 2:

Chambers                      De Boef

Amendment H-1727 lost.

Wenthe of Fayette offered the following amendment H-1755, to amendment H-1718, filed by him from the floor and moved its adoption:

H-1755

- 1 Amend the amendment, H-1718, to House File 820, as
- 2 follows:
- 3 1. Page 3, line 46, by inserting after the word
- 4 "For" the following: "distribution by the department
- 5 of management to".
- 6 2. Page 3, by striking lines 49 and 50 and
- 7 inserting the following:
- 8 "The department of management shall report to the
- 9 legislative services".

Amendment H-1755 was adopted.

Petersen of Polk asked and received unanimous consent to withdraw amendment H-1724, to amendment H-1718, filed by her on April 24, 2009.

Petersen of Polk offered the following amendment H-1759, to amendment H-1718, filed by her from the floor and moved its adoption:

H-1759

- 1 Amend the amendment, H-1718, to House File 820, as
- 2 follows:
- 3 1. Page 6, by inserting after line 40 the

4 following:

5 "Sec.\_\_\_\_. AMERICAN RECOVERY AND REINVESTMENT ACT  
6 OF 2009 – ALLOCATION FOR INFANT AND TODDLER CARE  
7 QUALITY.

8 1. Of the moneys appropriated from the additional  
9 funding allocated under the federal American Recovery  
10 and Reinvestment Act of 2009 for the federal child  
11 care and development block grant to the department of  
12 human services for the fiscal year beginning July 1,  
13 2009, and ending June 30, 2010, that are federally  
14 designated for activities that improve the quality of  
15 infant and toddler care, \$2,365,556 is transferred to  
16 the early childhood programs grant account in the Iowa  
17 empowerment fund and shall be used in accordance with  
18 this section for a program through community  
19 empowerment areas for supporting low-income families  
20 in securing high-quality child care.

21 2. The funds transferred pursuant to this section  
22 shall be distributed as grants to community  
23 empowerment areas by applying the formula for the  
24 early childhood program grant account in section 28.9,  
25 subsection 4, paragraph "b". Notwithstanding section  
26 8.33, the funds shall be available for expenditure by  
27 community empowerment areas in accordance with this  
28 section for the fiscal year beginning July 1, 2009,  
29 and the succeeding fiscal year.

30 3. For the purposes of this subsection, "federal  
31 poverty level" means the poverty level defined by the  
32 most recently revised poverty income guidelines  
33 published by the United States department of health  
34 and human services. The program shall provide  
35 financial assistance to families with infants and  
36 toddlers less than age two that have a family income  
37 of more than 145 percent but not more than 185 percent  
38 of the federal poverty level. However, the department  
39 may adjust the qualifying criteria or the financial  
40 assistance purpose provisions specified in this  
41 subsection or make other changes as necessary for  
42 implementation to conform with federal requirements  
43 for the funding. Outcome reporting and other grant  
44 requirements shall be developed by the department in  
45 cooperation with the Iowa empowerment board.

46 4. The financial assistance shall be for any of  
47 the following purposes:

48 a. For making temporary payments to qualifying  
49 families whose members are recently unemployed and  
50 seeking work to use in meeting immediate family needs.

Page 2

1 b. For providing sliding scale subsidies for  
2 qualifying families for child care provided to the



3 families' infants and toddlers by providers who are  
 4 accredited by the national association for the  
 5 education of young children or the national  
 6 association for family child care, or who have a  
 7 rating at level 3 or higher under the child care  
 8 quality rating system implemented pursuant to section  
 9 237A.30."  
 10 2. By renumbering as necessary.

Roll call was requested by Raecker of Polk and Heaton of Henry.

On the question "Shall amendment H-1759 to amendment H-1718 be adopted?" (H.F. 820)

The ayes were, 96:

Abdul-Samad	Alons	Anderson	Arnold
Bailey	Baudler	Beard	Bell
Berry	Bukta	Burt	Cphoon
Cownie	Deyoe	Dolecheck	Drake
Ficken	Ford	Forristall	Frevert
Gaskill	Gayman	Grassley	Hagenow
Heaton	Heddens	Helland	Horbach
Hunter	Huseman	Huser	Isenhart
Jacoby	Kaufmann	Kearns	Kelley
Koester	Kressig	Kuhn	Lensing
Lukan	Lykam	Marek	Mascher
May	McCarthy	Mertz	Miller, H.
Miller, L.	Oldson	Olson, D.	Olson, R.
Olson, S.	Olson, T.	Palmer	Paulsen
Petersen	Pettengill	Quirk	Raecker
Rants	Rayhons	Reasoner	Reichert
Roberts	Sands	Schueller	Schulte
Schultz	Shomshor	Smith	Soderberg
Sorenson	Steckman	Struyk	Swaim
Sweeney	Taylor, D.	Taylor, T.	Thede
Thomas	Tjepkes	Tymeson	Upmeyer
Wagner	Watts	Wendt	Wenthe
Wessel-Kroeschell	Whitaker	Whitead	Willems
Winckler	Windschitl	Worthan	Zirkelbach, Presiding

The nays were, none.

Absent or not voting, 4:

Chambers	De Boef	Murphy, Spkr.	Van Engelenhoven
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Amendment H-1759 was adopted.

Wenthe of Fayette offered the following amendment H-1751 to amendment H-1718 filed by him from the floor and moved its adoption:

H-1751

- 1 Amend the amendment, H-1718, to House File 820, as
- 2 follows:
- 3 1. Page 11, line 14, by striking the words
- 4 "sixteen and seven-tenths" and inserting the
- 5 following: "twenty".
- 6 2. Page 11, by striking lines 24 through 40.
- 7 3. By renumbering as necessary.

Amendment H-1751 was adopted.

Heddens of Story offered the following amendment H-1752 to amendment H-1718 filed by her from the floor and moved its adoption:

H-1752

- 1 Amend the amendment, H-1718, to House File 820, as
- 2 follows:
- 3 1. Page 11, by inserting after line 23 the
- 4 following:
- 5 "Sec. \_\_\_\_\_. 2009 Iowa Acts, House File 811, section
- 6 32, subsection 1, paragraph a, subparagraph (1), if
- 7 enacted, is amended to read as follows:
- 8 (1) For the fiscal year beginning July 1, 2009,
- 9 the total state funding amount for the nursing
- 10 facility budget shall not exceed ~~\$146,803,575~~
- 11 \$152,803,575."
- 12 2. By renumbering as necessary.

Amendment H-1752 was adopted.

Wenthe of Fayette offered the following amendment H-1765 to amendment H-1718 filed by him from the floor and moved its adoption:

H-1765

- 1 Amend the amendment, H-1718, to House File 820, as
- 2 follows:
- 3 1. Page 6, by striking lines 25 through 40 and
- 4 inserting the following:

5 "Fifty percent of the amount appropriated in this  
 6 subsection shall be deposited into the street  
 7 construction fund of the cities and fifty percent  
 8 shall be deposited into the secondary road fund of the  
 9 counties, to be used for construction, reconstruction,  
 10 repair, and maintenance of city roads or secondary  
 11 roads. The moneys allocated to such funds shall be  
 12 expended within two years. The department shall, in  
 13 cooperation with the cities and counties, provide a  
 14 report to the legislative services agency regarding  
 15 the projects funded by this appropriation by January  
 16 15 each year until the projects are completed."  
 17 2. By renumbering as necessary.

Amendment H-1765 was adopted.

Wenthe of Fayette moved the adoption of amendment H-1718, as amended.

Amendment H-1718, as amended was adopted.

Wenthe of Fayette 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. 820)

The ayes were, 56:

Abdul-Samad	Bailey	Beard	Bell
Berry	Bukta	Burt	Cohoon
Ficken	Ford	Frevert	Gaskill
Gayman	Heddens	Hunter	Huser
Isenhart	Jacoby	Kearns	Kelley
Kressig	Kuhn	Lensing	Lykam
Marek	Mascher	McCarthy	Mertz
Miller, H.	Murphy, Spkr.	Oldson	Olson, D.
Olson, R.	Olson, T.	Palmer	Petersen
Quirk	Reasoner	Reichert	Schueller
Shomshor	Smith	Steckman	Swaim
Taylor, D.	Taylor, T.	Thede	Thomas
Wendt	Wenthe	Wessel-Kroeschell	Whitaker
Whitead	Willems	Winckler	Zirkelbach, Presiding

The nays were, 42:

Alons	Anderson	Arnold	Baudler
Cownie	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		

Absent or not voting, 2:

Chambers	De Boef
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The bill having received a constitutional majority was declared to have passed the House and the title, as amended, was agreed to.

#### IMMEDIATE MESSAGE

McCarthy of Polk asked and received unanimous consent that **House File 820** be immediately messaged to the Senate.

The House stood at ease at 4:40 p.m., until the fall of the gavel.

The House resumed session at 10:04 a.m., Speaker Murphy in the chair.

#### 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 April 25, 2009, amended and passed the following bill in which the concurrence of the House is asked:

House File 822, a bill for an act relating to and making, reducing, and transferring appropriations to state departments and agencies from the rebuild Iowa infrastructure fund, the technology reinvestment fund, and other funds creating and funding the Iowa flood center, establishing an alternative public project deliver pilot program, providing for related matter, and providing effective and retroactive applicability date provisions.

MICHAEL E. MARSHALL, Secretary

SENATE AMENDMENT CONSIDERED

Cohoon of Des Moines called up for consideration **House File 822**, a bill for an act relating to and making, reducing, and transferring appropriations to state departments and agencies from the rebuild Iowa infrastructure fund, the technology reinvestment fund, and other funds creating and funding the Iowa flood center, establishing an alternative public project delivery pilot program, providing for related matters, and providing effective and retroactive applicability date provisions, amended by the Senate amendment H-1774 as follows:

H-1774

1 Amend House File 822, as amended, passed, and  
2 reprinted by the House, as follows:

3 1. Page 2, by inserting after line 21 the  
4 following:

5 "j. For the state's share of support in  
6 conjunction with the city of Des Moines and local area  
7 businesses to provide a free shuttle service to the  
8 citizens of Iowa that includes transportation between  
9 the capitol complex and the downtown Des Moines area,  
10 notwithstanding section 8.57, subsection 6, paragraph  
11 "c":

12 ..... \$ 200,000

13 Details for the shuttle service, including the  
14 route to be served, shall be determined pursuant to an  
15 agreement to be entered into by the department with  
16 the Des Moines area regional transit authority (DART)  
17 and any other participating entities.

18 Of the amount appropriated in this lettered  
19 paragraph, up to \$50,000 shall be used to encourage  
20 state employees to utilize transit services provided  
21 by the Des Moines area regional transit authority."

22 2. Page 8, by inserting after line 10, the  
23 following:

24 "Of the amount appropriated in this lettered  
25 paragraph, \$1,000,000 shall be allocated for the  
26 replacement of a railroad bridge over the Cedar river  
27 in a city with a population between sixty-eight  
28 thousand five hundred and sixty-nine thousand."

29 3. Page 8, by striking lines 17 through 34 and  
30 inserting the following:

31 "f. To assist local governments to rebuild and  
32 repair local roads, notwithstanding section 8.57,  
33 subsection 6, paragraph "c":

34 ..... \$ 14,750,000

35 Fifty percent of the amount appropriated in this

36 lettered paragraph shall be deposited into the street  
 37 construction fund of the cities and fifty percent  
 38 shall be deposited into the secondary road fund of the  
 39 counties, to be used for construction, reconstruction,  
 40 repair, and maintenance of city roads or secondary  
 41 roads. The moneys allocated to such funds shall be  
 42 expended within two years. The department shall, in  
 43 cooperation with the cities and counties, provide a  
 44 report to the legislative services agency regarding  
 45 the projects funded by this appropriation by January  
 46 15 each year until the projects are completed."

47 4. By striking page 10, line 31, through page 11,  
 48 line 14, and inserting the following:  
 49 "b. To assist local governments to rebuild and  
 50 repair local roads, notwithstanding section 8.57,

Page 2

1 subsection 6, paragraph "c":  
 2 ..... \$ 24,700,000

3 Fifty percent of the amount appropriated in this  
 4 lettered paragraph shall be deposited into the street  
 5 construction fund of the cities and fifty percent  
 6 shall be deposited into the secondary road fund of the  
 7 counties, to be used for construction, reconstruction,  
 8 repair, and maintenance of city roads or secondary  
 9 roads. The moneys allocated to such funds shall be  
 10 expended within two years. The department shall, in  
 11 cooperation with the cities and counties, provide a  
 12 report to the legislative services agency regarding  
 13 the projects funded by this appropriation by January  
 14 15 each year until the projects are completed."

15 5. Page 12, line 2, by striking the word  
 16 "Notwithstanding" and inserting the following: "Sec.  
 17 \_\_\_\_\_. Notwithstanding".

18 6. Page 29, by inserting after line 29 the  
 19 following:

20 "Sec.\_\_\_\_. 2009 Iowa Acts, Senate File 376,  
 21 section 13, subsection 5, if enacted, is amended by  
 22 striking the subsection and replacing in lieu thereof,  
 23 the following:

24 "5. IOWA TELECOMMUNICATIONS AND TECHNOLOGY  
 25 COMMISSION

26 For broadband technology grants for the deployment  
 27 and sustainability of high-speed broadband access:

28 ..... \$ 25,000,000

29 a. It is the intent of the general assembly that  
 30 funds appropriated under this subsection for the  
 31 deployment and sustainability of high-speed broadband  
 32 access be used to access any federal funds made  
 33 available. State and federal funds made available for  
 34 broadband deployment shall be used to promote

35 universal access to high-speed broadband services or  
36 used by private providers to promote telehealth  
37 according to federal requirements throughout the state  
38 for the benefit of Iowans and for the sustainability  
39 of such services.

40 b. (1) The utilities board created in section  
41 474.1 and the economic development board created in  
42 section 15.103 shall establish a joint governance  
43 board consisting of the following members:

44 (a) Five voting members:

45 (i) One member representing counties.

46 (ii) One member representing cities.

47 (iii) One member representing the department of  
48 education.

49 (iv) One member representing urban residential  
50 users in the state.

Page 3

1 (v) One member representing rural residential  
2 users in the state.

3 (b) Four nonvoting, ex officio members  
4 representing the general assembly:

5 (i) Two members appointed from the senate with one  
6 member appointed by the majority leader of the senate  
7 and one member appointed by the minority leader of the  
8 senate.

9 (ii) Two members appointed from the house of  
10 representatives with one member appointed by the  
11 speaker of the house and one member appointed by the  
12 minority leader of the house.

13 (2) Administrative support and planning costs  
14 incurred for the governance board shall be provided by  
15 the economic development board. Any necessary rules  
16 shall be adopted by the economic development board on  
17 behalf of the governance board.

18 (3) A quorum of the governance board shall be a  
19 majority of the voting members.

20 c. The governance board established in paragraph  
21 "b" shall do all of the following:

22 (1) Establish a comprehensive plan for the  
23 deployment and sustainability of high-speed broadband  
24 access in areas capable of timely implementation of  
25 such access. The plan shall be consistent with  
26 federal requirements established for federal funds  
27 made available for the purposes of such projects that  
28 may be considered by the governance board.

29 (2) Establish a competitive process for the  
30 disbursement of funds made available for the  
31 deployment and sustainability of high-speed broadband  
32 services in the form of grants. The governance board  
33 shall only consider applications from parties seeking

34 to use funds for projects that are sustainable.  
 35 (a) The board shall consider only applications  
 36 submitted by qualified private providers of high-speed  
 37 broadband services or by private providers to promote  
 38 telehealth.  
 39 (b) The board may award to any one qualified  
 40 provider a grant in an amount of up to twenty percent  
 41 of the total funds appropriated.  
 42 (c) The plan shall allow for grants to projects  
 43 that are financially feasible in areas of the state  
 44 that remain unserved or underserved consistent with  
 45 federal requirements.  
 46 (3) Provide minimum broadband capacity throughout  
 47 the area consistent with any applicable state and  
 48 federal law or guidelines. The governance board shall  
 49 ensure that the minimum broadband capacity meets any  
 50 federal requirements established with regard to the

Page 4

1 federal funds made available in the form of grants.  
 2 (4) Demonstrate that any project undertaken and  
 3 funded by the governance board shall be economically  
 4 sustainable with no further government assistance  
 5 based upon expected revenue generation.  
 6 (5) Establish and maintain separate accounts for  
 7 the use of bond proceeds and nonbond proceeds.""  
 8 7. Page 29, by inserting after line 31 the  
 9 following:  
 10 "DIVISION\_\_\_\_  
 11 GENERAL EFFECTIVE DATE  
 12 Sec.\_\_\_\_. EFFECTIVE DATE. Except as otherwise  
 13 provided in this Act, this Act, being deemed of  
 14 immediate importance, takes effect upon enactment."  
 15 8. Title page, by striking lines 5 and 6, and  
 16 inserting the following: "center, providing for  
 17 related matters, and providing".  
 18 9. By renumbering, relettering, or redesignating  
 19 and correcting internal references as necessary.

Cohon of Des Moines offered the following amendment H-1778, to the Senate amendment H-1774, filed by him from the floor and moved its adoption:

H-1778

1 Amend the Senate amendment, H-1774, to House File  
 2 822, as amended, passed, and reprinted by the House,  
 3 as follows:  
 4 1. By striking page 2, line 18, through page 4,  
 5 line 14.



6 2. By renumbering as necessary.

Amendment H-1778 was adopted.

On motion by Cohoon of Des Moines the House concurred in the Senate amendment H-1774, as amended.

Cohoon of Des Moines moved that the bill, as amended by the Senate further amended and concurred in by the House, be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 822)

The ayes were, 54:

Abdul-Samad	Bailey	Beard	Bell
Berry	Bukta	Burt	Cohoon
Ficken	Ford	Frevert	Gaskill
Gayman	Heddens	Hunter	Isenhart
Jacoby	Kearns	Kelley	Kressig
Kuhn	Lensing	Lykam	Marek
Mascher	Mertz	Miller, H.	Oldson
Olson, D.	Olson, R.	Olson, T.	Palmer
Petersen	Quirk	Reasoner	Reichert
Schueller	Shomshor	Smith	Steckman
Swaim	Taylor, D.	Taylor, T.	Thede
Thomas	Wendt	Wenthe	Wessel-Kroeschell
Whitaker	Whitead	Willems	Winckler
Zirkelbach	Mr. Speaker		
	Murphy		

The nays were, 42:

Alons	Anderson	Arnold	Baudler
Cownie	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		

Absent or not voting, 4:

Chambers	De Boef	Huser	McCarthy
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The bill having received a constitutional majority was declared to have passed the House and the title, as amended, was agreed to.

IMMEDIATE MESSAGE

Whitaker of Van Buren asked and received unanimous consent that **House File 822** be immediately messaged to the Senate.

Appropriations Calendar

**House File 830**, a bill for an act relating to state and local finances by providing for funding of property tax credits and reimbursements, by making, increasing, and reducing appropriations, providing for salaries and compensation of state employees, providing for matters relating to tax credits, providing for fees and penalties, and providing for properly related matters, was taken up for consideration.

Oldson of Polk offered the following amendment H-1730 filed by her from the floor and moved its adoption:

H-1730

1 Amend House File 830 as follows:

2 1. By striking everything after the enacting  
3 clause and inserting the following:

4 "DIVISION I

5 MH/MR/DD SERVICES ALLOWED

6 GROWTH FUNDING – FY 2010-2011

7 Section 1. COUNTY MENTAL HEALTH, MENTAL  
8 RETARDATION, AND DEVELOPMENTAL DISABILITIES ALLOWED  
9 GROWTH APPROPRIATION AND ALLOCATIONS – FISCAL YEAR  
10 2010-2011.

11 1. There is appropriated from the general fund of  
12 the state to the department of human services for the  
13 fiscal year beginning July 1, 2010, and ending June  
14 30, 2011, the following amount, or so much thereof as  
15 is necessary, to be used for the purpose designated:

16 For distribution to counties of the county mental  
17 health, mental retardation, and developmental  
18 disabilities allowed growth factor adjustment for  
19 fiscal year 2010-2011:  
20 ..... \$ 62,157,491

21 2. The amount appropriated in this section shall  
22 be allocated as provided in a later enactment of the  
23 general assembly.

24 DIVISION II

STANDING APPROPRIATIONS  
AND RELATED MATTERS

Sec. 2. BUDGET PROCESS FOR FISCAL YEAR 2010-2011.

1. For the budget process applicable to the fiscal year beginning July 1, 2010, on or before October 1, 2009, in lieu of the information specified in section 8.23, subsection 1, unnumbered paragraph 1, and paragraph "a", all departments and establishments of the government shall transmit to the director of the department of management, on blanks to be furnished by the director, estimates of their expenditure requirements, including every proposed expenditure, for the ensuing fiscal year, together with supporting data and explanations as called for by the director of the department of management after consultation with the legislative services agency.

2. The estimates of expenditure requirements shall be in a form specified by the director of the department of management, and the expenditure requirements shall include all proposed expenditures and shall be prioritized by program or the results to be achieved. The estimates shall be accompanied by performance measures for evaluating the effectiveness of the programs or results.

Sec. 3. GENERAL ASSEMBLY.

1. The appropriations made pursuant to section

Page 2

2.12 for the expenses of the general assembly and legislative agencies for the fiscal year beginning July 1, 2009, and ending June 30, 2010, are reduced by the following amount:

..... \$ 4,439,653

2. The budgeted amounts for the general assembly for the fiscal year beginning July 1, 2009, may be adjusted to reflect unexpended budgeted amounts from the previous fiscal year.

Sec. 4. LIMITATION OF STANDING APPROPRIATIONS.

Notwithstanding the standing appropriations in the following designated sections for the fiscal year beginning July 1, 2009, and ending June 30, 2010, the amounts appropriated from the general fund of the state pursuant to these sections for the following designated purposes shall not exceed the following amounts:

1. For payment for nonpublic school transportation under section 285.2:

..... \$ 7,845,479

If total approved claims for reimbursement for nonpublic school pupil transportation exceed the amount appropriated in accordance with this

24 subsection, the department of education shall prorate  
 25 the amount of each approved claim.  
 26 2. For the state's share of the cost of the peace  
 27 officers' retirement benefits under section 411.20:  
 28 ..... \$ 2,503,510  
 29 3. For operational support grants and community  
 30 cultural grants under section 99F.11, subsection 3,  
 31 paragraph "e", subparagraph (1):  
 32 ..... \$ 452,783  
 33 4. For regional tourism marketing under section  
 34 99F.11, subsection 3, paragraph "e", subparagraph (2):  
 35 ..... \$ 957,809  
 36 5. For the Iowa power fund under section 469.10,  
 37 subsection 1:  
 38 ..... \$ 20,000,000  
 39 6. For the enforcement of chapter 453D relating to  
 40 tobacco product manufacturers under section 453D.8:  
 41 ..... \$ 21,768  
 42 7. For the center for congenital and inherited  
 43 disorders central registry under section 144.13A,  
 44 subsection 4, paragraph "a":  
 45 ..... \$ 182,044  
 46 8. For primary and secondary child abuse  
 47 prevention programs under section 144.13A, subsection  
 48 4, paragraph "a":  
 49 ..... \$ 217,772  
 50 9. For programs for at-risk children under section

Page 3

1 279.51:  
 2 ..... \$ 11,493,891  
 3 The amount of any reduction in this subsection  
 4 shall be prorated among the programs specified in  
 5 section 279.51, subsection 1, paragraphs "a", "b", and  
 6 "c".  
 7 Sec. 5. INSTRUCTIONAL SUPPORT STATE AID.  
 8 Notwithstanding the standing appropriation provided  
 9 under section 257.20, an appropriation from the  
 10 general fund of the state to the department of  
 11 education for the fiscal year beginning July 1, 2009,  
 12 and ending June 30, 2010, shall not be made for  
 13 purposes of paying instructional support state aid.  
 14 Sec. 6. VETERANS HOME MEDICAL CLINIC. Of moneys  
 15 received on or after July 1, 2008, by the Iowa  
 16 veterans home from the federal government relating to  
 17 the costs to improve and renovate a medical clinic at  
 18 the home in a previous fiscal year, the first \$727,000  
 19 shall be credited to the general fund of the state on  
 20 or after July 1, 2009.  
 21 Sec. 7. FEDERAL ECONOMIC STIMULUS AND JOBS HOLDING  
 22 ACCOUNT.

23 1. Any unobligated moneys in the federal economic  
24 stimulus and jobs holding account on July 1, 2009,  
25 shall be transferred to the general fund of the state  
26 on July 1, 2009.

27 2. Unobligated moneys in the federal economic  
28 stimulus and jobs holding account on the effective  
29 date of this section shall not be obligated after the  
30 effective date of this section.

31 3. This section shall not apply to moneys  
32 appropriated from the federal economic stimulus and  
33 jobs holding account in 2009 Iowa Acts, Senate File  
34 469, if enacted.

35 Sec. 8. IOWA MATHEMATICS AND SCIENCE COALITION.

36 For the fiscal year beginning July 1, 2009, the  
37 university of northern Iowa shall maintain the efforts  
38 of the Iowa mathematics and science coalition that  
39 were initiated pursuant to section 294A.25, subsection  
40 11, Code 2009.

41 Sec. 9. PROPERTY TAX CREDIT FUND – PAYMENTS IN  
42 LIEU OF GENERAL FUND REIMBURSEMENT.

43 1. a. A property tax credit fund shall be created  
44 in the office of the treasurer of state to be used for  
45 the purposes of this section.

46 b. There is appropriated from the general fund of  
47 the state to the property tax credit fund created in  
48 paragraph "a" for the fiscal year beginning July 1,  
49 2009, and ending June 30, 2010, the sum of  
50 \$101,395,597.

Page 4

1 c. Notwithstanding the requirements in section  
2 8.56, subsections 3 and 4, there is appropriated from  
3 the cash reserve fund to the property tax credit fund  
4 created in paragraph "a" for the fiscal year beginning  
5 July 1, 2009, and ending June 30, 2010, the sum of  
6 \$54,684,481.

7 d. Notwithstanding section 8.33, the surplus  
8 existing in the property tax credit fund created  
9 pursuant to 2008 Iowa Acts, chapter 1191, section 5,  
10 at the conclusion of the fiscal year beginning July 1,  
11 2008, and ending June 30, 2009, is transferred to the  
12 property tax credit fund created in paragraph "a".

13 2. There is appropriated from the property tax  
14 credit fund for the fiscal year beginning July 1,  
15 2009, and ending June 30, 2010, the following amounts  
16 for the following designated purposes:

17 a. For reimbursement for the homestead property  
18 tax credit under section 425.1:  
19 ..... \$100,658,781

20 b. For reimbursement for the family farm and  
21 agricultural land tax credits under sections 425A.1

22 and 426.1:  
 23 ..... \$ 34,610,183  
 24 c. For reimbursement for the military service tax  
 25 credit under section 426A.1A:  
 26 ..... \$ 2,400,000  
 27 d. For implementing the elderly and disabled tax  
 28 credit and reimbursement pursuant to sections 425.16  
 29 through 425.39:  
 30 ..... \$ 22,200,000

31 If the director of revenue determines that the  
 32 amount of claims for credit for property taxes due  
 33 pursuant to paragraphs "a", "b", "c", and "d", plus  
 34 the amount of claims for reimbursement for rent  
 35 constituting property taxes paid which are to be paid  
 36 during the fiscal year may exceed the total amount  
 37 appropriated, the director shall estimate the  
 38 percentage of the credits and reimbursements which  
 39 will be funded by the appropriation. The county  
 40 treasurer shall notify the director of the amount of  
 41 property tax credits claimed by June 8, 2009. The  
 42 director shall estimate the percentage of the property  
 43 tax credits and rent reimbursement claims that will be  
 44 funded by the appropriation and notify the county  
 45 treasurer of the percentage estimate by June 15, 2009.  
 46 The estimated percentage shall be used in computing  
 47 for each claim the amount of property tax credit and  
 48 reimbursement for rent constituting property taxes  
 49 paid for that fiscal year. If the director  
 50 overestimates the percentage of funding, claims for

Page 5

1 reimbursement for rent constituting property taxes  
 2 paid shall be paid until they can no longer be paid at  
 3 the estimated percentage of funding. Rent  
 4 reimbursement claims filed after that point in time  
 5 shall receive priority and shall be paid in the  
 6 following fiscal year.

7 Sec. 10. PERFORMANCE OF DUTY. There is  
 8 appropriated from the cash reserve fund created in  
 9 section 8.56 to the executive council for the fiscal  
 10 year beginning July 1, 2009, and ending June 30, 2010,  
 11 the following amount, or so much thereof as is  
 12 necessary, to be used for the purposes designated:

13 For performance of duty by the executive council in  
 14 sections 7D.29 and 29C.20:  
 15 ..... \$ 25,600,000

16 The funding from the appropriation made in this  
 17 section shall be utilized before any funding from the  
 18 general fund of the state.

19 Sec. 11. GENERAL FUND. There is appropriated from  
 20 the cash reserve fund created in section 8.56 to the

21 general fund of the state for the fiscal year  
 22 beginning July 1, 2009, and ending June 30, 2010, the  
 23 following amount:  
 24 ..... \$ 65,000,000

25 The moneys appropriated in this section shall not  
 26 be considered new revenues under section 8.54 for  
 27 purposes of the state general fund expenditure  
 28 limitation.

29 Sec. 12. CASH RESERVE FUND APPROPRIATIONS.

30 Section 8.56, subsections 3 and 4, shall not apply to  
 31 any appropriation made in this division of this Act  
 32 from the cash reserve fund created in section 8.56.

33 Sec. 13. CASH RESERVE FUND APPROPRIATION FOR

34 FISCAL YEAR 2009-2010. For the fiscal year beginning  
 35 July 1, 2009, and ending June 30, 2010, the  
 36 appropriation to the cash reserve fund provided in  
 37 section 8.57, subsection 1, paragraph "a", shall not  
 38 be made.

39 Sec. 14. Section 331.660, Code 2009, is repealed.

40 Sec. 15. EFFECTIVE DATES.

41 1. The section of this division of this Act  
 42 creating the property tax credit fund, being deemed of  
 43 immediate importance, takes effect upon enactment.

44 2. The section of this division of this Act  
 45 transferring moneys from the federal economic stimulus  
 46 and jobs holding account, being deemed of immediate  
 47 importance, takes effect upon enactment.

48 Sec. 16. EFFECTIVE DATE AND RETROACTIVE

49 APPLICABILITY. The section of this division of this  
 50 Act providing for crediting of certain moneys received

Page 6

1 by the Iowa veterans home to the general fund of the  
 2 state, being deemed of immediate importance, takes  
 3 effect upon enactment and is retroactively applicable  
 4 to July 1, 2008, and is applicable on and after that  
 5 date.

6 DIVISION III

7 SALARIES, COMPENSATION, AND RELATED MATTERS

8 Sec. 17. APPOINTED STATE OFFICERS.

9 1. The governor shall establish a salary for  
 10 appointed nonelected persons in the executive branch  
 11 of state government holding a position enumerated in  
 12 and within the salary ranges provided in 2008 Iowa  
 13 Acts, chapter 1191, section 14, by considering, among  
 14 other items, the experience of the individual in the  
 15 position, changes in the duties of the position, the  
 16 incumbent's performance of assigned duties, and  
 17 subordinates' salaries. However, the attorney general  
 18 shall establish the salary for the consumer advocate,  
 19 the chief justice of the supreme court shall establish

20 the salary for the state court administrator, the  
21 ethics and campaign disclosure board shall establish  
22 the salary of the executive director, and the Iowa  
23 public broadcasting board shall establish the salary  
24 of the administrator of the public broadcasting  
25 division of the department of education, each within  
26 the salary range provided in 2008 Iowa Acts, chapter  
27 1191, section 14.

28 2. The governor, in establishing salaries as  
29 provided in this section, shall take into  
30 consideration other employee benefits which may be  
31 provided for an individual including but not limited  
32 to housing.

33 3. A person whose salary is established pursuant  
34 to this section and who is a full-time, year-round  
35 employee of the state shall not receive any other  
36 remuneration from the state or from any other source  
37 for the performance of that person's duties unless the  
38 additional remuneration is first approved by the  
39 governor or authorized by law. However, this  
40 provision does not exclude the reimbursement for  
41 necessary travel and expenses incurred in the  
42 performance of duties or fringe benefits normally  
43 provided to employees of the state.

44 Sec. 18. COLLECTIVE BARGAINING AGREEMENTS FUNDED.

45 The various state departments, boards, commissions,  
46 councils, and agencies, including the state board of  
47 regents, for the fiscal year beginning July 1, 2009,  
48 and ending June 30, 2010, shall provide from available  
49 sources pay adjustments, expense reimbursements, and  
50 related benefits to fully fund the following:

Page 7

1 1. The collective bargaining agreement negotiated  
2 pursuant to chapter 20 for employees in the blue  
3 collar bargaining unit.

4 2. The collective bargaining agreement negotiated  
5 pursuant to chapter 20 for employees in the public  
6 safety bargaining unit.

7 3. The collective bargaining agreement negotiated  
8 pursuant to chapter 20 for employees in the security  
9 bargaining unit.

10 4. The collective bargaining agreement negotiated  
11 pursuant to chapter 20 for employees in the technical  
12 bargaining unit.

13 5. The collective bargaining agreement negotiated  
14 pursuant to chapter 20 for employees in the  
15 professional fiscal and staff bargaining unit.

16 6. The collective bargaining agreement negotiated  
17 pursuant to chapter 20 for employees in the clerical  
18 bargaining unit.



- 19 7. The collective bargaining agreement negotiated  
20 pursuant to chapter 20 for employees in the  
21 professional social services bargaining unit.
- 22 8. The collective bargaining agreement negotiated  
23 pursuant to chapter 20 for employees in the  
24 community-based corrections bargaining unit.
- 25 9. The collective bargaining agreements negotiated  
26 pursuant to chapter 20 for employees in the judicial  
27 branch of government bargaining units.
- 28 10. The collective bargaining agreement negotiated  
29 pursuant to chapter 20 for employees in the patient  
30 care bargaining unit.
- 31 11. The collective bargaining agreement negotiated  
32 pursuant to chapter 20 for employees in the science  
33 bargaining unit.
- 34 12. The collective bargaining agreement negotiated  
35 pursuant to chapter 20 for employees in the university  
36 of northern Iowa faculty bargaining unit.
- 37 13. The collective bargaining agreement negotiated  
38 pursuant to chapter 20 for employees in the state  
39 university of Iowa graduate student bargaining unit.
- 40 14. The collective bargaining agreement negotiated  
41 pursuant to chapter 20 for employees in the state  
42 university of Iowa hospital and clinics tertiary  
43 health care bargaining unit.
- 44 15. The annual pay adjustments, related benefits,  
45 and expense reimbursements referred to in the sections  
46 of this division of this Act addressing noncontract  
47 state and state board of regents employees who are not  
48 covered by a collective bargaining agreement.
- 49 Sec. 19. NONCONTRACT STATE EMPLOYEES – GENERAL.
- 50 1. For the fiscal year beginning July 1, 2009:

Page 8

- 1 a. The maximum and minimum salary levels of all  
2 pay plans provided for in section 8A.413, subsection  
3 3, as they exist for the fiscal year ending June 30,  
4 2009, shall not increase.
- 5 b. Employees may receive a step increase or the  
6 equivalent of a step increase.
- 7 c. The pay plan for noncontract judicial branch  
8 employees shall not be increased.
- 9 d. The pay plans for state employees who are  
10 exempt from chapter 8A, subchapter IV, and who are  
11 included in the department of administrative services'  
12 centralized payroll system shall not be increased, and  
13 any additional changes in any executive branch pay  
14 plans shall be approved by the governor.
- 15 2. This section does not apply to members of the  
16 general assembly, board members, commission members,  
17 persons whose salaries are set by the general assembly

18 pursuant to this Act or are set by the governor, or  
19 other persons designated in the section of this  
20 division of this Act addressing appointed state  
21 officers, employees designated under section 8A.412,  
22 subsection 5, and employees covered by 11 IAC 53.6(3).

23 3. The pay plans for the bargaining eligible  
24 employees of the state shall not be increased, and any  
25 additional changes in such executive branch pay plans  
26 shall be approved by the governor. As used in this  
27 section, "bargaining eligible employee" means an  
28 employee who is eligible to organize under chapter 20,  
29 but has not done so.

30 4. The policies for implementation of this section  
31 shall be approved by the governor.

32 Sec. 20. STATE EMPLOYEES – STATE BOARD OF  
33 REGENTS. For the fiscal year beginning July 1, 2009,  
34 and ending June 30, 2010, funds shall be provided from  
35 available sources of the state board of regents for  
36 funding of collective bargaining agreements for state  
37 board of regents employees covered by such agreements  
38 and for the following state board of regents employees  
39 not covered by a collective bargaining agreement:

40 1. Regents merit system employees and merit  
41 supervisory employees.

42 2. Faculty members and professional and scientific  
43 employees.

44 Sec. 21. BONUS PAY. For the fiscal year beginning  
45 July 1, 2009, and ending June 30, 2010, employees of  
46 the executive branch, judicial branch, and legislative  
47 branch shall not receive bonus pay unless otherwise  
48 authorized by law, required pursuant to a contract of  
49 employment entered into before July 1, 2009, or  
50 required pursuant to a collective bargaining

Page 9

1 agreement. This section does not apply to employees  
2 of the state board of regents. For purposes of this  
3 section, "bonus pay" means any additional remuneration  
4 provided an employee in the form of a bonus, including  
5 but not limited to a retention bonus, recruitment  
6 bonus, exceptional job performance pay, extraordinary  
7 job performance pay, exceptional performance pay,  
8 extraordinary duty pay, or extraordinary or special  
9 duty pay, and any extra benefit not otherwise provided  
10 to other similarly situated employees.

11 Sec. 22. SPECIAL FUNDS. For the fiscal year  
12 beginning July 1, 2009, and ending June 30, 2010,  
13 salary adjustments otherwise provided for in this  
14 division of this Act may be funded using departmental  
15 revolving, trust, or special funds for which the  
16 general assembly has established an operating budget,

17 provided doing so does not exceed the operating budget  
18 established by the general assembly.

19 Sec. 23. FEDERAL FUNDS APPROPRIATED. For the  
20 fiscal year beginning July 1, 2009, all federal grants  
21 to and the federal receipts of the agencies affected  
22 by this division of this Act which are received and  
23 may be expended for purposes of this division of this  
24 Act are appropriated for those purposes and as set  
25 forth in the federal grants or receipts.

26 Sec. 24. STATE TROOPER MEAL ALLOWANCE. For the  
27 fiscal year beginning July 1, 2009, the sworn peace  
28 officers in the department of public safety who are  
29 not covered by a collective bargaining agreement  
30 negotiated pursuant to chapter 20 shall receive the  
31 same per diem meal allowance as the sworn peace  
32 officers in the department of public safety who are  
33 covered by a collective bargaining agreement  
34 negotiated pursuant to chapter 20.

35 Sec. 25. SALARY MODEL ADMINISTRATOR. The salary  
36 model administrator shall work in conjunction with the  
37 legislative services agency to maintain the state's  
38 salary model used for analyzing, comparing, and  
39 projecting state employee salary and benefit  
40 information, including information relating to  
41 employees of the state board of regents. The  
42 department of revenue, the department of  
43 administrative services, the five institutions under  
44 the jurisdiction of the state board of regents, the  
45 judicial district departments of correctional  
46 services, and the state department of transportation  
47 shall provide salary data to the department of  
48 management and the legislative services agency to  
49 operate the state's salary model. The format and  
50 frequency of provision of the salary data shall be

Page 10

1 determined by the department of management and the  
2 legislative services agency. The information shall be  
3 used in collective bargaining processes under chapter  
4 20 and in calculating the funding needs contained  
5 within the annual salary adjustment legislation. A  
6 state employee organization as defined in section  
7 20.3, subsection 4, may request information produced  
8 by the model, but the information provided shall not  
9 contain information attributable to individual  
10 employees.

11 Sec. 26. Section 8A.402, subsection 2, Code 2009,  
12 is amended by adding the following new paragraph:  
13 NEW PARAGRAPH. g. (1) (a) Consult with the  
14 department of management and discuss and collaborate  
15 with executive branch agencies to implement and

16 maintain a policy for increasing the aggregate ratio  
17 in the number of employees per supervisor in executive  
18 branch agencies to be fourteen employees for one  
19 supervisor. For purposes of determining the effects  
20 of the policy on the state employee workforce, the  
21 base date of July 1, 2008, shall be used and the  
22 target date for full implementation shall be July 1,  
23 2011.

24 (b) The policy shall allow appropriation units  
25 with twenty-eight or fewer full-time equivalent  
26 employee positions to apply for an exception to the  
27 policy through the executive council.

28 (c) Before any reduction in supervisory layers is  
29 implemented as a result of this paragraph "g", the  
30 department shall notify the legislative fiscal  
31 committee of the legislative council regarding the  
32 proposed reduction. The notification shall include a  
33 list of the positions and employment responsibilities  
34 to be eliminated or reduced, a list of activities to  
35 be eliminated or reduced, and an estimate of the  
36 savings expected to result from the elimination or  
37 reduction. The legislative fiscal committee shall  
38 report to the legislative council concerning the  
39 notifications received.

40 (d) The department shall present an interim report  
41 to the governor and general assembly on or before  
42 April 1, 2010, and a final report on or before April  
43 1, 2011, detailing the effects of the policy on the  
44 composition of the workforce, cost savings, government  
45 efficiency, and outcomes.

46 (e) The policy developed pursuant to this  
47 paragraph "g" shall not encompass employees under the  
48 state board of regents or a judicial district  
49 department of correctional services. However, the  
50 department of administrative services shall work with

Page 11

1 the state board of regents and the judicial district  
2 departments of correctional services to advance the  
3 policy as a goal for the supervisory staff of these  
4 units of state government.

5 (2) Evaluate the state's systems for job  
6 classification of executive branch employees in order  
7 to ensure the existence of technical skill-based  
8 career paths for such employees which do not depend  
9 upon an employee gaining supervisory responsibility  
10 for advancement, and which provide incentives for such  
11 employees to broaden their knowledge and skill base.  
12 The evaluation shall include but is not limited to  
13 options for eliminating obsolete, duplicative, or  
14 unnecessary job classifications. The department shall

15 present interim reports to the general assembly on or  
 16 before January 15, 2010, and January 14, 2011,  
 17 concerning the department's progress in completing the  
 18 evaluation and associated outcomes.

19 (3) In implementing this paragraph "g", give  
 20 priority to elimination or reduction of middle  
 21 management employee positions. In addition, prior to  
 22 the elimination of employee positions other than  
 23 middle management positions or positions eliminated  
 24 due to early retirement, priority shall be given to  
 25 elimination or deferral by executive branch agencies  
 26 of purchases and out-of-state travel. The department  
 27 of management shall report quarterly to the  
 28 legislative fiscal committee of the legislative  
 29 council and to the legislative services agency  
 30 regarding out-of-state travel authorized by executive  
 31 branch agencies including a listing by agency of  
 32 personnel authorized to travel, and the cost and  
 33 purpose of the travel authorized.

34 Sec. 27. 2009 Iowa Acts, Senate File 475, section  
 35 21, if enacted, is amended to read as follows:

36 ~~SEC. 21. SUPERVISOR AND EMPLOYEE RATIO. The~~  
 37 ~~department of administrative services and the~~  
 38 ~~executive branch agencies receiving appropriations in~~  
 39 ~~this Act shall pursue a goal of achieving a ratio of~~  
 40 ~~fourteen employees per supervisor in such agencies, by~~  
 41 ~~December 31, 2009.~~

#### 42 DIVISION IV

#### 43 CORRECTIVE PROVISIONS

44 Sec. 28. Section 8.57, subsection 6, paragraph e,  
 45 subparagraphs (2) and (3), if enacted by 2009 Iowa  
 46 Acts, Senate File 376, are amended by striking the  
 47 subparagraphs and inserting in lieu thereof the  
 48 following:

49 (2) If the total amount of moneys directed to be  
 50 deposited in the general fund of the state under

Page 12

1 sections 99D.17 and 99F.11 in a fiscal year is less  
 2 than the total amount of moneys directed to be  
 3 deposited in the revenue bonds debt service fund in  
 4 the fiscal year pursuant to this paragraph "e", the  
 5 difference shall be paid from moneys deposited in the  
 6 beer and liquor control fund created in section 123.53  
 7 in the manner provided in section 123.53, subsection  
 8 2A.

9 ~~(2) (3) If After the deposit of moneys directed to~~  
 10 ~~be deposited in the general fund of the state and the~~  
 11 ~~revenue bonds debt service fund as provided in~~  
 12 ~~subparagraph (1), subparagraph division (a), if the~~  
 13 ~~total amount of moneys directed to be deposited in the~~

14 general fund of the state under sections 99D.17 and  
15 99F.11 in a fiscal year is less than the total amount  
16 of moneys directed to be deposited in the vision Iowa  
17 fund and the school infrastructure fund in the fiscal  
18 year pursuant to this paragraph "e", the difference  
19 shall be paid from lottery revenues in the manner  
20 provided in section 99G.39, subsection 3.

21 Sec. 29. Section 12.90C, subsection 2, paragraph  
22 a, if enacted by 2009 Iowa Acts, Senate File 477, is  
23 amended to read as follows:

24 3. The net proceeds of bonds issued pursuant to  
25 section 12.90A ~~other than bonds issued for the purpose~~  
26 of refunding such bonds and investment earnings on the  
27 net proceeds.

28 Sec. 30. Section 21.2, subsection 1, paragraph i,  
29 if enacted by 2009 Iowa Acts, Senate File 437, is  
30 amended to read as follows:

31 i. The governing body of a drainage or ~~levy levee~~  
32 district as provided in chapter 468, including a board  
33 as defined in section 468.3, regardless of how the  
34 district is organized.

35 Sec. 31. Section 22.1, subsection 1, as amended by  
36 2009 Iowa Acts, Senate File 437, if enacted, is  
37 amended to read as follows:

38 1. The term "government body" means this state, or  
39 any county, city, township, school corporation,  
40 political subdivision, tax-supported district,  
41 nonprofit corporation other than a fair conducting a  
42 fair event as provided in chapter 174, whose  
43 facilities or indebtedness are supported in whole or  
44 in part with property tax revenue and which is  
45 licensed to conduct pari-mutuel wagering pursuant to  
46 chapter 99D; the governing body of a drainage or ~~levy~~  
47 levee district as provided in chapter 468, including a  
48 board as defined in section 468.3, regardless of how  
49 the district is organized; or other entity of this  
50 state, or any branch, department, board, bureau,

Page 13

1 commission, council, committee, official, or officer  
2 of any of the foregoing or any employee delegated the  
3 responsibility for implementing the requirements of  
4 this chapter.

5 Sec. 32. Section 80D.3, subsection 3, paragraph b,  
6 if enacted by 2009 Iowa Acts, House File 762, section  
7 1, is amended to read as follows:

8 b. A person appointed to serve as a reserve peace  
9 officer who has met the one-hundred-fifty-hour  
10 training requirement ~~obtained by obtaining training at~~  
11 a community college or other facility selected by the  
12 individual and approved by the law enforcement agency

13 prior to July 1, 2007, shall be exempted from  
14 completing the minimum training course at the  
15 discretion of the appointing authority and shall  
16 continue to hold certification with the appointing  
17 authority.

18 Sec. 33. Section 89.3, subsection 5, paragraph a,  
19 subparagraph (4), if enacted by 2009 Iowa Acts, House  
20 File 720, section 2, is amended to read as follows:

21 (4) The owner or user is a participant in good  
22 standing in the Iowa occupational safety and health  
23 voluntary protection program and ~~have~~ has achieved  
24 star status within the program, which is administered  
25 by the division of labor in the department of  
26 workforce development.

27 Sec. 34. Section 216A.132A, subsection 5,  
28 paragraph i, as enacted by 2009 Iowa Acts, House File  
29 315, section 1, is amended to read as follows:

30 i. Iowa cooperative extension service in  
31 agriculture and home economics.

32 Sec. 35. Section 321A.1, subsection 3, Code 2009,  
33 is amended to read as follows:

34 3. JUDGMENT. A judgment which has become final by  
35 expiration without appeal during the time within which  
36 an appeal might have been perfected, or a judgment if  
37 an appeal from the judgment has been perfected, which  
38 has not been stayed by the execution, filing and  
39 approval of a bond as provided in rule of appellate  
40 procedure ~~6.7(1)~~ 6.601(1), or a judgment which has  
41 become final by affirmation on appeal, rendered by a  
42 court of competent jurisdiction of a state or of the  
43 United States, upon a cause of action arising out of  
44 the ownership, maintenance, or use of a motor vehicle,  
45 as defined in this section, for damages, including  
46 damages for care and loss of services, because of  
47 bodily injury to or death of a person, or for damages  
48 because of injury to or destruction of property,  
49 including the loss of use of property, or upon a cause  
50 of action on an agreement of settlement for such

Page 14

1 damages.

2 Sec. 36. Section 321A.3, subsection 8, paragraph  
3 a, subparagraph (1), if enacted by 2009 Iowa Acts,  
4 Senate File 374, section 1, is amended to read as  
5 follows:

6 (1) A person who purchases a certified abstract of  
7 an operating record directly from the department under  
8 this section shall only use, sell, disclose, or  
9 distribute the abstract or any portion of the abstract  
10 one time, for one purpose, and the person shall not  
11 supply that abstract or any portion of that abstract

12 to more than one other person. The person shall make  
13 a subsequent request for the ~~record or~~ abstract and  
14 pay an additional fee for the request in the same  
15 manner as provided for the initial request for any  
16 subsequent use, sale, disclosure, or distribution of  
17 the same certified abstract or any portion of the  
18 abstract or to supply the same certified abstract or  
19 any portion of the abstract to another person, except  
20 as provided in subparagraph (2).

21 Sec. 37. Section 347.7, subsection 4, paragraph a,  
22 if enacted by 2009 Iowa Acts, House File 260, section  
23 5, is amended to read as follows:

24 a. The tax levy authorized by this section for  
25 operation and maintenance of the hospital may be  
26 available in whole or in part to any county with or  
27 without a county hospital organized under this  
28 chapter, to be used to enhance rural health services  
29 in the county. However, the tax levied may be  
30 expended for enhancement of rural health care services  
31 only following a local planning process. The Iowa  
32 department of public health shall establish guidelines  
33 to be followed by counties in implementing the local  
34 planning process which shall require legal notice,  
35 public hearings, and a referendum in accordance with  
36 this subsection prior to the authorization of any new  
37 levy or a change in the use of a levy. The notice  
38 shall describe the new levy or the change in the use  
39 of the levy, indicate the date and location of the  
40 hearing, and shall be published ~~as~~ at least once each  
41 week for two consecutive weeks in a newspaper having  
42 general circulation in the county. The hearing shall  
43 not take place prior to two weeks after the second  
44 publication.

45 Sec. 38. Section 423.4, subsection 5, paragraph f,  
46 Code 2009, as amended by 2009 Iowa Acts, Senate File  
47 322, section 7, is amended to read as follows:

48 f. Notwithstanding the state sales tax imposed in  
49 section 423.2, a rebate issued pursuant to this  
50 ~~section~~ subsection shall not exceed an amount equal to

Page 15

1 five percent of the sales price of the tangible  
2 personal property or services furnished to purchasers  
3 at the automobile racetrack facility. Any local  
4 option taxes paid and collected shall not be subject  
5 to rebate under this subsection.

6 Sec. 39. Section 533.329, subsection 2, paragraph  
7 m, Code 2009, is amended to read as follows:

8 m. The moneys and credits tax imposed under this  
9 section shall be reduced by a redevelopment tax credit  
10 allowed under chapter 15, subchapter II, part 9.



11 Sec. 40. Section 533A.2, subsection 2, paragraph  
 12 h, if enacted by 2009 Iowa Acts, Senate File 311,  
 13 section 2, is amended to read as follows:

14 h. A person licensed under chapter 533C, including  
 15 that person's authorized delegates as defined in  
 16 section 533C.102, or a person exempt from licensing  
 17 under section 533C.103, when engaging in money  
 18 transmission or currency exchange as defined in  
 19 ~~chapter section~~ 533C.102.

20 Sec. 41. Section 535D.4A, subsection 1, if enacted  
 21 by 2009 Iowa Acts, Senate File 355, section 5, is  
 22 amended to read as follows:

23 1. A registered mortgage loan originator when  
 24 acting for an employer described in section 535D.3,  
 25 subsection ~~11~~ 12.

26 Sec. 42. Section 535B.7A, as enacted by 2009 Iowa  
 27 Acts, Senate File 355, section 30, is amended to read  
 28 as follows:

29 535B.7A PROHIBITED ACTS.

30 It is a violation of this chapter for a licensee to  
 31 engage in any of the prohibited acts or practices in  
 32 section ~~535D.16~~ 535D.17.

33 Sec. 43. Section 598.21, subsection 2, Code 2009,  
 34 as amended by 2009 Iowa Acts, Senate File 288, section  
 35 36, is amended to read as follows:

36 2. DUTIES OF COUNTY RECORDER. The county recorder  
 37 shall record each quitclaim deed or change of title  
 38 and shall collect the ~~fees fee~~ specified in section  
 39 331.507, subsection 2, paragraph "a", and the ~~fee fees~~  
 40 specified in section 331.604.

41 Sec. 44. Section 633A.5107, subsection 5, if  
 42 enacted by 2009 Iowa Acts, Senate File 320, section 1,  
 43 is amended to read as follows:

44 5. For a charitable trust described in subsection  
 45 1, created prior to the effective date of this Act and  
 46 still in existence, the trustee shall register the  
 47 trust with and submit a current copy of the trust  
 48 instrument and financial report to the attorney  
 49 general not later than one hundred thirty-five days  
 50 after the close of the trust's next fiscal year

Page 16

1 following the effective date of this Act. The trustee  
 2 shall comply with the remainder of this ~~Act section~~ a  
 3 if the charitable trust were created on or after the  
 4 effective date of this Act.

5 Sec. 45. Section 637.421, subsection 6, as enacted  
 6 by 2009 Iowa Acts, Senate File 365, section 12, is  
 7 amended to read as follows:

8 6. A trustee shall determine the internal income  
 9 of each separate fund for the accounting period as if

10 the separate fund were a trust subject to this  
 11 chapter. Upon request of the surviving spouse, the  
 12 trustee shall demand that the person administering the  
 13 separate fund ~~to~~ distribute such internal income to  
 14 the trust. The trustee shall allocate a payment from  
 15 the separate fund to income to the extent of the  
 16 internal income of the separate fund and distribute  
 17 that amount to the surviving spouse. The trustee  
 18 shall allocate the balance to principal. Upon request  
 19 of the surviving spouse, the trustee shall allocate  
 20 principal to income to the extent the internal income  
 21 of the separate fund exceeds payments made from the  
 22 separate fund to the trust during the accounting  
 23 period.

24 Sec. 46. Section 915.86, subsections 8 and 12,  
 25 Code 2009, are amended to read as follows:

26 8. In the event of a victim's death, reasonable  
 27 charges incurred for counseling the victim's spouse,  
 28 children, parents, siblings, or persons cohabiting  
 29 with or related by blood or affinity to the victim if  
 30 the counseling services are provided by a psychologist  
 31 licensed under chapter 154B, a victim counselor as  
 32 defined in section 915.20A, subsection 1, or an  
 33 individual holding at least a master's degree in  
 34 social work or counseling and guidance, and reasonable  
 35 charges incurred by such persons for medical care  
 36 counseling provided by a psychiatrist licensed under  
 37 chapter ~~147 or 150A~~ 148. The allowable charges under  
 38 this subsection shall not exceed five thousand dollars  
 39 per person.

40 12. Reasonable charges incurred for mental health  
 41 care for secondary victims which include the services  
 42 provided by a psychologist licensed under chapter  
 43 154B, a person holding at least a master's degree in  
 44 social work, counseling, or a related field, a victim  
 45 counselor as defined in section 915.20A, or a  
 46 psychiatrist licensed under chapter ~~147, 148, or 150A~~.  
 47 The allowable charges under this subsection shall not  
 48 exceed two thousand dollars per secondary victim.

49 Sec. 47. 2009 Iowa Acts, Senate File 197, section  
 50 9, is amended to read as follows:

Page 17

1 SEC. 9. APPLICABILITY AND EFFECTIVE DATES. The  
 2 section of this Act amending section 96.3, subsection  
 3 5, applies to any week of unemployment benefits  
 4 beginning on or after July 5, 2009. The section of  
 5 this Act amending section 96.4 applies to any new  
 6 claim of unemployment benefits with an effective date  
 7 on or after July 5, 2009.

8 Sec. 48. 2009 Iowa Acts, Senate File 364, section

9 17, subsection 5, is amended to read as follows:

10 5. The section of this Act enacting section  
11 654.4B, subsection 1, and the sections of this Act  
12 amending sections 626.81, 654.5, and 654.17 apply to  
13 judgments entered on or after the effective date of  
14 this Act.

15 Sec. 49. 2009 Iowa Acts, Senate File 445, section  
16 10, amending section 294A.9, subsection 9, if enacted,  
17 being deemed of immediate importance, takes effect  
18 upon enactment.

19 Sec. 50. 2009 Iowa Acts, Senate File 446, section  
20 82, is repealed.

21 Sec. 51. CONTINGENT REPEAL. If 2009 Iowa Acts,  
22 Senate File 438, is enacted and amends section 235B.2,  
23 subsection 5, paragraph "a", subparagraph (3), 2009  
24 Iowa Acts, Senate File 446, sections 95 and 96, are  
25 repealed.

26 Sec. 52. EFFECTIVE DATES AND RETROACTIVITY. The  
27 section of this division of this Act relating to 2009  
28 Iowa Acts, Senate File 445, section 10, and amending  
29 section 294A.9, subsection 9, being deemed of  
30 immediate importance, takes effect upon enactment.

#### 31 DIVISION V

#### 32 JUDICIAL BRANCH FEES – APPROPRIATIONS

33 Sec. 53. Section 602.8105, subsection 1, paragraph  
34 a, Code 2009, is amended to read as follows:

35 a. ~~For Except as otherwise provided in this~~  
36 ~~subsection, for~~ filing and docketing a petition, ~~other~~  
37 ~~than a modification of a dissolution decree to which a~~  
38 ~~written stipulation is attached at the time of filing~~  
39 ~~containing the agreement of the parties to the terms~~  
40 ~~of modification, one hundred eighty-five dollars. In~~  
41 counties having a population of ninety-eight thousand  
42 or over, an additional five dollars shall be charged  
43 and collected to be known as the journal publication  
44 fee and used for the purposes provided for in section  
45 618.13. ~~For multiple adoption petitions filed at the~~  
46 ~~same time by the same petitioner under section 600.3,~~  
47 ~~the filing fee and any court costs for any petition~~  
48 ~~filed in addition to the first petition filed are~~  
49 ~~waived.~~

50 Sec. 54. Section 602.8105, subsection 1, Code

Page 18

1 2009, is amended by adding the following new  
2 paragraph:

3 NEW PARAGRAPH. aa. For filing and docketing a  
4 petition pursuant to chapter 598 other than a  
5 dissolution of marriage petition, one hundred dollars.

6 Sec. 55. Section 602.8105, subsection 1, paragraph  
7 b, Code 2009, is amended to read as follows:

8 b. For filing and docketing an application for  
 9 modification of a dissolution decree to which a  
 10 written stipulation is attached at the time of filing  
 11 containing the agreement of the parties to the terms  
 12 of modification, ~~fifty one hundred~~ dollars.

13 Sec. 56. Section 602.8105, subsection 1, Code  
 14 2009, is amended by adding the following new  
 15 paragraph:

16 NEW PARAGRAPH. cc. For filing and docketing a  
 17 petition for adoption pursuant to chapter 600, one  
 18 hundred dollars. For multiple adoption petitions  
 19 filed at the same time by the same petitioner under  
 20 section 600.3, the filing fee and any court costs for  
 21 any petition filed in addition to the first petition  
 22 filed are waived.

23 Sec. 57. Section 602.8105, subsection 1, paragraph  
 24 e, Code 2009, is amended to read as follows:

25 e. For an appeal from a judgment in small claims  
 26 or for filing and docketing a writ of error,  
 27 ~~seventy-five one hundred eighty-five~~ dollars.

28 Sec. 58. Section 602.8105, subsection 2,  
 29 paragraphs a, b, c, and d, Code 2009, are amended to  
 30 read as follows:

31 a. For filing, entering, and endorsing a  
 32 mechanic's lien, ~~twenty fifty~~ dollars, and if a suit  
 33 is brought, the fee is taxable as other costs in the  
 34 action.

35 b. For filing and entering any other statutory  
 36 lien, ~~twenty fifty~~ dollars.

37 c. For a certificate and seal, ~~ten twenty~~ dollars.  
 38 However, there shall be no charge for a certificate  
 39 and seal to an application to procure a pension,  
 40 bounty, or back pay for a member of the armed services  
 41 or other person.

42 d. For certifying a change in title of real  
 43 estate, ~~twenty fifty~~ dollars.

44 Sec. 59. Section 602.8105, subsection 2, Code  
 45 2009, is amended by adding the following new  
 46 paragraph:

47 NEW PARAGRAPH. gg. For filing a lis pendens,  
 48 fifty dollars.

49 Sec. 60. Section 602.8106, subsection 1,  
 50 paragraphs b, d, e, and f, Code 2009, are amended to

Page 19

1 read as follows:

2 b. For filing and docketing of a complaint or  
 3 information for a simple misdemeanor and a complaint  
 4 or information for a nonscheduled simple misdemeanor  
 5 under chapter 321, ~~fifty sixty~~ dollars.

6 d. The court costs in scheduled violation cases

7 where a court appearance is required, ~~forty~~ sixty  
8 dollars.

9 e. For court costs in scheduled violation cases  
10 where a court appearance is not required, ~~forty~~ sixty  
11 dollars.

12 f. For an appeal of a simple misdemeanor to the  
13 district court, ~~forty~~ seventy-five dollars.

14 Sec. 61. Section 625.8, subsection 2, Code 2009,  
15 is amended to read as follows:

16 2. The clerk of the district court shall tax as a  
17 court cost a fee of ~~fifteen~~ forty dollars per day for  
18 the services of a court reporter.

19 Sec. 62. Section 631.6, subsection 1, paragraph a,  
20 Code 2009, is amended to read as follows:

21 a. Fees for filing and docketing shall be ~~forty~~  
22 eighty-five dollars.

23 Sec. 63. Section 633.31, subsection 2, paragraph  
24 k, unnumbered paragraph 8, Code 2009, is amended to  
25 read as follows:

26 For each additional \$25,000.00 or major  
27 fraction thereof ..... ~~25.00~~  
28 50.00

29 Sec. 64. Section 911.1, subsection 1, Code 2009,  
30 is amended to read as follows:

31 1. A criminal penalty surcharge shall be levied  
32 against law violators as provided in this section.  
33 When a court imposes a fine or forfeiture for a  
34 violation of state law, or a city or county ordinance,  
35 except an ordinance regulating the parking of motor  
36 vehicles, the court or the clerk of the district court  
37 shall assess an additional penalty in the form of a  
38 criminal penalty surcharge equal to ~~thirty-two~~  
39 thirty-five percent of the fine or forfeiture imposed.

40 Sec. 65. 2009 Iowa Acts, Senate File 472, section  
41 1, subsection 1, unnumbered paragraph 2, if enacted,  
42 is amended to read as follows:

43 For salaries of supreme court justices, appellate  
44 court judges, district court judges, district  
45 associate judges, judicial magistrates and staff,  
46 state court administrator, clerk of the supreme court,  
47 district court administrators, clerks of the district  
48 court, juvenile court officers, board of law examiners  
49 and board of examiners of shorthand reporters and  
50 judicial qualifications commission; receipt and

1 disbursement of child support payments; reimbursement  
2 of the auditor of state for expenses incurred in  
3 completing audits of the offices of the clerks of the  
4 district court during the fiscal year beginning July  
5 1, 2009; and maintenance, equipment, and miscellaneous

6 purposes:

7 .....	\$140,184,957
8 .....	<u>160,184,957</u>

9 As a condition of receiving an increase to the  
 10 appropriation made in this section, the judicial  
 11 branch shall allocate the first \$5,400,000 of the  
 12 increased amount as follows: \$4,800,000 for the  
 13 state's required contribution under section 602.9104  
 14 to the judicial retirement fund, \$350,000 for court  
 15 debt collection, and \$250,000 for judicial officer and  
 16 court employee travel reimbursement for civil trials.

17 Sec. 66. JUDICIAL BRANCH. There is appropriated  
 18 from the general fund of the state to the judicial  
 19 branch for the fiscal year beginning July 1, 2008, and  
 20 ending June 30, 2009, the following amount, or so much  
 21 thereof as is necessary, to be used for the purposes  
 22 designated:

23 For the operations and duties of the judicial  
 24 branch, and maintenance, equipment, and miscellaneous  
 25 purposes:

26 .....	\$ 760,000
----------	------------

27 Sec. 67. DRUG COURT PROGRAMS. In addition to the  
 28 appropriations in 2009 Iowa Acts, Senate File 475,  
 29 section 5, if enacted, and any other appropriations,  
 30 there is appropriated from the general fund of the  
 31 state to the department of corrections for the fiscal  
 32 year beginning July 1, 2009, and ending June 30, 2010,  
 33 the following amounts, or so much thereof as is  
 34 necessary, for maintaining drug court programs in each  
 35 county in which such a program exists as of April 1,  
 36 2009, within a judicial district department of  
 37 correctional services, to be allocated as follows:

- |  |            |
|--|------------|
| 38 1. For the first judicial district department of  |            |
| 39 correctional services:                            |            |
| 40 .....   | \$ 359,895 |
| 41 2. For the second judicial district department of |            |
| 42 correctional services:                            |            |
| 43 .....   | \$ 252,799 |
| 44 3. For the third judicial district department of  |            |
| 45 correctional services:                            |            |
| 46 .....   | \$ 220,856 |
| 47 4. For the fourth judicial district department of |            |
| 48 correctional services:                            |            |
| 49 .....   | \$ 318,752 |
| 50 5. For the fifth judicial district department of  |            |

Page 21

1 correctional services:	
2 .....	\$ 319,582
3 6. For the sixth judicial district department of	
4 correctional services:	

5 ..... \$ 369,486

6 7. For the seventh judicial district department of  
7 correctional services:

8 ..... \$ 157,173

9 8. For the eighth judicial district department of  
10 correctional services:

11 ..... \$ 182,066

12 It is the intent of the general assembly that each  
13 judicial district department of correctional services  
14 shall cooperate with and utilize local community-based  
15 treatment providers licensed under chapter 125. Each  
16 judicial district department of correctional services  
17 shall submit a report to the general assembly and to  
18 the co-chairpersons and ranking members of the joint  
19 appropriations subcommittee on the justice system, and  
20 the legislative services agency by December 15, 2009,  
21 detailing the utilization of drug court funds  
22 allocated in this section.

23 Sec. 68. ADDITIONAL APPROPRIATION – DEPARTMENT OF  
24 PUBLIC SAFETY. In addition to the appropriations in  
25 2009 Iowa Acts, Senate File 475, section 14, if  
26 enacted, and any other appropriations, there is  
27 appropriated from the general fund of the state to the  
28 department of public safety for the fiscal year  
29 beginning July 1, 2009, and ending June 30, 2010, the  
30 following amount, or so much thereof as is necessary,  
31 to be used for the purpose designated:

32 For performing the duties of the department:  
33 ..... \$ 1,576,987

34 Sec. 69. VICTIM ASSISTANCE GRANTS. In addition to  
35 the appropriation in 2009 Iowa Acts, Senate File 475,  
36 section 1, if enacted, and any other appropriations,  
37 there is appropriated from the general fund of the  
38 state to the department of justice for the fiscal year  
39 beginning July 1, 2009, and ending June 30, 2010, the  
40 following amount, or so much thereof as is necessary,  
41 to be used for the purposes designated:

42 For victim assistance grants:  
43 ..... \$ 1,000,000

44 Sec. 70. FAMILY LAW MEDIATION. Each judicial  
45 district is encouraged to implement a family law  
46 mediation program pursuant to section 598.7, to  
47 encourage the resolution of domestic relations  
48 disputes through facilitation of communication and  
49 negotiation between parties in reaching voluntary  
50 agreements, rather than prolonged judicial,

1 administrative, arbitral, or other adjudicative  
2 processes or proceedings. Each judicial district  
3 shall report to the supreme court by January 15, 2010,

4 its decision regarding such implementation.

5 Sec. 71. EFFECTIVE DATES.

6 1. This division of this Act, being deemed of  
7 immediate importance, takes effect upon enactment.

8 2. Notwithstanding subsection 1, the sections of  
9 this division of this Act amending 2009 Iowa Acts,  
10 Senate File 472, section 1, subsection 1, unnumbered  
11 paragraph 2, appropriating moneys to the department of  
12 corrections for drug court programs, supplementing  
13 appropriations to the department of public safety for  
14 duties of the department, and supplementing  
15 appropriations to the department of justice for victim  
16 assistance grants, take effect July 1, 2009.

17 DIVISION VI

18 TRANSPORTATION PROVISIONS

19 Sec. 72. DEPARTMENT OF TRANSPORTATION.

20 1. There is appropriated from the primary road  
21 fund to the department of transportation for the  
22 fiscal year beginning July 1, 2008, and ending June  
23 30, 2009, the following amount, or so much thereof as  
24 is necessary, to be used for the purposes designated:

25 For the purchase of salt:  
26 ..... \$ 2,271,600

27 2. Notwithstanding section 8.33, moneys  
28 appropriated in this section that remain unencumbered  
29 or unobligated at the close of the fiscal year shall  
30 not revert but shall remain available for expenditure  
31 for the designated purpose until the close of the  
32 succeeding fiscal year.

33 Sec. 73. Section 321H.3, subsection 2, Code 2009,  
34 as amended by 2009 Acts, Senate File 419, if enacted,  
35 is amended to read as follows:

36 2. Dismantling, scrapping, recycling, or  
37 ~~salvaging, or obtaining a junking certificate for~~ more  
38 than six vehicles subject to registration in a  
39 twelve-month period.

40 Sec. 74. REIMBURSEMENT TO CITY OF MUSCATINE.

41 There is appropriated from the road use tax fund to  
42 the department of transportation for the fiscal year  
43 beginning July 1, 2009, and ending June 30, 2010, the  
44 following amount, or so much thereof as is necessary,  
45 to be used for the purposes designated:

46 To reimburse the city of Muscatine for costs  
47 associated with implementation of section 314.29:  
48 ..... \$ 1,072

49 Sec. 75. PAYMENT OF CEDAR FALLS ASSESSMENT. There  
50 is appropriated from the road use tax fund to the

1 department of transportation for the fiscal year  
2 beginning July 1, 2009, and ending June 30, 2010, the



3 following amount, or so much thereof as is necessary,  
4 to be used for the purpose designated:

5 For payment pursuant to section 307.45, to the city  
6 of Cedar Falls for improvements to west twenty-third  
7 street adjoining university of northern Iowa property:  
8 ..... \$ 317,906

9 Sec. 76. Section 307.45, unnumbered paragraph 4,  
10 Code 2009, is amended by striking the unnumbered  
11 paragraph.

12 Sec. 77. EFFECTIVE DATE. The section of this  
13 division of this Act relating to the appropriation  
14 from the primary road fund to the department of  
15 transportation for the purchase of salt, being deemed  
16 of immediate importance, takes effect upon enactment.

17 DIVISION VII

18 MISCELLANEOUS APPROPRIATIONS

19 Sec. 78. RACING AND GAMING COMMISSION. There is  
20 appropriated from the general fund of the state to the  
21 racing and gaming commission for the fiscal year  
22 beginning July 1, 2009, and ending June 30, 2010, the  
23 following amount, or so much thereof as is necessary,  
24 to be used for the purposes designated:

25 1. RACETRACK REGULATION

26 For salaries, support, maintenance, and  
27 miscellaneous purposes and for the regulation of  
28 pari-mutuel racetracks:  
29 ..... \$ 277,374

30 2. EXCURSION BOAT AND GAMBLING STRUCTURE  
31 REGULATION

32 For salaries, support, maintenance, and  
33 miscellaneous purposes and for administration and  
34 enforcement of the excursion boat gambling and  
35 gambling structure laws:  
36 ..... \$ 321,316

37 Sec. 79. 2009 Iowa Acts, Senate File 470, section  
38 10, subsection 2, paragraph b, if enacted, is amended  
39 to read as follows:

40 ~~b. Center for disabilities and development~~

41 ~~For salaries, support, maintenance, miscellaneous~~  
42 ~~purposes, and for not more than the following~~  
43 ~~full time equivalent positions:~~  
44 ..... ~~\$ 6,335,003~~

45 ..... ~~FTEs 130.37~~

46 ~~From the moneys appropriated in this lettered~~  
47 ~~paragraph, \$182,140 shall be allocated for purposes of~~  
48 ~~the employment policy group.~~

49 Sec. 80. 2009 Iowa Acts, House File 811, section  
50 9, unnumbered paragraph 2, if enacted, is amended to

2 For medical assistance reimbursement and associated  
 3 costs as specifically provided in the reimbursement  
 4 methodologies in effect on June 30, 2009, except as  
 5 otherwise expressly authorized by law, including  
 6 reimbursement for abortion services which shall be  
 7 available under the medical assistance program only  
 8 for those abortions which are medically necessary:  
 9 ..... \$677,613,847  
 10 681,949,840

11 Sec. 81. 2009 Iowa Acts, House File 811, section  
 12 9, subsection 12, if enacted, is amended to read as  
 13 follows:

14 12. a. Of the funds appropriated in this section,  
 15 ~~\$2,687,889~~ \$7,023,882 is allocated for state match for  
 16 disproportionate share hospital payment of ~~\$7,321,954~~  
 17 \$19,133,430 to hospitals that meet both of the  
 18 following conditions:

- 19 (1) The hospital qualifies for disproportionate  
 20 share and graduate medical education payments.
- 21 (2) The hospital is an Iowa state-owned hospital  
 22 with more than 500 beds and eight or more distinct  
 23 residency specialty or subspecialty programs  
 24 recognized by the American college of graduate medical  
 25 education.

26 b. Distribution of the disproportionate share  
 27 payment shall be made on a monthly basis. The total  
 28 amount of disproportionate share payments including  
 29 graduate medical education, enhanced disproportionate  
 30 share, and Iowa state-owned teaching hospital payments  
 31 shall not exceed the amount of the state's allotment  
 32 under Pub. L. No. 102-234. In addition, the total  
 33 amount of all disproportionate share payments shall  
 34 not exceed the hospital-specific disproportionate  
 35 share limits under Pub. L. No. 103-66.

36 c. The department shall amend the medical  
 37 assistance state plan as necessary to implement the  
 38 provisions of this subsection. If the state plan  
 39 amendment is not approved as submitted or there are  
 40 changes in federal policies or application of federal  
 41 policies that impact the distribution of  
 42 disproportionate share hospital payments, the  
 43 department shall immediately notify the governor and  
 44 the general assembly.

45 Sec. 82. TUITION GRANTS – APPROPRIATION. There  
 46 is appropriated from the general fund of the state to  
 47 the college student aid commission for the fiscal year  
 48 beginning July 1, 2009, and ending June 30, 2010, the  
 49 following amount, or so much thereof as is necessary,  
 50 to be used for the purposes designated:

1 For tuition grants as provided under section  
 2 261.25, subsection 1:  
 3 ..... \$ 2,000,000

4 Sec. 83. 2009 Iowa Acts, Senate File 467, section  
 5 1, if enacted, is amended by adding the following new  
 6 subsection:

7 NEW SUBSECTION. 3. Of the amount appropriated in  
 8 this section, \$238,000 is transferred to Iowa state  
 9 university of science and technology, to be used for  
 10 the university's midwest grape and wine industry  
 11 institute.

12 DIVISION VIII

13 MISCELLANEOUS STATUTORY CHANGES

14 Sec. 84. COUNTY LAND RECORD INFORMATION SYSTEM –  
 15 PROJECT MANAGER. If Senate File 465, relating to the  
 16 duties of county recorders, fees collected by the  
 17 county recorders, and the county land record  
 18 information system, is enacted by the Eighty-third  
 19 General Assembly and signed into law by the governor,  
 20 the governing board of the county land record  
 21 information system shall immediately terminate any  
 22 existing contract with a project manager if such  
 23 termination prior to the end of the contract term is  
 24 permitted under the contract. Following such  
 25 termination the governing board of the county land  
 26 record information system shall initiate a new request  
 27 for proposals for a project manager.

28 Sec. 85. GLENWOOD STATE PRESERVE. Portions of the  
 29 property of the Glenwood state resource center that  
 30 are not necessary to the operation of the center and  
 31 that have been determined to be archaeologically and  
 32 environmentally significant by the state  
 33 archaeologist, shall be transferred to the  
 34 jurisdiction of the department of natural resources.  
 35 The director of the department of human services shall  
 36 execute such real estate transfer documents as are  
 37 necessary to transfer such real property of the  
 38 Glenwood state resource center, as identified in  
 39 contract completion report No. 1553 (2007) of the  
 40 state archaeologist, to the department of natural  
 41 resources. The state advisory board for preserves  
 42 shall assess the natural condition, character, and  
 43 features of the transferred property and make  
 44 recommendations for the establishment of a state  
 45 preserve on the property. The department of natural  
 46 resources may establish agreements with governmental  
 47 bodies and independent nonprofit agencies to construct  
 48 recreational and educational facilities on the  
 49 transferred property, such as, but not limited to,  
 50 event facilities and interpretive centers.

Page 26

1 Sec. 86. DISASTER-IMPACTED EXEMPTION.  
2 Notwithstanding the requirement for the filing of a  
3 claim for property tax exemption by February 1, and  
4 notwithstanding any other provisions to the contrary,  
5 a society or organization claiming an exemption under  
6 section 427.1, subsection 14, may file for an  
7 exemption with the local assessor by May 1, 2009, for  
8 property that is located in a county declared a  
9 disaster area in calendar year 2008, if the society or  
10 organization was unable to file for the exemption as a  
11 result of the inability or failure to file for the  
12 exemption caused by the need to respond to a natural  
13 disaster occurring in calendar year 2008.

14 Sec. 87. NEW SECTION. 7D.16 ALCOHOLIC BEVERAGES  
15 IN STATE CAPITOL OR ON COMPLEX GROUNDS.

16 Notwithstanding any contrary provision of law  
17 prohibiting the use and consumption of alcoholic  
18 beverages in a public place, the executive council may  
19 authorize, by resolution, the temporary use and  
20 consumption of alcoholic beverages, as defined in  
21 section 123.3, in the state capitol or on the state  
22 capitol complex grounds, as if the state capitol or  
23 state capitol complex grounds were a private place.  
24 The authorization by resolution shall be limited to  
25 the use and consumption of alcoholic beverages as an  
26 accompaniment to food at a single award ceremony,  
27 social event, or other occasion deemed appropriate by  
28 the executive council. The authorization shall  
29 require that the person providing the food and  
30 alcoholic beverages possess an appropriate liquor  
31 control license in accordance with section 123.95.  
32 The secretary of the executive council shall inform  
33 the secretary of the legislative council and the  
34 director of the department of administrative services  
35 of the approval of any such resolution.

36 Sec. 88. Section 15.335, Code 2009, is amended by  
37 adding the following new subsection:  
38 NEW SUBSECTION. 6. Notwithstanding any provision  
39 to the contrary, the amount of tax credit claimed  
40 under this section and the identity of the taxpayer  
41 making the claim shall be a public record. The  
42 department of revenue shall issue a quarterly report  
43 containing the name of each taxpayer claiming the  
44 credit, the dollar amount of the claim, and the  
45 portion of the claim issued as a refund to the  
46 taxpayer, for each claim processed during the previous  
47 calendar quarter, beginning with claims filed on or  
48 after July 1, 2009.

49 Sec. 89. Section 15.335, subsection 4, paragraph  
50 b, Code 2009, is amended to read as follows:

Page 27

1 b. For purposes of this section, "Internal Revenue  
2 Code" means the Internal Revenue Code in effect on  
3 January 1, ~~2008~~ 2009.

4 Sec. 90. Section 15A.9, subsection 8, paragraph e,  
5 subparagraph (2), Code 2009, is amended to read as  
6 follows:

7 (2) For purposes of this subsection, "Internal  
8 Revenue Code" means the Internal Revenue Code in  
9 effect on January 1, ~~2008~~ 2009.

10 Sec. 91. Section 15E.196, subsection 1, paragraph  
11 b, Code 2009, is amended by striking the paragraph.

12 Sec. 92. Section 15E.305, subsection 1, Code 2009,  
13 is amended to read as follows:

14 1. For tax years beginning on or after January 1,  
15 2003, a tax credit shall be allowed against the taxes  
16 imposed in chapter 422, divisions II, III, and V, and  
17 in chapter 432, and against the moneys and credits tax  
18 imposed in section 533.329 equal to ~~twenty~~ twenty-five  
19 percent of a taxpayer's endowment gift to an endow  
20 Iowa qualified community foundation. An individual  
21 may claim a tax credit under this section of a  
22 partnership, limited liability company, S corporation,  
23 estate, or trust electing to have income taxed  
24 directly to the individual. The amount claimed by the  
25 individual shall be based upon the pro rata share of  
26 the individual's earnings from the partnership,  
27 limited liability company, S corporation, estate, or  
28 trust. A tax credit shall be allowed only for an  
29 endowment gift made to an endow Iowa qualified  
30 community foundation for a permanent endowment fund  
31 established to benefit a charitable cause in this  
32 state. The amount of the endowment gift for which the  
33 tax credit is claimed shall not be deductible in  
34 determining taxable income for state income tax  
35 purposes. Any tax credit in excess of the taxpayer's  
36 tax liability for the tax year may be credited to the  
37 tax liability for the following five years or until  
38 depleted, whichever occurs first. A tax credit shall  
39 not be carried back to a tax year prior to the tax  
40 year in which the taxpayer claims the tax credit.

41 Sec. 93. Section 15E.305, subsection 2, unnumbered  
42 paragraph 1, Code 2009, is amended to read as follows:

43 The aggregate amount of tax credits authorized  
44 pursuant to this section shall not exceed a total of  
45 ~~two~~ three million dollars plus such additional credit  
46 amount as provided by this section annually. The  
47 maximum amount of tax credits granted to a taxpayer  
48 shall not exceed five percent of the aggregate amount  
49 of tax credits authorized.

50 Sec. 94. Section 26.3, subsection 2, Code 2009, is

Page 28

1 amended to read as follows:

2 2. A governmental entity shall have an engineer  
3 licensed under chapter 542B, a landscape architect  
4 licensed under chapter 544B, or an architect  
5 registered under chapter 544A prepare plans and  
6 specifications, and calculate the estimated total cost  
7 of a proposed public improvement. A governmental  
8 entity shall ensure that sufficient paper copies of  
9 the plans, specifications, and estimated total costs  
10 of the proposed public improvement are available for  
11 prospective bidders.

12 Sec. 95. Section 26.7, subsection 3, Code 2009, is  
13 amended to read as follows:

14 3. On public improvements to be financed wholly or  
15 partially by special assessments against benefited  
16 property, the governmental entity, in the notice to  
17 bidders, may request aggregate bids for all projects  
18 included in any resolution of necessity,  
19 notwithstanding variations in the sizes of the  
20 improvements and notwithstanding that some parts of  
21 the improvements are assessable and some  
22 nonassessable, and may award the contract to the  
23 lowest ~~responsive~~, responsible bidder submitting the  
24 lowest aggregate bid.

25 Sec. 96. Section 26.9, Code 2009, is amended to  
26 read as follows:

27 26.9 AWARD OF CONTRACT.

28 The contract for the public improvement must be  
29 awarded to the lowest ~~responsive~~, responsible bidder.  
30 The designation of contractors and subcontractors as a  
31 responsible bidder is an independent function and  
32 involves an analysis separate from the price of the  
33 bid. Factors used to determine a responsible bidder  
34 shall include, but shall not be limited to financial  
35 responsibility, compliance with applicable laws, and  
36 ability and experience in the performance of similar  
37 contracts. A public entity may use a prequalification  
38 questionnaire as a means for predefining acceptable,  
39 responsible bidders. However, contracts relating to  
40 public utilities or extensions or improvements  
41 thereof, as described in sections 384.80 through  
42 384.94, may be awarded by the city as it deems to be  
43 in the best interests of the city. This section shall  
44 not be construed to prohibit a governmental entity in  
45 the award of a contract for a public improvement or a  
46 governing body of a city utility from providing, in  
47 the award of a contract for a public improvement, an  
48 enhancement of payments upon early completion of the  
49 public improvement if the availability of the  
50 enhancement payments is included in the notice to

Page 29

1 bidders, the enhancement payments are competitively  
2 neutral to potential bidders, the enhancement payments  
3 are considered as a separate item in the public  
4 hearing on the award of contract, and the total value  
5 of the enhancement payments does not exceed ten  
6 percent of the value of the contract.

7 Sec. 97. Section 26.10, subsection 1, Code 2009,  
8 is amended to read as follows:

9 1. The date and time that each bid is received by  
10 the governmental entity, together with the name of the  
11 person receiving the bid, shall be recorded on the  
12 envelope containing the bid. All bids received after  
13 the deadlines for submission of bids as stated in the  
14 project specifications shall not be considered and  
15 shall be returned to the late bidder unopened. The  
16 governmental entity shall open, announce the amount of  
17 the bids, and file all proposals received, at the time  
18 and place specified in the notice to bidders. The  
19 governmental entity may, by resolution, award the  
20 contract for the public improvement to the bidder  
21 submitting the lowest ~~responsive~~, responsible bid,  
22 determined as provided in section 26.9, or the  
23 governmental entity may reject all bids received, fix  
24 a new date for receiving bids, and order publication  
25 of a new notice to bidders. The governmental entity  
26 shall retain the bid security furnished by the  
27 successful bidder until the approved contract form has  
28 been executed, a bond has been filed by the bidder  
29 guaranteeing the performance of the contract, and the  
30 contract and bond have been approved by the  
31 governmental entity. The provisions of chapter 573,  
32 where applicable, apply to contracts awarded under  
33 this chapter.

34 Sec. 98. Section 26.14, subsection 3, paragraphs b  
35 and c, Code 2009, are amended to read as follows:

36 b. The governmental entity shall designate the  
37 time, place, and manner for filing quotations, which  
38 may be received by mail, facsimile, or electronic  
39 mail. The governmental entity shall award the  
40 contract to the contractor submitting the lowest  
41 ~~responsive~~, responsible quotation subject to section  
42 26.9, or the governmental entity may reject all of the  
43 quotations. The unconditional acceptance and approval  
44 of the lowest ~~responsive~~, responsible quotation shall  
45 constitute the award of a contract. The governmental  
46 entity shall record the approved quotation in its  
47 meeting minutes. The contractor awarded the contract  
48 shall not commence work until the contractor's  
49 performance and payment bond has been approved by the  
50 governmental entity. A governmental entity may

Page 30

1 delegate the authority to award a contract, to execute  
2 a contract, to authorize work to proceed under a  
3 contract, or to approve the contractor's performance  
4 and payment bond to an officer or employee of the  
5 governmental entity. A quotation approved outside a  
6 meeting of the governing body of a governmental entity  
7 shall be included in the minutes of the next regular  
8 or special meeting of the governing body.

9 c. If a public improvement may be performed by an  
10 employee of the governmental entity, the amount of  
11 estimated sales and fuel tax and the premium cost for  
12 the performance and payment bond which a contractor  
13 identifies in its quotation shall be deducted from the  
14 contractor's price for determining the lowest  
15 responsible quotation. If no quotations are received  
16 to perform the work, or if the governmental entity's  
17 estimated cost to do the work with its employee is  
18 less than the lowest ~~responsive~~, responsible quotation  
19 received, the governmental entity may authorize its  
20 employee or employees to perform the work.

21 Sec. 99. Section 35C.1, subsection 1, Code 2009,  
22 as amended by 2009 Iowa Acts, Senate File 186, section  
23 1, if enacted, is amended by striking the subsection  
24 and inserting in lieu thereof the following:

25 1. In every public department and upon all public  
26 works in the state, and of the counties, cities, and  
27 school corporations of the state, veterans who are  
28 citizens and residents of the United States are  
29 entitled to preference in appointment and employment  
30 over other applicants of no greater qualifications.  
31 The preference in appointment and employment for  
32 employees of cities under a municipal civil service is  
33 the same as provided in section 400.10. For purposes  
34 of this section, "veteran" means as defined in section  
35 35.1 except that the requirement that the person be a  
36 resident of this state shall not apply.

37 Sec. 100. Section 85.61, Code 2009, is amended by  
38 adding the following new subsection:

39 NEW SUBSECTION. 7A. "Reasonable or probable cause  
40 or excuse" means an excuse supported on the basis of  
41 facts determined reasonable by the workers'  
42 compensation commissioner and does not mean an excuse  
43 supported on the basis of facts fairly debatable as a  
44 matter of law as recognized in the common law with  
45 respect to a bad-faith tort.

46 Sec. 101. Section 85.71, subsection 1, paragraph  
47 a, Code 2009, is amended to read as follows:

48 a. The employer has a place of business in this  
49 state and the employee regularly works at or from that  
50 place of business, or the employer has a place of



Page 31

1 business in this state and the employee is domiciled  
2 in this state.

3 Sec. 102. Section 86.13, Code 2009, is amended to  
4 read as follows:

5 86.13 COMPENSATION PAYMENTS.

6 1. If an employer or insurance carrier pays weekly  
7 compensation benefits to an employee, the employer or  
8 insurance carrier shall file with the workers'  
9 compensation commissioner in the form and manner  
10 required by the workers' compensation commissioner a  
11 notice of the commencement of the payments. The  
12 payments establish conclusively that the employer and  
13 insurance carrier have notice of the injury for which  
14 benefits are claimed but the payments do not  
15 constitute an admission of liability under this  
16 chapter or chapter 85, 85A, or 85B.

17 2. If an employer or insurance carrier fails to  
18 file the notice required by this section, the failure  
19 stops the running of the time periods in section 85.26  
20 as of the date of the first payment. If commenced,  
21 the payments shall be terminated only when the  
22 employee has returned to work, or upon thirty days'  
23 notice stating the reason for the termination and  
24 advising the employee of the right to file a claim  
25 with the workers' compensation commissioner.

26 3. This section does not prevent the parties from  
27 reaching an agreement for settlement regarding  
28 compensation. However, the agreement is valid only if  
29 signed by all parties and approved by the workers'  
30 compensation commissioner.

31 4. a. ~~If a denial, a delay in commencement~~  
32 ~~payment, or a termination of benefits occurs without~~  
33 ~~reasonable or probable cause or excuse known to the~~  
34 ~~employer or insurance carrier at the time of the~~  
35 ~~denial, delay in payment, or termination of benefits,~~  
36 the workers' compensation commissioner shall award  
37 benefits in addition to those benefits payable under  
38 this chapter, or chapter 85, 85A, or 85B, up to fifty  
39 percent of the amount of benefits that were  
40 ~~unreasonably denied, delayed, or denied terminated~~  
41 ~~without reasonable or probable cause or excuse.~~

42 b. The workers' compensation commissioner shall  
43 award benefits under this subsection if the  
44 commissioner finds both of the following facts:

45 (1) The employee has demonstrated a denial, delay  
46 in payment, or termination of benefits.

47 (2) The employer has failed to prove a reasonable  
48 or probable cause or excuse for the denial, delay in  
49 payment, or termination of benefits.

50 c. In order to be considered a reasonable or

Page 32

1 probable cause or excuse under paragraph "b", an  
2 excuse shall satisfy all of the following criteria:  
3 (1) The excuse was preceded by a reasonable  
4 investigation and evaluation by the employer or  
5 insurance carrier into whether benefits were owed to  
6 the employee.

7 (2) The results of the reasonable investigation  
8 and evaluation were the actual basis upon which the  
9 employer or insurance carrier contemporaneously relied  
10 to deny, delay payment of, or terminate benefits.

11 (3) The employer or insurance carrier  
12 contemporaneously conveyed the basis for the denial,  
13 delay in payment, or termination of benefits to the  
14 employee at the time of the denial, delay, or  
15 termination of benefits.

16 Sec. 103. Section 96.40, subsection 2, paragraph  
17 i, Code 2009, is amended to read as follows:

18 i. The duration of the shared work plan will not  
19 exceed ~~twenty-six~~ fifty-two weeks. An employing unit  
20 is eligible for approval of only one plan during a  
21 twenty-four-month period.

22 Sec. 104. Section 96.40, subsection 8, Code 2009,  
23 is amended to read as follows:

24 8. An individual shall not be entitled to receive  
25 shared work benefits and regular unemployment  
26 compensation benefits in an aggregate amount which  
27 exceeds the maximum total amount of benefits payable  
28 to that individual in a benefit year as provided under  
29 section 96.3, subsection 5. ~~Notwithstanding any other~~  
30 ~~provisions of this chapter, an individual shall not be~~  
31 ~~eligible to receive shared work benefits for more than~~  
32 ~~twenty-six calendar weeks during the individual's~~  
33 ~~benefit year.~~

34 Sec. 105. Section 99B.10, subsection 1, paragraph  
35 a, Code 2009, is amended to read as follows:

36 a. A prize of merchandise exceeding ~~five~~ fifty  
37 dollars in value shall not be awarded for use of the  
38 device. However, a mechanical or amusement device may  
39 be designed or adapted to award a prize or one or more  
40 free games or portions of games without payment of  
41 additional consideration by the participant.

42 Sec. 106. Section 103.1, Code 2009, is amended by  
43 adding the following new subsection:

44 NEW SUBSECTION. 7A. "Farm" means land, buildings  
45 and structures used for agricultural purposes  
46 including but not limited to the storage, handling,  
47 and drying of grain and the care, feeding, and housing  
48 of livestock.

49 Sec. 107. Section 103.22, subsection 2, Code 2009,  
50 is amended to read as follows:

Page 33

1 2. Require employees of municipal utilities,  
2 electric membership or cooperative associations,  
3 investor-owned utilities, rural water associations or  
4 districts, railroads, telecommunications companies,  
5 franchised cable television operators, farms, or  
6 commercial or industrial companies performing  
7 manufacturing, installation, and repair work for such  
8 employer to hold licenses while acting within the  
9 scope of their employment. An employee of a farm does  
10 not include a person who is employed for the primary  
11 purpose of installing a new electrical installation.

12 Sec. 108. Section 103.29, Code 2009, is amended by  
13 adding the following new subsection:

14 NEW SUBSECTION. 7. A county shall not perform  
15 electrical inspections on a farm or farm residence.

16 Sec. 109. Section 103.32, Code 2009, is amended by  
17 adding the following new subsection:

18 NEW SUBSECTION. 5. A state electrical inspection  
19 fee shall not be assessed for an event benefiting a  
20 nonprofit association representing volunteer service  
21 providers. An electrical inspection fee shall not be  
22 assessed by a political subdivision for an annual  
23 event benefiting a nonprofit association representing  
24 volunteer service providers.

25 Sec. 110. Section 214A.2, subsection 5, Code 2009,  
26 is amended to read as follows:

27 5. Ethanol blended gasoline shall be designated  
28 E-xx where "xx" is the volume percent of ethanol in  
29 the ethanol blended gasoline and biodiesel fuel shall  
30 be designated B-xx where "xx" is the volume percent of  
31 biodiesel.

32 Sec. 111. Section 214A.3, subsection 2, paragraph  
33 b, subparagraph (2), Code 2009, is amended to read as  
34 follows:

35 ~~(2) Biodiesel fuel shall be designated according~~  
36 ~~to its classification as provided in section 214A.2.~~

37 A person shall not knowingly falsely advertise  
38 biodiesel blended fuel by using an inaccurate  
39 designation ~~in violation of this subparagraph as~~  
40 provided in section 214A.2.

41 Sec. 112. Section 214A.5, Code 2009, is amended to  
42 read as follows:

43 214A.5 SALES SLIP ON DEMAND DOCUMENTATION.

44 1. A wholesale dealer or retail dealer shall, when  
45 making a sale of motor fuel, give to a purchaser upon  
46 demand a sales slip.

47 2. A wholesale dealer selling ethanol blended  
48 gasoline or biodiesel blended fuel to a purchaser  
49 shall provide the purchaser with a statement  
50 indicating its designation as provided in section

Page 34

1 214A.2. The statement may be on the sales slip  
2 provided in this section or a similar document,  
3 including but not limited to a bill of lading or  
4 invoice.

5 Sec. 113. Section 214A.16, subsection 1, Code  
6 2009, is amended to read as follows:

7 1. a. If motor fuel containing a renewable fuel  
8 ethanol blended gasoline is sold from a motor fuel  
9 pump, the motor fuel pump shall have affixed a decal  
10 identifying the name of the renewable fuel ethanol  
11 blended gasoline. The decal shall be different based  
12 on the type of renewable fuel dispensed. If the motor  
13 fuel pump dispenses ethanol blended gasoline  
14 classified as higher than standard ethanol blended  
15 gasoline pursuant to section 214A.2, the decal shall  
16 contain the following notice: "FOR FLEXIBLE FUEL  
17 VEHICLES ONLY".

18 b. If biodiesel fuel is sold from a motor fuel  
19 pump, the motor fuel pump shall have affixed a decal  
20 identifying the biodiesel fuel as provided in 16  
21 C.F.R. pt. 306.

22 Sec. 114. Section 321.105A, subsection 2,  
23 paragraph c, subparagraph (25), unnumbered paragraph  
24 1, Code 2009, is amended to read as follows:

25 Vehicles subject to registration under this chapter  
26 with a gross vehicle weight rating of less than  
27 sixteen thousand pounds, ~~excluding motorcycles and~~  
28 ~~motorized bicycles,~~ when purchased for lease and  
29 titled by the lessor licensed pursuant to chapter 321F  
30 and actually leased for a period of twelve months or  
31 more if the lease of the vehicle is subject to the fee  
32 for new registration under subsection 3.

33 Sec. 115. Section 321.105A, subsection 3,  
34 paragraph a, Code 2009, is amended to read as follows:

35 a. A fee for new registration is imposed in an  
36 amount equal to five percent of the leased price for  
37 each vehicle subject to registration with a gross  
38 vehicle weight rating of less than sixteen thousand  
39 pounds, ~~excluding motorcycles and motorized bicycles,~~  
40 which is leased by a lessor licensed pursuant to  
41 chapter 321F for a period of twelve months or more.  
42 The fee for new registration shall be paid by the  
43 owner of the vehicle to the county treasurer from whom  
44 the registration receipt or certificate of title is  
45 obtained. A registration receipt for a vehicle  
46 subject to registration or issuance of a certificate  
47 of title shall not be issued until the fee for new  
48 registration is paid in the initial instance.

49 Sec. 116. Section 321.105A, subsection 5,  
50 paragraph a, Code 2009, is amended by striking the

Page 35

1 paragraph.

2 Sec. 117. Section 321I.10, subsection 2, Code  
3 2009, is amended to read as follows:

4 2. A registered all-terrain vehicle may be  
5 operated on the roadways of that portion of county  
6 highways designated by the county board of supervisors  
7 for such use during a specified period. The county  
8 board of supervisors shall evaluate the traffic  
9 conditions on all county highways and designate  
10 roadways on which all-terrain vehicles may be operated  
11 for the specified period without unduly interfering  
12 with or constituting an undue hazard to conventional  
13 motor vehicle traffic. ~~Signs warning of the operation  
14 of all terrain vehicles on the roadway shall be placed  
15 and maintained on the portions of highway thus  
16 designated during the period specified for the  
17 operation.~~

18 Sec. 118. Section 331.325, subsection 1, Code  
19 2009, is amended to read as follows:

20 1. As used in this section, "pioneer cemetery"  
21 means a cemetery where there have been ~~six~~ twelve or  
22 fewer burials in the preceding fifty years.

23 Sec. 119. Section 331.907, subsection 2, Code  
24 2009, is amended to read as follows:

25 2. At the public hearing held on the county budget  
26 as provided in section 331.434, the county  
27 compensation board shall submit its recommended  
28 compensation schedule for the next fiscal year to the  
29 board of supervisors for inclusion in the county  
30 budget. The board of supervisors shall review the  
31 recommended compensation schedule for the elected  
32 county officers and determine the final compensation  
33 schedule which shall not exceed the compensation  
34 schedule recommended by the county compensation board.  
35 In determining the final compensation schedule if the  
36 board of supervisors wishes to reduce the amount of  
37 the recommended compensation schedule, the amount of  
38 salary increase proposed for each elected county  
39 officer, except as provided in subsection 2A, shall be  
40 reduced an equal percentage. A copy of the final  
41 compensation schedule shall be filed with the county  
42 budget at the office of the director of the department  
43 of management. The final compensation schedule takes  
44 effect on July 1 following its adoption by the board  
45 of supervisors.

46 Sec. 120. Section 331.907, Code 2009, is amended  
47 by adding the following new subsection:

48 NEW SUBSECTION. 2A. The board of supervisors may  
49 adopt a decrease in compensation paid to supervisors  
50 irrespective of the county compensation board's

Page 36

1 recommended compensation schedule or other approved  
2 changes in compensation paid to other elected county  
3 officers. A decrease in compensation paid to  
4 supervisors shall be adopted by the board of  
5 supervisors no less than thirty days before the county  
6 budget is certified under section 24.17.

7 Sec. 121. Section 400.10, Code 2009, as amended by  
8 2009 Iowa Acts, Senate File 186, section 2, if  
9 enacted, is amended by striking the section and  
10 inserting in lieu thereof the following:

11 400.10 PREFERENCES.

12 In all examinations and appointments under this  
13 chapter, other than promotions and appointments of  
14 chief of the police department and chief of the fire  
15 department, veterans who are citizens and residents of  
16 the United States, shall have five percentage points  
17 added to the veteran's grade or score attained in  
18 qualifying examinations for appointment to positions  
19 and five additional percentage points added to the  
20 grade or score if the veteran has a service-connected  
21 disability or is receiving compensation, disability  
22 benefits or pension under laws administered by the  
23 veterans administration. An honorably discharged  
24 veteran who has been awarded the Purple Heart incurred  
25 in action shall be considered to have a  
26 service-connected disability. However, the percentage  
27 points shall be given only upon passing the exam and  
28 shall not be the determining factor in passing.  
29 Veteran's preference percentage points shall be  
30 applied once to the final scores used to rank  
31 applicants for selection for an interview. For  
32 purposes of this section, "veteran" means as defined  
33 in section 35.1 except that the requirement that the  
34 person be a resident of this state shall not apply.

35 Sec. 122. Section 412.2, subsection 1, Code 2009,  
36 is amended to read as follows:

37 1. From the proceeds of the assessments on the  
38 wages and salaries of employees, of any such  
39 waterworks system, or other municipally owned and  
40 operated public utility, eligible to receive the  
41 benefits thereof. Notwithstanding any provisions of  
42 section 20.9 to the contrary, a council, board of  
43 waterworks, or other board or commission which  
44 establishes a pension and annuity retirement system  
45 pursuant to this chapter, shall negotiate in good  
46 faith with a certified employee organization as  
47 defined in section 20.3, which is the collective  
48 bargaining representative of the employees, with  
49 respect to the amount or rate of the assessment on the  
50 wages and salaries of employees and the method or

Page 37

1 methods for payment of the assessment by the  
2 employees.

3 Sec. 123. Section 412.3, Code 2009, is amended to  
4 read as follows:

5 412.3 RULES.

6 The council, board of waterworks trustees, or other  
7 board or commission, whichever is authorized by law to  
8 manage and operate such waterworks, or other  
9 municipally owned and operated public utility, may  
10 formulate and establish such pension and annuity  
11 retirement system, and may make and establish such  
12 rules for the operation thereof as may be deemed  
13 necessary or appropriate, subject to the provision of  
14 section 412.2, subsection 1.

15 Sec. 124. Section 422.10, subsection 3, unnumbered  
16 paragraph 2, Code 2009, is amended to read as follows:

17 For purposes of this section, "Internal Revenue  
18 Code" means the Internal Revenue Code in effect on  
19 January 1, ~~2008~~ 2009.

20 Sec. 125. Section 422.10, Code 2009, is amended by  
21 adding the following new subsection:

22 NEW SUBSECTION. 6. Notwithstanding any provision  
23 to the contrary, the amount of tax credit claimed  
24 under this section and the identity of the taxpayer  
25 making the claim shall be a public record. The  
26 department shall issue a quarterly report containing  
27 the name of each taxpayer claiming the credit, the  
28 dollar amount of the claim, and the portion of the  
29 claim issued as a refund to the taxpayer, for each  
30 claim processed during the previous calendar quarter,  
31 beginning with claims filed on or after July 1, 2009.

32 Sec. 126. Section 422.13, subsection 5, Code 2009,  
33 is amended to read as follows:

34 5. a. Notwithstanding subsections 1 through 4 and  
35 sections 422.15 and 422.36, a partnership, a limited  
36 liability company whose members are taxed on the  
37 company's income under provisions of the Internal  
38 Revenue Code, trust, or corporation whose stockholders  
39 are taxed on the corporation's income under the  
40 provisions of the Internal Revenue Code may, not later  
41 than the due date for filing its return for the  
42 taxable year, including any extension thereof, elect  
43 to file a composite return for the nonresident  
44 partners, members, beneficiaries, or shareholders.  
45 Nonresident trusts or estates which are partners,  
46 members, beneficiaries, or shareholders in  
47 partnerships, limited liability companies, trusts, or  
48 S corporations may also be included on a composite  
49 return. The director may require that a composite  
50 return be filed under the conditions deemed

Page 38

1 appropriate by the director. A partnership, limited  
2 liability company, trust, or corporation filing a  
3 composite return is liable for tax required to be  
4 shown due on the return.

5 b. Notwithstanding subsection 1 through 4 and  
6 sections 422.15 and 422.36, if the director determines  
7 that it is necessary for the efficient administration  
8 of this chapter, the director may require that a  
9 composite return be filed for nonresidents other than  
10 nonresident partners, members, beneficiaries or  
11 shareholders in partnerships, limited liability  
12 companies, trusts, or S corporations.

13 c. All powers of the director and requirements of  
14 the director apply to returns filed under this  
15 subsection including, but not limited to, the  
16 provisions of this division and division VI of this  
17 chapter.

18 Sec. 127. Section 422.33, subsection 5, paragraph  
19 d, unnumbered paragraph 2, Code 2009, is amended to  
20 read as follows:

21 For purposes of this subsection, "Internal Revenue  
22 Code" means the Internal Revenue Code in effect on  
23 January 1, ~~2008~~ 2009.

24 Sec. 128. Section 422.33, subsection 5, Code 2009,  
25 is amended by adding the following new paragraph:  
26 NEW PARAGRAPH. h. Notwithstanding any provision  
27 to the contrary, the amount of tax credit claimed  
28 under this subsection and the identity of the taxpayer  
29 making the claim shall be a public record. The  
30 department shall issue a quarterly report containing  
31 the name of each taxpayer claiming the credit, the  
32 dollar amount of the claim, and the portion of the  
33 claim issued as a refund to the taxpayer, for each  
34 claim processed during the previous calendar quarter,  
35 beginning with claims filed on or after July 1, 2009.

36 Sec. 129. Section 422.33, subsection 9, Code 2009,  
37 is amended by striking the subsection.

38 Sec. 130. Section 422.88, subsections 2 and 3,  
39 Code 2009, are amended to read as follows:

40 2. The amount of the underpayment shall be the  
41 excess of the amount of the installment which would be  
42 required to be paid if the estimated tax was equal to  
43 ~~ninety one hundred~~ percent of the tax shown on the  
44 return of the taxpayer for the taxable year over the  
45 amount of installments paid on or before the date  
46 prescribed for payment.

47 3. If the taxpayer did not file a return during  
48 the taxable year, the amount of the underpayment shall  
49 be equal to ~~ninety one hundred~~ percent of the  
50 taxpayer's tax liability for the taxable year over the



Page 39

1 amount of installments paid on or before the date  
2 prescribed for payment.

3 Sec. 131. Section 423.3, subsection 39, Code 2009,  
4 is amended to read as follows:

5 39. The sales price from "casual sales".

6 a. "Casual sales" means:

7 ~~a.~~ (1) Sales of tangible personal property, or the  
8 furnishing of services, of a nonrecurring nature, by  
9 the owner, if the seller, at the time of the sale, is  
10 not engaged for profit in the business of selling  
11 tangible personal property or services taxed under  
12 section 423.2.

13 ~~b.~~ (2) The sale of all or substantially all of the  
14 tangible personal property or services held or used by  
15 a seller in the course of the seller's trade or  
16 business for which the seller is required to hold a  
17 sales tax permit when the seller sells or otherwise  
18 transfers the trade or business to another person who  
19 shall engage in a similar trade or business.

20 ~~e.~~ (3) Notwithstanding ~~paragraph "a"~~ subparagra ph

21 (1), the sale, furnishing, or performance of a service  
22 that is of a recurring nature by the owner if, at the  
23 time of the sale, all of the following apply:

24 ~~(1)~~ (a) The seller is not engaged for profit in  
25 the business of the selling, furnishing, or  
26 performance of services taxed under section 423.2.  
27 For purposes of this subparagraph, the fact of the  
28 recurring nature of selling, furnishing, or  
29 performance of services does not constitute by itself  
30 engaging for profit in the business of selling,  
31 furnishing, or performance of services.

32 ~~(2)~~ (b) The owner of the business is the only  
33 person performing the service.

34 ~~(3)~~ (c) The owner of the business is a full-time  
35 student.

36 ~~(4)~~ (d) The total gross receipts from the sales,  
37 furnishing, or performance of services during the  
38 calendar year does not exceed five thousand dollars.

39 b. The exemption under this subsection does not  
40 apply to vehicles subject to registration, all-terrain  
41 vehicles, snowmobiles, off-road motorcycles, off-road  
42 utility vehicles, aircraft, or commercial or pleasure  
43 watercraft or water vessels.

44 Sec. 132. Section 423A.5, subsection 1, paragraph  
45 c, Code 2009, is amended by striking the paragraph.

46 Sec. 133. Section 423A.5, subsection 2, paragraph  
47 c, Code 2009, is amended by striking the paragraph.

48 Sec. 134. Section 452A.12, subsection 2, Code  
49 2009, is amended to read as follows:

50 2. A person while transporting motor fuel or

Page 40

1 undyed special fuel from a refinery or marine or  
2 pipeline terminal in this state or from a point  
3 outside this state over the highways of this state in  
4 service other than that under subsection 1 shall carry  
5 in the vehicle a loading invoice showing the name and  
6 address of the seller or consignor, the date and place  
7 of loading, and the kind and quantity of motor fuel or  
8 special fuel loaded, together with invoices showing  
9 the kind and quantity of each delivery and the name  
10 and address of each purchaser or consignee. An  
11 invoice carried pursuant to this subsection for  
12 ethanol blended gasoline or biodiesel blended fuel  
13 shall state its designation as provided in section  
14 214A.2.

15 Sec. 135. Section 452A.74A, subsections 1, 2, and  
16 5, Code 2009, are amended to read as follows:

17 1. ILLEGAL USE OF DYED FUEL. The illegal use of  
18 dyed fuel in the supply tank of a motor vehicle shall  
19 result in a civil penalty assessed against the owner  
20 or operator of the motor vehicle as follows:

21 a. A ~~two five~~ hundred dollar ~~fine penalty~~ for the  
22 first violation.

23 b. A ~~five hundred one thousand~~ dollar ~~fine pena lty~~  
24 for a second violation within three years of the first  
25 violation.

26 c. A ~~one two~~ thousand dollar ~~fine penalty~~ for  
27 third and subsequent violations within three years of  
28 the first violation.

29 2. ILLEGAL IMPORTATION OF UNTAXED FUEL. A person  
30 who imports motor fuel or undyed special fuel without  
31 a valid importer's license or supplier's license shall  
32 be assessed a civil penalty as provided in this  
33 subsection. However, the owner or operator of the  
34 importing vehicle shall not be guilty of violating  
35 this subsection if it is shown by the owner or  
36 operator that the owner or operator reasonably did not  
37 know or reasonably should not have known of the  
38 illegal importation.

39 a. For a first violation, the importing vehicle  
40 shall be detained and a ~~fine penalty~~ of ~~two four~~  
41 thousand dollars shall be paid before the vehicle will  
42 be released. The owner or operator of the importing  
43 vehicle or the owner of the fuel may be held liable  
44 for payment of the ~~fine penalty~~.

45 b. For a second violation, the importing vehicle  
46 shall be detained and a ~~fine penalty~~ of ~~five ten~~  
47 thousand dollars shall be paid before the vehicle will  
48 be released. The owner or operator of the importing  
49 vehicle or the owner of the fuel may be held liable to  
50 pay the ~~fine penalty~~.

Page 41

1 c. For third and subsequent violations, the  
2 importing vehicle and the fuel shall be seized and a  
3 ~~fine penalty~~ of ~~ten~~ twenty thousand dollars shall be  
4 paid before the vehicle will be released. The owner  
5 or operator of the importing vehicle or the owner of the  
6 fuel may be held liable to pay the ~~fine penalty~~.

7 d. If the owner or operator of the importing  
8 vehicle or the owner of the fuel fails to pay the tax  
9 and ~~fine penalty~~ for a first or second offense, the  
10 importing vehicle and the fuel may be seized. The  
11 department of revenue, the state department of  
12 transportation, or any peace officer, at the request  
13 of either department, may seize the vehicle and the  
14 fuel.

15 e. If the operator or owner of the importing  
16 vehicle or the owner of the fuel ~~move~~ moves the  
17 vehicle or the fuel after the vehicle has been  
18 detained and a sticker has been placed on the vehicle  
19 stating that "This vehicle cannot be moved until the  
20 tax, penalty, and interest have been paid to the  
21 Department of Revenue", an additional penalty of ~~five~~  
22 ten thousand dollars shall be assessed against the  
23 operator or owner of the importing vehicle or the  
24 owner of the fuel.

25 f. For purposes of this subsection, "vehicle"  
26 means as defined in section 321.1.

27 5. PREVENTION OF INSPECTION. The department of  
28 revenue or the state department of transportation may  
29 conduct inspections for coloration, markers, and  
30 shipping papers at any place where taxable fuel is or  
31 may be loaded into transport vehicles, produced, or  
32 stored. Any attempts by a person to prevent, stop, or  
33 delay an inspection of fuel or shipping papers by  
34 authorized personnel shall be subject to a civil  
35 penalty of not more than ~~one~~ two thousand dollars per  
36 occurrence. Any law enforcement officer or department  
37 of revenue or state department of transportation  
38 employee may physically inspect, examine, or otherwise  
39 search any tank, reservoir, or other container that  
40 can or may be used for the production, storage, or  
41 transportation of any type of fuel.

42 Sec. 136. Section 466A.4, subsection 1, Code 2009,  
43 is amended to read as follows:

44 1. Public water supply utilities, counties, county  
45 conservation boards, and cities may also be eligible  
46 and apply for and receive local watershed improvement  
47 grants for water quality improvement projects. An  
48 applicant shall coordinate with a local watershed  
49 improvement committee or a soil and water conservation  
50 district and shall include in the application a

Page 42

1 description of existing projects and any potential  
2 impact the proposed project may have on existing or  
3 planned water quality improvement projects.  
4 Sec. 137. NEW SECTION. 476B.6A ALTERNATIVE TAX  
5 CREDIT QUALIFICATION – PILOT PROJECT.

6 Notwithstanding any other provision of this chapter  
7 to the contrary, the board shall establish a pilot  
8 project which will allow for a wind energy production  
9 tax credit of one and one-half cents multiplied by the  
10 number of kilowatt-hours of qualified electricity sold  
11 or used for on-site consumption by up to two qualified  
12 facilities selected for participation in the project.  
13 To be eligible for the project, a qualified facility  
14 shall meet all eligibility requirements otherwise  
15 applicable pursuant to this chapter, and in addition  
16 shall be located in a county in this state with a  
17 population of between forty-four thousand one hundred  
18 fifty and forty-four thousand five hundred based on  
19 the 2006 census, and with a combined nameplate  
20 generating capacity of at least one megawatt per  
21 applicant. For purposes of the pilot project, the two  
22 megawatt minimum requirement for qualification  
23 pursuant to section 476B.1, subsection 4, paragraph  
24 "d", shall not be applicable. The board shall reduce  
25 the remaining credits available under this chapter by  
26 a dollar amount equal to the amount of credits awarded  
27 pursuant to the project.

28 Sec. 138. Section 523I.102, subsection 39, Code  
29 2009, is amended to read as follows:

30 39. "Pioneer cemetery" means a cemetery where  
31 there were ~~six~~ twelve or fewer burials in the  
32 preceding fifty years.

33 Sec. 139. Section 523I.316, Code 2009, is amended  
34 by adding the following new subsection:

35 NEW SUBSECTION. 7. ADVERSE POSSESSION. A  
36 cemetery or a pioneer cemetery is exempt from seizure,  
37 appropriation, or acquisition of title under any claim  
38 of adverse possession, unless it is shown that all  
39 remains in the cemetery or pioneer cemetery have been  
40 disinterred and removed to another location.

41 Sec. 140. Section 602.6404, subsection 3, Code  
42 2009, is amended by striking the subsection and  
43 inserting in lieu thereof the following:

44 3. A magistrate shall be an attorney licensed to  
45 practice law in this state. However, a magistrate not  
46 admitted to the practice of law in this state and who  
47 is holding office on April 1, 2009, shall be eligible  
48 to be reappointed as a magistrate in the same county  
49 for a term commencing August 1, 2009, and subsequent  
50 successive terms.

Page 43

1 Sec. 141. EFFECTIVE DATE. Section 483A.1,  
2 subsection 2, paragraph "ee", as enacted by 2009 Iowa  
3 Acts, House File 722, section 33, if enacted, and  
4 section 483A.7, subsection 3, as amended by 2009 Iowa  
5 Acts, House File 722, section 37, if enacted, and this  
6 section, being deemed of immediate importance, take  
7 effect immediately upon enactment of this Act.

8 Sec. 142. 2009 Iowa Acts, Senate File 415, section  
9 1, if enacted, is amended by striking the section and  
10 inserting in lieu thereof the following:

11 SECTION 1. PROPERTY RIGHTS DEFENSE ACCOUNT.

12 1. A city may establish a property rights defense  
13 account within the city's general fund. If a property  
14 rights defense account is established under this  
15 section, moneys which remain unclaimed under section  
16 2, subsection 11, paragraph "d", of this Act, may be  
17 deposited in the account. Interest or earnings on  
18 moneys in the property rights defense account shall be  
19 credited to the account. Moneys in the property  
20 rights defense account are not subject to transfer,  
21 appropriation, or reversion to any other account or  
22 fund, or any other use except as provided in this  
23 section.

24 2. Moneys in the account shall be used for the  
25 reimbursement of reasonable attorney fees and  
26 reasonable costs incurred by a property owner as the  
27 result of proceedings initiated under this Act,  
28 chapters 6A and 6B, and section 657A.10A.

29 3. Property owners shall apply to the city council  
30 on a form prescribed by the city council. If  
31 sufficient funds exist in the account, the city  
32 council shall reimburse each property owner who  
33 applies for all reasonable attorney fees and  
34 reasonable costs incurred. If insufficient funds  
35 exist in the account to reimburse a property owner for  
36 all reasonable attorney fees and reasonable costs  
37 incurred, the city council shall reimburse the  
38 property owner for the fees and costs in an amount  
39 equal to the remaining balance in account.

40 Sec. 143. 2007 Iowa Acts, chapter 186, section 29,  
41 is amended to read as follows:

42 SEC. 29. REFUND OF PROPERTY TAXES.

43 Notwithstanding the deadline for filing a claim for  
44 property tax exemption for property described in  
45 section 427.1, subsection 8 or 9, and notwithstanding  
46 any other provision to the contrary, the board of  
47 supervisors of a county having a population based upon  
48 the latest federal decennial census of more than  
49 eighty-eight thousand but not more than ninety-five  
50 thousand shall refund the property taxes paid, with

Page 44

1 all interest, penalties, fees, and costs which were  
 2 due and payable in the fiscal year beginning July 1,  
 3 2002, and in the fiscal year beginning July 1, ~~2005~~  
 4 2006, on the land and buildings of an institution that  
 5 purchased property and that did not receive a property  
 6 tax exemption for the property due to the inability or  
 7 failure to file for the exemption. To receive the  
 8 refund provided for in this section, the institution  
 9 shall apply to the county board of supervisors by  
 10 October 1, ~~2007~~ 2009, and provide appropriate  
 11 information establishing that the land and buildings  
 12 for which the refund is sought were used by the  
 13 institution for its appropriate objectives during the  
 14 fiscal year beginning July 1, 2002, and during the  
 15 fiscal year beginning July 1, ~~2005~~ 2006. The refund  
 16 allowed under this section only applies to property  
 17 taxes, with all interest, penalties, fees, and costs,  
 18 due and payable in the fiscal year beginning July 1,  
 19 2002, and in the fiscal year beginning July 1, ~~2005~~  
 20 2006.

21 Sec. 144. 2007 Iowa Acts, chapter 186, section 30,  
 22 is amended to read as follows:

23 **SEC. 30. IMMEDIATE EFFECTIVE DATE.** ~~The section~~  
 24 Section 29 of this division of this Act, ~~amending~~  
 25 ~~section 427.3~~, being deemed of immediate importance,  
 26 takes effect upon enactment and applies retroactively  
 27 to property taxes due and payable in the fiscal year  
 28 beginning July 1, 2002, and in the fiscal year  
 29 beginning July 1, ~~2005~~ 2006.

30 Sec. 145. Section 422.11E, Code 2009, is repealed.

31 Sec. 146. Sections 422.120 through 422.122, Code  
 32 2009, are repealed.

33 **Sec. 147. EFFECTIVE AND RETROACTIVE APPLICABILITY**  
 34 **DATES.**

35 1. The section of this division of this Act  
 36 concerning the county land record information system,  
 37 being deemed of immediate importance, takes effect  
 38 upon enactment.

39 2. The section of this division of this Act  
 40 amending 2009 Iowa Acts, Senate File 415, being deemed  
 41 of immediate importance, takes effect upon enactment.

42 3. The section of this division of this Act  
 43 repealing sections 422.120 through 422.122, being  
 44 deemed of immediate importance, takes effect upon  
 45 enactment and applies retroactively to November 1,  
 46 2008, for refund claims filed on or after that date.

47 4. The section of this division of this Act  
 48 relating to property tax exemption filings for  
 49 disaster-impacted property, being deemed of immediate  
 50 importance, takes effect upon enactment.

Page 45

1 5. The section of this division of this Act  
2 amending section 15E.305, takes effect January 1,  
3 2010, and applies to the tax years beginning on or  
4 after that date.

5 6. The section of this division of this Act  
6 amending section 422.88, subsections 2 and 3, applies  
7 retroactively to January 1, 2009, for tax years  
8 beginning on or after that date.

9 7. The sections of this division of this Act  
10 amending 2007 Iowa Acts, chapter 186, sections 29 and  
11 30, being deemed of immediate importance, take effect  
12 upon enactment.

13 8. The sections of this division of this Act  
14 amending section 15.335, subsection 4, paragraph "b",  
15 section 15A.9, subsection 8, paragraph "e",  
16 subparagraph (2), section 422.10, subsection 3,  
17 unnumbered paragraph 2, section 422.33, subsection 5,  
18 paragraph "d", unnumbered paragraph 2, being deemed of  
19 immediate importance, take effect upon enactment and  
20 apply retroactively to January 1, 2008, for tax years  
21 beginning on or after that date.

22 DIVISION IX  
23 EDUCATION

24 Sec. 148. REGENTS – APPROPRIATIONS. There is  
25 appropriated from the general fund of the state to the  
26 state board of regents for the fiscal year beginning  
27 July 1, 2009, and ending June 30, 2010, the following  
28 amounts, or so much thereof as may be necessary, to be  
29 used for the purposes designated:

30 1. STATE SCHOOL FOR THE DEAF	
31 For salaries, support, maintenance, miscellaneous	
32 purposes:	
33 .....	\$ 398,980
34 2. IOWA BRAILLE AND SIGHT SAVING SCHOOL	
35 For salaries, support, maintenance, miscellaneous	
36 purposes:	
37 .....	\$ 624,582

38 Sec. 149. DEPARTMENT OF EDUCATION –  
39 APPROPRIATION. There is appropriated from the general  
40 fund of the state to the department of education for  
41 the fiscal year beginning July 1, 2009, and ending  
42 June 30, 2010, the following amount, or so much  
43 thereof as may be necessary, to be used for general  
44 administration:

45 .....	\$ 167,096
----------	------------

46 Sec. 150. EDUCATIONAL EXCELLENCE PROGRAM-RELATED  
47 APPROPRIATIONS. There is appropriated from the  
48 general fund of the state to the indicated departments  
49 and agencies for the fiscal year beginning July 1,  
50 2009, and ending June 30, 2010, the following amounts,

Page 46

1 or so much thereof as is necessary, to be used for the  
2 purposes designated:

3 1. To the department of human services for  
4 distribution to its licensed classroom teachers at  
5 institutions under the control of the department of  
6 human services based upon the average student yearly  
7 enrollment at each institution as determined by the  
8 department of human services:  
9 ..... \$ 115,50

10 2. To the state board of regents:  
11 a. For distribution to licensed classroom teachers  
12 at the Iowa braille and sight saving school and the  
13 Iowa school for the deaf based upon the average yearly  
14 enrollment at each school as determined by the state  
15 board of regents:  
16 ..... \$ 94,600

17 b. For the Iowa braille and sight saving school:  
18 ..... \$ 68,000

19 c. For the state school for the deaf:  
20 ..... \$ 102,000

21 3. To the department of education:  
22 a. For distribution to the tribal council of the  
23 Sac and Fox Indian settlement located on land held in  
24 trust by the secretary of the interior of the United  
25 States. Moneys allocated under this lettered  
26 paragraph shall be used for the purposes specified in  
27 section 256.30:  
28 ..... \$ 100,000

29 b. For the kindergarten to grade twelve management  
30 information system:  
31 ..... \$ 230,000

32 Sec. 151. INTERPRETERS FOR THE DEAF. There is  
33 appropriated from the general fund of the state to the  
34 department of education for the fiscal year beginning  
35 July 1, 2009, and ending June 30, 2010, the following  
36 amount, or so much thereof as is necessary, to be used  
37 for the purpose designated:

38 For allocation for deaf interpreters for  
39 arrangements made between the state school for the  
40 deaf and Iowa western community college due to the  
41 high numbers of articulation agreements between the  
42 state school for the deaf and the community college:  
43 ..... \$ 200,000

44 Sec. 152. CENTER FOR INDEPENDENT LIVING. There is  
45 appropriated from the general fund of the state to the  
46 department of education, vocational rehabilitation  
47 services division, for the fiscal year beginning July  
48 1, 2009, and ending June 30, 2010, the following  
49 amount, or so much thereof as is necessary, to be used  
50 for the purposes designated:



Page 47

1 For costs associated with centers for independent  
 2 living:  
 3 ..... \$ 50,000

4 Sec. 153. 2006 Iowa Acts, chapter 1182, section 1,  
 5 unnumbered paragraph 2, as amended by 2007 Iowa Acts,  
 6 chapter 108, section 59, is amended to read as  
 7 follows:

8 For purposes, as provided in law, of the student  
 9 achievement and teacher quality program established  
 10 pursuant to chapter 284:

11 FY 2006-2007 ..... \$104,343,894  
 12 FY 2007-2008 ..... \$173,943,894  
 13 FY 2008-2009 ..... ~~\$248,043,894~~

14 249,502,894

15 Sec. 154. Section 273.3, Code 2009, is amended by  
 16 adding the following new subsection:

17 NEW SUBSECTION. 23. By October 1 of each year,  
 18 submit to the department of education the following  
 19 information:

20 a. The contracted salary including bonus wages and  
 21 benefits, annuity payments, or any other benefit for  
 22 the administrators of the area education agency.

23 b. The contracted salary and benefits and any  
 24 other expenses related to support for governmental  
 25 affairs efforts, including expenditures for lobbyists  
 26 and lobbying activities for the area education agency.

27 Sec. 155. DES MOINES UNIVERSITY – OSTEOPATHIC  
 28 MEDICAL CENTER. For the fiscal year beginning July 1,  
 29 2009, and ending June 30, 2010, the college student  
 30 aid commission shall pay a fee to Des Moines  
 31 university – osteopathic medical center for the  
 32 administration of the initiative in primary health  
 33 care to direct primary care physicians to shortage  
 34 areas in the state. A portion of the fee paid shall  
 35 be based upon the number of physicians recruited in  
 36 accordance with section 261.19, subsection 4.

37 However, the fee amount paid shall not exceed \$41,862  
 38 for the fiscal year. Such amount shall be subject to  
 39 any budgetary reductions ordered by the governor or  
 40 enacted by the general assembly.

41 Sec. 156. EFFECTIVE DATE. The section of this  
 42 division of this Act amending 2006 Iowa Acts, chapter  
 43 1182, being deemed of immediate importance, takes  
 44 effect upon enactment.

45 DIVISION X

46 JUDICIAL BRANCH – COMMISSION ELECTIONS

47 Sec. 157. Section 46.5, unnumbered paragraph 5,  
 48 Code 2009, is amended to read as follows:

49 When a vacancy in an office of an elective judicial  
 50 nominating commissioner occurs, the ~~clerk of the~~

Page 48

1 ~~supreme court~~ state court administrator shall cause t  
 2 be mailed to each member of the bar whose name appears  
 3 on the certified list prepared pursuant to section  
 4 46.8 for the district or districts affected, a notice  
 5 stating the existence of the vacancy, the requirements  
 6 for eligibility, and the manner in which the vacancy  
 7 will be filled. Other items may be included in the  
 8 same mailing if they are on sheets separate from the  
 9 notice. The election of a district judicial  
 10 nominating commissioner or the close of nominations  
 11 for a state judicial nominating commissioner shall not  
 12 occur until thirty days after the mailing of the  
 13 notice.

14 Sec. 158. Section 46.7, Code 2009, is amended to  
 15 read as follows:

16 46.7 ELIGIBILITY TO VOTE.

17 To be eligible to vote in elections of judicial  
 18 nominating commissioners, a member of the bar must be  
 19 eligible to practice and must be a resident of the  
 20 state of Iowa and of the appropriate congressional  
 21 district or judicial election district as shown by the  
 22 member's most recent filing with the supreme court for  
 23 the purposes of showing compliance with the court's  
 24 continuing legal education requirements, or for  
 25 members of the bar eligible to practice who are not  
 26 required to file such compliance, any paper on file by  
 27 July 1 with the ~~clerk of the supreme court~~ state court  
 28 administrator, for the purpose of establishing  
 29 eligibility to vote under this section, which the  
 30 court determines to show the requisite residency  
 31 requirements. A judge who has been admitted to the  
 32 bar of the state of Iowa shall be considered a member  
 33 of the bar.

34 Sec. 159. Section 46.8, Code 2009, is amended to  
 35 read as follows:

36 46.8 CERTIFIED LIST.

37 ~~On July 15 of each~~ Each year the ~~clerk of the~~  
 38 ~~supreme court~~ state court administrator shall certify  
 39 a list of the names, addresses, and years of admission  
 40 of members of the bar who are eligible to vote for  
 41 state and district judicial nominating commissioners.  
 42 ~~The clerk of the supreme court shall provide a copy of~~  
 43 ~~the list of the members for a county to the clerk of~~  
 44 ~~the district court for that county.~~

45 Sec. 160. Section 46.9, Code 2009, is amended by  
 46 striking the section and inserting in lieu thereof the  
 47 following:

48 46.9 CONDUCT OF ELECTIONS.

49 When an election of judicial nominating  
 50 commissioners is to be held, the state court

Page 49

1 administrator shall administer the voting. The state  
2 court administrator may administer the voting by  
3 electronic notification and voting or by paper ballot  
4 mailed to each eligible attorney. The state court  
5 administrator shall mail paper ballots to eligible  
6 attorneys or electronically notify and enable eligible  
7 attorneys to vote. The elector receiving the most  
8 votes shall be elected. When more than one  
9 commissioner is to be elected, the electors receiving  
10 the most votes shall be elected, in the same number as  
11 the offices to be filled.

12 Sec. 161. Section 46.9A, Code 2009, is amended to  
13 read as follows:

14 46.9A NOTICE PRECEDING NOMINATION OF ELECTIVE  
15 NOMINATING COMMISSIONERS.

16 At least sixty days prior to the expiration of the  
17 term of an elective state or district judicial  
18 nominating commissioner, the ~~clerk of the supreme~~  
19 ~~court~~ state court administrator shall ~~cause to be~~  
20 ~~mailed to each member of the bar whose name appears on~~  
21 ~~the certified list prepared pursuant to section 46.8~~  
22 ~~for the district or districts affected, a notice~~  
23 ~~stating the date the term of office will expire, the~~  
24 ~~requirements for eligibility to the office for the~~  
25 ~~succeeding term, and the procedure for filing~~  
26 ~~nominating petitions, including the last date for~~  
27 ~~filing mail paper ballots to eligible attorneys or~~  
28 ~~electronically notify and enable eligible attorneys to~~  
29 ~~vote. An eligible attorney is a member of the bar~~  
30 ~~whose name appears on the certified list prepared~~  
31 ~~pursuant to section 46.8 for the district or districts~~  
32 ~~affected. Other items may be included in the same~~  
33 ~~mailing if they are on sheets separate from the~~  
34 ~~notice.~~

35 Sec. 162. Section 46.10, Code 2009, is amended to  
36 read as follows:

37 46.10 NOMINATION OF ELECTIVE NOMINATING  
38 COMMISSIONERS.

39 In order to have an eligible elector's name printed  
40 on the ballot for state or district judicial  
41 nominating commissioner, the eligible elector must  
42 file in the office of the ~~clerk of the supreme court~~  
43 state court administrator at least thirty days prior  
44 to expiration of the period within which the election  
45 must be held a nominating petition signed by at least  
46 fifty resident members of the bar of the congressional  
47 district in case of a candidate for state judicial  
48 nominating commissioner, or at least ten resident  
49 members of the bar of the judicial district in case of  
50 a candidate for district judicial nominating

Page 50

1 commissioner. No member of the bar may sign more  
2 nominating petitions for state or district judicial  
3 nominating commissioner than there are such  
4 commissioners to be elected.

5 Ballots or electronic voting forms for state and  
6 district judicial nominating commissioners shall  
7 contain blank lines equal to the number of such  
8 commissioners to be elected, where names may be  
9 written in.

10 Sec. 163. Section 46.11, Code 2009, is amended to  
11 read as follows:

12 46.11 CERTIFICATION OF COMMISSIONERS.

13 The governor and the ~~clerk of the supreme court~~  
14 state court administrator respectively shall promptly  
15 certify the names and addresses of appointive and  
16 elective judicial nominating commissioners to the  
17 state commissioner of elections and the chairperson of  
18 the respective nominating commissions.

19 Sec. 164. Section 602.6501, subsections 2 and 3,  
20 Code 2009, are amended to read as follows:

21 2. The ~~clerk of the district court~~ state court  
22 administrator shall maintain a permanent record of the  
23 name, address, and term of office of each  
24 commissioner.

25 3. A member of a magistrate appointing commission  
26 shall be reimbursed for actual and necessary expenses  
27 reasonably incurred in the performance of official  
28 duties. Reimbursements are payable by the county in  
29 which the member serves, upon certification of the  
30 expenses to the county auditor by the ~~clerk of the~~  
31 ~~district court chairperson of the commission.~~ The  
32 district judges of each judicial district may  
33 prescribe rules for the administration of this  
34 subsection.

35 Sec. 165. Section 602.6503, subsection 3, Code  
36 2009, is amended to read as follows:

37 3. The county auditor shall certify to the ~~clerk~~  
38 ~~of the district court~~ state court administrator the  
39 name, address, and expiration date of term for all  
40 appointees of the board of supervisors.

41 Sec. 166. Section 602.6504, subsections 4 and 5,  
42 Code 2009, are amended to read as follows:

43 4. In order to be placed on the ballot for county  
44 magistrate appointing commission, an eligible attorney  
45 elector shall file a nomination petition in the office  
46 of the ~~clerk of court on or before November 30 of the~~  
47 ~~year in which the election for attorney positions is~~  
48 ~~to occur~~ state court administrator at least thirty  
49 days prior to the expiration of the period within  
50 which the election must be held. This subsection does

1 not preclude write-in votes at the time of the  
2 election.

3 5. When an election of magistrate appointing  
4 commissioners is to be held, the ~~clerk of the district~~  
5 ~~court for each county shall cause to be mailed to each~~  
6 ~~eligible attorney a ballot that is in substantially~~  
7 ~~the following form: state court administrator shall~~  
8 ~~administer the election. The state court~~  
9 ~~administrator may administer the election by~~  
10 ~~electronic notification and voting or by paper ballot~~  
11 ~~mailed to each eligible attorney. The state court~~  
12 ~~administrator shall mail paper ballots to eligible~~  
13 ~~attorneys or electronically notify and enable eligible~~  
14 ~~attorneys to vote on or before December 15.~~

15 **BALLOT**

16 County Magistrate Appointing Commission

17 To be cast by the resident members of the bar of  
18 ..... county.

19 Vote for (state number) for ..... county judicial  
20 magistrate appointing commissioner(s) for term  
21 commencing .....

22 .....  
23 .....

24 To be counted, this ballot must be completed and  
25 mailed or delivered to clerk of the district court,  
26 ....., no later than December 31, ... (year) (or  
27 the appropriate date in case of an election to fill a  
28 vacancy).

29 Sec. 167. EFFECTIVE DATE. This division of this  
30 Act takes effect February 10, 2010.

31 **DIVISION XI**

32 **JUDICIAL OFFICER VACANCIES**

33 Sec. 168. 2009 Iowa Acts, House File 414, section  
34 54, is amended to read as follows:

35 **SEC. 54. JUDICIAL APPOINTMENT – DELAY.**

36 1. Notwithstanding section 46.12, the chief  
37 justice may order the state commissioner of elections  
38 to delay, for up to one hundred eighty days for  
39 budgetary reasons, the sending of a notification to  
40 the proper judicial nominating commission that a  
41 vacancy in the supreme court, court of appeals, or  
42 district court has occurred or will occur.

43 2. Notwithstanding sections 602.6304, 602.7103B,  
44 and 633.20B, the chief justice may order any county  
45 magistrate appointing commission to delay, for up to  
46 one hundred eighty days for budgetary reasons, the  
47 certification of nominees to the chief judge of the  
48 judicial district for a district associate judgeship,  
49 associate juvenile judgeship, or associate probate  
50 judgeship.

1 3. Notwithstanding section 602.6403, subsection 3,  
 2 the chief justice may order any county magistrate  
 3 appointing commission to delay, for up to one hundred  
 4 eighty days for budgetary reasons, the appointment of  
 5 a magistrate to serve the remainder of an unexpired  
 6 term.

7 4. ~~The section~~ Subsection 3, relating to  
 8 magistrate vacancies, is applicable for the period  
 9 beginning on the effective date of this section and  
 10 ending June 30, 2009. Subsections 1 and 2 are  
 11 applicable for the period beginning on the effective  
 12 date of this section and ending on June 30, 2010.

13 Sec. 169. EFFECTIVE AND RETROACTIVE APPLICABILITY  
 14 DATES. The section of this division of this Act  
 15 amending 2009 Iowa Acts, House File 414, section 54,  
 16 being deemed of immediate importance, takes effect  
 17 upon enactment and is retroactively applicable to  
 18 March 16, 2009.

19 DIVISION XII

20 CARE OF ANIMALS IN COMMERCIAL  
 21 ESTABLISHMENTS – APPROPRIATION

22 Sec. 170. DEPARTMENT OF AGRICULTURE AND LAND  
 23 STEWARDSHIP. There is appropriated from the general  
 24 fund of the state to the department of agriculture and  
 25 land stewardship for the fiscal year beginning July 1,  
 26 2009, and ending June 30, 2010, the following amount,  
 27 or so much thereof as is necessary, to be used for the  
 28 purposes designated:

29 For purposes of an inspector for the enforcement of  
 30 chapter 162, including salaries, support, maintenance,  
 31 miscellaneous purposes and for not more than the  
 32 following full-time equivalent position:

33 .....	\$ 100,000
34 .....	FTEs 1.00

35 Sec. 171. Section 162.2, Code 2009, is amended by  
 36 adding the following new subsection:

37 NEW SUBSECTION. 8A. "Department" means the  
 38 department of agriculture and land stewardship.

39 Sec. 172. Section 162.6, Code 2009, is amended to  
 40 read as follows:

41 162.6 COMMERCIAL KENNEL OR PUBLIC AUCTION LICENSE.

42 A person shall not operate a commercial kennel or  
 43 public auction unless the person has obtained a  
 44 license to operate a commercial kennel or a public  
 45 auction issued by the secretary or unless the person  
 46 has obtained a certificate of registration issued by  
 47 the secretary if the kennel is federally licensed.  
 48 Application for the license or the certificate shall  
 49 be made in the manner provided by the secretary. The  
 50 license and the certificate expire one year from date

Page 53

1 of issue unless revoked. The license fee is forty  
2 dollars per year and the certification fee is ~~twenty~~  
3 one hundred dollars annually. If the person has  
4 obtained a federal license, the person need only  
5 obtain a certificate. The license may be renewed upon  
6 application and payment of the prescribed fee in the  
7 manner provided by the secretary if the licensee has  
8 conformed to all statutory and regulatory  
9 requirements. The certificate may be renewed upon  
10 application and payment of the prescribed fee in the  
11 manner provided by the secretary. A person regulated  
12 under section 99D.22 is exempt from paying the  
13 certification fee.

14 Sec. 173. Section 162.7, Code 2009, is amended to  
15 read as follows:

16 162.7 DEALER LICENSE.

17 A person shall not operate as a dealer unless the  
18 person has obtained a license issued by the secretary  
19 or unless the person has obtained a certificate of  
20 registration issued by the secretary if the kennel is  
21 federally licensed. Application for the license or  
22 the certificate shall be made in the manner provided  
23 by the secretary. The license and certificate expire  
24 one year from date of issue unless revoked. The  
25 license fee is one hundred dollars per year and the  
26 certification fee is ~~twenty~~ one hundred dollars per  
27 year. The license may be renewed upon application and  
28 payment of the fee in the manner provided by the  
29 secretary if the licensee has conformed to all  
30 statutory and regulatory requirements. The  
31 certificate may be renewed upon application and  
32 payment of the fee in the manner provided by the  
33 secretary. A person regulated under section 99D.22 is  
34 exempt from paying the certification fee.

35 Sec. 174. Section 162.8, Code 2009, is amended to  
36 read as follows:

37 162.8 COMMERCIAL BREEDER'S LICENSE.

38 A person shall not operate as a commercial breeder  
39 unless the person has obtained a license issued by the  
40 secretary or unless the person has obtained a  
41 certificate of registration issued by the secretary if  
42 the kennel is federally licensed. Application for the  
43 license or the certificate shall be made in the manner  
44 provided by the secretary. The annual license or the  
45 certification period expires one year from date of  
46 issue. The license fee is forty dollars per year and  
47 the certificate fee is ~~twenty~~ one hundred dollars per  
48 year. The license may be renewed upon application and  
49 payment of the prescribed fee in the manner provided  
50 by the secretary if the licensee has conformed to all

Page 54

1 statutory and regulatory requirements. The  
2 certificate may be renewed upon application and  
3 payment of the prescribed fee in the manner provided  
4 by the secretary. A person regulated under section  
5 99D.22 is exempt from paying the certification fee.

6 Sec. 175. Section 162.11, subsection 2, Code 2009,  
7 is amended by striking the subsection and inserting in  
8 lieu thereof the following:

9 2. The department shall regulate a person who  
10 applies for or has been issued a certificate of  
11 registration as a dealer, commercial breeder,  
12 commercial kennel, or public auction.

#### 13 DIVISION XIII

#### 14 DISASTER ASSISTANCE

15 Sec. 176. 2009 Iowa Acts, House File 64, section  
16 1, subsection 2, paragraph b, is amended to read as  
17 follows:

18 b. Forgivable loans awarded after the effective  
19 date of this division of this Act shall be awarded  
20 pursuant to the following priorities:

21 (1) First priority shall be given to eligible  
22 residents who have not received any moneys under the  
23 jumpstart housing assistance program ~~prior to the~~  
24 ~~effective date of this division of this Act.~~

25 (2) Second priority shall be given to eligible  
26 residents who have received less than twenty-four  
27 thousand nine hundred ninety-nine dollars under the  
28 jumpstart housing assistance program ~~prior to the~~  
29 ~~effective date of this division of this Act.~~

30 (3) Third priority shall be given to eligible  
31 residents who have received twenty-four thousand nine  
32 hundred ninety-nine dollars under the jumpstart  
33 housing assistance program ~~prior to the effective date~~  
34 ~~of this division of this Act~~ and who continue to have  
35 unmet needs for down payment assistance, emergency  
36 housing repair or rehabilitation, interim mortgage  
37 assistance, or energy efficiency assistance. An  
38 eligible resident shall not receive more than an  
39 additional twenty-four thousand nine hundred  
40 ninety-nine dollars under this subparagraph.

41 Sec. 177. 2009 Iowa Acts, House File 64, section  
42 4, subsection 1, is amended to read as follows:

43 1. There is appropriated from the Iowa economic  
44 emergency fund created in section 8.55 to the  
45 department of human services for the fiscal year  
46 beginning July 1, 2008, and ending June 30, 2009, the  
47 following amount, or so much thereof as is necessary,  
48 to be used for the purposes designated:

49 For providing individual disaster grants for unmet  
50 needs pursuant to the requirements in this section:



1 ..... \$ 10,000,000

2 6,600,000

3 Sec. 178. 2009 Iowa Acts, House File 64, section  
4 4, subsection 6, is amended to read as follows:

5 6. An area long-term disaster committee shall be  
6 reimbursed for ~~administrative expenses incurred in an~~  
7 ~~amount not to exceed three percent of the grant moneys~~  
8 ~~awarded for the area pursuant to an intergovernmental~~  
9 ~~agreement to be established between the department of~~  
10 ~~human services and the agency of record responsible~~  
11 ~~for the long term disaster committee in each area~~  
12 unreimbursed grants made to persons for eligible  
13 expenses authorized in subsection 5, not to exceed two  
14 thousand five hundred dollars per household, made by a  
15 committee since September 1, 2008. The department of  
16 human services shall not be reimbursed for using  
17 moneys appropriated in this section for administrative  
18 costs associated with administering the Iowa unmet  
19 needs disaster grant program.

20 Sec. 179. HOMELAND SECURITY AND EMERGENCY  
21 MANAGEMENT DIVISION – APPROPRIATION.

22 1. There is appropriated from the Iowa economic  
23 emergency fund created in section 8.55 to the  
24 department of public defense for the homeland security  
25 and emergency management division for the fiscal year  
26 beginning July 1, 2008, and ending June 30, 2009, the  
27 following amount, or so much thereof as is necessary,  
28 to be used for the purposes designated:

29 For distribution to political subdivisions and  
30 private nonprofit organizations pursuant to this  
31 section:

32 ..... \$ 2,400,000

33 2. The homeland security and emergency management  
34 division of the department of public defense shall  
35 distribute moneys appropriated under subsection 1 to  
36 political subdivisions and private nonprofit  
37 organizations based on donated resources amounts  
38 reported by the recipient to the division and the  
39 federal emergency management agency under the public  
40 assistance disaster relief program. The division  
41 shall make distributions equal in amount to forty  
42 percent of the donated resources amounts reported.

43 3. Notwithstanding section 8.33 and section 8.55,  
44 subsection 3, paragraph "a", moneys appropriated in  
45 this section that remain unencumbered or unobligated  
46 at the close of the fiscal year shall not revert but  
47 shall remain available for expenditure for the  
48 purposes designated until the close of the succeeding  
49 fiscal year.

50 Sec. 180. REBUILD IOWA OFFICE – APPROPRIATION.

Page 56

1 1. There is appropriated from the Iowa economic  
 2 emergency fund created in section 8.55 to the rebuild  
 3 Iowa office for the fiscal year beginning July 1,  
 4 2008, and ending June 30, 2009, the following amount,  
 5 or so much thereof as is necessary, to be used for the  
 6 purposes designated:

7 For distribution to community recovery centers  
 8 pursuant to this section:  
 9 ..... \$ 1,000,00

10 2. The rebuild Iowa office shall distribute the  
 11 moneys appropriated under this section in the form of  
 12 grants to area long-term recovery committees with a  
 13 signed memorandum of understanding with the department  
 14 of human services.

15 3. Notwithstanding section 8.33 and section 8.55,  
 16 subsection 3, paragraph "a", moneys appropriated in  
 17 this section that remain unencumbered or unobligated  
 18 at the close of the fiscal year shall not revert but  
 19 shall remain available for expenditure for the  
 20 purposes designated until the close of the succeeding  
 21 fiscal year.

22 Sec. 181. EFFECTIVE DATE. This division of this  
 23 Act, being deemed of immediate importance, takes  
 24 effect upon enactment.

25 DIVISION XIV

26 HEALTH AND HUMAN SERVICES

27 Sec. 182. MEDICAID ENTERPRISE STUDY. By July 1,  
 28 2009, the department of human services shall explore  
 29 procuring services incorporating data mining,  
 30 predictive modeling, and data analytics which may  
 31 include automated claims review to address provider  
 32 overpayments, underpayments, and fraud within the Iowa  
 33 Medicaid enterprise for the fiscal period beginning  
 34 July 1, 2006, and ending June 30, 2009. The review  
 35 shall be completed by June 30, 2009, and shall use  
 36 only Iowa specific models, patterns, or trend data.  
 37 The department shall issue a request for proposals to  
 38 competitively procure such services not later than  
 39 July 1, 2009, and shall complete the request for  
 40 proposals process by August 31, 2009.

41 Sec. 183. Section 135H.3, Code 2009, is amended by  
 42 adding the following new unnumbered paragraph:  
 43 NEW UNNUMBERED PARAGRAPH. If a child is diagnosed  
 44 with a biologically based mental illness as defined in  
 45 section 514C.22 and meets the medical assistance  
 46 program criteria for admission to a psychiatric  
 47 medical institution for children, the child shall be  
 48 deemed to meet the acuity criteria for inpatient  
 49 benefits under a group policy, contract, or plan  
 50 providing for third-party payment or prepayment of

Page 57

1 health, medical, and surgical coverage benefits issued  
2 by a carrier, as defined in section 513B.2, or by an  
3 organized delivery system authorized under 1993 Iowa  
4 Acts, chapter 158, that is subject to section 514C.22.

5 Such benefits shall not be excluded or denied as care  
6 that is substantially custodial in nature under  
7 section 514C.22, subsection 8, paragraph "b".

8 Sec. 184. NEW SECTION. 514C.24 CANCER TREATMENT  
9 – COVERAGE.

10 1. Notwithstanding the uniformity of treatment  
11 requirements of section 514C.6, a contract, policy, or  
12 plan providing for third-party payment or prepayment  
13 for cancer treatment shall not discriminate between  
14 coverage benefits for prescribed, orally-administered  
15 anticancer medication used to kill or slow the growth  
16 of cancerous cells and intravenously administered or  
17 injected cancer medications that are covered,  
18 regardless of formulation or benefit category  
19 determination by the contract, policy, or plan.

20 2. The provisions of this section shall apply to  
21 all of the following classes of third-party payment  
22 provider contracts, policies, or plans delivered,  
23 issued for delivery, continued, or renewed in this  
24 state on or after July 1, 2009:

25 a. Individual or group accident and sickness  
26 insurance providing coverage on an expense-incurred  
27 basis.

28 b. An individual or group hospital or medical  
29 service contract issued pursuant to chapter 509, 514,  
30 or 514A.

31 c. An individual or group health maintenance  
32 organization contract regulated under chapter 514B.

33 d. An individual or group Medicare supplemental  
34 policy, unless coverage pursuant to such policy is  
35 preempted by federal law.

36 e. A plan established pursuant to chapter 509A for  
37 public employees.

38 3. This section shall not apply to accident-only,  
39 specified disease, short-term hospital or medical,  
40 hospital confinement indemnity, credit, dental,  
41 vision, long-term care, basic hospital, and  
42 medical-surgical expense coverage as defined by the  
43 commissioner, disability income insurance coverage,  
44 coverage issued as a supplement to liability  
45 insurance, workers' compensation or similar insurance,  
46 or automobile medical payment insurance.

47 4. The commissioner of insurance shall adopt rules  
48 pursuant to chapter 17A as necessary to administer  
49 this section.

50 Sec. 185. 2008 Iowa Acts, chapter 1187, section

Page 58

1 29, is amended by adding the following new unnumbered  
 2 paragraph:  
 3 NEW UNNUMBERED PARAGRAPH. Notwithstanding section  
 4 8.33, moneys appropriated in this section that remain  
 5 unencumbered or unobligated at the close of the fiscal  
 6 year shall not revert but shall remain available for  
 7 expenditure for the purpose designated until the close  
 8 of the fiscal year beginning July 1, 2010.

9 Sec. 186. 2009 Iowa Acts, House File 811, section  
 10 40, subsection 2, if enacted, is amended to read as  
 11 follows:

12 2. The study committee shall consist of members of  
 13 the general assembly, and representatives of the  
 14 department of public health, the Iowa pharmacy  
 15 association, the Iowa medical society, the Iowa nurses  
 16 association, ~~wellmark blue cross blue shield, the~~  
 17 ~~principal financial group, the federation of Iowa~~  
 18 ~~insurers,~~ the university of Iowa college of public  
 19 health, the Iowa retail federation, the prevention and  
 20 chronic care management advisory council established  
 21 in section 135.161, the medical home system advisory  
 22 council established in section 135.159, the Iowa  
 23 healthcare collaborative, as defined in section  
 24 135.40, the health policy corporation of Iowa, and the  
 25 Iowa foundation for medical care.

26 Sec. 187. EFFECTIVE DATE.

27 1. The section of this division of this Act  
 28 relating to a Medicaid enterprise study, being deemed  
 29 of immediate importance, takes effect upon enactment.

30 2. The section of this division of this Act  
 31 amending 2008 Iowa Acts, chapter 1187, section 29,  
 32 being deemed of immediate importance, takes effect  
 33 upon enactment.

#### 34 DIVISION XV

#### 35 ECONOMIC DEVELOPMENT – WORKFORCE DEVELOPMENT

36 Sec. 188. DISASTER ASSISTANCE LOAN AND CREDIT  
 37 GUARANTEE PROGRAM.

38 1. The department of economic development shall  
 39 establish and administer a disaster assistance loan  
 40 and credit guarantee program by investing the assets  
 41 of the disaster assistance loan and credit guarantee  
 42 fund in order to provide loan and credit guarantees to  
 43 all of the following qualifying businesses:

44 a. Businesses directly impacted by a natural  
 45 disaster occurring after May 24, 2008, and before  
 46 August 14, 2008.

47 b. Businesses either locating an existing business  
 48 or starting a new business in a disaster-impacted  
 49 space in an area which was declared a natural disaster  
 50 area by the president of the United States due to a

Page 59

1 natural disaster occurring after May 24, 2008, and  
2 before August 14, 2008. For purposes of this  
3 paragraph, "disaster-impacted space" means a building  
4 damaged by a natural disaster occurring after May 24,  
5 2008, and before August 14, 2008, including undamaged  
6 upper floors of a building that was damaged by the  
7 natural disaster.

8 c. Businesses filling a critical community need in  
9 conformance with the comprehensive plan of the city as  
10 determined by resolution of the city council of the  
11 city in which the business is located. For purposes  
12 of this paragraph, a business shall be deemed to be  
13 located in a city if it is located within two miles of  
14 the city limits.

15 2. a. The department, pursuant to agreements with  
16 financial institutions, shall provide loan and credit  
17 guarantees to qualifying businesses described in  
18 subsection 1. A loan or credit guarantee under the  
19 program shall not exceed ten percent of the loan  
20 amount or twenty-five thousand dollars, whichever is  
21 less. Not more than one loan or credit guarantee  
22 shall be awarded per federal employer identification  
23 number.

24 b. A loan or credit guarantee provided under the  
25 program may stand alone or may be used in conjunction  
26 with or to enhance other loan or credit guarantees  
27 offered by a financial institution. The department  
28 may purchase insurance to cover defaulted loans  
29 meeting the requirements of the program. However, the  
30 department shall not in any manner directly or  
31 indirectly pledge the credit of the state.

32 c. Eligible project costs include expenditures for  
33 productive equipment and machinery, land and real  
34 estate, working capital for operations, research and  
35 development, marketing, engineering and architectural  
36 fees, and such other costs as the department may so  
37 designate.

38 d. A loan or credit guarantee under the program  
39 shall not be used for purposes of debt refinancing.

40 3. Each participating financial institution shall  
41 identify and underwrite potential lending  
42 opportunities with qualifying businesses. Upon a  
43 determination by a participating financial institution  
44 that a qualifying business meets the underwriting  
45 standards of the financial institution, subject to the  
46 approval of a loan or credit guarantee, the financial  
47 institution shall submit the underwriting information  
48 and a loan or credit guarantee application to the  
49 department.

50 4. Upon approval of a loan or credit guarantee,

Page 60

1 the department shall enter into a loan or credit  
2 guarantee agreement with the participating financial  
3 institution. The agreement shall specify all of the  
4 following:

5 a. The fee to be charged to the financial  
6 institution.

7 b. The evidence of debt assurance of, and security  
8 for, the loan or credit guarantee.

9 c. A loan or credit guarantee that does not exceed  
10 fifteen years.

11 d. Any other terms and conditions considered  
12 necessary or desirable by the department.

13 e. That the loan or credit guarantee does not  
14 invoke or pledge the credit or the taxing power of the  
15 state and that any claim made pursuant to the loan or  
16 credit guarantee shall be limited to the terms and  
17 amount of the loan or credit guarantee and to the  
18 moneys in the disaster assistance loan and credit  
19 guarantee fund.

20 5. The department shall charge a nonrefundable  
21 application fee for each application under the  
22 program. The department shall include the fee  
23 information in the application materials. The fee is  
24 payable upon submission of an application for a loan  
25 or credit guarantee from a financial institution or a  
26 qualifying business. The application fee shall be not  
27 less than five hundred dollars and not more than one  
28 thousand dollars. Moneys received from fees are  
29 appropriated to the department for purposes of  
30 administering this section.

31 6. The department may adopt loan and credit  
32 guarantee application procedures that allow a  
33 qualifying business to apply directly to the  
34 department for a preliminary guarantee commitment. A  
35 preliminary guarantee commitment may be issued by the  
36 department subject to the qualifying business securing  
37 a commitment for financing from a financial  
38 institution. The application procedures shall specify  
39 the process by which a financial institution may  
40 obtain a final loan or credit guarantee.

41 7. a. A disaster assistance loan and credit  
42 guarantee fund is created and established as a  
43 separate and distinct fund in the state treasury.  
44 Moneys in the fund shall only be used for purposes  
45 provided in this section. The moneys in the fund are  
46 appropriated to the department to be used for all of  
47 the following purposes:

48 (1) Payment of claims pursuant to loan and credit  
49 guarantee agreements entered into under this section.

50 (2) Payment of administrative costs of the

Page 61

1 department for actual and necessary administrative  
2 expenses incurred by the department in administering  
3 the disaster assistance loan and credit guarantee  
4 program.

5 (3) Purchase or buyout of superior or prior liens,  
6 mortgages, or security interests.

7 (4) Purchase of insurance to cover the default of  
8 loans made pursuant to the requirements of the  
9 disaster assistance loan and credit guarantee program.

10 b. Moneys in the disaster assistance loan and  
11 credit guarantee fund shall consist of all of the  
12 following:

13 (1) Moneys appropriated by the general assembly  
14 for that purpose and any other moneys available to and  
15 obtained or accepted by the department for placement  
16 in the fund.

17 (2) Proceeds from collateral assigned to the  
18 department, fees for guarantees, gifts, and moneys  
19 from any grant made to the fund by any federal agency.

20 c. Moneys in the fund are not subject to section  
21 8.33. Notwithstanding section 12C.7, interest or  
22 earnings on the moneys in the fund shall be credited  
23 to the fund.

24 d. (1) The department shall only pledge moneys in  
25 the disaster assistance loan and credit guarantee fund  
26 and not any other moneys under the control of the  
27 department. In a fiscal year, the department may  
28 pledge an amount not to exceed the total amount  
29 appropriated to the fund for the same fiscal year to  
30 assure the repayment of loan and credit guarantees or  
31 other extensions of credit made to or on behalf of  
32 qualified businesses for eligible project costs.

33 (2) The department shall not pledge the credit or  
34 taxing power of this state or any political  
35 subdivision of this state or make debts payable out of  
36 any moneys except for those in the disaster assistance  
37 loan and credit guarantee fund.

38 8. For purposes of this section, "financial  
39 institution" means a bank incorporated pursuant to  
40 chapter 524 or a credit union organized pursuant to  
41 chapter 533.

42 9. For the fiscal year beginning July 1, 2008, and  
43 ending June 30, 2009, the Iowa power fund board may  
44 allocate up to \$1.8 million for purposes of the  
45 disaster assistance loan and credit guarantee fund.

46 Sec. 189. JOB TRAINING INTERIM STUDY COMMITTEE.

47 1. The legislative council shall establish a job  
48 training interim study committee to examine job  
49 training issues during the 2009 legislative interim  
50 period.

Page 62

1 2. The study committee shall examine and make  
2 recommendations concerning job training needs in Iowa.  
3 The study committee shall focus on job training  
4 mechanisms that provide services to underserved  
5 populations in Iowa. Underserved populations include  
6 people making less than twenty thousand dollars per  
7 year, minorities, women, persons with disabilities,  
8 the elderly, and people convicted of felonies trying  
9 to re-enter society after release from prison.

10 3. The legislative council shall consider  
11 providing funding for the hiring of a private  
12 consultant to identify duplicative programs that  
13 contribute to the fragmentation of job training  
14 efforts. The study committee shall make  
15 recommendations for the removal of any such  
16 duplicative programs.

17 4. The committee shall submit a report to the  
18 general assembly.

19 Sec. 190. Section 15.421, subsection 2, Code 2009,  
20 is amended by adding the following new paragraph:  
21 NEW PARAGRAPH. c. The directors of the department  
22 of economic development and the department of  
23 workforce development, or their designees, shall serve  
24 as nonvoting, ex officio members.

25 Sec. 191. Section 15.421, subsection 4, Code 2009,  
26 is amended by striking the subsection and inserting in  
27 lieu thereof the following:

28 4. a. The chairperson and vice chairperson of the  
29 commission shall be selected by the governor and shall  
30 serve at the pleasure of the governor.

31 b. An executive council of the commission shall  
32 consist of the chairperson and vice chairperson, and  
33 three members elected by the commission on an annual  
34 basis. The executive council shall meet on a monthly  
35 basis.

36 Sec. 192. Section 15.421, subsection 5, paragraphs  
37 b and c, Code 2009, are amended to read as follows:

38 b. Advise and assist ~~the department~~ state agencies  
39 in activities designed to retain and attract the young  
40 adult population.

41 c. Develop and make available best practices  
42 guidelines for employers to retain and attract ~~and~~  
43 ~~retain~~ young adult employees.

44 Sec. 193. Section 15.421, subsection 5, Code 2009,  
45 is amended by adding the following new paragraph:

46 NEW PARAGRAPH. d. Conduct meetings on at least a  
47 bimonthly basis.

48 Sec. 194. NEW SECTION. 15E.70 FINANCIAL  
49 STATEMENTS – AUDITOR OF STATE.

50 By July 1 of each year, the Iowa fund of funds, the



Page 63

1 Iowa capital investment corporation, and designated  
2 investors shall submit a financial statement for the  
3 previous calendar year to the auditor of state.

4 Sec. 195. 2008 Iowa Acts, chapter 1178, section  
5 18, is amended by adding the following new subsection:  
6 NEW SUBSECTION. 7. Notwithstanding section 8.33,  
7 moneys appropriated in this section that remain  
8 unencumbered or unobligated at the close of the fiscal  
9 year shall not revert but shall remain available for  
10 expenditure for the purposes designated until the  
11 close of the succeeding fiscal year.

12 Sec. 196. 2009 Iowa Acts, Senate File 469, section  
13 15, subsection 2, unnumbered paragraph 2, if enacted,  
14 is amended to read as follows:

15 The division of workers' compensation shall  
16 ~~continue charging charge a \$65 \$100~~ filing fee for  
17 workers' compensation cases. The filing fee shall be  
18 paid by the petitioner of a claim. However, the fee  
19 can be taxed as a cost and paid by the losing party,  
20 except in cases where it would impose an undue  
21 hardship or be unjust under the circumstances. The  
22 moneys generated by the filing fee allowed under this  
23 subsection are appropriated to the department of  
24 workforce development to be used for purposes of  
25 administering the division of workers' compensation.

26 Sec. 197. EFFECTIVE DATE.

27 1. The section of this division of this Act  
28 amending 2008 Iowa Acts, chapter 1178, section 18,  
29 being deemed of immediate importance, takes effect  
30 upon enactment.

31 2. The section of this division of this Act  
32 creating the disaster assistance loan and credit  
33 guarantee program, being deemed of immediate  
34 importance, takes effect upon enactment.

#### 35 DIVISION XVI

#### 36 CONTRACTOR REGISTRATION

37 Sec. 198. Section 91C.4, Code 2009, is amended to  
38 read as follows:

#### 39 91C.4 FEES

40 The labor commissioner shall prescribe the fee for  
41 registration, which fee shall not exceed ~~twenty five~~  
42 fifty dollars every ~~two years~~ year. ~~All fees~~  
43 ~~collected shall be deposited in the general fund of~~  
44 ~~the state.~~

45 Sec. 199. Section 91C.7, subsection 2, paragraph  
46 b, Code 2009, is amended to read as follows:

47 b. An out-of-state contractor may file a blanket  
48 bond in an amount at least equal to fifty thousand  
49 dollars for ~~the registration a two-year~~ period  
50 ~~established under section 91C.4~~ in lieu of filing an

Page 64

1 individual bond for each contract. The division of  
2 labor services of the department of workforce  
3 development may increase the bond amount after a  
4 hearing.

5 Sec. 200. NEW SECTION. 91C.9 REGISTRATION FUND.

6 1. A contractor registration revolving fund is  
7 created in the state treasury. The revolving fund  
8 shall be administered by the commissioner and shall  
9 consist of moneys collected by the commissioner as  
10 fees. The commissioner shall remit all fees collected  
11 pursuant to this chapter to the revolving fund. The  
12 moneys in the revolving fund are appropriated to and  
13 shall be used by the commissioner to pay the actual  
14 costs and expenses necessary to perform the duties of  
15 the commissioner and the division of labor as  
16 described in this chapter. All salaries and expenses  
17 properly chargeable to the revolving fund shall be  
18 paid from the revolving fund.

19 2. Section 8.33 does not apply to any moneys in  
20 the revolving fund. Notwithstanding section 12C.7,  
21 subsection 2, earnings or interest on moneys deposited  
22 in the fund shall be credited to the revolving fund.

23 Sec. 201. EMERGENCY RULES. The commissioner may  
24 adopt emergency rules under section 17A.4, subsection  
25 3, and section 17A.5, subsection 2, paragraph "b", to  
26 implement the provisions of this Act amending chapter  
27 91C, and the rules shall be effective immediately upon  
28 filing unless a later date is specified in the rules.  
29 Any rules adopted in accordance with this section  
30 shall also be published as a notice of intended action  
31 as provided in section 17A.4.

32 Sec. 202. REGISTRATION FUND – CASH FLOW.  
33 Notwithstanding contrary provisions of section 89.8,  
34 and of section 91C.9 as enacted in this Act, for the  
35 fiscal year beginning July 1, 2009, and ending June  
36 30, 2010, the commissioner may allocate, for cash flow  
37 purposes, up to one hundred thousand dollars from  
38 moneys in the boiler and pressure vessel safety  
39 revolving fund created in section 89.8, to the  
40 contractor registration revolving fund created in  
41 section 91C.9 as enacted in this Act, provided that  
42 such moneys are returned to the boiler and pressure  
43 vessel safety revolving fund by June 30, 2010.

#### 44 DIVISION XVII

#### 45 CHILD CARE REGULATORY FEE

46 Sec. 203. NEW SECTION. 237A.4A CHILD CARE  
47 REGULATORY FEE – CHILD CARE FACILITY FUND.

48 1. a. The department shall implement a regulatory  
49 fee for licensure of child care facilities. The fee  
50 requirements shall provide for tiered amounts based

Page 65

1 upon a child care facility's capacity and a child  
2 development home's regulatory category at the time of  
3 licensure.

4 b. The regulatory fee for centers shall not exceed  
5 one hundred fifty dollars.

6 c. The regulatory fee for category "A" and "B"  
7 child development homes shall not exceed one hundred  
8 fifty dollars and the fee for category "C" child  
9 development homes shall not exceed one hundred  
10 eighty-seven dollars.

11 d. The department shall adopt rules for  
12 implementation of the fee.

13 2. Regulatory fees collected shall augment  
14 existing funding for regulation of child care  
15 facilities in order to phase in annual inspections of  
16 child development homes and improve inspections of  
17 child care centers. The department shall not supplant  
18 existing funding for regulation of child care with  
19 funding derived from the regulatory fee. The  
20 department shall seek to meet the following target  
21 percentages of the total number of child development  
22 homes in the state inspected annually in phasing in  
23 the annual inspection of all child development homes:

24 a. For the fiscal year beginning July 1, 2009,  
25 twenty percent.

26 b. For the fiscal year beginning July 1, 2010,  
27 forty percent.

28 c. For the fiscal year beginning July 1, 2011,  
29 sixty percent.

30 d. For the fiscal year beginning July 1, 2012,  
31 eighty percent.

32 e. For the fiscal year beginning July 1, 2013, and  
33 succeeding fiscal years, one hundred percent.

34 3. a. In phasing in the inspection of child  
35 development homes, the department shall give priority  
36 to child development homes that have recently become  
37 licensed and have paid the regulatory fee implemented  
38 pursuant to this section.

39 b. The results of an inspection of a child care  
40 facility shall be made publicly available on the  
41 internet page or site implemented by the department in  
42 accordance with section 237A.25 and through other  
43 means.

44 4. The target time frame for the department's  
45 issuance of the report concerning an inspection or  
46 other regulatory visit to a child care facility is  
47 sixty calendar days.

48 5. A child care facility fund is created in the  
49 state treasury under the authority of the department.  
50 The fund is separate from the general fund of the

Page 66

1 state. Regulatory fees collected under subsection 1  
2 shall be credited to the fund. Moneys credited to the  
3 fund shall not revert to any other fund and are not  
4 subject to transfer except as specifically provided by  
5 law. Notwithstanding section 12C.7, subsection 2,  
6 interest or earnings on moneys deposited in the fund  
7 shall be credited to the fund. Moneys in the fund are  
8 annually appropriated to the department to be used for  
9 staffing dedicated to monitoring and regulation of  
10 child care facilities, contracting, related technology  
11 costs, record checks, grants and fee waivers, and  
12 other expenses for inspection and regulation of child  
13 care facilities. Any full-time equivalent positions  
14 paid for out of the fund shall be in addition to other  
15 such positions authorized for the department.

16 Sec. 204. Section 237A.5, subsection 2, paragraphs  
17 b and c, Code 2009, are amended to read as follows:

18 b. If an individual person subject to a record  
19 check is being considered for employment by a child  
20 care facility or child care home provider, in lieu of  
21 requesting a record check in this state to be  
22 conducted by the department under paragraph "c", the  
23 child care facility or child care home may access the  
24 single contact repository established pursuant to  
25 section 135C.33 as necessary to conduct a criminal and  
26 child abuse record check of the individual in this  
27 state. A copy of the results of the record check  
28 conducted through the single contact repository shall  
29 also be provided to the department. If the record  
30 check indicates the individual is a person subject to  
31 an evaluation, the child care facility or child care  
32 home may request that the department perform an  
33 evaluation as provided in this subsection. Otherwise,  
34 the individual shall not be employed by the child care  
35 facility or child care home.

36 c. Unless a record check has already been  
37 conducted in accordance with paragraph "b", the  
38 department shall conduct a criminal and child abuse  
39 record check in this state for a person who is subject  
40 to a record check and may conduct such a check in  
41 other states. In addition, the department may conduct  
42 a dependent adult abuse, sex offender registry, or  
43 other public or civil offense record check in this  
44 state or in other states for a person who is subject  
45 to a record check.

46 cc. (1) For a person subject to a record check,  
47 in addition to any other record check conducted  
48 pursuant to this subsection, the person's fingerprints  
49 shall be provided to the department of public safety  
50 for submission through the state criminal history

Page 67

1 repository to the United States department of justice,  
2 federal bureau of investigation for a national  
3 criminal history check. The national criminal history  
4 check shall be repeated every four years.

5 (2) Except as otherwise provided by law, the cost  
6 of a national criminal history check conducted in  
7 accordance with subparagraph (1) and the state record  
8 checks conducted in accordance with paragraph "c" that  
9 are conducted in connection with a person's  
10 involvement with a child care center are not the  
11 responsibility of the department. The department is  
12 responsible for the cost of such checks conducted in  
13 connection with a person's involvement with a child  
14 development home or child care home.

15 (3) If record checks under paragraph "b" or "c"  
16 have been conducted on a person subject to a record  
17 check and the results do not warrant prohibition of  
18 the person's involvement with child care or otherwise  
19 present protective concerns, the person may be  
20 involved with child care on a provisional basis until  
21 the record check under subparagraph (1) has been  
22 completed.

23 (4) For the period beginning July 1, 2009, and  
24 ending June 30, 2013:

25 (a) The requirement in subparagraph (1) shall only  
26 apply to owners and employees of licensed child care  
27 centers and licensed child development homes and is  
28 applicable beginning on and after January 1, 2010, at  
29 the time of initial application for or renewal of a  
30 center's or home's license and the cost provisions of  
31 subparagraph (2) are applicable to owners and  
32 employees of centers beginning at the same time.

33 (b) Except for child development home providers  
34 who voluntarily license and are addressed by  
35 subparagraph division (a), and child development home  
36 providers participating in the child care quality  
37 rating system at a level under which national records  
38 checks are required in accordance with departmental  
39 rule, the national record check requirement in  
40 subparagraph (1) is not applicable in connection with  
41 a child development home or child care home throughout  
42 the period.

43 (c) This subparagraph (4) is repealed on July 1,  
44 2013.

45 ccc. (1) If a record check performed pursuant to  
46 this ~~paragraph~~ subsection identifies an individual as  
47 a person subject to an evaluation, an evaluation shall  
48 be performed to determine whether prohibition of the  
49 person's involvement with child care is warranted.  
50 The evaluation shall be performed in accordance with

Page 68

1 procedures adopted for this purpose by the department.  
2 (2) Prior to performing an evaluation, the  
3 department shall notify the affected person, licensee,  
4 registrant, or child care home applying for or  
5 receiving public funding for providing child care,  
6 that an evaluation will be conducted to determine  
7 whether prohibition of the person's involvement with  
8 child care is warranted.

9 Sec. 205. IMPLEMENTATION.

10 1. The department of human services shall adopt  
11 administrative rules to begin implementation of the  
12 regulatory fee authorized to be imposed by this  
13 division of this Act on or after January 1, 2010.

14 2. It is the intent of the general assembly to  
15 enact required licensure of child development homes  
16 commencing on July 1, 2013, and for the licensure  
17 requirement to provide exemptions for child care  
18 provided by a relative to only related children, a  
19 person providing before or after school child care  
20 without charge to only children of friends or  
21 neighbors, or a person providing child care to only  
22 children from a single unrelated family. Beginning on  
23 the effective date of this division of this Act, the  
24 department of human services shall begin transition  
25 activities for such implementation of child  
26 development home licensure. The transition activities  
27 may include all of the following:

28 a. Implementation of an ongoing public awareness  
29 campaign to inform child care providers and consumers  
30 of child care services of the intended licensure  
31 requirement.

32 b. Implementation of a voluntary child development  
33 home licensing program on or after July 1, 2010. The  
34 department shall adopt rules for the voluntary  
35 program. The rules may include but are not limited to  
36 provisions to limit the number of voluntary licensure  
37 applications accepted as necessary to limit related  
38 expenditures within the funding available. The rules  
39 shall address all qualification levels of providers  
40 who apply for licensure under the voluntary program.  
41 However, a precensure inspection shall not be  
42 required for initial licensure of a child development  
43 home provider who meets all of the following  
44 requirements:

45 (1) The provider's registration is in good  
46 standing at the time of application for a license.

47 (2) The provider has a rating of 3, 4, or 5 under  
48 the child care quality rating system implemented  
49 pursuant to section 237A.30 as of the application  
50 date. The provider must either maintain or achieve a

Page 69

1 higher rating, throughout the period of voluntary  
2 licensure.

3 (3) The provider has passed a registration  
4 compliance check by the department or achieved a  
5 rating specified in subparagraph (2) within the  
6 two-year period preceding the application date.  
7 c. Any cost savings realized by the department  
8 during the transition period due to licensed child  
9 care centers or their employees assuming  
10 responsibility for the cost of required record checks  
11 in place of the department shall be transferred to the  
12 child care facility fund created by this division of  
13 this Act.

14 d. The department, in collaboration with  
15 representatives of the community empowerment  
16 initiative, the state child care advisory council, the  
17 early childhood Iowa council, child care providers  
18 active with the Iowa affiliate of the American  
19 federation of state, county, and municipal employees,  
20 and others involved with early care, shall develop a  
21 plan for creating sustainable funding sources to  
22 support home-based child care providers in meeting the  
23 intended child development home licensing requirement.  
24 The plan shall be submitted to the governor and  
25 general assembly on or before December 15, 2010.

#### 26 DIVISION XVIII

#### 27 AUTOMOBILE RACETRACK FACILITIES

28 Sec. 206. Section 423.4, subsection 5, paragraph  
29 a, subparagraphs (2), (3), and (4), Code 2009, are  
30 amended to read as follows:

31 (2) "Change of control" means any of the  
32 following:

33 (a) Any change in the ownership of the original or  
34 any subsequent legal entity that is the owner or  
35 operator of the automobile racetrack facility such  
36 that ~~at least sixty~~ less than twenty-five percent of  
37 the equity interests in the legal entity ~~cease to be~~  
38 is owned by individuals who are residents of Iowa, an  
39 Iowa corporation, or combination of both.

40 (b) The original owners of the legal entity that  
41 is the owner or operator of the automobile racetrack  
42 facility shall collectively cease to own ~~more than~~  
43 fifty at least twenty-five percent of the voting  
44 equity interests of such legal entity ~~or shall~~  
45 ~~otherwise cease to have effective control of such~~  
46 legal entity.

47 (3) "Iowa corporation" means a corporation  
48 incorporated under the laws of Iowa where at least  
49 ~~sixty~~ twenty-five percent of the corporation's equity  
50 interests are owned by individuals who are residents

Page 70

1 of Iowa.

2 (4) "Owner or operator" means a for-profit legal  
3 entity where at least ~~sixty~~ twenty-five percent of it  
4 equity interests are owned by individuals who are  
5 residents of Iowa, an Iowa corporation, or combination  
6 of both and that is the owner or operator of an  
7 automobile racetrack facility and is primarily a  
8 promoter of motor vehicle races.

9 Sec. 207. Section 423.4, subsection 5, paragraph  
10 c, subparagraph (4), Code 2009, is amended to read as  
11 follows:

12 (4) Notwithstanding subparagraph (3), the rebate  
13 of sales tax shall cease for transactions occurring on  
14 or after the date of the ~~sale or other transfer,~~  
15 ~~whether voluntarily or involuntarily, of the~~  
16 ~~automobile racetrack facility to a party other than~~  
17 ~~the original owner of the facility or upon a change of~~  
18 ~~control of such the automobile racetrack~~ facility.

19 DIVISION XIX

20 HUNTING

21 Sec. 208. Section 481A.21, Code 2009, is amended  
22 to read as follows:

23 481A.21 BIRDS AS TARGETS.

24 A person shall not keep or use any live pigeon or  
25 other bird as a target, to be shot at for amusement or  
26 as a test of skill in marksmanship, or shoot at a bird  
27 kept or used for such purpose, or be a party to such  
28 shooting, or lease any building, room, field, or  
29 premises, or knowingly permit the use thereof, for the  
30 purpose of such shooting. This section does not  
31 prevent any person from shooting at live pigeons,  
32 sparrows, and starlings when used in the training of  
33 hunting dogs. This section does not prevent any  
34 person from shooting at a bird that is released a  
35 minimum of fifty yards from that person on a licensed  
36 hunting preserve.

37 Sec. 209. Section 483A.1, subsection 1, paragraphs  
38 b and d, Code 2009, are amended to read as follows:

- 39 b. Fishing license, lifetime, ~~sixty five~~
- 40 ~~sixty-seven~~ years or older ..... \$ 50.50
- 41 d. Hunting license, lifetime, ~~sixty five~~
- 42 ~~sixty-seven~~ years or older ..... \$ 50.50

43 Sec. 210. Section 483A.1, subsection 2, Code 2009,  
44 is amended to read as follows:

- 45 2. Nonresidents:
- 46 a. Fishing license, annual ..... \$ ~~30.00~~
- 47 49.50
- 48 b. Fishing license, seven-day ..... \$ ~~30.00~~
- 49 35.50
- 50 c. Hunting license, eighteen years of



Page 71

1	age or older .....	\$ <del>80.00</del>
2		<u>110.00</u>
3	d. Hunting license, under eighteen	
4	years of age .....	\$ 30.00
5	e. Deer hunting license, antlered or	
6	any sex deer .....	\$ <del>220.00</del>
7		<u>295.00</u>
8	f. Deer hunting license, antlerless	
9	deer only, required with the purchase of	
10	an antlered or any sex deer hunting license .....	\$ <del>100.00</del>
11		<u>125.00</u>
12	g. Deer hunting license, antlerless	
13	deer only .....	\$ <del>150.00</del>
14		<u>225.00</u>
15	<u>h. Holiday deer hunting license issued</u>	
16	<u>under section 483A.8, subsection 6.</u>	
17	<u>antlerless deer only .....</u>	\$ <del>75.00</del>
18	<del>h. i.</del> Wild turkey hunting license .....	\$ <del>100.00</del>
19		<u>125.00</u>
20	<del>i. j.</del> Fur harvester license .....	\$ <del>200.00</del>
21		<u>275.00</u>
22	<del>j. k.</del> Fur dealer license .....	\$ 50 1.00
23	<del>k. l.</del> Location permit for fur dealers .....	\$ 5 6.00
24	<del>l. m.</del> Aquaculture unit license .....	\$ 5 6.00
25	<del>m. n.</del> Retail bait dealer license or the	
26	amount for the same type of license in the	
27	nonresident's state, whichever is greater .....	\$ 125.00
28	<del>n. o.</del> Trout fishing fee .....	\$ <del>13.00</del>
29		<u>17.50</u>
30	<del>o. p.</del> Game breeder license .....	\$ 2 6.00
31	<del>p. q.</del> Taxidermy license .....	\$ 2 6.00
32	<del>q. r.</del> Falconry license .....	\$ 2 6.00
33	<del>r. s.</del> Wildlife habitat fee .....	\$ 1 1.00
34	<del>s. t.</del> Migratory game bird fee .....	\$ <del>8.00</del>
35		<u>11.50</u>
36	<del>t. u.</del> Fishing license, three-day .....	\$ 15.50
37		<u>21.00</u>
38	<del>u. v.</del> Wholesale bait dealer license	
39	or the amount for the same type of license	
40	in the nonresident's state, whichever	
41	is greater .....	\$ 250.00
42	<del>v. w.</del> Fishing license, one-day .....	\$ <del>8.50</del>
43		<u>10.00</u>

44 Sec. 211. Section 483A.8, subsection 6, Code 2009,  
45 is amended to read as follows:

46 6. The commission shall provide by rule for the  
47 annual issuance to a nonresident of a nonresident  
48 antlerless deer hunting license that is valid for use  
49 only during the period beginning on December 24 and  
50 ending at sunset on January 2 of the following year,

Page 72

1 and costs ~~fifty~~ seventy-five dollars. A nonresident  
 2 hunting deer with a license issued under this  
 3 subsection shall be otherwise qualified to hunt deer  
 4 in this state and shall have a nonresident hunting  
 5 license, pay the wildlife habitat fee, and pay the one  
 6 dollar fee for the purpose of deer herd population  
 7 management as provided in subsection 3. Pursuant to  
 8 this subsection, the commission shall make available  
 9 for issuance only the remaining nonresident antlerless  
 10 deer hunting licenses allocated under subsection 3  
 11 that have not yet been issued for the current year's  
 12 nonresident antlerless deer hunting seasons.  
 13 Sec. 212. EFFECTIVE DATE. This division of this  
 14 Act, being deemed of immediate importance, takes  
 15 effect upon enactment.

#### 16 DIVISION XX

#### 17 NONPROFIT YOUTH ATHLETIC GROUPS

18 Sec. 213. Section 423.3, subsection 78, Code 2009,  
 19 is amended to read as follows:

20 78. a. The sales price from sales or rental of  
 21 tangible personal property, or services rendered by  
 22 any entity where the profits from the sales or rental  
 23 of the tangible personal property, or services  
 24 rendered, are used by or donated to a nonprofit entity  
 25 ~~which that~~ is exempt from federal income taxation  
 26 pursuant to section 501(c)(3) of the Internal Revenue  
 27 Code, a government entity, or a nonprofit private  
 28 educational institution, and where the entire proceeds  
 29 from the sales, rental, or services are expended for  
 30 any of the following purposes:

- 31 ~~a.~~ (1) Educational.
- 32 ~~b.~~ (2) Religious.
- 33 ~~c.~~ (3) Charitable. A charitable act is an act  
 34 done out of goodwill, benevolence, and a desire to add  
 35 to or to improve the good of humankind in general or  
 36 any class or portion of humankind, with no pecuniary  
 37 profit inuring to the person performing the service or  
 38 giving the gift.
- 39 b. For purposes of this exemption, an organization  
 40 that meets the requirements of paragraph "a" and which  
 41 is created for the sole or primary purpose of  
 42 providing athletic activities to youth shall be  
 43 considered created for an educational purpose.
- 44 c. This exemption does not apply to the sales  
 45 price from games of skill, games of chance, raffles,  
 46 and bingo games as defined in chapter 99B. This  
 47 exemption is disallowed on the amount of the sales  
 48 price only to the extent the profits from the sales,  
 49 rental, or services are not used by or donated to the  
 50 appropriate entity and expended for educational,

Page 73

1 religious, or charitable purposes.

2 Sec. 214. REFUNDS. Refunds of taxes, interest, or  
3 penalties which arise from claims resulting from the  
4 provisions of this division of this Act enacting  
5 section 423.3, subsection 78, new paragraph "b", for  
6 the sales price from sales or rental of tangible  
7 personal property, or services occurring between July  
8 1, 1998, and the effective date of section 423.3,  
9 subsection 78, new paragraph "b", shall be limited to  
10 fifty thousand dollars in the aggregate and shall not  
11 be allowed unless refund claims are filed prior to  
12 October 1, 2009, notwithstanding any other provision  
13 of law. If the amount of claims totals more than  
14 fifty thousand dollars in the aggregate, the  
15 department of revenue shall prorate the fifty thousand  
16 dollars among all claimants in relation to the amounts  
17 of the claimants' valid claims.

18 Sec. 215. EFFECTIVE AND RETROACTIVE APPLICABILITY  
19 DATES. The section of this division of this Act  
20 amending section 423.3, subsection 78, being deemed of  
21 immediate importance, takes effect upon enactment and  
22 applies retroactively to July 1, 1998.

#### 23 DIVISION XXI

#### 24 MAGISTRATES

25 Sec. 216. Section 602.6401, subsection 4, Code  
26 2009, is amended to read as follows:

27 4. By March of each year in which magistrates'  
28 terms expire, the state court administrator shall give  
29 notice to the clerks of the district court and to the  
30 chief judges of the judicial districts of the number  
31 of magistrates to which each county is entitled. If  
32 the state court administrator does not give the notice  
33 as required in this subsection by March of each year  
34 in which magistrates' terms expire, the existing  
35 magistrate apportionment in effect shall remain in  
36 effect through the succeeding magistrates' terms, and  
37 any apportionment performed pursuant to subsection 2  
38 is void until such succeeding terms expire.

39 Sec. 217. EFFECTIVE DATE – RETROACTIVE  
40 APPLICABILITY. This division of this Act, being  
41 deemed of immediate importance, takes effect upon  
42 enactment and applies retroactively to January 1,  
43 2009, to void any apportionment for which notice was  
44 not given by March of 2009.

#### 45 DIVISION XXII

#### 46 CITY FRANCHISE FEES AND CITY UTILITIES

47 Sec. 218. Section 364.2, subsection 4, paragraph  
48 f, Code 2009, is amended to read as follows:

49 f. A franchise fee assessed by a city may be based  
50 upon a percentage of gross revenues generated from

Page 74

1 sales of the franchisee within the city not to exceed  
2 five percent, without regard to the city's cost of  
3 inspecting, supervising, and otherwise regulating the  
4 franchise. Franchise fees collected pursuant to an  
5 ordinance in effect on the effective date of this  
6 division of this Act shall be deposited in the city's  
7 general fund and such fees collected in excess of the  
8 amounts necessary to inspect, supervise, and otherwise  
9 regulate the franchise may be used by the city for any  
10 other purpose authorized by law. Franchise fees  
11 collected pursuant to an ordinance that is adopted or  
12 amended on or after the effective date of this  
13 division of this Act to increase the percentage rate  
14 at which franchise fees are assessed shall be credited  
15 to the franchise fee account within the city's general  
16 fund and used pursuant to section 384.3A. If a city  
17 franchise fee is assessed to customers of a franchise,  
18 the fee shall not be assessed to the city as a  
19 customer. Before a city adopts or amends a franchise  
20 fee rate ordinance or franchise ordinance to increase  
21 the percentage rate at which franchise fees are  
22 assessed, a revenue purpose statement shall be  
23 prepared specifying the purpose or purposes for which  
24 the revenue collected from the increased rate will be  
25 expended. If property tax relief is listed as a  
26 purpose, the revenue purpose statement shall also  
27 include information regarding the amount of the  
28 property tax relief to be provided with revenue  
29 collected from the increased rate. The revenue  
30 purpose statement shall be published as provided in  
31 section 362.3.

32 Sec. 219. Section 364.3, Code 2009, is amended by  
33 adding the following new subsection:

34 NEW SUBSECTION. 10. A city which operates a  
35 utility that furnishes gas or electricity shall manage  
36 the right-of-way on a competitively neutral and  
37 nondiscriminatory basis. Such city utility shall be  
38 required to pay the fees and charges computed in the  
39 same manner as those fees and charges which are  
40 imposed by the city upon any other provider of a  
41 similar service within the corporate boundaries of the  
42 city. Such city utility shall also comply with the  
43 terms of the franchise granted by the city to the  
44 provider of a similar service. This subsection shall  
45 not be construed to prohibit the city utility from  
46 making transfers of surplus as otherwise allowed or  
47 from making in-kind contributions as otherwise  
48 allowed. However, a city shall not require that  
49 transfers from the city utility be in excess of the  
50 franchise fee amount imposed upon the provider of a

Page 75

1 similar service unless otherwise agreed.  
2 Sec. 220. NEW SECTION. 384.3A FRANCHISE FEE  
3 ACCOUNT – USE OF FRANCHISE FEE REVENUES.  
4 1. A city that assesses a franchise fee pursuant  
5 to an ordinance that is adopted or amended on or after  
6 the effective date of this division of this Act to  
7 increase the percentage rate at which franchise fees  
8 are assessed under section 364.2, subsection 4,  
9 paragraph "f", shall establish a franchise fee account  
10 within the city's general fund. All revenues  
11 collected by a city pursuant to such an ordinance  
12 shall be deposited in the account. Interest earned on  
13 revenues deposited in the account shall remain in the  
14 account and be used for the purposes specified in this  
15 section. Moneys in the account are not subject to  
16 transfer to any other accounts in the city's general  
17 fund or to any other funds established by a city  
18 unless such transfer is for a purpose specified in  
19 this section.  
20 2. Moneys in the account shall be used for the  
21 purposes of inspecting, supervising, and otherwise  
22 regulating each franchise approved by the city.  
23 3. Moneys in the account in excess of the amount  
24 necessary for the purposes specified in subsection 2  
25 shall be expended for any of the following:  
26 a. Property tax relief.  
27 b. The repair, remediation, restoration, cleanup,  
28 replacement, and improvement of existing public  
29 improvements and other publicly owned property,  
30 buildings, and facilities.  
31 c. Projects designed to prevent or mitigate future  
32 disasters as defined in section 29C.2.  
33 d. Energy conservation measures for low-income  
34 homeowners, low-income energy assistance programs, and  
35 weatherization programs.  
36 e. Public safety, including the equipping of fire,  
37 police, emergency services, sanitation, street, and  
38 civil defense departments.  
39 f. The establishment, construction,  
40 reconstruction, repair, equipping, remodeling, and  
41 extension of public works, public utilities, and  
42 public transportation systems.  
43 g. The construction, reconstruction, or repair of  
44 streets, highways, bridges, sidewalks, pedestrian  
45 underpasses and overpasses, street lighting fixtures,  
46 and public grounds, and the acquisition of real estate  
47 needed for such purposes.  
48 h. Property tax abatements, building permit fee  
49 abatements, and abatement of other fees for property  
50 damaged by a disaster as defined in section 29C.2.

Page 76

1 i. Economic development activities and projects.  
2 Sec. 221. CERTAIN FRANCHISE FEES DECLARED LEGAL.  
3 To the extent that any amount of franchise fees  
4 assessed by and paid to a city prior to the effective  
5 date of this division of this Act, pursuant to a  
6 franchise agreement between a city and any person to  
7 erect, maintain, and operate plants and systems for  
8 electric light and power, heating, telegraph, district  
9 telegraph and alarm, motor bus, trolley bus, street  
10 railway or other public transit, waterworks, or  
11 gasworks, exceeds the city's reasonable costs of  
12 inspecting, supervising, and otherwise regulating the  
13 franchise, such amount is deemed and declared to be  
14 authorized and legally assessed by and paid to the  
15 city.  
16 Sec. 222. EFFECTIVE DATE. This division of this  
17 Act, being deemed of immediate importance, takes  
18 effect upon enactment."

Amendment H-1730 was adopted.

The House stood at ease at 10:22 p.m., until the fall of the gavel.

The House resumed session at 11:52 p.m., Speaker Murphy in the chair.

#### SENATE FILE 478 SUBSTITUTED FOR HOUSE FILE 830

Oldson of Polk asked and received unanimous consent to substitute Senate File 478 for House File 830.

**Senate File 478**, a bill for an act relating to state and local finances by providing for funding of property tax credits and reimbursements, by making, increasing, and reducing appropriations, providing for salaries and compensation of state employees, providing for matters relating to tax credits, providing for fees and penalties, and providing for properly related matters and including effective date and retroactive and other applicability provisions, was taken up for consideration.

Raecker of Polk offered the following amendment H-1734 filed by him from the floor and moved its adoption:

H-1734

1 Amend Senate File 478, as amended, passed, and  
2 reprinted by the Senate, as follows:

3 1. Page 9, by inserting after line 28 the  
4 following:

5 "Sec. \_\_\_\_\_. COLLECTIVE BARGAINING AGREEMENT –  
6 RENEGOTIATION.

7 1. The general assembly finds that in order to  
8 avoid layoffs, reductions in salary costs must be  
9 achieved. As a result, the governor, the state court  
10 administrator, and the state board of regents shall  
11 renegotiate the collective bargaining agreements that  
12 are in effect during the fiscal year beginning July 1,  
13 2009, and ending June 30, 2010, with the state labor  
14 unions.

15 2. Pursuant to section 20.28, the provisions of  
16 this section shall supersede any contrary provisions  
17 of a collective bargaining agreement and the governor,  
18 the state court administrator, and the state board of  
19 regents shall renegotiate all of the following salary  
20 terms in the collective bargaining agreements that are  
21 in effect during the fiscal year beginning July 1,  
22 2009, and ending June 30, 2010, with the state labor  
23 unions:

24 a. For annual salaries of less than forty thousand  
25 dollars, a two percent reduction.

26 b. For annual salaries of forty thousand dollars  
27 or more but less than fifty thousand dollars, a four  
28 percent reduction.

29 c. For annual salaries of fifty thousand dollars  
30 or more but less than one hundred thousand dollars, a  
31 seven percent reduction.

32 d. For annual salaries of one hundred thousand  
33 dollars or more, a ten percent reduction.

34 3. For the fiscal year beginning July 1, 2009, and  
35 ending June 30, 2010, the salary reductions provided  
36 in subsection 2 shall apply to all pay plans provided  
37 for in section 8A.413, subsection 3.

38 4. For the fiscal year beginning July 1, 2009, and  
39 ending June 30, 2010, the salary reductions provided  
40 in subsection 2 shall apply to state board of regents  
41 employees not covered by a collective bargaining  
42 agreement.

43 5. For the fiscal year beginning July 1, 2009, and  
44 ending June 30, 2010, the salary reductions provided  
45 in subsection 2 shall apply to all employees in the  
46 legislative and judicial branch not covered by a  
47 collective bargaining agreement.

48 6. Any moneys appropriated from the state general  
49 fund to a department, commission, board, agency, the  
50 state board of regents, the judicial branch, or the

Page 2

- 1 legislative branch for purposes of salaries that are
- 2 not expended as a result of the salary reductions
- 3 under this section shall remain in the general fund
- 4 and shall not be expended for any other purpose."
- 5 2. By renumbering as necessary.

Roll call was requested by Raecker of Polk and Koester of Polk.

On the question "Shall amendment H-1734 be adopted?" (S.F. 478)

The ayes were, 43:

Alons	Anderson	Arnold	Baudler
Cownie	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
Steckman	Struyk	Sweeney	Tjepkes
Tymeson	Upmeyer	Van Engelenhoven	Wagner
Watts	Windschitl	Worthan	

The nays were, 55:

Abdul-Samad	Bailey	Beard	Bell
Berry	Bukta	Burt	Cohoon
Ficken	Ford	Frevert	Gaskill
Gayman	Heddens	Hunter	Huser
Isenhart	Jacoby	Kearns	Kelley
Kressig	Kuhn	Lensing	Lykam
Marek	Mascher	McCarthy	Mertz
Miller, H.	Oldson	Olson, D.	Olson, R.
Olson, T.	Palmer	Petersen	Quirk
Reasoner	Reichert	Schueller	Shomshor
Smith	Swaim	Taylor, D.	Taylor, T.
Thede	Thomas	Wendt	Wenthe
Wessel-Kroeschell	Whitaker	Whitead	Willems
Winckler	Zirkelbach	Mr. Speaker	
		Murphy	

Absent or not voting, 2:

Chambers                      De Boef

Amendment H-1734 lost.



Raecker of Polk offered the following amendment H-1735 filed by him from the floor and moved its adoption:

H-1735

- 1 Amend Senate File 478, as amended, passed, and  
2 reprinted by the Senate, as follows:  
3 1. Page 9, by inserting after line 28 the  
4 following:  
5 "Sec. \_\_\_\_\_. COLLECTIVE BARGAINING AGREEMENT –  
6 RENEGOTIATION.  
7 1. The general assembly finds that state employees  
8 should not pay less for health insurance than people  
9 using the hawk-i program under chapter 514I. As a  
10 result, the governor, the state court administrator,  
11 and the state board of regents shall renegotiate the  
12 collective bargaining agreements that are in effect  
13 during the fiscal year beginning July 1, 2009, and  
14 ending June 30, 2010, with the state labor unions.  
15 2. Pursuant to section 20.28, the provisions of  
16 this section shall supersede any contrary provision of  
17 a collective bargaining agreement and the governor,  
18 the state court administrator, and the state board of  
19 regents shall renegotiate the health benefits terms in  
20 any collective bargaining agreements that are in  
21 effect during the fiscal year beginning July 1, 2009,  
22 and ending June 30, 2010, with the state labor unions  
23 for purposes of reducing the state's obligation for  
24 health insurance benefits by fifty dollars per month  
25 per employee and requiring each employee covered by  
26 such contracts to contribute an additional fifty  
27 dollars per month for health insurance benefits.  
28 3. For the fiscal year beginning July 1, 2009, and  
29 ending June 30, 2010, the health insurance benefit  
30 terms provided in subsection 2 shall apply to all  
31 employees not covered under a collective bargaining  
32 agreement in the legislative branch, the judicial  
33 branch, and the executive branch including employees  
34 of the state board of regents.  
35 4. Any moneys appropriated from the state general  
36 fund to a department, commission, board, agency, the  
37 state board of regents, the judicial branch, or the  
38 legislative branch for purposes of health insurance  
39 benefits that are not expended as a result of the  
40 reduction in the state's obligations for employee  
41 health insurance benefits under this section shall  
42 remain in the general fund and shall not be expended  
43 for any other purpose."  
44 2. By renumbering as necessary.

Roll call was requested by Raecker of Polk and Paulsen of Linn.

On the question "Shall amendment H-1735 be adopted?" (S.F. 478)

The ayes were, 42:

Alons	Anderson	Arnold	Baudler
Cownie	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, 54:

Abdul-Samad	Bailey	Beard	Bell
Berry	Bukta	Burt	Cohoon
Ficken	Ford	Frevvert	Gaskill
Gayman	Heddens	Hunter	Huser
Isenhardt	Jacoby	Kearns	Kelley
Kressig	Kuhn	Lensing	Lykam
Marek	Mascher	Mertz	Miller, H.
Oldson	Olson, D.	Olson, R.	Olson, T.
Palmer	Petersen	Quirk	Reasoner
Schueller	Shomshor	Smith	Steckman
Swaim	Taylor, D.	Taylor, T.	Thede
Thomas	Wendt	Wenthe	Wessel-Kroeschell
Whitaker	Whitead	Willems	Winckler
Zirkelbach	Mr. Speaker Murphy		

Absent or not voting, 4:

Chambers	De Boef	McCarthy	Reichert
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Amendment H-1735 lost.

Willems of Linn offered the following amendment H-1736 filed by him from the floor and moved its adoption:

H-1736

- 1 Amend Senate File 478, as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 10, by inserting after line 34 the
- 4 following:
- 5 "Sec. \_\_\_\_\_. DEPARTMENT OF ADMINISTRATIVE SERVICES

6 –JOB EVALUATION AND CLASSIFICATION STUDY.

7 1. For the fiscal year beginning July 1, 2009, and  
8 ending June 30, 2010, the department of administrative  
9 services shall conduct a job evaluation study of state  
10 employees for the purpose of determining whether the  
11 job classification and pay grade level of selected  
12 state employees are properly determined.

13 2. In conducting the study, the department shall  
14 provide a job evaluation questionnaire to a randomly  
15 selected sample of state employees within particular  
16 job classifications. The department shall examine  
17 each questionnaire and determine, based upon an  
18 evaluation system established by the department,  
19 whether the particular state employee is properly  
20 classified and assigned an appropriate pay grade. If  
21 the department makes an initial determination that the  
22 state employee is improperly classified, the  
23 department shall allow the employer of the state  
24 employee a reasonable opportunity to respond to the  
25 alleged misclassification. If the department makes a  
26 final determination that the state employee is  
27 misclassified, the department shall direct the  
28 employer of the state employee, within fourteen days  
29 of the determination by the department, to properly  
30 classify the state employee within the proper job  
31 classification and pay grade."

32 2. By renumbering as necessary.

Amendment H-1736 was adopted.

Heddens of Story offered the following amendment H-1773 filed by her from the floor and moved its adoption:

H-1773

1 Amend Senate File 478, as amended, passed, and  
2 reprinted by the Senate, as follows:

3 1. Page 13, line 20, by inserting after the word  
4 "regents" the following: ", the department of human  
5 services,".

6 2. Page 13, line 23, by inserting after the word  
7 "regents" the following: ", the department of human  
8 services,".

9 3. Page 71, by striking lines 17 through 28, and  
10 inserting the following:  
11 "Sec. \_\_\_\_\_. MEDICAID ENTERPRISE STUDY. The  
12 department of human services shall explore  
13 incorporating data mining, predictive modeling, and  
14 data analytics which may include automated claims  
15 review, to address provider overpayments,

16 underpayments, and fraud within the Iowa Medicaid  
 17 enterprise for the fiscal period beginning July 1,  
 18 2006, and ending June 30, 2009. The review shall  
 19 assume only Iowa-specific models, patterns, and trend  
 20 data. The department shall issue a request for  
 21 proposals to competitively procure such services no  
 22 later than August 1, 2009. If the results from the  
 23 request for proposals demonstrate that such an  
 24 approach will provide a net benefit to the state, the  
 25 department shall enter into a contract for such  
 26 services no later than September 30, 2009."

Amendment H-1773 was adopted.

Kaufmann of Cedar offered the following amendment H-1776 filed by him and Swaim of Davis from the floor and moved its adoption:

H-1776

1 Amend Senate File 478, as amended, passed, and  
 2 reprinted by the Senate, as follows:  
 3 1. Page 29, by inserting after line 7 the  
 4 following:  
 5 "Sec. \_\_\_\_\_. Section 321J.12, subsection 2,  
 6 paragraph d, Code 2009, is amended to read as follows:  
 7 d. A person whose license or privileges have been  
 8 revoked under subsection 1, paragraph "b", for one  
 9 year shall not be eligible for any temporary  
 10 restricted license for forty-five days after the  
 11 effective date of the revocation if the person has had  
 12 one previous revocation under this chapter, or for one  
 13 year after the effective date of the revocation, ~~and~~  
 14 ~~the if the person has had more than one previous~~  
 15 revocation under this chapter. The person shall be  
 16 ordered to install an ignition interlock device of a  
 17 type approved by the commissioner of public safety on  
 18 all vehicles owned or operated by the defendant if the  
 19 defendant seeks a temporary restricted license at the  
 20 end of the minimum period of ineligibility. A  
 21 temporary restricted license shall not be granted by  
 22 the department until the defendant installs the  
 23 ignition interlock device."  
 24 2. By renumbering as necessary.

Amendment H-1776 was adopted.

Oldson of Polk offered amendment H-1780 filed by her from the floor and requested division as follows:

H-1780

1 Amend Senate File 478, as amended, passed, and  
2 reprinted by the Senate, as follows:

H-1780A

3 1. Page 29, by inserting after line 14 the  
4 following:

5 "Sec.\_\_\_\_. There is appropriated from the general  
6 fund of the state to the council on homelessness for  
7 the fiscal year beginning July 1, 2009, and ending  
8 June 30, 2010, the following amount, or so much  
9 thereof as is necessary, to be used for the purposes  
10 designated:

11 For the payment of expenses provided under section  
12 16.100A, subsection 6, paragraph "d":

13 ..... \$ 5,000

14 Sec.\_\_\_\_. FARMERS WITH DISABILITIES. There is  
15 appropriated from the general fund of the state to the  
16 department of education, vocational rehabilitation  
17 services division for the fiscal year beginning July  
18 1, 2009, and ending June 30, 2010, the following  
19 amount, or so much thereof as is necessary, to be used  
20 for the purposes designated:

21 For a program for farmers with disabilities:

22 ..... \$ 108,000

23 Moneys appropriated for purposes of this section  
24 shall be used for the public purpose of providing a  
25 grant to a national nonprofit organization with over  
26 80 years of experience in assisting children and  
27 adults with disabilities and special needs. The funds  
28 shall be used for a nationally recognized program that  
29 began in 1986 and has been replicated in at least 30  
30 other states, but which is not available through any  
31 other entity in this state, that provides assistance  
32 to farmers with disabilities in all 99 counties to  
33 allow the farmers to remain in their own homes and be  
34 gainfully engaged in farming through provision of  
35 agricultural worksite and home modification  
36 consultations, peer support services, services to  
37 families, information and referral, and equipment loan  
38 services."

39 2. Page 33, by striking lines 24 through 34.

40 3. By striking page 35, line 21, through page 38,  
41 line 10.

H-1780B

42 4. Page 43, by inserting after line 14 the  
43 following:

44 "Sec.\_\_\_\_. Section 216B.5, Code 2009, is amended

H-1780B

45 to read as follows:  
 46 216B.5 DIRECTOR – COMMISSION EMPLOYEES.  
 47 1. The commission may employ staff who shall be  
 48 qualified by experience to assume the responsibilities  
 49 of the offices.  
 50 2. The governor shall appoint a director of the

Page 2

1 department for the blind subject to confirmation by  
 2 the senate. The director shall possess a background  
 3 in administrative experience and in programs and  
 4 services for persons who are blind and shall serve at  
 5 the pleasure of the governor. The director shall be  
 6 the administrative officer of the commission and shall  
 7 be responsible for implementing policy set by the  
 8 commission. The director shall carry out programs and  
 9 policies as determined by the commission.  
 10 Sec.\_\_\_\_. NEW SECTION. 261.4A DIRECTOR OF THE  
 11 COMMISSION.  
 12 The governor shall appoint a director of the  
 13 college student aid commission subject to confirmation  
 14 by the senate. The director shall possess a  
 15 background in student financial aid and administrative  
 16 experience and shall serve at the pleasure of the  
 17 governor."

H-1780A

18 5. Page 44, by striking lines 20 through 24.  
 19 6. Page 47, by striking lines 5 through 15.  
 20 7. Page 48, by striking lines 18 through 28.  
 21 8. Page 50, by inserting after line 11 the  
 22 following:  
 23 "Sec.\_\_\_\_. Section 423A.2, subsection 3, Code  
 24 2009, is amended to read as follows:  
 25 3. "Lodging" means rooms, apartments, or sleeping  
 26 quarters in a hotel, motel, inn, public lodging house,  
 27 rooming house, or manufactured or mobile home which is  
 28 tangible personal property, or in a tourist court, or  
 29 in any place where sleeping accommodations are  
 30 furnished to transient guests for rent, whether with  
 31 or without meals. Lodging does not include rooms that  
 32 are not used for sleeping accommodations."  
 33 9. Page 53, by striking lines 25 through 28.  
 34 10. Page 57, by striking line 26 and inserting  
 35 the following:  
 36 "..... \$ 225,602"  
 37 11. By striking page 63, line 20, through page  
 38 65, line 3.

H-1780A

- 39 12. By striking page 66, line 5, through page 68,  
40 line 19.
- 41 13. Page 70, line 34, by striking the words  
42 "community recovery centers" and inserting the  
43 following: "area long-term recovery committees".
- 44 14. Page 71, line 35, by inserting after the word  
45 "for" the following: "medically necessary".
- 46 15. Page 72, line 6, by inserting after the word  
47 "Such" the following: "medically necessary".
- 48 16. Page 96, by striking lines 7 through 18.
- 49 17. By renumbering as necessary.

Oldson of Polk moved the adoption of amendment H-1780A.

Amendment H-1780A was adopted, placing out of order the following amendments filed from the floor:

Amendment H-1746 filed by Watts of Dallas.

Amendment H-1750 filed by Thomas of Clayton.

Amendment H-1757 filed by R. Olson of Polk.

Amendment H-1766 filed by Thomas of Clayton.

Amendment H-1769 filed by Shomshor of Pottawattamie.

Wendt of Woodbury asked and received unanimous consent to withdraw amendment H-1731 filed by him, Hunter of Polk, Watts of Dallas, Dolecheck of Ringgold and May of Dickinson from the floor.

Alons of Sioux offered the following amendment H-1753 filed by him and Roberts of Carroll from the floor and moved its adoption:

H-1753

- 1 Amend Senate File 478, as amended, passed, and  
2 reprinted by the Senate, as follows:  
3 1. Page 33, by striking lines 4 through 23.  
4 2. By renumbering as necessary.

Amendment H-1753 lost.

Raecker of Polk asked and received unanimous consent that amendment H-1745 and amendment H-1742 be deferred.

Horbach of Tama asked and received unanimous consent that amendment H-1740 be deferred.

Horbach of Tama offered the following amendment H-1745, previously deferred, filed by him from the floor and moved its adoption:

H-1745

- 1 Amend Senate File 478, as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 38, by striking lines 26 through 33.
- 4 2. By renumbering as necessary.

Amendment H-1745 was adopted.

Horbach of Tama asked and received unanimous consent to withdraw amendment H-1742, previously deferred, filed by him from the floor.

Horbach of Tama asked and received unanimous consent to withdraw amendment H-1740, previously deferred, filed by him from the floor, placing out of order amendment H-1741 filed by Horbach of Tama from the floor and amendment H-1744 filed by Horbach of Tama from the floor.

Reichert of Muscatine asked and received unanimous consent to withdraw amendment H-1775 filed by him from the floor.

The following amendments filed from the floor were withdrawn by unanimous consent.

- Amendment H-1770 filed by Hunter of Polk.
- Amendment H-1748 filed by Thomas of Clayton.
- Amendment H-1754 filed by Hunter of Polk.
- Amendment H-1760 filed by Roberts of Carroll.
- Amendment H-1780B filed by Oldson of Polk.

Schultz of Crawford offered amendment H-1763 filed by him and Windschitl of Harrison, from the floor, as follows:



H-1763

- 1 Amend Senate File 478, as amended, passed, and  
2 reprinted by the Senate, as follows:  
3 1. Page 54, by inserting after line 1 the  
4 following:  
5 "Sec. \_\_\_\_\_. NEW SECTION. 598C.1 UNBORN CHILD –  
6 FINDINGS – RIGHTS, PRIVILEGES, AND IMMUNITIES – NO  
7 CAUSE OF ACTION.  
8 1. The general assembly of this state finds all of  
9 the following:  
10 a. The life of each human being begins at  
11 conception.  
12 b. An unborn child has protectable interests in  
13 life, health, and well-being.  
14 c. The biological parent of an unborn child has  
15 protectable interests in the life, health, and  
16 well-being of the unborn child.  
17 2. The laws of this state shall be interpreted and  
18 construed to acknowledge on behalf of an unborn child  
19 at every stage of development, all the rights,  
20 privileges, and immunities available to other persons,  
21 citizens, and residents of this state.  
22 3. As used in this section, "unborn child" means  
23 the offspring of a human being from the moment of  
24 conception until birth at every stage of biological  
25 development.  
26 4. Nothing in this section shall be interpreted to  
27 create a cause of action against a woman for  
28 indirectly harming the woman's unborn child by failing  
29 to properly care for herself or by failing to follow  
30 any particular program of prenatal care."  
31 2. By renumbering as necessary.

Oldson of Polk rose on a point of order that amendment H-1763 was not germane.

The Speaker ruled the point well taken and amendment H-1763 not germane.

Schultz of Crawford moved to suspend the rules to consider amendment H-1763.

Roll call was requested by Schultz of Crawford and Windschitl of Harrison.

On the question "Shall the rules be suspended to consider amendment H-1763?" (S. F. 478)

The ayes were, 43:

Alons	Anderson	Arnold	Bailey
Baudler	Cownie	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, 55:

Abdul-Samad	Beard	Bell	Berry
Bukta	Burt	Cphoon	Ficken
Ford	Frevert	Gaskill	Gayman
Heddens	Hunter	Huser	Isenhart
Jacoby	Kearns	Kelley	Kressig
Kuhn	Lensing	Lykam	Marek
Mascher	McCarthy	Mertz	Miller, H.
Oldson	Olson, D.	Olson, R.	Olson, T.
Palmer	Petersen	Quirk	Reasoner
Reichert	Schueller	Shomshor	Smith
Steckman	Swaim	Taylor, D.	Taylor, T.
Thede	Thomas	Wendt	Wenthe
Wessel-Kroeschell	Whitaker	Whitead	Willems
Winckler	Zirkelbach	Mr. Speaker	
		Murphy	

Absent or not voting, 2:

Chambers                      De Boef

The motion to suspend the rules lost.

Windschitl of Harrison offered amendment H-1771 filed by him from the floor as follows:

H-1771

- 1 Amend Senate File 478, as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 54, by inserting after line 1 the
- 4 following:
- 5 "Sec.       . **NEW SECTION.** 595.21 NONRESIDENTS –
- 6 MARRIAGE CONTRARY TO LAWS OF STATE RESIDENCE.
- 7 1. No marriage shall be contracted in this state
- 8 by a party residing and intending to reside in another

9 jurisdiction if the marriage to be contracted in this  
 10 state would be void if contracted in the other  
 11 jurisdiction.  
 12 2. Every marriage contracted in this state that is  
 13 in violation of this section shall be null and void."  
 14 2. By renumbering as necessary.

Oldson of Polk rose on a point of order that amendment H-1771 was not germane.

The Speaker ruled the point well taken and amendment H-1771 not germane.

Pettengill of Benton offered amendment H-1764 filed by her from the floor as follows:

H-1764

1 Amend Senate File 478, as amended, passed, and  
 2 reprinted by the Senate, as follows:  
 3 1. Page 56, by inserting after line 10 the  
 4 following:  
 5 "Sec. \_\_\_\_\_. Section 103.1 through 103.39, Code  
 6 2009, and those sections of chapter 103 published in  
 7 the 2009 Code Supplement, are repealed."

Oldson of Polk rose on a point of order that amendment H-1764 was not germane.

The Speaker ruled the point well taken and amendment H-1764 not germane.

Pettengill of Benton moved to suspend the rules to consider amendment H-1764.

Roll call was requested by Pettengill of Benton and Sands of Louisa.

On the question "Shall the rules be suspended to consider amendment H-1764?" (S.F. 478)

The ayes were, 45:

Alons	Anderson	Arnold	Baudler
Cownie	Deyoe	Dolecheck	Drake

Forristall	Frevert	Grassley	Hagenow
Heaton	Helland	Horbach	Huseman
Kaufmann	Koester	Lukan	May
Mertz	Miller, L.	Olson, S.	Paulsen
Pettengill	Raecker	Rants	Rayhons
Roberts	Sands	Schulte	Schultz
Soderberg	Sorenson	Struyk	Sweeney
Thomas	Tjepkes	Tymeson	Upmeyer
Van Engelenhoven	Wagner	Watts	Windschitl
Worthan			

The nays were, 51:

Abdul-Samad	Bailey	Beard	Bell
Berry	Bukta	Burt	Cohoon
Ficken	Ford	Gaskill	Gayman
Heddens	Hunter	Huser	Isenhart
Jacoby	Kearns	Kelley	Kressig
Lensing	Lykam	Marek	Mascher
Miller, H.	Oldson	Olson, D.	Olson, R.
Olson, T.	Palmer	Petersen	Quirk
Reasoner	Reichert	Schueller	Shomshor
Smith	Steckman	Swaim	Taylor, D.
Taylor, T.	Thede	Wendt	Wenthe
Wessel-Kroeschell	Whitaker	Whitead	Willems
Winckler	Zirkelbach	Mr. Speaker	
		Murphy	

Absent or not voting, 4:

Chambers	De Boef	Kuhn	McCarthy
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The motion to suspend the rules lost.

Pettengill of Benton offered amendment H-1767 filed by her from the floor as follows:

H-1767

- 1 Amend Senate File 478, as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 56, by inserting after line 10 the
- 4 following:
- 5 "Sec. \_\_\_\_ Sections 105.1 through 105.30, Code
- 6 2009, and those sections of chapter 105 published in
- 7 the 2009 Code Supplement, are repealed."
- 8 2. By renumbering as necessary.

Oldson of Polk rose on a point of order that amendment H-1767 was not germane.

The Speaker ruled the point well taken and amendment H-1767 not germane.

Pettengill of Benton moved to suspend the rules to consider amendment H-1767.

Roll call was requested by Pettengill of Benton and Sands of Louisa.

On the question "Shall the rules be suspended to consider amendment H-1767?" (S.F. 478)

The ayes were, 44

Alons	Anderson	Arnold	Bailey
Baudler	Cownie	Deyoe	Dolecheck
Drake	Forristall	Grassley	Hagenow
Heaton	Helland	Horbach	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	Upmeyer	Van Engelenhoven
Wagner	Watts	Windschitl	Worthan

The nays were, 53:

Abdul-Samad	Beard	Bell	Berry
Bukta	Burt	Cphoon	Ficken
Ford	Gaskill	Gayman	Heddens
Hunter	Huser	Isenhardt	Jacoby
Kearns	Kelley	Kressig	Kuhn
Lensing	Lykam	Marek	Mascher
McCarthy	Miller, H.	Oldson	Olson, D.
Olson, R.	Olson, T.	Palmer	Petersen
Quirk	Reasoner	Reichert	Schueller
Shomshor	Smith	Steckman	Swaim
Taylor, D.	Taylor, T.	Thede	Thomas
Wendt	Wenthe	Wessel-Kroeschell	Whitaker
Whitead	Willems	Winckler	Zirkelbach
Mr. Speaker			
Murphy			

Absent or not voting, 3:

Chambers	De Boef	Frevert
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The motion to suspend the rules lost.

Sweeney of Hardin asked and received unanimous consent to withdraw amendment H-1756 filed by her from the floor.

Struyk of Pottawattamie asked and received unanimous consent to withdraw amendment H-1737 filed by him from the floor.

Ford of Polk offered the following amendment H-1772 filed by him, Winckler of Scott, Abdul-Samad of Polk, Burt of Black Hawk and Smith of Marshall from the floor and moved its adoption:

H-1772

1 Amend Senate File 478, as amended, passed, and  
2 reprinted by the Senate, as follows:  
3 1. Page 59, by inserting after line 25 the  
4 following:  
5 "Sec. \_\_\_\_\_. COMPULSORY SCHOOL ATTENDANCE AGE –  
6 WORKING GROUP.  
7 1. Of the amount appropriated from the human  
8 services reinvestment fund created in 2009 Iowa Acts,  
9 House File 820, if enacted, to the legislative  
10 services agency for the fiscal year beginning July 1,  
11 2009, and ending June 30, 2010, \$115,000 is  
12 transferred to the department of education to be used  
13 for costs associated with the working group convened  
14 pursuant to subsection 2.  
15 2. The department of education shall convene a  
16 working group comprised of the director of the  
17 department of education, or the director's designee,  
18 and other education stakeholders appointed by the  
19 department to review supports for students affected by  
20 an increase in the compulsory attendance age from  
21 sixteen to eighteen years of age. The working group  
22 shall consider, at a minimum, the necessity of  
23 expansion of support programs and services for such  
24 students, online at-risk academy courses, career  
25 academies, and current at-risk allowable growth  
26 provisions, and full funding of the instructional  
27 support levy. The working group shall submit its  
28 findings and recommendations, including any proposed  
29 changes in policy or statute, to the state board of  
30 education and the general assembly by January 15,  
31 2010."

Amendment H-1772 was adopted.

Sweeney of Hardin asked and received unanimous consent to withdraw amendment H-1738 filed by her from the floor.

T. Olson of Linn offered the following amendment H-1779 filed by him and Grassley of Butler from the floor and moved its adoption:

H-1779

1 Amend Senate File 478, as amended, passed, and  
2 reprinted by the Senate, as follows:

3 1. Page 69, by striking line 21 and inserting the  
4 following: "7,850,000".

5 2. Page 69, line 24, by striking the word  
6 "disaster" and inserting the following: "~~disaster~~  
7 recovery".

8 3. Page 70, by striking lines 2 through 21 and  
9 inserting the following:

10 "Sec.\_\_\_\_. REBUILD IOWA OFFICE – APPROPRIATION.

11 1. There is appropriated from the Iowa economic  
12 emergency fund created in section 8.55 to the rebuild  
13 Iowa office for the fiscal year beginning July 1,  
14 2008, and ending June 30, 2009, the following amount,  
15 or so much thereof as is necessary, to be used for  
16 purposes of this section:

17 ..... \$ 1,150,000

18 2. From the moneys appropriated in this section,  
19 the rebuild Iowa office shall distribute \$1,150,000 to  
20 cities adversely impacted by tornadoes during the  
21 incident period identified by Presidential Disaster DR  
22 1763-IA. The rebuild Iowa office shall distribute  
23 moneys to all of the following adversely impacted  
24 political subdivisions:

25 a. For Marion county for the benefit of Attica:  
26 ..... \$ 25,000

27 b. For Dunkerton:  
28 ..... \$ 50,000

29 c. For Fairbank:  
30 ..... \$ 50,000

31 d. For Hazleton:  
32 ..... \$ 50,000

33 e. For New Hartford:  
34 ..... \$ 200,000

35 f. For Delaware county for the benefit of Oneida:  
36 ..... \$ 25,000

37 g. For Parkersburg:  
38 ..... \$ 750,000"

39 4. Page 70, line 34, by striking the words  
40 "community recovery centers" and inserting the  
41 following: "area long-term recovery committees".

Amendment H-1779 was adopted.

Thomas of Clayton offered the following amendment H-1749 filed by him from the floor and moved its adoption:

H-1749

- 1 Amend Senate File 478, as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 79, by striking lines 24 through 30.
- 4 2. By renumbering as necessary.

Amendment H-1749 was adopted.

Thomas of Clayton offered the following amendment H-1739 filed by him and Berry of Black Hawk from the floor and moved its adoption:

H-1739

- 1 Amend Senate File 478, as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 80, by inserting before line 16 the
- 4 following:
- 5 "DIVISION\_\_\_\_
- 6 DATA CENTERS
- 7 Sec.\_\_\_\_. Section 423.3, Code 2009, is amended by
- 8 adding the following new subsection:
- 9 NEW SUBSECTION. 95. a. (1) The sales price from
- 10 the sale or rental of computers and equipment that are
- 11 necessary for the maintenance and operation of a data
- 12 center business and property whether directly or
- 13 indirectly connected to the computers, including but
- 14 not limited to cooling systems, cooling towers, and
- 15 other temperature control infrastructure; power
- 16 infrastructure for transformation, distribution, or
- 17 management of electricity used for the maintenance and
- 18 operation of the data center business, including but
- 19 not limited to exterior dedicated business-owned
- 20 substations, backup power generation systems, battery
- 21 systems, and related infrastructure; and racking
- 22 systems, cabling, and trays, which are necessary for
- 23 the maintenance and operation of the data center
- 24 business.
- 25 (2) The sales price of backup power generation
- 26 fuel that is purchased by a data center business for
- 27 use in the items listed in subparagraph (1).
- 28 (3) The sales price of electricity purchased for
- 29 use by a data center business.
- 30 b. For the purpose of claiming this exemption, all
- 31 of the following requirements shall be met:



- 32 (1) The purchaser or renter shall be a data center  
33 business.
- 34 (2) The data center business shall have a physical  
35 location in the state that is, in the aggregate, at  
36 least five thousand square feet in size that is used  
37 for the operations and maintenance of the data center  
38 business.
- 39 (3) The data center business shall make a minimum  
40 investment in an Iowa physical location of two hundred  
41 million dollars within the first six years of  
42 operation in Iowa beginning with the date the data  
43 center business initiates site preparation activities.  
44 The minimum investment includes the initial  
45 investment, including land and subsequent acquisition  
46 of additional adjacent land and subsequent investment  
47 at the Iowa location.
- 48 (4) The data center business shall comply with the  
49 sustainable design and construction standards  
50 established by the state building code commissioner

Page 2

- 1 pursuant to section 103A.8B.
- 2 c. This exemption applies from the date of the  
3 initial investment in or the initiation of site  
4 preparation activities for the data center business  
5 facility as described in paragraph "b".
- 6 d. Failure to meet eighty percent of the minimum  
7 investment amount requirement specified in paragraph  
8 "b" within the first six years of operation from the  
9 date the data center business initiates site  
10 preparation activities will result in the data center  
11 business losing the right to claim this data center  
12 business exemption and the data center business shall  
13 pay all sales or use tax that would have been due on  
14 the purchase or rental or use of the items listed in  
15 this exemption, plus any applicable penalty and  
16 interest imposed by statute.
- 17 e. For purposes of this subsection:
- 18 (1) "Data center" means a building rehabilitated  
19 or constructed to house a group of networked server  
20 computers in one physical location in order to  
21 centralize the storage, management, and dissemination  
22 of data and information pertaining to a particular  
23 business, taxonomy, or body of knowledge. A data  
24 center business's facility typically includes the  
25 mechanical and electrical systems, redundant or backup  
26 power supplies, redundant data communications  
27 connections, environmental controls, and fire  
28 suppression systems. A data center business's  
29 facility also includes a restricted access area  
30 employing advanced physical security measures such as

31 video surveillance systems and card-based security or  
32 biometric security access systems.

33 (2) "Data center business" means an entity whose  
34 business among other businesses, is to operate a data  
35 center.

36 Sec. \_\_\_\_\_. Section 423.4, subsection 8, Code 2009,  
37 is amended to read as follows:

38 8. a. The owner of ~~an information technology~~  
39 ~~facility~~ a data center business, as defined in section  
40 423.3, subsection 95, located in this state ~~on July 1,~~  
41 ~~2007, and having a primary business with a North~~  
42 ~~American industry classification system number 518210~~  
43 ~~or 541510 as verified by the department of economic~~  
44 ~~development using nationally recognized third party~~  
45 ~~sources such as Hoovers, Harris Directory or others~~  
46 ~~designated by the department of economic development,~~  
47 may make an annual application for up to five  
48 consecutive years to the department for the refund of  
49 fifty percent of the sales or use tax upon the sales  
50 price of all sales of fuel used in creating heat,

Page 3

1 power, and steam for processing or generating  
2 electrical current, or from the sale of electricity  
3 consumed by computers, machinery, or other equipment  
4 for operation of the ~~technology~~ data center business  
5 facility.

6 b. ~~An information technology facility~~ A data  
7 center business shall qualify for the refund in this  
8 subsection if all of the following criteria are met:

9 (1) ~~The facility's six digit North American~~  
10 ~~industry classification system number 518210 or 541510~~  
11 ~~indicates that the facility is primarily engaged in~~  
12 ~~providing computer related services~~ data center  
13 business shall make an investment in an Iowa physical  
14 location within the first three years of operation in  
15 Iowa beginning with the date on which the data center  
16 business initiates site preparation activities.

17 (2) ~~The amount of the investment in an Iowa~~  
18 ~~physical location, including the value of a lease~~  
19 ~~agreement, or an investment in land or buildings, and~~  
20 ~~the capital expenditures for computers, machinery, and~~  
21 ~~other equipment used in the operation of the facility~~  
22 ~~equals data center business shall equal~~ at least one  
23 million dollars, but shall not exceed ten million  
24 dollars for a newly constructed building or five  
25 million dollars for a rehabilitated building.

26 (3) ~~If the data center business is leasing a~~  
27 ~~building to house operations, the data center business~~  
28 ~~shall enter into a lease that is at least five years~~  
29 in duration.

30 ~~(3)~~ (4) The facility is certified as meet the  
31 ~~Leadership in Energy and Environmental Design (LEED)~~  
32 ~~standards data center business shall comply with the~~  
33 ~~sustainable design and construction standards~~  
34 ~~established by the state building code commissioner~~  
35 ~~pursuant to section 103A.8B.~~

36 c. The refund may be obtained only in the  
37 following manner and under the following conditions:

38 (1) The applicant shall use forms furnished by the  
39 department.

40 (2) The applicant shall separately list the  
41 amounts of sales and use tax paid during the reporting  
42 period.

43 (3) The applicant may request when the refund  
44 begins, but it must start on the first day of a month  
45 and proceed for a continuous twelve-month period.

46 d. In determining the amount to be refunded, if  
47 the dates of the utility billing or meter reading  
48 cycle for the sale or furnishing of metered gas and  
49 electricity are on or after the first day of the first  
50 month through the last day of the last month of the

Page 4

1 refund year, ~~the full fifty percent of the~~ amount of  
2 tax charged in the billings shall be refunded. In  
3 determining the amount to be refunded, if the dates of  
4 the sale or furnishing of fuel for purposes of  
5 commercial energy and the delivery of the fuel are on  
6 or after the first day of the first month through the  
7 last day of the last month of the refund year, ~~the~~  
8 ~~full fifty percent of the~~ amount of tax charged in th  
9 billings shall be refunded.

10 e. To receive refunds during the five-year period,  
11 the applicant shall file a refund claim within three  
12 months after the end of each refund year.

13 f. The refund in this subsection applies only to  
14 state sales and use tax paid and does not apply to  
15 local option sales and services taxes imposed pursuant  
16 to ~~chapters chapter 423B and 423E.~~ Notwithstanding  
17 the state sales tax imposed in section 423.2, a refund  
18 issued pursuant to this section shall not exceed an  
19 amount equal to five percent of the sales price of the  
20 fuel used to create heat, power, and steam for  
21 processing or generating electrical current or from  
22 the sale price of electricity consumed by computers,  
23 machinery, or other equipment for operation of the  
24 data center business facility.

25 Sec. \_\_\_\_\_. Section 423.4, Code 2009, is amended by  
26 adding the following new subsection:

27 NEW SUBSECTION. 9. a. The owner of a data center  
28 business, as defined in section 423.3, subsection 95,

29 paragraph "e", located in this state that is not  
30 eligible for the exemption under section 423.3,  
31 subsection 95, may make an annual application to the  
32 department for the refund of fifty percent of the  
33 sales or use tax upon all of the following:

34 (1) The sales price from the sale or rental of  
35 computers and equipment that are necessary for the  
36 maintenance and operation of a data center business  
37 and property whether directly or indirectly connected  
38 to the computers, including but not limited to cooling  
39 systems, cooling towers, and other temperature control  
40 infrastructure; power infrastructure for  
41 transformation, distribution, or management of  
42 electricity used for the maintenance and operation of  
43 the data center business including but not limited to  
44 exterior dedicated business-owned substations, backup  
45 power generation systems, battery systems, and related  
46 infrastructure; and racking systems, cabling, and  
47 trays, which are necessary for the maintenance and  
48 operation of the data center business.

49 (2) The sales price of backup power generation  
50 fuel that is purchased by a data center business for

Page 5

1 use in the items listed in subparagraph (1).

2 (3) The sales price of electricity purchased for  
3 use in providing data center services.

4 b. A data center business shall qualify for the  
5 partial refund in this subsection if all of the  
6 following criteria are met:

7 (1) The data center business shall have a physical  
8 location in the state which is at least five thousand  
9 square feet in size.

10 (2) The data center business shall make a minimum  
11 investment of at least ten million dollars, in the  
12 case of new construction, or at least five million  
13 dollars in the case of a rehabilitated building, in an  
14 Iowa physical location within the first six years of  
15 operation in Iowa, beginning with the date on which  
16 the data center business initiates site preparation  
17 activities. The minimum investment includes the  
18 initial investment, including the value of a lease  
19 agreement or the amount invested in land and  
20 subsequent acquisition of additional adjacent land and  
21 subsequent investment at the Iowa location.

22 (3) If the data center business is leasing a  
23 building to house operations, the data center business  
24 shall enter into a lease that is at least five years  
25 in duration.

26 (4) The data center business shall comply with the  
27 sustainable design and construction standards

28 established by the state building code commissioner  
29 pursuant to section 103A.8B.

30 c. The refund allowed under this subsection shall  
31 be available for the following periods of time:

32 (1) For an investment of at least ten million  
33 dollars, in the case of new construction, or at least  
34 five million dollars, in the case of a rehabilitated  
35 building, but less than one hundred thirty-six million  
36 dollars, ten years.

37 (2) For an investment of at least one hundred  
38 thirty-six million dollars, but less than two hundred  
39 million dollars, seven years.

40 d. The refund may be obtained only in the  
41 following manner and under the following conditions:

42 (1) The applicant shall use forms furnished by the  
43 department.

44 (2) The applicant shall separately list the  
45 amounts of sales and use tax paid during the reporting  
46 period.

47 (3) The applicant may request when the refund  
48 begins, but it must start on the first day of a month  
49 and proceed for a continuous twelve-month period.

50 e. In determining the amount to be refunded, if

Page 6

1 the dates of the utility billing or meter reading  
2 cycle for the sale or furnishing of metered gas and  
3 electricity are on or after the first day of the first  
4 month through the last day of the last month of the  
5 refund year, fifty percent of the amount of tax  
6 charged in the billings shall be refunded. In  
7 determining the amount to be refunded, if the dates of  
8 the sale or furnishing of fuel for purposes of  
9 commercial energy and the delivery of the fuel are on  
10 or after the first day of the first month through the  
11 last day of the last month of the refund year, fifty  
12 percent of the amount of tax charged in the billings  
13 shall be refunded.

14 f. To receive refunds during the applicable refund  
15 period, the applicant shall file a refund claim within  
16 three months after the end of each refund year.

17 g. The refund in this subsection applies only to  
18 state sales and use tax paid and does not apply to  
19 local option sales and services taxes imposed pursuant  
20 to chapter 423B. Notwithstanding the state sales tax  
21 imposed in section 423.2, a refund issued pursuant to  
22 this section shall not exceed an amount equal to five  
23 percent of the sales price of the items listed in  
24 paragraph "a", subparagraphs (1), (2), and (3).

25 Sec.\_\_\_\_. Section 427.1, Code 2009, is amended by  
26 adding the following new subsection:

27 NEW SUBSECTION. 37. DATA CENTER BUSINESS

## 28 PROPERTY.

29 a. Property, other than land and buildings and  
 30 other improvements, that is utilized by a data center  
 31 business as defined in and meeting the requirements of  
 32 section 423.3, subsection 95, including computers and  
 33 equipment that are necessary for the maintenance and  
 34 operation of a data center business and other property  
 35 whether directly or indirectly connected to the  
 36 computers, including but not limited to cooling  
 37 systems, cooling towers, and other temperature control  
 38 infrastructure; power infrastructure for  
 39 transformation, distribution, or management of  
 40 electricity, including but not limited to exterior  
 41 dedicated business-owned substations, and power  
 42 distribution systems which are not subject to  
 43 assessment under chapter 437A; racking systems,  
 44 cabling, and trays; and backup power generation  
 45 systems, battery systems, and related infrastructure  
 46 all of which are necessary for the maintenance and  
 47 operation of the data center business.

48 b. This data center business exemption applies  
 49 beginning with the assessment year the investment in  
 50 or construction of the facility utilizing the

Page 7

1 materials, equipment, and systems set forth in  
 2 paragraph "a" are first assessed.  
 3 Sec.\_\_\_\_. IMPLEMENTATION. Section 25B.7 does not  
 4 apply to the property tax exemption enacted in this  
 5 Act.  
 6 Sec.\_\_\_\_. APPLICABILITY DATE PROVISION. The  
 7 sections of this Act providing sales and use tax  
 8 refunds apply to sales and use tax paid on or after  
 9 July 1, 2009."

Amendment H-1739 was adopted.

Horbach of Tama asked and received unanimous consent to withdraw amendment H-1743 filed by him from the floor.

Reichert of Muscatine offered the following amendment H-1777 filed by him from the floor and moved its adoption:

H-1777

1 Amend Senate File 478, as amended, passed, and  
 2 reprinted by the Senate, as follows:  
 3 1. By striking page 89, line 9, through page 91,

4 line 12.

5 2. By renumbering as necessary.

Amendment H-1777 was adopted.

Gaskill of Wapello offered the following amendment H-1733 filed by her from the floor and moved its adoption:

H-1733

1 Amend Senate File 478, as amended, passed, and  
2 reprinted by the Senate, as follows:

3 1. Page 93, by inserting after line 17 the  
4 following:

5 "DIVISION \_\_\_\_  
6 URBAN RENEWAL PROJECTS

7 Sec. \_\_\_\_\_. Section 423B.1, subsection 6, paragraph  
8 c, Code 2009, is amended to read as follows:

9 c. Notwithstanding any other provision in this  
10 section, a change in use of the local sales and  
11 services tax revenues for purposes of funding an urban  
12 renewal project pursuant to section 423B.10 does not  
13 require an election, except as provided in section  
14 423B.10, subsection 2.

15 Sec. \_\_\_\_\_. Section 423B.10, subsection 2, Code  
16 2009, is amended to read as follows:

17 2. a. An eligible city may by ordinance of the  
18 city council provide for the use of a designated  
19 amount of the increased local sales and services tax  
20 revenues collected under this chapter which are  
21 attributable to retail establishments in an urban  
22 renewal area to fund urban renewal projects located in  
23 the area. The designated amount may be all or a  
24 portion of ~~such the~~ increased revenues allocable to  
25 the eligible city under section 423B.7.

26 b. Prior to consideration of an ordinance under  
27 this section, a city council shall adopt a resolution  
28 stating its intent to propose the ordinance. If  
29 within thirty days of the adoption of the resolution,  
30 a petition is filed with the clerk of the city in the  
31 manner provided by section 362.4 asking that the  
32 question of the use of a designated amount of the  
33 increased revenues allocable to the city be submitted  
34 to the registered voters of the city, the council  
35 shall either by resolution declare the proposal to  
36 have been abandoned or shall direct the county  
37 commissioner of elections to call a special election  
38 to be held on a date specified in section 39.2,  
39 subsection 4, paragraph "b". If the vote in favor of  
40 the proposition is equal to at least a majority of the

41 total votes cast for and against the proposition, the  
 42 city council may proceed with consideration of an  
 43 ordinance authorizing funding of urban renewal  
 44 projects as provided in paragraph "a".  
 45 c. If no petition is filed, the council may  
 46 proceed with consideration of an ordinance authorizing  
 47 funding of urban renewal projects as provided in  
 48 paragraph "a".  
 49 Sec.\_\_\_\_. Section 423B.10, subsection 3,  
 50 unnumbered paragraph 1, Code 2009, is amended to read

Page 2

1 as follows:

2 To determine the revenue increase allocable to the  
 3 city for purposes of subsection 2, revenue amounts  
 4 shall be calculated by the department of revenue as  
 5 follows:

6 Sec.\_\_\_\_. TAXES RECEIVED PRIOR TO EFFECTIVE DATE.

7 The amount of the increased local sales and services  
 8 taxes received by a city under chapter 423B prior to  
 9 the effective date of this Act that have been  
 10 designated by a city by ordinance to fund urban  
 11 renewal projects pursuant to section 423B.10 shall be  
 12 deposited in the city's special fund created in  
 13 section 403.19, subsection 2, and shall be used to  
 14 fund urban renewal projects located in an urban  
 15 renewal area.

16 Sec.\_\_\_\_. OBLIGATIONS OF CITIES. This Act shall  
 17 not relieve, impair, or otherwise alter the  
 18 obligations of a city relating to bonds issued  
 19 pursuant to chapter 403 prior to the effective date of  
 20 this Act or contracts made prior to the effective date  
 21 of this Act in connection with an urban renewal  
 22 project."

23 2. By renumbering as necessary.

Raecker of Polk rose on a point of order that amendment H-1733 was not germane.

The Speaker ruled the point well taken and amendment H-1733 not germane.

Gaskill of Wapello asked for unanimous consent to suspend the rules to consider amendment H-1733.

Objection was raised.



Isenhart of Dubuque offered the following amendment H-1761 filed by him from the floor and moved its adoption:

H-1761

1 Amend Senate File 478, as amended, passed, and  
2 reprinted by the Senate, as follows:

3 1. Page 93, by inserting after line 17 the  
4 following:

5 "DIVISION\_\_\_\_  
6 METHANE GAS CONVERSION PROPERTY

7 Sec.\_\_\_\_. Section 427.1, subsection 29, paragraph  
8 a, Code 2009, is amended to read as follows:

9 a. For purposes of this subsection, "methane gas  
10 conversion property" means personal property, real  
11 property, and improvements to real property, and  
12 machinery, equipment, and computers assessed as real  
13 property pursuant to section 427A.1, subsection 1,  
14 paragraphs "e" and "j", used in an operation ~~connected~~  
15 ~~with, or in conjunction with, a publicly owned~~  
16 ~~sanitary landfill to decompose waste and convert the~~  
17 ~~waste to gas,~~ to collect methane gas or other gases  
18 produced as a by-product of waste decomposition and to  
19 convert the gas to energy, or to collect waste ~~that~~  
20 ~~would otherwise be collected by, or deposited with, a~~  
21 ~~publicly owned sanitary landfill~~ in order to decompose  
22 the waste to produce methane gas or other gases and to  
23 convert the gas to energy. ~~However, property used to~~  
24 ~~decompose the waste and convert the waste to gas is~~  
25 ~~not eligible for this exemption.~~

26 Sec.\_\_\_\_. Section 427.1, subsection 29, Code 2009,  
27 is amended by adding the following new paragraph:

28 NEW PARAGRAPH. d. With respect to methane gas  
29 conversion property other than that used in an  
30 operation connected with, or in conjunction with, a  
31 publicly owned sanitary landfill, the exemption  
32 pursuant to this subsection shall be limited to  
33 property originally placed in operation on or after  
34 January 1, 2008, and on or before December 31, 2012,  
35 and shall be available for the ten-year period  
36 following the date the property was originally placed  
37 in operation.

38 Sec.\_\_\_\_. Section 437A.6, subsection 1, paragraph  
39 d, Code 2009, is amended to read as follows:

40 d. Methane gas conversion property subject to  
41 section 427.1, subsection 29, to the extent the  
42 property is used in connection with, or in conjunction  
43 with, a publicly owned sanitary landfill or used to  
44 collect waste that would otherwise be collected by, or  
45 deposited with, a publicly owned sanitary landfill.

46 Sec.\_\_\_\_. IMPLEMENTATION. Section 25B.7 does not

47 apply to the property tax exemption amended in this  
 48 division of this Act.  
 49 Sec.\_\_\_\_. EFFECTIVE AND APPLICABILITY DATES. This  
 50 division of this Act, being deemed of immediate

Page 2

1 importance, takes effect upon enactment and applies  
 2 retroactively to assessment years beginning on or  
 3 after January 1, 2008. Notwithstanding section 427.1,  
 4 subsection 29, paragraph "c", claims for exemption for  
 5 the 2008 and 2009 assessment years shall be filed with  
 6 the appropriate assessing authority on or before June  
 7 30, 2009."  
 8 2. By renumbering as necessary.

Amendment H-1761 was adopted.

Sorenson of Warren offered amendment H-1762 filed by him from  
 the floor as follows:

H-1762

1 Amend Senate File 478, as amended, passed, and  
 2 reprinted by the Senate, as follows:  
 3 1. Page 93, by inserting after line 17 the  
 4 following:  
 5 "DIVISION\_\_\_\_  
 6 CARRYING OF WEAPONS  
 7 Sec.\_\_\_\_. Section 80A.13, Code 2009, is amended to  
 8 read as follows:  
 9 80A.13 CAMPUS WEAPON REQUIREMENTS.  
 10 An individual employed by a college or university,  
 11 or by a private security business holding a contract  
 12 with a college or university, who performs private  
 13 security duties on a college or university campus and  
 14 who carries a weapon while performing these duties  
 15 shall meet all of the following requirements:  
 16 1. File with the sheriff of the county in which  
 17 the campus is located evidence that the individual has  
 18 successfully completed an approved firearms training  
 19 program under section 724.9. This requirement does  
 20 not apply to armored car personnel.  
 21 2. Possess a permit to carry weapons issued by the  
 22 sheriff of the county in which the campus is located  
 23 under sections 724.6 through 724.11. This requirement  
 24 does not apply to armored car personnel.  
 25 3. File file with the sheriff of the county in  
 26 which the campus is located a sworn affidavit from the  
 27 employer outlining the nature of the duties to be

28 performed and justification of the need to go armed.  
 29 Sec.\_\_\_\_. Section 724.4, Code 2009, is amended to  
 30 read as follows:

31 724.4 CARRYING WEAPONS.

32 1. ~~Except as otherwise provided in this section, a~~  
 33 ~~person who goes armed with a dangerous weapon~~  
 34 ~~concealed on or about the person, or who, within the~~  
 35 ~~limits of any city, goes armed with a pistol or~~  
 36 ~~revolver, or any loaded firearm of any kind, whether~~  
 37 ~~concealed or not, or who knowingly carries or~~  
 38 ~~transports in a vehicle a pistol or revolver, commits~~  
 39 ~~an aggravated misdemeanor. A person who goes armed~~  
 40 with a dangerous weapon with the intent to commit a  
 41 crime of violence commits a class "D" felony. This  
 42 subsection applies regardless of whether the dangerous  
 43 weapon is concealed or not concealed on or about the  
 44 person and regardless of whether the dangerous weapon  
 45 is transported in a vehicle. For purposes of this  
 46 subsection, "crime of violence" means a felony which  
 47 has, as an element of the offense, the use of physical  
 48 force by one person against another person.

49 2. A person who goes armed with a knife concealed  
 50 on or about the person, if the person uses the knife

Page 2

1 in the commission of a crime, commits an aggravated  
 2 misdemeanor.

3 3. A person who goes armed with a knife concealed  
 4 on or about the person, if the person does not use the  
 5 knife in the commission of a crime:

6 a. If the knife has a blade exceeding eight inches  
 7 in length, commits an aggravated misdemeanor.

8 b. If the knife has a blade exceeding five inches  
 9 but not exceeding eight inches in length, commits a  
 10 serious misdemeanor.

11 4. ~~Subsections 1 through 3 do~~ Subsection 3 does  
 12 not apply to any of the following:

13 a. A person who goes armed with a dangerous weapon  
 14 in the person's own dwelling or place of business, or  
 15 on land owned or possessed by the person.

16 b. A peace officer, when the officer's duties  
 17 require the person to carry such weapons.

18 ~~e. A member of the armed forces of the United~~  
 19 ~~States or of the national guard or person in the~~  
 20 ~~service of the United States, when the weapons are~~  
 21 ~~carried in connection with the person's duties as~~  
 22 ~~such.~~

23 ~~d. A correctional officer, when the officer's~~  
 24 ~~duties require, serving under the authority of the~~  
 25 ~~Iowa department of corrections.~~

26 ~~e. c. A person who for any lawful purpose carries~~

27 an unloaded pistol, revolver, or other dangerous  
 28 weapon inside a closed and fastened container or  
 29 securely wrapped package which is too large to be  
 30 concealed on the person.

31 ~~f. A person who for any lawful purpose carries or~~  
 32 ~~transports an unloaded pistol or revolver in a vehicle~~  
 33 ~~inside a closed and fastened container or securely~~  
 34 ~~wrapped package which is too large to be concealed on~~  
 35 ~~the person or inside a cargo or luggage compartment~~  
 36 ~~where the pistol or revolver will not be readily~~  
 37 ~~accessible to any person riding in the vehicle or~~  
 38 ~~common carrier.~~

39 ~~g. A person while the person is lawfully engaged~~  
 40 ~~in target practice on a range designed for that~~  
 41 ~~purpose or while actually engaged in lawful hunting.~~

42 ~~h. d.~~ A person who carries a knife used in  
 43 hunting or fishing, while actually engaged in lawful  
 44 hunting or fishing.

45 ~~i. A person who has in the person's possession and~~  
 46 ~~who displays to a peace officer on demand a valid~~  
 47 ~~permit to carry weapons which has been issued to the~~  
 48 ~~person, and whose conduct is within the limits of that~~  
 49 ~~permit. A person shall not be convicted of a~~  
 50 ~~violation of this section if the person produces at~~

Page 3

1 ~~the person's trial a permit to carry weapons which was~~  
 2 ~~valid at the time of the alleged offense and which~~  
 3 ~~would have brought the person's conduct within this~~  
 4 ~~exception if the permit had been produced at the time~~  
 5 ~~of the alleged offense.~~

6 ~~j. e.~~ A law enforcement officer from another  
 7 state when the officer's duties require the officer to  
 8 carry the weapon and the officer is in this state for  
 9 any of the following reasons:

10 (1) The extradition or other lawful removal of a  
 11 prisoner from this state.

12 (2) Pursuit of a suspect in compliance with  
 13 chapter 806.

14 (3) Activities in the capacity of a law  
 15 enforcement officer with the knowledge and consent of  
 16 the chief of police of the city or the sheriff of the  
 17 county in which the activities occur or of the  
 18 commissioner of public safety.

19 ~~k. f.~~ A person engaged in the business of  
 20 transporting prisoners under a contract with the Iowa  
 21 department of corrections or a county sheriff, a  
 22 similar agency from another state, or the federal  
 23 government.

24 Sec. \_\_\_\_\_. Section 724.4B, subsection 2, paragraph  
 25 a, Code 2009, is amended to read as follows:

26 a. A person listed under section 724.4, subsection  
 27 4, ~~paragraphs paragraph "b" through "f", "c", or "j"~~  
 28 "e".

29 Sec.\_\_\_\_. Section 724.6, subsection 1, Code 2009,  
 30 is amended to read as follows:

31 1. A person ~~may be issued a permit to carry~~  
 32 ~~weapons when the person's employment who is employed~~  
 33 in a private investigation business or private  
 34 security business licensed under chapter 80A, ~~or a~~  
 35 ~~person's employment~~ as a peace officer, correctional  
 36 officer, security guard, bank messenger or other  
 37 person transporting property of a value requiring  
 38 security, or in police work, whose employment  
 39 reasonably justifies that person going armed, shall be  
 40 issued a professional permit to carry weapons if the  
 41 person applies for the permit and meets the  
 42 requirements of sections 724.8 through 724.10. The  
 43 permit shall be on a form prescribed and published by  
 44 the commissioner of public safety, shall identify the  
 45 holder, and shall state the nature of the employment  
 46 requiring the holder to go armed. A permit so issued,  
 47 other than to a peace officer, shall authorize the  
 48 person to whom it is issued to go armed anywhere in  
 49 the state, ~~only~~ while engaged in the employment, and  
 50 while going to and from the place of the employment.

Page 4

1 A permit issued to a certified peace officer shall  
 2 authorize that peace officer to go armed anywhere in  
 3 the state at all times. Permits shall expire ~~twelve~~  
 4 ~~months~~ five years after the date when issued except  
 5 that permits issued to peace officers and correctional  
 6 officers are valid through the officer's period of  
 7 employment unless otherwise canceled. When the  
 8 employment is terminated, the holder of the permit  
 9 shall surrender it to the issuing officer for  
 10 cancellation.

11 Sec.\_\_\_\_. Section 724.7, Code 2009, is amended to  
 12 read as follows:

13 724.7 NONPROFESSIONAL PERMIT TO CARRY WEAPONS.

14 Any person ~~who can reasonably justify going armed~~  
 15 ~~may not otherwise prohibited from possessing or~~  
 16 transporting a firearm and who meets the requirements  
 17 in sections 724.8 through 724.10 shall be issued a  
 18 nonprofessional permit to carry weapons if the person  
 19 applies for such permit. Such permits shall be on a  
 20 form prescribed and published by the commissioner of  
 21 public safety, which shall be readily distinguishable  
 22 from the professional permit, and shall identify the  
 23 holder thereof, and state the reason for the issuance  
 24 of the permit, ~~and the limits of the authority granted~~

25 ~~by such permit.~~ All permits so issued shall be for a  
 26 ~~definite five-year period as established by the~~  
 27 ~~issuing officer, but in no event shall exceed a period~~  
 28 ~~of twelve months.~~

29 Sec.\_\_\_\_. Section 724.8, subsection 5, Code 2009,  
 30 is amended to read as follows:

31 5. ~~The issuing officer reasonably determines that~~  
 32 ~~the applicant does not constitute a danger to any~~  
 33 ~~person~~ person is not otherwise prohibited by state or  
 34 federal law from possessing or transporting a firearm.

35 Sec.\_\_\_\_. Section 724.9, Code 2009, is amended to  
 36 read as follows:

37 724.9 FIREARM TRAINING PROGRAM.

38 A training program to qualify persons in the safe  
 39 use of firearms shall be provided by the issuing  
 40 officer of permits, as provided in section 724.11.  
 41 ~~The commissioner of public safety shall approve the~~  
 42 ~~training program, and the county sheriff or the~~  
 43 ~~commissioner of public safety conducting the training~~  
 44 ~~program within their respective jurisdictions may~~  
 45 ~~shall contract with a private organization or use the~~  
 46 ~~services of other agencies, or may use a combination~~  
 47 ~~of the two, a private individual or a professional~~  
 48 organization who shall conduct the training consistent  
 49 with the standards set forth by the national rifle  
 50 association to provide such training. Any person

Page 5

1 eligible to be issued a permit to carry weapons may  
 2 enroll in such course. A fee sufficient to cover the  
 3 cost of the program may be charged each person  
 4 attending. Certificates of completion, on a form  
 5 prescribed and published by the commissioner of public  
 6 safety, shall be issued to each person who  
 7 successfully completes the program. ~~No~~ A person shall  
 8 not be issued either a professional or nonprofessional  
 9 permit unless the person has received a certificate of  
 10 completion or is a certified peace officer. ~~No peace~~  
 11 ~~officer or correctional officer, except a certified~~  
 12 ~~peace officer, shall go armed with a pistol or~~  
 13 ~~revolver unless the officer has received a certificate~~  
 14 ~~of completion, provided that this requirement shall~~  
 15 ~~not apply to persons who are employed in this state as~~  
 16 ~~peace officers on January 1, 1978 until July 1, 1978,~~  
 17 ~~or to peace officers of other jurisdictions exercising~~  
 18 ~~their legal duties within this state.~~

19 Sec.\_\_\_\_. Section 724.11, Code 2009, is amended to  
 20 read as follows:

21 724.11 ISSUANCE OF PERMIT TO CARRY WEAPONS.

22 ~~Applications for permits~~ An application for a  
 23 permit to carry weapons, if made, shall be made to the

24 sheriff of the county in which the applicant resides.  
25 Applications from persons who are nonresidents of the  
26 state, or whose need to go armed arises out of  
27 employment by the state, shall be made to the  
28 commissioner of public safety. In either case, the  
29 issuance of the permit shall be by ~~and at the~~  
30 ~~discretion of~~ the sheriff or commissioner, who shall,  
31 before issuing the permit, determine that the  
32 requirements of sections ~~724.6 to 724.8~~ through 724.10  
33 have been satisfied and the person is not otherwise  
34 prohibited by state or federal law from possessing or  
35 transporting a firearm. ~~However, the training program~~  
36 ~~requirements in section 724.9 may be waived for~~  
37 ~~renewal permits.~~ The issuing officer shall collect a  
38 fee of ~~ten~~ fifty dollars, except from a duly appointed  
39 peace officer or correctional officer, for each permit  
40 issued. Renewal permits or duplicate permits shall be  
41 issued for a fee of five dollars. The issuing officer  
42 shall notify the commissioner of public safety of the  
43 issuance of any permit at least monthly and forward to  
44 the commissioner an amount equal to two dollars for  
45 each permit issued and one dollar for each renewal or  
46 duplicate permit issued. All such fees received by  
47 the commissioner shall be paid to the treasurer of  
48 state and deposited in the operating account of the  
49 department of public safety to offset the cost of  
50 administering this chapter. Any unspent balance as of

Page 6

- 1 June 30 of each year shall revert to the general fund
- 2 as provided by section 8.33.
- 3 Sec. \_\_\_\_\_. Section 724.5, Code 2009, is repealed."
- 4 2. By renumbering as necessary.

Oldson of Polk rose on a point of order that amendment H-1762 was not germane.

The Speaker ruled the point well taken and amendment H-1762 not germane.

Sorenson of Warren moved to suspend the rules to consider amendment H-1762.

Roll call was requested by Sorenson of Warren and Paulsen of Linn.

Rule 75 was invoked.

On the question "Shall the rules be suspended to consider amendment H-1762?" (S.F. 478)

The ayes were, 49:

Alons	Anderson	Arnold	Baudler
Cownie	Deyoe	Dolecheck	Drake
Forristall	Gayman	Grassley	Hagenow
Heaton	Helland	Horbach	Huseman
Kaufmann	Koester	Lukan	Marek
May	Mertz	Miller, L.	Olson, S.
Palmer	Paulsen	Pettengill	Quirk
Raecker	Rants	Rayhons	Roberts
Sands	Schulte	Schultz	Soderberg
Sorenson	Struyk	Swaim	Sweeney
Tjepkes	Tymeson	Upmeyer	Van Engelenhoven
Wagner	Watts	Windschitl	Worthan
Zirkelbach			

The nays were, 49:

Abdul-Samad	Bailey	Beard	Bell
Berry	Bukta	Burt	Cohoon
Ficken	Ford	Frevert	Gaskill
Heddens	Hunter	Huser	Isenhart
Jacoby	Kearns	Kelley	Kressig
Kuhn	Lensing	Lykam	Mascher
McCarthy	Miller, H.	Oldson	Olson, D.
Olson, R.	Olson, T.	Petersen	Reasoner
Reichert	Schueller	Shomshor	Smith
Steckman	Taylor, D.	Taylor, T.	Thede
Thomas	Wendt	Wenthe	Wessel-Kroeschell
Whitaker	Whitead	Willems	Winckler
Mr. Speaker			
Murphy			

Absent or not voting, 2:

Chambers	De Boef
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The motion to suspend the rules lost.

Watts of Dallas offered the following amendment H-1758 filed by him from the floor and moved its adoption:

H-1758

- 1 Amend Senate File 478, as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 93, line 29, by inserting after the words



4 "fund and" the following: "not less than eighty-five  
5 percent of".

6 2. Page 93, by striking lines 31 and 32 and  
7 inserting the following: "franchise shall be used by  
8 the city for property tax relief pursuant to section  
9 384.3B. Franchise fees collected pursuant to an".

10 3. By striking page 95, line 13, through page 96,  
11 line 6, and inserting the following:

12 "2. a. Moneys in the account shall be used for  
13 the purposes of inspecting, supervising, and otherwise  
14 regulating each franchise approved by the city.

15 b. Not less than eighty-five percent of the moneys  
16 in the account in excess of the amount necessary for  
17 the purposes specified in paragraph "a" shall be used  
18 for property tax relief pursuant to section 384.3B.

19 3. Moneys in the account in excess of the amount  
20 necessary for the purposes specified in subsection 2  
21 shall be expended for any of the following:

22 a. The repair, remediation, restoration, cleanup,  
23 replacement, and improvement of existing public  
24 improvements and other publicly owned property,  
25 buildings, and facilities.

26 b. Projects designed to prevent or mitigate future  
27 disasters as defined in section 29C.2.

28 c. Energy conservation measures for low-income  
29 homeowners, low-income energy assistance programs, and  
30 weatherization programs.

31 d. Public safety, including the equipping of fire,  
32 police, emergency services, sanitation, street, and  
33 civil defense departments.

34 e. The establishment, construction,  
35 reconstruction, repair, equipping, remodeling, and  
36 extension of public works, public utilities, and  
37 public transportation systems.

38 f. The construction, reconstruction, or repair of  
39 streets, highways, bridges, sidewalks, pedestrian  
40 underpasses and overpasses, street lighting fixtures,  
41 and public grounds, and the acquisition of real estate  
42 needed for such purposes.

43 g. Property tax abatements, building permit fee  
44 abatements, and abatement of other fees for property  
45 damaged by a disaster as defined in section 29C.2.

46 h. Economic development activities and projects.

47 Sec.\_\_\_\_. NEW SECTION. 384.3B FRANCHISE FEES –  
48 PROPERTY TAX RELIEF.

49 1. All revenues deposited in the city's general  
50 fund pursuant to section 364.2, subsection 4,

Page 2

1 paragraph "f", or in the city's franchise fee account  
2 pursuant to section 384.3A and required or authorized

3 to be used for property tax relief shall be used to  
 4 provide property tax credits for all taxable property  
 5 within the corporate boundaries of the city pursuant  
 6 to subsection 2.

7 2. The revenues specified in subsection 1 as of  
 8 June 1 of each year shall be used to provide property  
 9 tax credits for taxes due and payable in the following  
 10 fiscal year. The county treasurer shall determine the  
 11 tax credit for taxable property within the corporate  
 12 boundaries of the city as follows:

13 a. Determine the amount of revenues specified in  
 14 subsection 1 as of June 1 that is to be used to  
 15 provide property tax credits.

16 b. Divide the amount determined under paragraph  
 17 "a" by the total of the taxable value of all taxable  
 18 property in the city.

19 c. Calculate the amount of tax credit for each  
 20 taxable parcel of property by multiplying the amount  
 21 calculated under paragraph "b" by the taxable value of  
 22 that parcel.

23 3. The property tax credit determined under  
 24 subsection 2 shall be stated as a separate and  
 25 distinct credit on each property tax statement under  
 26 section 445.5."

27 4. By renumbering as necessary.

Roll call was requested by Watts of Dallas and May of Dickinson.

On the question "Shall amendment H-1758 be adopted?" (S.F. 478)

The ayes were, 38:

Alons	Anderson	Arnold	Baudler
Cownie	Deyoe	Dolecheck	Drake
Forristall	Grassley	Hagenow	Heaton
Helland	Horbach	Huseman	Kaufmann
Koester	May	Miller, L.	Olson, S.
Paulsen	Pettengill	Raecker	Rants
Rayhons	Roberts	Schulte	Soderberg
Struyk	Sweeney	Tjepkes	Tymeson
Upmeyer	Van Engelenhoven	Wagner	Watts
Windschitl	Worthan		

The nays were, 56:

Abdul-Samad	Bailey	Beard	Bell
Berry	Bukta	Burt	Cohoon
Ficken	Ford	Frevert	Gaskill
Gayman	Heddens	Hunter	Huser
Isenhardt	Jacoby	Kearns	Kelley
Kressig	Kuhn	Lensing	Lykam

Marek	Mascher	McCarthy	Mertz
Miller, H.	Oldson	Olson, D.	Olson, R.
Olson, T.	Palmer	Petersen	Quirk
Reasoner	Reichert	Schueller	Shomshor
Smith	Steckman	Swaim	Taylor, D.
Taylor, T.	Thede	Thomas	Wendt
Wenthe	Wessel-Kroeschell	Whitaker	Whitead
Willems	Winckler	Zirkelbach	Mr. Speaker Murphy

Absent or not voting, 6:

Chambers	De Boef	Lukan	Sands
Schultz	Sorenson		

Amendment H-1758 lost.

Oldson of Polk offered the following amendment H-1782 filed by her from the floor and moved its adoption:

H-1782

1 Amend Senate File 478, as amended, passed, and  
 2 reprinted by the Senate, as follows:  
 3 1. Page 71, by inserting before line 29 the  
 4 following:  
 5 "Sec.\_\_\_\_. RISK POOL – FISCAL YEAR 2009-2010.  
 6 For purposes of the timeframes for applying for and  
 7 receiving risk pool assistance under section 426B.5,  
 8 for the fiscal year beginning July 1, 2009,  
 9 notwithstanding contrary provisions of section 426B.5,  
 10 subsection 2, a county must apply to the risk pool  
 11 board for assistance from the risk pool on or before  
 12 July 1, 2009. The risk pool board shall make its  
 13 final decisions on or before August 15, 2009,  
 14 regarding acceptance or rejection of the applications  
 15 for assistance and the total amount of assistance  
 16 applied for and approved shall be considered  
 17 obligated. The department of human services shall  
 18 authorize the issuance of warrants payable to the  
 19 county treasurer for the amounts due and the warrants  
 20 shall be issued on or before September 15, 2009."  
 21 2. By renumbering as necessary.

Amendment H-1782 was adopted.

The House stood at ease at 1:32 a.m., until the fall of the gavel.

The House resumed session at 3:42 a.m., T. Olson of Linn in the chair.

Speaker Murphy in the chair at 3:44 a.m.

### QUORUM CALL

A non-record roll call was requested to determine that a quorum was present. The vote revealed sixty-four members present, thirty-six absent.

McCarthy of Polk asked and received unanimous consent that Senate File 478 be deferred and that the bill retain its place on the 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 April 26, 2009, amended and passed the following bill in which the concurrence of the House is asked:

House File 820, a bill for an act appropriating federal funds made available from federal block grants, federal American Recovery and Reinvestment Act of 2009 funding, and other federal grants, allocating portions of federal block grants, and providing procedures if federal funds are more or less than anticipated or if federal block grants are more or less than anticipated.

MICHAEL E. MARSHALL, Secretary

### LEAVE OF ABSENCE

Leave of absence was granted as follows:

Rants of Woodbury on request of Paulsen of Linn.

### SENATE AMENDMENT CONSIDERED

Wenthe of Fayette called up for consideration **House File 820**, a bill for an act relating to state and local financial matters by revising certain appropriations and appropriating federal funds made available from federal block grants, federal American Recovery and Reinvestment Act of 2009 funding, and other federal grants,

allocating portions of federal block grants, and providing procedures if federal funds are more or less than anticipated, or if federal block grants are more or less than anticipated, and including effective and retroactive applicability date provisions, amended by the Senate amendment H-1781:

H-1781

1 Amend House File 820, as amended, passed, and  
2 reprinted by the House, as follows:

3 1. Page 27, by inserting after line 30 the  
4 following:

5 "aa. For distribution to school districts for  
6 professional development related to implementation of  
7 the model core curriculum adopted by the state board  
8 of education in accordance with section 256.7,  
9 subsection 26, and implemented in accordance with  
10 section 280.3, subsection 3:

11 ..... \$ 2,000,000

12 (1) The department of education shall distribute  
13 funds appropriated in this lettered paragraph for the  
14 purpose of this lettered paragraph based on the  
15 average per diem contract salary for each district as  
16 reported to the department for the school year  
17 beginning July 1, 2008, multiplied by the total number  
18 of full-time equivalent teachers in the base year.  
19 These funds shall not supplant existing funding for  
20 professional development activities.

21 (2) Notwithstanding any provision to the contrary,  
22 moneys received by a school district under this  
23 lettered paragraph shall not revert but shall remain  
24 available for the same purpose in the succeeding  
25 fiscal year.

26 (3) A school district shall submit a report to the  
27 department of education in a manner determined by the  
28 department describing its use of the funds received  
29 under this lettered paragraph. The department shall  
30 submit a report on school district use of the moneys  
31 distributed pursuant to this lettered paragraph to the  
32 department of management and the legislative services  
33 agency not later than January 15 of the fiscal year  
34 for which moneys are allocated for purposes of this  
35 lettered paragraph.

36 aaa. For instructional support state aid under  
37 section 257.20, for the fiscal year beginning July 1,  
38 2009, in lieu of the appropriation made in section  
39 257.20, subsection 2:

40 ..... \$ 13,103,950

41 Notwithstanding section 257.20, subsection 3, the  
42 appropriation made in this lettered paragraph shall be

43 allocated in the same manner as the allocation of the  
44 appropriation was made for the same purpose in the  
45 previous fiscal year."

46 2. Page 28, by striking lines 16 and 17 and  
47 inserting the following:

48 "b. For the department of inspections and appeals,  
49 for health facility and dependent adult-related  
50 investigations:

Page 2

1 .....	\$	400,000"
2 3. Page 28, line 19, by striking the figure		
3 "100,000" and inserting the following: "200,000".		
4 4. Page 29, line 1, by striking the figure		
5 "3,206,000" and inserting the following: "4,347,000".		
6 5. Page 29, line 3, by striking the figure		
7 "119,000" and inserting the following: "931,000".		
8 6. Page 29, line 5, by striking the figure		
9 "504,000" and inserting the following: "2,030,000".		
10 7. Page 29, line 7, by striking the figure		
11 "301,000" and inserting the following: "1,029,000".		
12 8. Page 29, line 10, by striking the figure		
13 "189,000" and inserting the following: "903,000".		
14 9. Page 29, line 13, by striking the figure		
15 "63,000" and inserting the following: "301,000".		
16 10. Page 29, line 16, by striking the figure		
17 "1,862,000" and inserting the following: "2,506,000".		
18 11. Page 29, line 19, by striking the figure		
19 "266,000" and inserting the following: "679,000".		
20 12. Page 29, line 22, by striking the figure		
21 "280,000" and inserting the following: "1,064,000".		
22 13. Page 29, by inserting after line 24 the		
23 following:		
24 "4A. From funding designated for government		
25 stabilization, for the department of public defense		
26 for the military division:		
27 .....	\$	18,000
28 4B. From funding designated for government		
29 stabilization, for the department of public safety:		
30 .....	\$	75,000
31 4C. From funding designated for government		
32 stabilization, for the department of public health:		
33 a. For elderly wellness:		
34 .....	\$	700,000
35 b. For community capacity:		
36 .....	\$	500,000
37 c. For resource management, to be allocated to the		
38 areas of greatest need:		
39 .....	\$	1,800,000"
40 14. Page 30, line 31, by striking the figure		
41 "605,596" and inserting the following: "680,596".		

42 15. Page 30, by inserting after line 35 the  
 43 following:  
 44 "h. For child and family services:  
 45 ..... \$ 2,500,000  
 46 Of the amount appropriated in this lettered  
 47 paragraph, \$500,000 shall be used for additional  
 48 funding of shelter care."  
 49 16. Page 38, by inserting after line 19 the  
 50 following:

Page 3

1 "Sec.\_\_\_\_. 2009 Iowa Acts, Senate File 376,  
 2 section 13, subsection 5, unnumbered paragraph 1, if  
 3 enacted, is amended to read as follows:  
 4 For ~~public~~ broadband technology grants for the  
 5 deployment and sustainability of high-speed broadband  
 6 access:  
 7 ..... \$ 25,000,000"  
 8 17. By renumbering, relettering, or redesignating  
 9 and correcting internal references as necessary.

Wenthe of Fayette offered the following amendment H-1783, to the Senate amendment H-1781, filed by him from the floor and moved its adoption:

H-1783

1 Amend the Senate amendment, H-1781, to House File  
 2 820, as amended, passed, and reprinted by the House,  
 3 as follows:  
 4 1. Page 2, line 27, by striking the figure  
 5 "18,000" and inserting the following: "180,000".  
 6 2. Page 2, line 30, by striking the figure  
 7 "75,000" and inserting the following: "750,000".

Amendment H-1783 was adopted.

On motion by Wenthe of Fayette the House concurred in the Senate amendment H-1781, as amended.

Wenthe of Fayette moved that the bill, as amended by the Senate further amended and concurred in by the House, be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 820)

The ayes were, 56:

Abdul-Samad	Bailey	Beard	Bell
Berry	Bukta	Burt	Cohoon
Ficken	Ford	Frevert	Gaskill
Gayman	Heddens	Hunter	Huser
Isenhardt	Jacoby	Kearns	Kelley
Kressig	Kuhn	Lensing	Lykam
Marek	Mascher	McCarthy	Mertz
Miller, H.	Oldson	Olson, D.	Olson, R.
Olson, T.	Palmer	Petersen	Quirk
Reasoner	Reichert	Schueller	Shomshor
Smith	Steckman	Swaim	Taylor, D.
Taylor, T.	Thede	Thomas	Wendt
Wenthe	Wessel-Kroeschell	Whitaker	Whitead
Willems	Winckler	Zirkelbach	Mr. Speaker Murphy

The nays were, 41:

Alons	Anderson	Arnold	Baudler
Cownie	Deyoe	Dolecheck	Drake
Forristall	Grassley	Hagenow	Heaton
Helland	Horbach	Huseman	Kaufmann
Koester	Lukan	May	Miller, L.
Olson, S.	Paulsen	Pettengill	Raecker
Rayhons	Roberts	Sands	Schulte
Schultz	Soderberg	Sorenson	Struyk
Sweeney	Tjepkes	Tymeson	Upmeyer
Van Engelenhoven	Wagner	Watts	Windschitl
Worthan			

Absent or not voting, 3:

Chambers	De Boef	Rants
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The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

The House stood at ease at 3:54 a.m., until the fall of the gavel.

The House resumed session at 4:15 a.m., Speaker Murphy in the chair.



## LEAVE OF ABSENCE

Leave of absence was granted as follows:

May of Dickinson on request of Upmeyer of Hancock.

## REMARKS MY MINORITY LEADER PAULSEN

Paulsen of Linn offered the following remarks:

Thank you Mr. Speaker. Mr. Speaker, ladies and gentleman of the House,

First I would like to thank my caucus. It is indeed a great honor to stand for you and represent you. We are 43 strong and we made a difference – be proud of your efforts and successes. Next year we will stand with 44 members as we welcome our friend Rep. Royd Chambers back from serving our country in the Middle East. We look forward to serving with him in this chamber again. Thank you to my leadership team: Rod, Jodi, Jeff, and Steve for your input and efforts. And a special thank you to the Republican Whip, Linda Upmeyer for your inexhaustible energy and focus.

I would also like to thank each of you who take the time away from your families and your lives at home to come to Des Moines and serve the people of the great state of Iowa. Our task is often difficult and grueling, so I think each one of you deserves thanks for giving so much of your time and energy.

The staff of this building who work hard to keep bills moving, get amendments drafted, and make sure things are up and running each day. Thank you. Specifically, I would like to thank my staff. Thank you Jeff, Josie, Noreen, Lew, Lon, Brad, Ann, Kelly, Jason, Matt and Tony. We like to say, and it continues to be true, that we have the most informed staff in the building.

Mr. Speaker – Mr. Majority Leader, I also want to thank you. Obviously we have some profound differences on policy, but that did not prevent us from working together when possible for the betterment of Iowans. You committed to me that House Republicans would have opportunities to engage and affect legislation and you followed through on that commitment. I thank you for that.

Most notably we began working this session effectively to respond to last year's disaster through the newly formed Rebuild Iowa Committee – while we can debate whether we did enough in the right areas - Iowa will be better because we worked together.

Republicans and Democrats worked together to write a disaster relief package after listening to the concerns of Iowans. Of that, we should all be proud.

Unfortunately, much of the cooperation ended there.

Leading is not coming in and pushing a button based on your party. Leading is listening to the will of the people and hearing the voices of the Iowans who put their faith in you.

I'm not convinced this House of Representatives listened throughout this session.

Seventy-one percent of Iowans opposed the massive and unprecedented borrowing proposal we passed in the last two days. Maybe that is why Iowans weren't allowed to see the massive spending plan until it was about to be debated. Even aside from the secrecy which surrounded the formulation of this scheme, the really frustrating part is that Republicans believe we could have accomplished the same things without – WITHOUT – borrowing a single dime if we simply used the infrastructure fund for infrastructure.

On tax day, thousands gathered right outside this building saying, enough is enough, cut back. Yet, you voted for the largest amount of spending in the history of our state. Once again, I'm not sure that this House listened.

A few weeks ago the Iowa Supreme Court handed down their ruling striking down traditional marriage in Iowa. Iowans again came to this chamber and pleaded with this body to take action. Iowans want to have a chance to be heard on this issue-- to vote on a constitutional amendment defining marriage as 1 man and 1 woman just as many promised we would do. House Republicans tried to make that happen but were circumvented by procedure. This is very regrettable.

Only 40 percent of Iowans supported the prevailing wage bill. They sent a deluge of messages voicing their hesitation, but we debated anyway. Later, an even more unpopular plan to take away Iowans' largest tax deduction was brought to us. As a sea of red shirts packed the balconies to stand up against the raiding of their wallets. Instead of listening, they were removed from the chamber.

In January, every leader in this chamber promised Iowans that the Legislature would review each program and line item in the state budget to find waste and inefficiencies. Well, House Republicans followed through. We went through hundreds of pages of budget documents from state agencies. And what did we find? Projects that could be postponed, cars that didn't need to be purchased, and money that could not be accounted for. We found \$337 million in waste and inefficiencies and offered them as amendments. Virtually every one was rejected – in fact less than 1% of these savings were accepted.

The result? Historic levels of spending in the state of Iowa. This is astounding considering all Iowans have heard about are the painful budget cuts and program eliminations. It is counter-intuitive to know that state revenues are going down and then, fully armed with that knowledge, pass a budget that not only exceeds available revenue but is the largest budget Iowans have ever seen. After all of this spending I'm left to wonder – if more and more government spending revs up the economy, then why isn't ours humming along?

Republicans said over and over that we were using a three part test to weigh each bill. 1. Does it grow Iowa's economy? 2. Does it create jobs? 3. Does it encourage our employers to reinvest in our workforce?

Countless times this year, Republicans urged the majority party to use these same checks. To consider the choices everyday Iowans are making as they tighten their belts and reexamine their own household budgets to weather this economic storm. We asked how we were putting even one of 80,000 Iowans back to work.

I'm not convinced that this House was listening.

Mr. Speaker and ladies and gentlemen of the House, I will close with this thought: we have spent nearly all of our time this session doing one of two things: spending or borrowing.

As I think back over the last 100 days I think of several things: the most money spent in Iowa's history, a partial response to flooding, saddling our children with years of debt, and a failure to act on the issue of marriage. While I see this as disappointing, I also see an open door of opportunity to take the time to again listen to Iowans and return next year and do the people's work.

## REMARKS BY MAJORITY LEADER MCCARTHY

McCarthy of Polk offered the following remarks:

Mr. Speaker, ladies and gentleman of the House.

It's very early in the morning so I'll be brief. I want to thank everyone in this chamber for all the hard work that you have done this session. It has been a very challenging session.

The depth and breadth of the national recession has been incredible. That made our challenges as a state that much greater as we go about our budget work. But we have tried to keep focused on the core services that our state does provide, especially to the most vulnerable Iowans, in the areas of education and health care.

We've also tried to stay focused on where we want the state to be down the road. We've done a lot of things focused on the new economy, renewable energy, and think outside the box tax credit proposals. We have web portal data centers to the tune of \$1.2 billion that will be coming to Iowa. Film industries and production companies locating here that will bring hundreds and hundreds of jobs and hundreds of millions in investment. Historical tax credit projects will be bringing thousands of jobs to the state in the next few months. We've tried to do some things in this tough economy to keep jobs coming to Iowa – quality jobs. We are positioning ourselves with our continued focus on all things renewable to make sure we can make that transition from an agricultural economy to a renewable energy economy.

In health care, under the leadership of the Rep. Smith, Rep. Upmeyer, Rep. Heddens and others, next year 30,000 more Iowa kids will health insurance than last year. That's a tremendous improvement and something we can all be proud of. We're making quality health care more affordable for all our children.

We've also done something that's more of an intangible quality in this chamber that has been desperately needed these last couple years. We've put people before politics. That's a tired phrase, but we've made great strides improving the tone of this chamber. Contrary to the coverage and partisan rhetoric that we heard from the minority just a few minutes ago – and that's part of the job being in the minority – we've had an incredible working relationship behind the scenes negotiating time on budget bills, subject matter, and policy bills.

We've actually done a very good job of improving the tone so it's not always so personal and poisonous, which carries over to the campaign trail. The fact that we're able to improve the tone this year, makes me more committed to improving the tone of the campaign rhetoric as we move forward.

We were also bold this year, in part because of our bi-partisan work. With Rep. Lykam and Rep. Baudler coming together with folks from all four caucuses to pass the toughest, smartest sex offender law in state history. We did something that may not be polling the way we want it to be, but its good government and that is good politics.

I'm encouraged by all the friendships that I've strengthened this year. Rep. Rick Olson, Rep. Doris Kelley, Rep. Mike Reasoner, Rep. Lisa Heddens, and Rep. Mary Mascher. An eclectic mix of folks that my friendships have deepened and it's something that's very important to me.

I also want to thank our great staff, including the chief clerk, speaker's staff and my staff, including Mark Langgin who works late and gets here early and Brian Meyer who is busy preparing our floor managers for debate and keeping the ship afloat.

Thanks to all of you for working with me and bugging me. Although I hope I'll stop having these nightmares where I wake up hearing echoes of house file numbers. I'm just not very good with numbers. I do appreciate the work we've done together.

It's been a pleasure to work with you, Mr. Speaker, and the assistant leaders. I look forward to a good summer with friends and family and I hope you all have a great summer with friends and family as well.

## REMARKS BY SPEAKER MURPHY

Murphy of Dubuque offered the following remarks:

Ladies and gentlemen of the House, first of all, thank you for the opportunity to serve you as Speaker of the House. I know that, for all of us, it is a great thrill to serve our constituents and it is a great thrill to serve as presiding officer. Many days I have many headaches, but it is still a very unique job, and I appreciate the opportunity to hold the position and for you to elect me to this position.

I also want to thank my caucus for putting their trust in me over these last few years, and I very much appreciate the support my caucus members have given me. I also want to talk briefly about the staff. I don't care if it's the Democratic staff, Republican staff, Legislative Services Agency, the Chief Clerk's staff, or the pages, I want to thank all of you for what you do every day that makes this place function, because the hundred representatives in no way would be able to do it by themselves. So thank you for all the work you do, regardless of whether you are partisan staff or nonpartisan staff.

I want to single out this year's group of pages. If this is our future, it looks very bright. I think the pages we have here are shining examples of what our future holds for us. I feel confident that, when I'm old and gray, this younger generation will be making good decisions for us.

I also want to talk briefly about Rep. Royd Chambers. We've had a House member missing now for three of the last four years, serving our country abroad. I am proud that this chamber and this state have stepped up to serve our country in times of military conflict. In this regard, our efforts to develop renewable fuels serves us well. Hopefully, some day we won't have to worry about Iowans who are in the National Guard or Reserves having to risk their lives in foreign lands to help provide the energy that we need.

Last year, when we adjourned, we had an \$82 million ending balance. Our reserve accounts were full and we had a booming economy. Then, before the election, things changed drastically. Fuel prices fluctuated greatly; we had floods and tornadoes that devastated this state. In response to the recession, we focused on a few basic goals this session: working on disaster recovery to help communities hit by natural disasters; helping middle-class families by creating good-paying jobs; passing a fiscally-responsible budget; and taking steps to help our economy grow.

When we came into this session, we created the Rebuild Iowa Committee. We passed a \$56 million transfer from the state's emergency fund – a great bipartisan effort by everyone in this chamber. From Rep. Schueller, to Rep. Berry, to Rep. Sands, to Rep. Grassley, and the other members who serve on that committee, thank you for making sure the first important bill we passed was about taking care of Iowans in need and working to get assistance to communities crippled by floods.

We also focused on infrastructure grants, targeting disaster rebuilding. But we didn't stop there. We had members on the Agriculture Committee and Natural Resources Committee who focused on flood prevention projects, soil conservation initiatives, and we'll establish the Iowa Flood Center at the University of Iowa. Hopefully, with these efforts, the next time won't be a next time because we're preparing and planning for those days when we have the heavy rains and other natural disasters that come our way.

We also focused on issues that legislators have worked on in previous sessions. A good example is health care. Rep. Smith and Rep. Upmeyer worked very closely together to work on a health care expansion for 30,000 children so that, by next year, hopefully every child in this state will have access to health insurance. And it was done in a very bipartisan effort, even with the Hatch act in its way; that was a joke, folks.

We also did some things with private insurance coverage. We worked to make sure that prosthetic devices are fully covered. Special thanks to Rep. Kressig for his efforts to get that legislation passed. Hopefully yet tonight, before we pass the standings bill, we will also require coverage for children with psychiatric needs and those who need cancer treatment.

We focused on balancing the budget, and it wasn't easy this year. The Revenue Estimating Conference, in three successive meetings, lowered the official state revenue estimate, to the tune of about \$271 million. In response, we had to cut most programs. But we continued our focus on early childhood education and teacher quality. We also wanted to continue our efforts to help the middle class and to make sure that kids have access to quality education and health care.

We're spending less General Fund money than we spent last year. The federal stabilization money helps to cushion the blow, but it isn't enough. We still had to make cuts, because we know that we need to balance our checkbook the same as every Iowa household. At the end of the day, we passed a fiscally-responsible budget without raising taxes on middle-class families.

We also enacted some other priorities that I think this Legislature will be remembered for. I know Rep. Swaim, Rep. Palmer, Rep. Struyk, Rep. Huser, and Rep. Olson, you were all involved in gaining near-unanimous support for legislation to enable individual Iowans to sue for consumer fraud.

When news broke this year concerning the incident at Atalissa, Rep. Lensing and others worked very closely with other members of the Government Oversight Committee to enact new laws that will help prevent dependent adults from being exploited in the future. Legislation was enacted to make sure military veterans and their family members pay no more than in-state tuition rates for attending an Iowa community college or one of the state universities. We focused on pay equity through the Lilly Ledbetter bill and promoting gender balance on local boards and commissions.

But I think we may be best remembered for passing sex offender legislation that is stronger and smarter than current law and will keep us safer than current law. Passing the Adam Walsh Act was a bipartisan effort and I want to thank Rep. Baudler, Rep. Tjepkes, Rep. Rick Olson, Rep. Lykam, and all the other people who joined together to change a law that wasn't working and to provide our families and children with greater protection from sex abusers.

In summary, we've had a tough budget year, but we're still in better shape than most states. We still have over \$400 million in the state's reserve accounts. We still have a triple-A bond rating. We're still one of the three or four lowest states in terms of bonding and indebtedness. Our unemployment rate is rising but it's still far below the national average. And we're continuing to lay a foundation for the future with education, health care, and job creation for middle-class families.

In preparing these remarks, I looked back at my opening address to the General Assembly in January. I talked about President-elect Obama and how in the last election he spoke about our country not as a white America or black America, not as a blue America or red America, but as the United States of America, and how we need to come together at every opportunity to move the country forward, for our economy and for our families. While we have not always succeeded, we have passed a number of bills this year, in a bipartisan effort to move this state forward.

And I thank all of you for the work you have done, in providing for this state. While we may all have different ideas about how to move this state forward, there's no question that everybody here has the best intentions for all Iowans. And I thank you for your time and service to the state. And now, after one hundred and three days, or maybe it's one hundred and four, it's time for us to go back to our families and our other lives outside of the Legislature. Hopefully I'll see you all before next January, when it's cold again. I thank you for your service to the state and for the job you have done this year, and for what you will do for this state in the future. Thank you.

## IMMEDIATE MESSAGE

McCarthy of Polk asked and received unanimous consent that **House File 820** be immediately messaged to the Senate.

## LEAVE OF ABSENCE

Leave of absence was granted as follows:

Forristall of Pottawattamie, L. Miller of Scott, S. Olson of Clinton on request of Roberts of Carroll; Rayhons of Hancock on request of Roberts of Carroll.

The House resumed consideration of Senate File 478. (Found on pages 2066 through 2104 of the House Journal)

Thomas of Clayton offered the following amendment H-1784 filed by him from the floor and moved its adoption:

H-1784

1 Amend Senate File 478, as amended, passed, and  
2 reprinted by the Senate, as follows:

3 1. Page 96, by inserting after line 21 the  
4 following:

5 "DIVISION \_\_\_\_

6 REPORTS OF REFUND CLAIMS

7 Sec. \_\_\_\_ Section 15.335, Code 2009, is amended by  
8 adding the following new subsection:

9 NEW SUBSECTION. 6. The department of revenue  
10 shall by February 15 of each year issue an annual  
11 report to the general assembly containing the total  
12 amount of all claims made by employers under this  
13 section, and the portion of the claims issued as  
14 refunds, for all claims processed during the previous  
15 calendar year, beginning with claims filed on or after  
16 January 1, 2009. The report shall contain the name of  
17 each claimant for whom a tax credit in excess of five  
18 hundred thousand dollars was issued and the amount of  
19 the credit received.

20 Sec. \_\_\_\_ Section 422.10, Code 2009, is amended by  
21 adding the following new subsection:

22 NEW SUBSECTION. 6. The department shall by  
23 February 15 of each year issue an annual report to the  
24 general assembly containing the total amount of all  
25 claims made by employers under this section and the  
26 portion of the claims issued as refunds, for all  
27 claims processed during the previous calendar year,  
28 beginning with claims filed on or after January 1,

29 2009. The report shall contain the name of each  
 30 claimant for whom a tax credit in excess of five  
 31 hundred thousand dollars was issued and the amount of  
 32 the credit received.

33 Sec. \_\_. Section 422.33, Code 2009, subsection 5,  
 34 is amended by adding the following new paragraph:  
 35 NEW PARAGRAPH. h. The department shall by  
 36 February 15 of each year issue an annual report to the  
 37 general assembly containing the total amount of all  
 38 claims made by employers under this subsection and the  
 39 portion of the claims issued as refunds, for all  
 40 claims processed during the previous calendar year,  
 41 beginning with claims filed on or after January 1,  
 42 2009. The report shall contain the name of each  
 43 claimant for whom a tax credit in excess of five  
 44 hundred thousand dollars was issued and the amount of  
 45 the credit received."

46 2. By renumbering as necessary.

Amendment H-1784 was adopted.

The House stood at ease at 4:50 a.m., until the fall of the gavel.

The House resumed session at 4:52 a.m., Speaker Murphy in the chair.

### MOTION TO RECONSIDER Amendment H-1777

Reichert of Muscatine asked and received unanimous consent to reconsider the vote by which amendment H-1777 was adopted by the House.

Reichert of Muscatine asked and received unanimous consent to withdraw amendment H-1777.

Oldson of Polk offered the following amendment H-1785 filed by her from the floor and moved its adoption:

H-1785

1 Amend Senate File 478, as amended, passed, and  
 2 reprinted by the Senate, as follows:  
 3 1. Page 31, by inserting after line 28 the  
 4 following:  
 5 "Sec. \_\_. DEPARTMENT OF REVENUE. There is  
 6 appropriated from the general fund of the state to the



7 department of revenue for the fiscal year beginning  
8 July 1, 2009, and ending June 30, 2010, the following  
9 amount, or so much thereof as is necessary, to be used  
10 for the purposes designated:

11 For salaries, support, maintenance, and  
12 miscellaneous purposes:  
13 ..... \$ 2,500,000

14 Sec.\_\_\_\_. GOVERNOR AND LIEUTENANT GOVERNOR. There  
15 is appropriated from the general fund of the state to  
16 the offices of the governor and the lieutenant  
17 governor for the fiscal year beginning July 1, 2009,  
18 and ending June 30, 2010, the following amount, or so  
19 much thereof as is necessary, to be used for the  
20 purposes designated:

21 For salaries, support, maintenance, and  
22 miscellaneous purposes for the general office of the  
23 governor and the general office of the lieutenant  
24 governor:  
25 ..... \$ 400,000

26 Sec.\_\_\_\_. WORKFORCE DEVELOPMENT-FIELD OFFICES.

27 There is appropriated from the special employment  
28 security contingency fund to the department of  
29 workforce development for the fiscal year beginning  
30 July 1, 2009, and ending June 30, 2010, the following  
31 amount, or so much thereof as is necessary, to be used  
32 for the purposes designated:

33 For field offices:  
34 ..... \$ 360,000

35 Sec.\_\_\_\_. IOWA POWER FUND. There is appropriated  
36 from the general fund of the state to the office of  
37 energy independence for the fiscal year beginning July  
38 1, 2009, and ending June 30, 2010, the following  
39 amount, or so much thereof as is necessary, to be used  
40 for the purposes designated:

41 For deposit in the Iowa power fund:  
42 ..... \$ 4,000,000

43 Sec.\_\_\_\_. COMMERCIAL SERVICE AIRPORTS. There is  
44 appropriated from the general fund of the state to the  
45 department of transportation for the fiscal year  
46 beginning July 1, 2009, and ending June 30, 2010, the  
47 following amount, or so much thereof as is necessary,  
48 to be used for the purposes designated:

49 For infrastructure improvements at the commercial  
50 service airports within the state:

Page 2

1 ..... \$ 1,500,000

2 Fifty percent of the moneys appropriated in this  
3 section shall be allocated equally between each  
4 commercial air service airport, 40 percent of the  
5 moneys shall be allocated based on the percentage that

6 the number of enplaned passengers at each commercial  
 7 air service airport bears to the total number of  
 8 enplaned passengers in the state during the previous  
 9 fiscal year, and 10 percent of the moneys shall be  
 10 allocated based on the percentage that the air cargo  
 11 tonnage at each commercial air service airport bears  
 12 to the total air cargo tonnage in the state during the  
 13 previous fiscal year. In order for a commercial air  
 14 service airport to receive funding under this section,  
 15 the airport shall be required to submit applications  
 16 for funding of specific projects to the department for  
 17 approval by the state transportation commission.

18 Sec.\_\_\_\_. JOBS FOR AMERICA'S GRADUATES. There is  
 19 appropriated from the general fund of the state to the  
 20 department of education for the fiscal year beginning  
 21 July 1, 2009, and ending June 30, 2010, the following  
 22 amount, or so much thereof as is necessary, to be used  
 23 for the purposes designated:

24 For school districts to provide direct services to  
 25 the most at-risk senior high school students enrolled  
 26 in school districts through direct intervention by a  
 27 jobs for America's graduates specialist:  
 28 ..... \$ 600,000

29 Sec.\_\_\_\_. EMPLOYEE MISCLASSIFICATION PROGRAM –  
 30 GENERAL FUND. There is appropriated from the general  
 31 fund of the state to the department of workforce  
 32 development for the fiscal year beginning July 1,  
 33 2009, and ending June 30, 2010, the following amount,  
 34 or so much thereof as is necessary, to be used for the  
 35 purposes designated:

36 For enhancing efforts to investigate employers that  
 37 misclassify workers:  
 38 ..... \$ 500,000

39 Sec.\_\_\_\_. EMPLOYEE MISCLASSIFICATION PROGRAM –  
 40 SPECIAL EMPLOYMENT SECURITY CONTINGENCY FUND. For the  
 41 fiscal year beginning July 1, 2009, and ending June  
 42 30, 2010, the department of workforce development may  
 43 use up to \$250,000 from the employment security  
 44 contingency fund for enhancing efforts to investigate  
 45 employers that misclassify workers.

46 Sec.\_\_\_\_. INDIGENT DEFENSE PROGRAM. There is  
 47 appropriated from the general fund of the state to the  
 48 office of state public defender of the department of  
 49 inspections and appeals for the fiscal year beginning  
 50 July 1, 2008, and ending June 30, 2009, the following

1 amount, or so much thereof as is necessary, for the  
 2 purposes designated:  
 3 For the indigent defense program:  
 4 ..... \$ 2,200,000

5 Sec. \_\_\_\_ EFFECTIVE DATE. The section of this  
6 division of this Act, relating to an appropriation to  
7 the office of state public defender of the department  
8 of inspections and appeals, being deemed of immediate  
9 importance, takes effect upon enactment."

10 2. Page 54, by inserting after line 10 the  
11 following:

12 "Sec. \_\_\_\_ 2009 Iowa Acts, House File 809, if  
13 enacted, is amended by adding the following new  
14 section:

15 Sec. \_\_ NEW SECTION. FUTURE REPEAL OF  
16 DEPARTMENT OF COMMERCE REVOLVING FUND – COMPLIANCE.

17 1. Division VIII of this Act, relating to the  
18 creation of a department of commerce revolving fund,  
19 is repealed July 1, 2011. The Code editor shall  
20 restore the language in the sections of the Code of  
21 Iowa amended by the division to the language present  
22 in those sections in the 2009 Code of Iowa.

23 2. The divisions of the department of commerce  
24 shall comply with appropriate provisions of section  
25 8.31 and with directions by the governor to executive  
26 branch departments regarding restrictions on  
27 out-of-state travel, hiring justifications,  
28 association memberships, equipment purchases,  
29 consulting contracts, and any other expenditure  
30 efficiencies that the governor deems appropriate."

31 3. Page 80, by inserting after line 8 the  
32 following:

33 "Sec. \_\_\_\_ 2008 Iowa Acts, chapter 1178, section  
34 18, is amended by adding the following new subsection:  
35 NEW SUBSECTION. 7. Notwithstanding section 8.33,  
36 moneys appropriated in this section that remain  
37 unencumbered or unobligated at the close of the fiscal  
38 year shall not revert but shall remain available for  
39 expenditure for the purposes designated until the  
40 close of the succeeding fiscal year."

41 4. By striking page 89, line 9, through page 90,  
42 line 30, and inserting the following:

43 "Sec. \_\_\_\_ Section 483A.1, subsection 2,  
44 paragraphs c, d, e, f, and g, Code 2009, are amended  
45 to read as follows:

- 46 c. Hunting license, eighteen years of
- 47 age or older ..... \$ ~~80.00~~
- 48 110.00
- 49 d. Hunting license, under eighteen
- 50 years of age ..... \$ 30.00

Page 4

- 1 e. Deer hunting license, antlered or
- 2 any sex deer ..... \$ ~~220.00~~
- 3 295.00

- 4 f. Deer hunting license, antlerless
- 5 deer only, required with the purchase
- 6 of an antlered or any sex deer hunting
- 7 license ..... \$~~100.00~~
- 8 125.00
- 9 g. Deer hunting license, antlerless
- 10 deer only ..... \$~~150.00~~
- 11 225.00
- 12 Sec.\_\_\_\_. Section 483A.1, subsection 2, Code 2009,
- 13 is amended by adding the following new paragraph:
- 14 NEW PARAGRAPH. gg. Holiday deer hunting license
- 15 issued under section 483A.8, subsection 6,
- 16 antlerless deer only..... \$ 75.00"
- 17 5. By renumbering as necessary.

Amendment H-1785 was adopted.

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. 478)

The ayes were, 55:

- |                   |            |             |            |
|-------------------|------------|-------------|------------|
| Abdul-Samad       | Bailey     | Beard       | Bell       |
| Berry             | Bukta      | Burt        | Cohoon     |
| Ficken            | Ford       | Frevrt      | Gaskill    |
| Gayman            | Heddens    | Hunter      | Huser      |
| Isenhardt         | Jacoby     | Kearns      | Kelley     |
| Kressig           | Kuhn       | Lensing     | Lykam      |
| Marek             | Mascher    | McCarthy    | Mertz      |
| Miller, H.        | Oldson     | Olson, D.   | Olson, R.  |
| Olson, T.         | Palmer     | Petersen    | Quirk      |
| Reasoner          | Reichert   | Schueller   | Shomshor   |
| Smith             | Steckman   | Swaim       | Taylor, T. |
| Thede             | Thomas     | Wendt       | Wenthe     |
| Wessel-Kroeschell | Whitaker   | Whitead     | Willems    |
| Winckler          | Zirkelbach | Mr. Speaker |            |
|                   |            | Murphy      |            |

The nays were, 35:

- |          |          |            |         |
|----------|----------|------------|---------|
| Alons    | Anderson | Arnold     | Baudler |
| Cownie   | Deyoe    | Dolecheck  | Drake   |
| Grassley | Hagenow  | Heaton     | Helland |
| Horbach  | Huseman  | Kaufmann   | Koester |
| Lukan    | Paulsen  | Pettengill | Raecker |
| Roberts  | Sands    | Schulte    | Schultz |
| Sorenson | Struyk   | Sweeney    | Tjepkes |

Tymeson	Upmeyer	Van Engelenhoven	Wagner
Watts	Windschitl	Worthan	

Absent or not voting, 10:

Chambers	De Boef	Forristall	May
Miller, L.	Olson, S.	Rants	Rayhons
Soderberg	Taylor, D.		

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

### IMMEDIATE MESSAGE

McCarthy of Polk asked and received unanimous consent that **Senate File 478** be immediately messaged to the Senate.

### MOTION TO RECONSIDER WITHDRAWN (Senate File 470)

McCarthy of Polk asked and received unanimous consent to withdraw the motion to reconsider **Senate File 470**, a bill for an act relating to the funding of, the operation of, and appropriation of moneys to the college student aid commission, the department for the blind, the department of education, and the state board of regents, providing for related matters, and providing effective dates, filed by him on April 24, 2009.

### MOTION TO RECONSIDER WITHDRAWN (Senate File 475)

McCarthy of Polk asked and received unanimous consent to withdraw the motion to reconsider **Senate File 475**, a bill for an act relating to and making appropriations to the justice system, and including effective and retroactive applicability date provisions, filed by him on April 22, 2009.

### IMMEDIATE MESSAGES

McCarthy of Polk asked and received unanimous consent that the following bills be immediately messaged to the Senate: **Senate Files 470 and 475**.

## ADOPTION OF HOUSE CONCURRENT RESOLUTION 10

McCarthy of Polk asked and received unanimous consent for the immediate consideration of **House Concurrent Resolution 10**, as follows, and moved its adoption.

1           House Concurrent Resolution 10  
 2           By McCarthy and Paulsen  
 3 A House Concurrent Resolution to provide for  
 4 adjournment sine die.  
 5 *Be It Resolved By The House Of Representatives, The*  
 6 *Senate Concurring*, That when adjournment is had on  
 7 Sunday, April 26, 2009, it shall be the final  
 8 adjournment of the 2009 Regular Session of the  
 9 Eighty-third General Assembly.

The motion prevailed and the resolution was adopted.

## IMMEDIATE MESSAGE

McCarthy of Polk asked and received unanimous consent that **House Concurrent Resolution 10** be immediately messaged to the Senate.

## MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on April 9, 2009, passed the following bill in which the concurrence of the Senate was asked:

House File 805, 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.

Also: That the Senate has on April 23, 2009, concurred in the House amendment to the Senate amendment, and passed the following bill in which the concurrence of the Senate was asked:

House File 809, a bill for an act relating to and making appropriations to certain state departments, agencies, funds, and certain other entities, providing for regulatory authority, and other properly related matters, and providing effective and retroactive applicability dates.

Also: That the Senate has on April 23, 2009, concurred in the House amendment to the Senate amendment, and passed the following bill in which the concurrence of the Senate was asked:

House File 811, a bill for an act relating to and making appropriations for health and human services and including other related provisions and appropriations, providing penalties, making penalties applicable and providing effective, retroactive, and applicability date provisions.

Also: That the Senate has on April 26, 2009, concurred in the House amendment to the Senate amendment, and passed the following bill in which the concurrence of the Senate was asked:

House File 820, a bill for an appropriating federal funds made available from federal block grants, federal American Recovery and Reinvestment Act of 2009 funding, and other federal grants, allocating portions of federal block grants, and providing procedures if federal funds are more or less than anticipated or if federal block grants are more or less than anticipated.

Also: That the Senate has on April 26, 2009, concurred in the House amendment to the Senate amendment and passed the following bill in which the concurrence of the Senate was asked:

House File 822, a bill for an act relating to and making, reducing, and transferring appropriations to state departments and agencies from the rebuild Iowa infrastructure fund, the technology reinvestment fund, and other funds creating and funding the Iowa flood center, establishing an alternative public project deliver pilot program, providing for related matter, and providing effective and retroactive applicability date provisions

Also: That the Senate has on April 25, 2009, concurred in the House amendment and passed the following bill in which the concurrence of the Senate was asked:

Senate File 376, a bill for an act relating to the issuance of bonds including the issuance of annual appropriation bonds, creating an annual appropriation bonds debt service fund and an appropriation bonds capitals fund, making and revising appropriations, and including effective date provisions.

Also: That the Senate has on April 13, 2009, concurred in the House amendment and passed the following bill in which the concurrence of the Senate was asked:

Senate File 467, a bill for an act relating to and making appropriations involving state government, by providing for agriculture, natural resources, and environmental protection, and providing for effective dates.

Also: That the Senate has on April 13, 2009, concurred in the House amendment and passed the following bill in which the concurrence of the Senate was asked:

Senate File 469, 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.

Also: That the Senate has on April 25, 2009, concurred in the House amendment and passed the following bill in which the concurrence of the Senate is asked:

Senate File 477, a bill for an act authorizing the treasurer of state to issue annual

appropriation bonds, and creating an annual appropriation bonds debt service fund, an appropriation bonds capitals fund, a vertical infrastructure restricted capitals fund, making appropriations, and including an applicability provision.

Also: That the Senate has on April 26, 2009, concurred in the House amendment and passed the following bill in which the concurrence of the Senate was asked:

Senate File 478, a bill for an act relating to state and local finances by providing for funding of property tax credits and reimbursements, by making, increasing, and reducing appropriations, providing for salaries and compensation of state employees, providing for matters relating to tax credits, providing for fees and penalties, and providing for properly related matters and including effective date and retroactive and other applicability provisions.

MICHAEL E. MARSHALL, Secretary

The House stood at ease at 5:03 a.m., until the fall of the gavel.

## REPORT OF ADMINISTRATION AND RULES COMMITTEE

MR. SPEAKER: Pursuant to Senate Concurrent Resolution 2, duly adopted, the following is a list of changes for officers and employees of the House:

<u>Position</u>	<u>Name</u>	<u>Grade- Step</u>	<u>Class of Appoint- ment</u>	<u>Eff. Date</u>
Legislative Secretary	Dawn R. Dillman	17-4 to 17-5	S-O	02-20-09
Legislative Secretary	Kelli A. Huser	15-1 to 15-2	S-O	02-20-09
Legislative Committee Secretary	Adam M. Elliott	17-1	S-O	02-23-09
Sr. Leg Research Analyst	Mary C. Braun	38-7 to 39-7	P-FT	02-24-09
Sr. Deputy Caucus Staff Director				
Legislative Secretary	Cheryl K. Arnold	15-3 to 15-4	S-O	03-20-09
Legislative Secretary	Marcus A. Branstad	16-1 to 16-2	S-O	03-20-09
Doorkeeper	Darrell E. Brown	11-1 to 11-2	S-O	03-20-09
Legislative Secretary	Sarah S. Cutshall	15-1 to 15-2	S-O	03-20-09
Legislative Committee Secretary	Donna K. Downey	17-1 to 17-2	S-O	03-20-09
Legislative Secretary	Cassandra C. Furlong	15-1 to 15-2	S-O	03-20-09
Legislative Committee Secretary	Amy L. Hein	17-1 to 17-2	S-O	03-20-09
Legislative Secretary	Jeremy A. Jansen	17-1 to	S-O	03-20-09



<u>Position</u>	<u>Name</u>	<u>Grade- Step</u>	<u>Class of Appoint- ment</u>	<u>Eff. Date</u>
Doorkeeper	Henry J. Luetjen	17-2 11-1 to 11-2	S-O	03-20-09
Legislative Secretary	John R. Lund	16-1 to 16-2	S-O	03-20-09
Legislative Secretary	Janet M. Peterson	17-1 to 17-2	S-O	03-20-09
Legislative Secretary	Jessica L. Rundlett	16-1 to 16-2	S-O	03-20-09
Legislative Committee Secretary	Carissa L. Sagar	17-1 to 17-2	S-O	03-20-09
Assistant Bill Clerk	Joan E. Skeffington	12-1 to 12-2	S-O	03-20-09
Switchboard Operator	Karol D. Skeffington	14-1 to 14-2	S-O	03-20-09
Doorkeeper	Donald L. Wederquist	11-1 to 11-2	S-O	03-20-09
Legislative Secretary	Marilyn J. Zagnoli	16-4+1 to 16-5+1	S-O	03-20-09
Legislative Secretary	Jean P. Olson	16-3 to 16-4	S-O	04-03-09
Sr. Legislative Research Analyst	Anna M. Hyatt-Crozier	38-3 to 38-4	P-FT	04-17-09
Legislative Committee Secretary	Susan G. Meimann	17-2 to 17-3	S-O	04-17-09
Legislative Committee Secretary	Melodie K. Schueller	17-2 to 17-3	S-O	04-17-09

Pursuant to Senate Concurrent Resolution 2, duly adopted, the following is a list of changes for officers and employees of the Joint Senate/House:

<u>Position</u>	<u>Name</u>	<u>Grade Step</u>	<u>Class of Appoint- ment</u>	<u>Eff. Date</u>
Clerk to Chief Clerk	Kathy J. Stachon	16-2 to	S-O	03-06-09
Legislative Lobbyist Clerk		21-2		

## REPORT OF THE CHIEF CLERK OF THE HOUSE

MR. SPEAKER: Pursuant to House Rule 42, I report that in engrossing bills the following corrections were made:

### House Amendment to Senate File 376

1. Page 19, line 3 – Remove the word, “at”.

2. Page 27, line 35 – Change “attraction” to “attractions”.
3. Page 32, underline lines 32 through 39.
4. Page 37, line 50 – Remove the letter “d.”

MARK W. BRANDSGARD  
Chief Clerk of the House

### 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

- 2009\3755 Marvin Westphal, Fontanelle – For celebrating his 90<sup>th</sup> birthday.
- 2009\3756 Verlene Williamson, Fontanelle – For celebrating her 80<sup>th</sup> birthday.
- 2009\3757 Julie Allesee, Clinton – For receiving the Iowa Tourism Leadership Award.
- 2009\3758 LeRoy and Rosie Moeller, New Liberty – For celebrating their 50<sup>th</sup> wedding anniversary.
- 2009\3759 Lester Brenner, Wilton – For celebrating his 85<sup>th</sup> birthday.

### RESOLUTION FILED

**HR 52**, by Gayman, a resolution supporting the commitment President Barack Obama to energy efficiency and renewable energy initiatives and affirming this state’s role as a national leader in the renewable energy industry.

Laid over under **Rule 25**.

### AMENDMENTS FILED

H-1768      H.F.      807      Jacoby of Johnson

## FINAL DISPOSITION OF MOTIONS TO RECONSIDER

Pursuant to House Rule 73.6, the following motion to reconsider which remained on the House Calendar upon adjournment of the 2009 Regular Session of the Eighty-third General Assembly will be considered to have failed:

By McCarthy of Polk to **House File 333**, a bill for an act requiring the payment of local prevailing wage rates to persons working on public improvements for public bodies, and providing penalties and effective and applicability dates, filed on February 19, 2009. (Bill failed to pass the House on February 19, 2009)

## HOUSE AND SENATE FILES REREFERRED TO COMMITTEES

Under the provision of House Rule 45, the following House Files and Senate Files were rereferred to the committees listed:

House File 209	Judiciary	Senate File 3	Public Safety
House File 234	Human Resources	Senate File 9	Education
House File 426	Public Safety	Senate File 96	Judiciary
House File 491	Local Government	Senate File 173	Education
House File 657	Public Safety	Senate File 262	Labor
House File 674	Public Safety	Senate File 301	State Government
House File 686	Transportation	Senate File 393	Human Resources
House File 691	Human Resources	Senate File 414	Human Resources
House File 744	Judiciary	Senate File 424	State Government
House File 767	Judiciary	Senate File 429	Transportation
House File 775	Labor	Senate File 434	Local Government
House File 778	State Government	Senate File 459	Ways and Means
House File 781	State Government	Senate File 479	Ways and Means
House File 783	Transportation		
House File 785	Transportation		
House File 791	Labor		
House File 795	Labor		
House File 807	Ways and Means		
House File 816	Ways and Means		
House File 821	Labor		
House File 827	Environmental Protection		

## FINAL ADJOURNMENT

By virtue of House Concurrent Resolution 10, duly adopted, the day of April 26, 2009, having arrived, the Speaker of the House of Representatives declared the 2009 Regular Session of the Eighty-third General Assembly adjourned sine die.

## SUPPLEMENT TO HOUSE JOURNAL

### REPORT OF THE CHIEF CLERK OF THE HOUSE

MR. SPEAKER: Pursuant to House Rule 42, I report that in enrolling bills the following correction was made:

#### House File 822

1. Title Page, Line 4, insert comma after 'funds'

MARK W. BRANDSGARD  
Chief Clerk of the House

### BILLS ENROLLED, SIGNED AND SENT TO THE SECRETARY OF STATE

The Chief Clerk of the House submitted the following report:

Mr. Speaker: The Chief Clerk of the House respectfully reports that the following bill has been examined and found correctly enrolled, signed by the Speaker of the House and the President of the Senate, and presented to the Secretary of State on this 26<sup>th</sup> day of April, 2009: House Joint Resolution 1.

### BILLS ENROLLED, SIGNED AND SENT TO GOVERNOR

The Chief Clerk of the House submitted the following report:

Mr. Speaker: The Chief Clerk of the House respectfully reports that the following bills have been examined and found correctly enrolled, signed by the Speaker of the House and the President of the Senate, and presented to the Governor for his approval on this 26<sup>th</sup> day of April, 2009: House Files 243, 260, 278, 420, 450, 477, 478, 481, 488, 503, 552, 562, 670, 671, 676, 684, 705, 706, 708, 710, 712, 722, 723, 756, 759, 805, 809, 810, 811, 815, 820, 822, 826.

MARK W. BRANDSGARD  
Chief Clerk of the House

Report adopted.

### BILLS APPROVED, VETOED, OR ITEM VETOED SUBSEQUENT TO ADJOURNMENT

The following is a record of the action of the Governor on the bills passed by the 2009 Regular Session of the Eighty-third General

Assembly and which action was had subsequent to the date of final adjournment.

- H.F. 243— Providing for gender balance on local boards, commissions, committees, and councils, and including an applicability provision. Approved 5-26-09.
- H.F. 260— Relating to the operation of county, city, and memorial hospitals and the duties and powers of hospital trustees and commissioners. Approved 5-18-09.
- H.F. 278— Requiring notification of occupancy rates for certain premises licensed to permit on-premises consumption of alcohol. Approved 5-22-09.
- H.F. 420— Concerning civil service commissions, disciplinary procedures, and residency requirements for civil service employees. Approved 5-18-09.
- H.F. 450— Relating to the time of opening the polls for certain city elections. Approved 5-22-09.
- H.F. 477— Relating to declaration of value forms for the conveyance of real estate by making social security numbers and tax identification numbers confidential. Approved 5-18-09.
- H.F. 478— Relating to health insurance coverage for diabetes self-management training and education programs and providing effective and applicability dates. Approved 5-22-09.
- H.F. 481— Providing an excess weight allowance for special trucks hauling distillers grains. Approved 5-18-09.
- H.F. 488— Relating to assistive or service animals including provisions relating to persons controlling the assistive animal and including the maintenance of service animals as an eligible service reimbursable under the home and community-based services waivers. Approved 5-26-09.
- H.F. 503— Concerning the definition of veteran and providing an effective date. Approved 5-26-09.
- H.F. 552— Concerning the appointment of airport commissioners. Approved 5-18-09.
- H.F. 562— Relating to the council on human services and the state child care advisory council. Approved 5-18-09.
- H.F. 670— Relating to absentee voting and the counting of absentee ballots beginning on the day before the general election. Approved 5-22-09.

- H.F. 671— Relating to public safety by providing volunteer emergency services providers protection from employment termination, providing for the membership of the public safety communications interoperability board, providing for modifications in the boundaries of emergency response districts, and including effective and retroactive applicability date provisions. Approved 5-26-09.
- H.F. 676— Modifying provisions relating to a final hearing in a civil commitment proceeding for a sexually violent predator. Approved 5-18-09.
- H.F. 684— Relating to the membership and administration of the Iowa propane education and research council. Approved 5-22-09.
- H.F. 705— Concerning safe rooms and storm shelters in newly constructed buildings. Approved 5-22-09.
- H.F. 706— Relating to and publicizing mortgage foreclosure and real estate obligation protections for members of the national guard, and the reserve or regular component of the armed forces of the United States in active duty service, and providing a penalty. Approved 5-26-09.
- H.F. 708— Relating to absentee ballots delivered to applicants who are patients or residents of hospitals or health care facilities. Approved 5-22-09.
- H.F. 710— Relating to the agricultural development authority, by providing for the reporting of its operations. Approved 5-18-09.
- H.F. 712— Relating to a private right of action for certain consumer fraud violations and including an applicability provision. Approved 5-26-09.
- H.F. 722— Relating to regulation of certain conservation and recreation activities under the jurisdiction of the department of natural resources, modifying fees, establishing an upland game bird study advisory committee, making penalties applicable, and providing an immediate effective date. Approved 5-22-09.
- H.F. 723— Relating to various matters under the purview of the insurance division of the department of commerce including the uniform securities act; insurance division; articles of incorporation filing requirements; viatical settlements contracts; life insurance companies and associations; long-term care insurance; long-term care asset disregard incentives; insurance other than life; insurance guaranty association; county mutual insurance associations; state mutual insurance associations; consolidation, merger, and reinsurance; and cemetery and funeral merchandise and funeral services; and providing for an immediate effective date and retroactive applicability. Approved 5-22-09.

- H.F. 756– Relating to regional watershed, land use, and flood plain management policies, and providing for the establishment of a council. Approved 5-22-09.
- H.F. 759– Requiring counties and cities with flood hazard areas within their boundaries to participate in the national flood insurance program and requiring preparation of a flood insurance report by commissioner of insurance. Approved 5-22-09.
- H.F. 805– 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. Approved 5-26-09.
- H.F. 809– Relating to and making appropriations to certain state departments, agencies, funds, and certain other entities, providing for regulatory authority, and other properly related matters, and providing effective and retroactive applicability dates. Approved 5-26-09, with exception of Section 1, subsection 1, paragraph c and subsection 4; Section 13, subsection 4, paragraphs b and c; Section 30, subsection 3 and Sections 27 and 37. See Governor’s Item Veto Message.
- H.F. 810– Providing for the establishment of small wind innovation zones, providing for the applicability of tax credits, and including effective and retroactive applicability date provisions. Approved 5-22-09.
- H.F. 811– Relating to and making appropriations for health and human services and including other related provisions and appropriations, providing penalties, making penalties applicable and providing effective, retroactive, and applicability date provisions. Approved 5-26-09, with exception of Section 28, subsection 3, Section 35, 37 and 38. See Governor’s Item Veto Message.
- H.F. 815– Relating to articulation agreements between public postsecondary institutions and to the dissemination of articulation information. Approved 5-26-09.
- H.F. 820– Relating to state and local financial matters by revising certain appropriations and appropriating federal funds made available from federal block grants, federal American Recovery and Reinvestment Act of 2009 funding, and other federal grants, allocating portions of federal block grants, and providing procedures if federal funds are more or less than anticipated or if federal block grants are more or less than anticipated, and including effective and retroactive applicability date provisions. Approved 5-26-09.
- H.F. 822– Relating to and making, reducing, and transferring appropriations to state departments and agencies from the rebuild Iowa infrastructure fund, the technology reinvestment fund, and other funds, creating and funding the Iowa flood center, providing for related matters, and providing effective and retroactive applicability date provisions. Approved 5-26-09.

- H.F. 826— Relating to the comprehensive recycling planning task force. Approved 5-22-09.
- S.F. 137— Providing that wage discrimination is an unfair employment practice under the Iowa civil rights Act and providing an enhanced remedy. Approved 4-28-2009.
- S.F. 151— Relating to railway assistance and passenger rail service, including provisions for the administration of the railway revolving loan and grant fund, the elimination of the railway finance authority, and the administration of the passenger rail service revolving fund. Approved 5-4-09.
- S.F. 152— Relating to administrative and planning requirements involving children for whom the department of human services has responsibility under state or federal law. Approved 5-22-09.
- S.F. 176— Allowing the waiver of certain administrative penalties for late annual reports concerning cemetery and funeral merchandise, and funeral services, upon a showing of good cause or financial hardship and providing an immediate effective date. Approved 5-18-09.
- S.F. 186— Concerning preferential hiring treatment by government for veterans. Approved 5-26-09.
- S.F. 224— Relating to the licensing and regulation of plumbers, mechanical professionals, and contractors, and including an applicability provision. Approved 5-26-09.
- S.F. 226— Concerning the statewide fire and police retirement system by establishing a presumption that cancer and infectious diseases are work-related for purposes of disability and death benefits and by increasing the contribution rate. Approved 5-8-09.
- S.F. 236— Relating to psychiatric medical institution for children services and providing an effective date. Approved 5-22-09.
- S.F. 254— Requiring the preparation of a report by the department of veterans affairs relating to the activities of county commissions of veteran affairs. Approved 5-22-09.
- S.F. 291— Providing for the recognition and promotion of certified retirement communities. Approved 5-26-09.
- S.F. 304— Relating to withholding agreements and local match requirements of the targeted jobs withholding tax credit program. Approved 5-18-09.
- S.F. 340— Relating to the sex offender registry, making fees applicable, and providing for penalties. Approved 5-21-09.



- S.F. 342— Relating to boards of directors associated with organizations promoting soybeans and corn. Approved 4-27-09.
- S.F. 344— Relating to the requirements of certain financial assistance programs administered by the department of economic development including a reorganization of the grow Iowa values fund and creating a grow Iowa values financial assistance program. Approved 5-22-09.
- S.F. 356— Relating to department of transportation administrative procedures by establishing a procedure to remove a conviction relating to the operation of a motor vehicle from a driving record based on identity theft and requiring verification of status in regards to the driver's license of a foreign national. Approved 5-22-09.
- S.F. 366— Relating to the emancipation of a minor and family in need of assistance proceedings. Approved 5-26-09.
- S.F. 372— Requesting the establishment of a statewide broadband policy development interim study committee. Approved 5-22-09.
- S.F. 374— Concerning restrictions on the resale and use of motor vehicle operating records furnished by the department of transportation and making a penalty applicable. Approved 5-22-09.
- S.F. 376— Creating an Iowa jobs program, an Iowa jobs board, and Iowa jobs fund, authorizing the issuance of bonds, including the issuance of tax-exempt bonds, making and revising appropriations, and providing an effective date. Approved 5-14-09.
- S.F. 377— Relating to the prescription drug donation repository program. Approved 5-22-09.
- S.F. 379— Relating to the use of insurance loss history in the issuance of dramshop liability insurance. Approved 5-22-09.
- S.F. 389— Relating to health care, health care providers, and health care coverage, providing retroactive and other effective dates and providing repeals. Approved 5-19-09.
- S.F. 403— Concerning the sale of beer by native wineries. Approved 5-18-09.
- S.F. 405— Providing for the disposal of dead animal bodies by persons, including individuals practicing veterinary medicine, and making penalties applicable. Approved 5-26-09.
- S.F. 415— Relating to the acquisition of title to disaster-affected abandoned property by cities in certain years and authorizing cities to establish a property rights defense account. Approved 5-22-09.
- S.F. 419— Relating to matters under the purview of the department of transportation, including provisions for the administration of the department, driver licensing, vehicle regulation, the motor fuel tax

formula, and the issuance of citations, establishing a cap on annual deposits to the TIME-21 fund, providing a penalty, and providing effective and retroactive applicability dates. Approved 5-22-09.

- S.F. 423— Providing for the dispensing of ethanol blended gasoline by authorizing the use of secondary containment. Approved 5-18-09.
- S.F. 430— Relating to appointments to statutory boards, commissions, councils, and committees that involve the general assembly, and including effective date and applicability provisions. Approved 5-18-09.
- S.F. 432— Regulating animal feeding operations, making penalties applicable, and providing for penalties and effective dates. Approved 5-26-09.
- S.F. 433— Relating to the classification and assessment of violations in health care facilities and assisted living programs and providing penalties. Approved 5-26-09.
- S.F. 435— Relating to the entry upon land by a surveyor for land survey purposes. Approved 5-26-09.
- S.F. 436— Relating to observers at satellite absentee voting stations. Approved 5-22-09.
- S.F. 437— Relating to the activities of governmental entities by amending provisions relating to public access to meetings and records and by modifying provisions relating to cemeteries under the control of certain governmental entities. Approved 5-22-09.
- S.F. 438— Relating to actions injurious to dependent adults and providing penalties. Approved 5-18-09.
- S.F. 449— Relating to statutory corrections which may adjust language to reflect current practices, insert earlier omissions, delete redundancies and inaccuracies, delete temporary language, resolve inconsistencies and conflicts, update ongoing provisions, or remove ambiguities, and including effective and applicability date provisions. Approved 5-22-09.
- S.F. 451— Relating to the definition of resident for purposes of undergraduate tuition and fees for qualified veterans, and certain military persons, and their spouses and dependent children at Iowa's public universities and community colleges. Approved 5-26-09.
- S.F. 452— Directing the office of energy independence to establish a community grant program for energy efficiency projects, and allocating appropriated amounts for purposes of funding the program. Approved 5-22-09.
- S.F. 457— Relating to disaster recovery by legalizing certain actions taken and proceedings conducted by cities and counties in response to a

natural disaster, designating certain activities as essential corporate purposes and essential county purposes, amending provisions related to local bonding authority and contract letting requirements, amending provisions relating to emergency contract letting requirements for joint governmental entities and institutions under the control of the board of regents, amending provisions related to city and county lease contracts and loan agreements, modifying provisions relating to municipal support of certain projects, amending provisions related to expenditures for certain revolving loan funds, authorizing cities and counties to create disaster revitalization areas, providing income tax credits for certain disaster recovery housing projects, and including effective date and retroactive applicability date provisions. Approved 5-12-09.

- S.F. 465— Relating to identity theft protection by requiring reporting and by making changes to the duties of county recorders, the fees collected by the county recorders, and the county land record information system. Approved 5-26-09.
- S. F. 467— Relating to and making appropriations involving state government, by providing for agriculture, natural resources, and environmental protection, and providing for effective dates. Approved 5-26-09, with the exception of Division VI and Section 23. See Governor's Item Veto Message.
- S.F. 469— 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. Approved 5-26-09, with the exception of Section 25. See Governor's Item Veto Message.
- S.F. 470— Relating to the funding of, the operation of, and appropriation of moneys to the college student aid commission, the department for the blind, the department of education, and the state board of regents, providing for related matters, and providing effective dates. Approved 5-26-09, with the exception of Section 13, subsection 3 and Section 29. See Governor's Item Veto Message.
- S.F. 471— Relating to energy efficiency and renewable energy, including allocating appropriated amounts from the Iowa power fund to fund tax credits for innovative renewable energy generation components, transferring authority over specified energy-related measures and programs from the department of natural resources to the office of energy independence, providing transition provisions relating to the transfer of authority, and providing an effective date. Approved 5-18-09.
- S.F. 472— Relating to and making appropriations to the judicial branch, and providing an effective date. Approved 5-4-09.

- S.F. 474— Relating to the bonding authorization of the state board of regents for buildings and facilities including bonding for flood repair, restoration, replacement, and mitigation at the state university of Iowa. Approved 5-14-09.
- S.F. 475— Relating to and making appropriations to the justice system, and including effective and retroactive applicability date provisions. Approved 5-26-09, with the exception of Section 4, subsection 5 and Section 5, subsection 6. See Governor's Item Veto Message.
- S.F. 476— Relating to a quality assurance assessment program, nursing facility reimbursements, and providing monetary penalties, contingencies, and effective dates. Approved 5-26-09.
- S.F. 477— Authorizing the treasurer of state to issue annual appropriation bonds, and creating an annual appropriation bonds debt service fund, an appropriation bonds capitals fund, a vertical infrastructure restricted capitals fund, making appropriations, and including an applicability provision. Approved 5-14-09.
- S.F. 478— Relating to state and local finances by providing for funding of property tax credits and reimbursements, by making, increasing, and reducing appropriations, providing for salaries and compensation of state employees, providing for matters relating to tax credits, providing for fees and penalties, and providing for properly related matters and including effective date and retroactive and other applicability provisions. Approved 5-26-09, with the exception of Section 21, Section 27, paragraph c and paragraph 3, Section 78, Section 134, Section 232, paragraph 6, Section 233, paragraph 6 and Section 234 paragraph h. See Governor's Item Veto Message.
- S.F. 480— Relating to the eligibility for tax credits and income reductions for qualified expenditures under the film, television, and video project promotion program, providing for a fee, and providing an applicability date provision. Approved 5-18-09.
- S.F. 481— Relating to historic preservation and cultural and entertainment district tax credits by increasing the aggregate amount of credits that may be approved, changing the amounts allocated to various projects, and modifying certain administrative duties of the department of cultural affairs. Approved 5-4-09.
- S.F. 482— Relating to programs administered by the commission on volunteer service by establishing Iowa summer youth corps and green corps programs, creating the community programs account and making appropriations from the account, excluding certain payments provided to an AmeriCorps volunteer from state income tax, and providing effective dates. Approved 5-26-09.
- S.F. 483— Relating to state taxes by limiting tax credits available under certain economic development programs and agricultural assets

transfer agreements, eliminating the carryback of net operating losses, and including retroactive applicability date and other applicability date provisions. Approved 5-22-09.

S.F. 484— Relating to regulatory requirements involving boarding homes and dependent adults and providing an appropriation and a penalty. Approved 5-22-09.

## GOVERNOR'S ITEM VETO MESSAGES

A copy of the following communications were received and placed on file:

May 26, 2009

The Honorable Michael Mauro  
Secretary of State  
State Capitol Building  
L O C A L

Dear Mr. Secretary:

I hereby transmit **House File 809**, an Act relating to and making appropriations to certain state departments, agencies, funds, and certain other entities, providing for regulatory authority, and other properly related matters, and providing effective and retroactive applicability dates. House File 809 is approved on this date, with the exceptions noted below, which I hereby disapprove.

I am unable to approve the item designated in Section 1, subsection 1, paragraph c, of this bill which directs departments to keep vehicles longer in order to reduce motor vehicle fleet operation and purchasing costs by 7.5 percent. I agree with the goal of decreasing state fleet costs, and that is one reason I disapprove of this section. Maintaining vehicles beyond their useful lifetime may actually increase fleet costs. I also disapprove this section because it infringes on the authority of the Executive Branch. The Department of Administrative Services is currently implementing new standards to reduce the cost of fleet operations, which will reduce vehicle fleet operations and purchasing costs.

I am unable to approve the item designated in Section 1, subsection 4, of the bill which prohibits the Department of Administrative Services from exceeding the rates set as of January 1, 2009, for services provided solely by the Department of Administrative Services to other Executive Branch agencies or departments. The current rates for some utility functions are artificially low due to use of other funds to cover expenses. These funds are now depleted and keeping the rates at the current level will harm the Department of Administrative Services' capacity to deliver other services.

I am unable to approve the item designated in Section 13, subsection 4, paragraph b, of the bill which directs the Department of Inspections and Appeals to provide information to the public via the internet relating to inspections, operating costs and FTE positions. Iowa is already a leader in providing families with the information they need to protect the health and safety of their loved ones. Though I strongly encourage

the Department to provide greater transparency, I disapprove this language because some of this data is collected during the survey and certification process and is maintained and controlled by the federal government. Any additional information would add very little benefit to the public but would be expensive to assemble and maintain. The Department has already made much of this information, especially regarding its inspections, part of the public record.

I am unable to approve the item designated in Section 13, subsection 4, paragraph c, of the bill which directs the Department of Inspections and Appeals to continuously solicit input from facilities regulated by the Department to assess and improve its level of collaboration. The Department of Inspections and Appeals currently works with those facilities regulated by the Department in a manner that is consistent with its regulatory duties as prescribed by Iowa law and expect all parties to work together on a regular basis in an honest and straightforward manner.

I am unable to approve the item designated as Section 27 in its entirety. This language directs employees to submit actual receipts for meals and other costs and requires that reimbursement up to the maximum amount shall only be allowed in an amount equal to the sum of the actual receipts submitted. While I agree with the general intent of this section and believe that employees should be reimbursed only for actual expenses, this language would be particularly difficult to administer because similar language has not been consistently required by the Legislature for every state agency or department or for the Legislature's own employees. Accordingly, I have issued Executive Order Thirteen to require the Department of Administrative Services (DAS) to implement a policy that will require every executive department of the Culver-Judge Administration to institute cost-effective, more efficient, and transparent practices that will track reimbursements paid to state employees for meals, travel and other work-related costs.

I disapprove the item designated in Section 30, subsection 3, in the bill because a vehicle depreciation fund at the Department of Transportation does not exist. Therefore, this language would not be workable.

I disapprove the item designated in Section 37 which removes appropriations to the Department of Management for the Grants Enterprise System. I am unable to approve this language because funding for the Grants Enterprise System is now necessary to provide greater transparency for the availability and use of federal American Recovery and Reinvestment Act funds.

For the above reasons, I respectfully disapprove the designated items in accordance with Article III, Section 16 of the Constitution of the State of Iowa. All other items in **House File 809** are hereby approved this date.

Sincerely,  
Chester J. Culver  
Governor

May 26, 2009

The Honorable Michael Mauro  
Secretary of State  
State Capitol Building  
L O C A L

Dear Mr. Secretary:

I hereby transmit **House File 811**, an Act relating to and making appropriations for health and human services and including other related provisions and appropriations, providing penalties, making penalties applicable and providing effective, retroactive, and applicability date provisions. House File 811 is approved on this date, with the exceptions noted below, which I hereby disapprove.

I am unable to approve the item designated as Section 28, subsection 3 in its entirety. This language requires the Department of Human Services to provide detailed proposals for any reorganization to the Legislature. It requires a 30-day advance notice. This provision infringes on the Executive Branch's duties to administer operations and programs. As I have previously stated, making government more efficient is a priority of my Administration, but we should not do it in a piecemeal fashion as this language would require. We need a more comprehensive reorganization.

I am unable to approve the item designated as Section 35 in its entirety. This language directs the Departments of Elder Affairs, Public Health, Human Services and Veterans Affairs to develop plans for a five-percent reduction in their respective budgets and a report of such reductions to the Legislature by December 15, 2009. A budget process is already delineated in law that starts with the Executive Branch, and this language infringes on the Executive Branch's duties to develop the state budget.

I am unable to approve the item designated as Section 37 in its entirety. Section 37 directs employees to submit actual receipts for meals and other costs and requires reimbursement up to the maximum amount shall only be allowed in an amount equal to the sum of the actual receipts submitted. While I agree with the general intent of this section and believe that employees should be reimbursed only for actual expenses, this language would be particularly difficult to administer because similar language has not been consistently required by the Legislature for every state agency or department or for the Legislature's own employees. Accordingly, I have issued Executive Order Thirteen to require the Department of Administrative Services (DAS) to implement a policy that will require every executive department of the Culver-Judge Administration to institute cost-effective and transparent practices that will track reimbursements paid to state employees for meals, travel and other work-related costs.

I am unable to approve the item designated as Section 38 in its entirety. This language directs that all out-of-state travel for performance of official state business by state employees of the Departments of Elder Affairs, Public Health, Human Services and Veterans Affairs or agencies subject to this Act must be approved by the Executive Council. While only certain out-of-state travel must, by law, be approved by the Executive Council, this language would extend this requirement to all out-of-state travel for the performance of official state business by these agencies, including the University of Iowa Hospitals and Clinics (UIHC). Extending this requirement for all out-of-state travel for performance of official state business by UIHC is not in the best

interests of providing emergency medical care and taking care of patients. This language would set a different standard for these agencies. When economic conditions required such action last December, I restricted out-of-state travel by Executive Branch employees.

For the above reasons, I respectfully disapprove of the designated items in accordance with Article III, Section 16 of the Constitution of the State of Iowa. All other items in **House File 811** are hereby approved this date.

Sincerely,  
Chester J. Culver  
Governor

May 26, 2009

The Honorable Michael Mauro  
Secretary of State  
State Capitol Building  
L O C A L

Dear Mr. Secretary:

I hereby transmit **Senate File 467**, an Act relating to and making appropriations involving state government, by providing for agriculture, natural resources, and environmental protection, and providing for effective dates. Senate File 467 is approved on this date, with the exceptions noted below, which I hereby disapprove.

I am unable to approve the item designated as Division VI of this bill in its entirety. Division VI of the bill directs employees to submit actual receipts for meals and other costs and requires that reimbursement up to the maximum amount shall only be allowed in an amount equal to the sum of the actual receipts submitted. While I agree with the general intent of this division and believe that employees should be reimbursed only for actual expenses, this language would be particularly difficult to administer because similar language has not been consistently required by the Legislature for every state agency or department or for the Legislature's own employees. Accordingly, I have issued Executive Order Thirteen to require the Department of Administrative Services (DAS) to implement a policy that will require every executive department of the Culver-Judge Administration to institute cost-effective and transparent practices that will track reimbursements paid to state employees for meals, travel and other work-related costs.

I disapprove the item designated as Section 23 of this bill in its entirety. Section 23 delays the implementation date of the requirement to begin having septic tanks inspected at the time of property transfer from July 1, 2009 to July 1, 2010. With over 550 unsewered communities and over 100,000 leaking and/or malfunctioning septic systems in Iowa, this language is inconsistent with the objective of Senate File 261 that I signed last year to protect and improve water quality and to assure home buyers that they are purchasing a property that has a functioning septic tank. Importantly, we now have funds available through the IJOBS Program that I proposed for helping unsewered communities, and as July 1, 2009, over 200 inspectors will be certified to inspect septic tanks.



For the above reasons, I respectfully disapprove the designated items in accordance with Article III, Section 16 of the Constitution of the State of Iowa. All other items in **Senate File 467** are hereby approved this date.

Sincerely,  
Chester J. Culver  
Governor

May 26, 2009

The Honorable Michael Mauro  
Secretary of State  
State Capitol Building  
L O C A L  
Dear Mr. Secretary:

I hereby transmit **Senate File 469**, 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. Senate File 469 is approved on this date, with the exception noted below, which I hereby disapprove.

I am unable to approve the item designated as Section 25 in its entirety. Section 25 of the bill directs employees to submit actual receipts for meals and other costs and requires that reimbursement up to the maximum amount shall only be allowed in an amount equal to the sum of the actual receipts submitted. While I agree with the general intent of this section and believe that employees should be reimbursed for actual expenses, this language would be particularly difficult to administer because similar language has not been included for every state agency or department or for the Legislature's own employees. Accordingly, I have issued Executive Order Thirteen to require the Department of Administrative Services (DAS) to implement a policy that will require every executive department of the Culver-Judge Administration to institute cost-effective and transparent practices that will track reimbursements paid to state employees for meals, travel and other work-related costs.

For the above reasons, I respectfully disapprove of the designated item in accordance with Article III, Section 16 of the Constitution of the State of Iowa. All other items in **Senate File 469** are hereby approved this date.

Sincerely,  
Chester J. Culver  
Governor

May 26, 2009

The Honorable Michael Mauro  
Secretary of State  
State Capitol Building  
L O C A L

Dear Mr. Secretary:

I hereby transmit **Senate File 470**, an Act relating to the funding of, the operation of, and appropriation of moneys to the college student aid commission, the department for the blind, the department of education, and the state board of regents, providing for related matters, and providing effective dates. Senate File 470 is approved on this date, with the exceptions noted below, which I hereby disapprove.

I am unable to approve the item designated as Section 13, subsection 3 of the bill. This item directs employees to submit actual receipts for meals and other costs and requires that reimbursement up to the maximum amount shall only be allowed in an amount equal to the sum of the actual receipts submitted. While I agree with the general intent of this section and believe that employees should be reimbursed only for actual expenses, this language would be particularly difficult to administer because similar language has not been included for every state agency or department or for the Legislature's own employees. Accordingly, I have issued Executive Order Thirteen to require the Department of Administrative Services (DAS) to implement a policy that will require every executive department of the Culver-Judge Administration to institute cost-effective and transparent practices that will track reimbursements paid to state employees for meals, travel and other work-related costs.

I am unable to approve Section 29 in its entirety. Section 29 creates a new Code Chapter, 261D.4 Provisional Withdrawal from Compact. The language authorizes the State of Iowa's withdrawal from the Midwestern Higher Education Compact effective July 1, 2009. While I appreciate that this language in Section 29 was developed as a cost-savings measure to save the state the cost of the annual membership in the Compact, such a temporary withdrawal from the Compact would violate the terms of the Compact in Iowa Code Chapter 261D. Additionally, Iowa state and local governments and school districts have saved over \$547,000 through group purchasing opportunities provided by Midwestern Higher Education Compact. The Board of Regents has committed to find the necessary funding in FY 2010 to continue Iowa's membership in the Compact.

For the above reasons, I respectfully disapprove of the designated items in accordance with Article III, Section 16 of the Constitution of the State of Iowa. All other items in **Senate File 470** are hereby approved this date.

Sincerely,  
Chester J. Culver  
Governor

May 26, 2009

The Honorable Michael Mauro  
Secretary of State  
State Capitol Building  
L O C A L

Dear Mr. Secretary:

I hereby transmit **Senate File 475**, an Act relating to and making appropriations to the justice system, and including effective and retroactive applicability date provisions. Senate File 475 is approved on this date, with the exceptions noted below, which I hereby disapprove.

I am unable to approve the item designated as Section 4, subsection 5 in its entirety. Subsection 5 calls for the Department of Corrections to eliminate the chief security officer position by June 30, 2011. My Administration last year made establishment of this position a high priority in order to maintain consistent security procedures and policies within the Department of Corrections. I disapprove this language because it infringes upon the Executive Branch authority to staff this much-needed position.

I am unable to approve the item designated as Section 5, subsection 6 in its entirety. This provision would require all Community Based Correctional (CBC) Facilities to accept offenders transferred from other judicial districts without consideration of evidence-based practices regarding supervisory status. I disapprove this language because it would cause each CBC facility to lose control of the types and number of offenders whom they serve in their residential program.

For the above reasons, I respectfully disapprove the designated items in accordance with Article III, Section 16 of the Constitution of the State of Iowa. All other items in **Senate File 475** are hereby approved this date.

Sincerely,  
Chester J. Culver  
Governor

May 26, 2009

The Honorable Michael Mauro  
Secretary of State  
State Capitol Building  
L O C A L

Dear Mr. Secretary:

I hereby transmit **Senate File 478**, an Act relating to state and local finances by providing for funding of property tax credits and reimbursements, by making, increasing, and reducing appropriations, providing for salaries and compensation of state employees, providing for matters relating to tax credits, providing for fees and penalties, and providing for properly related matters and including effective date and retroactive and other applicability provisions. Senate File 478 is approved on this date, with the exceptions noted below, which I hereby disapprove.

I am unable to approve Section 21 of Senate File 478 in its entirety because this section requires the Department of Administrative Services to perform a job evaluation study of state employees for the purpose of determining whether the job classifications and pay grade levels are properly determined. The Department is to perform this study by randomly selecting state employees but was given no additional funding for such a study. Currently, the Department has in place a system of review to determine if an employee is properly classified, in which an employee can make a request for such a review. Pay grade reviews are handled through the collective bargaining process and should not be included in a random survey.

I am unable to approve the designated portions of lettered paragraph c and numbered paragraph 3 of Section 27 of Senate File 478 in their entirety. Lettered

paragraph c requires notification of the Legislative Council before any reduction is made of supervisory positions. This notification has not been required before and is an imposition upon Executive Branch functions. Numbered paragraph 3 requires the Department of Management to report on out-of-state travel. The Legislative Services Agency has access to all of the accounting data that flows through centralized accounting, Executive Council minutes, along with the power to request additional information from those agencies that do not use centralized accounting and; therefore, should be able to generate the type of reports asked for in this section. Further, while I agree that in difficult economic times special attention should be given to the issue of eliminating unnecessary travel, I am approaching this issue in a matter that differs from the approach taken in this section. Accordingly, I have issued Executive Order Thirteen to require the Department of Administrative Services (DAS) to implement a policy that will require every executive department of the Culver-Judge Administration to institute cost-effective and transparent practices that will track reimbursements paid to state employees for meals, travel and other work-related costs.

I am unable to approve Section 78 of Senate File 478 in its entirety. This section provides that a person whose license has been revoked for an operating while intoxicated (OWI) test failure after a prior OWI revocation for one year may apply after 45 days for a temporary restricted license to be issued by the Court. It is my understanding that this language was based on earlier information from the Iowa Department of Transportation that it would be in compliance with federal requirements. Further review now shows that this section will threaten the state's compliance with federal requirements for repeat offender laws.

I am unable to approve Section 134 of this bill in its entirety. This language would eliminate the tax credit to employers for purchasing assistive technology that allows them to employ persons with disabilities. This is not the time during this economic downturn to eliminate assistance for helping employers hire persons with disabilities, and I strongly encourage employers to use this tax credit.

I am unable to approve the designated portion of the first sentence of Section 232, numbered paragraph 6, the designated portion of the first sentence of Section 233, numbered paragraph 6 and the designated portion of the first sentence of Section 234, lettered paragraph h of Senate File 478. These sections require the Department of Revenue to issue an annual report naming claimants of the research activities tax credit that receive refunds in amounts that exceed \$500,000. I strongly support transparency in government and understand the worthy intent of this provision, but I am concerned that the requirement that would have applied retroactively to tax returns filed on or after January 1, 2009 might be questionably written, might arguably affect taxpayers' due process rights and might, therefore, have opened the way to a lengthy court challenge. Because this is a retroactive tax reporting change, I cannot let such an alteration in longstanding tax policy affect taxpayers that have already legally filed tax returns. Therefore, I am unable to approve the retroactive language.

For the above reasons, I respectfully disapprove the designated items in accordance with Article III, Section 16 of the Constitution of the State of Iowa. All other items in **Senate File 478** are hereby approved this date.

Sincerely,  
Chester J. Culver  
Governor

**AMENDMENTS FILED**

Amendments filed during the Eighty-third General Assembly, 2009 Session, not otherwise printed in the House Journal:

H-1001

- 1 Amend House File 64 as follows:
- 2 1. By striking page 1, line 3, through page 3,
- 3 line 7.
- 4 2. Page 3, by striking line 8 and inserting the
- 5 following:
- 6 "Section 1. APPROPRIATION.
- 7 1. There is appropriated from the".
- 8 3. Page 3, by inserting after line 15 the
- 9 following:
- 10 "2. The authority shall adopt rules for the
- 11 jumpstart housing assistance program consistent with
- 12 all of the following:
- 13 a. An eligible resident must have a family income
- 14 equal to or less than one hundred fifty percent of the
- 15 area median family income.
- 16 b. Forgivable loans awarded after the effective
- 17 date of this division of this Act shall be awarded
- 18 pursuant to the following priorities:
- 19 (1) First priority shall be given to eligible
- 20 residents who have not received any moneys under the
- 21 jumpstart housing assistance program prior to the
- 22 effective date of this division of this Act.
- 23 (2) Second priority shall be given to eligible
- 24 residents who have received less than twenty-four
- 25 thousand nine hundred ninety-nine dollars under the
- 26 jumpstart housing assistance program prior to the
- 27 effective date of this division of this Act.
- 28 (3) Third priority shall be given to eligible
- 29 residents who have received twenty-four thousand nine
- 30 hundred ninety-nine dollars under the jumpstart
- 31 housing assistance program prior to the effective date
- 32 of this division of this Act and who continue to have
- 33 unmet needs for down payment assistance, emergency
- 34 housing repair or rehabilitation, interim mortgage
- 35 assistance, or energy efficiency assistance.
- 36 c. Except as provided in paragraph "b",
- 37 subparagraph (3), an eligible resident who meets the
- 38 area median family income requirement shall not
- 39 receive more than twenty-four thousand nine hundred
- 40 ninety-nine dollars under the program."
- 41 4. Page 3, line 16, by striking the word
- 42 "Notwithstanding" and inserting the following:
- 43 "3. Notwithstanding".
- 44 5. Page 4, line 18, by inserting after the word

45 "household" the following: "in reimbursement for  
 46 expenses incurred due to a natural disaster occurring  
 47 after May 24, 2008, and before August 14, 2008".

48 6. Page 5, by striking lines 7 and 8 and  
 49 inserting the following:

50 "Sec.\_\_\_\_. EFFECTIVE AND RETROACTIVE APPLICABILITY

Page 2

1 DATES. This Act, being deemed of immediate  
 2 importance, takes effect upon enactment, and applies  
 3 retroactively to May 24, 2008, and is applicable on  
 4 and after that date."

5 7. Page 8, by inserting after line 14 the  
 6 following:

7 "(15) The department of agriculture and land  
 8 stewardship."

9 8. By renumbering as necessary.

#### COMMITTEE ON APPROPRIATIONS

H-1002

1 Amend House File 64 as follows:

2 1. Page 6, line 34, by inserting after the word  
 3 "governor." the following: "The executive director  
 4 shall do all of the following:

5 a. At least once each month, appear before the  
 6 standing committee on government oversight in the  
 7 senate and the house of representatives for purposes  
 8 of testifying regarding the activities of and  
 9 financial report for the rebuild Iowa office during  
 10 the previous calendar month. If a meeting of the  
 11 standing committee on government oversight in the  
 12 senate or the house of representatives is not  
 13 scheduled during a month, the testimony at the meeting  
 14 in the following month shall include activities of and  
 15 a financial report for the rebuild Iowa office for the  
 16 period of time since the last report. During a month  
 17 in which the standing committee on rebuild Iowa in the  
 18 senate or the standing committee on rebuild Iowa and  
 19 disaster recovery in the house of representatives  
 20 conducts a meeting, the executive director shall  
 21 testify before that committee in place of the  
 22 testimony required before the standing committee on  
 23 government oversight in the respective house.

24 b. At least once each week, provide an electronic  
 25 report to the members of the standing committee on  
 26 rebuild Iowa in the senate and the standing committee  
 27 on rebuild Iowa and disaster recovery in the house of  
 28 representatives. The report shall include activities  
 29 conducted by the rebuild Iowa office during the

30 previous week and an updated financial report for the  
31 rebuild Iowa office."

THOMAS of Clayton

H-1008

1 Amend Senate File 44, as amended, passed, and  
2 reprinted by the Senate, as follows:  
3 1. Page 2, by inserting after line 26 the  
4 following:  
5 "4A. Notwithstanding section 423B.1, subsection 5,  
6 subsection 6, paragraph "a", and subsection 9, a local  
7 option sales and services tax imposed pursuant to this  
8 Act shall be repealed not later than June 30, 2019."  
9 2. By renumbering as necessary.

HELLAND of Polk

H-1011

1 Amend House File 139 as follows:  
2 1. Page 1, line 16, by inserting after the figure  
3 and word "514C.6, a" the following: "group".  
4 2. Page 2, line 11, by striking the words  
5 "Individual or group" and inserting the following:  
6 "Group".  
7 3. Page 2, line 13, by striking the words "An  
8 individual or group" and inserting the following: "A  
9 group".  
10 4. Page 2, line 17, by striking the words "An  
11 individual or group" and inserting the following: "A  
12 group".  
13 5. Page 2, line 19, by striking the words "An  
14 individual or group" and inserting the following: "A  
15 group".  
16 6. Page 2, line 22, by inserting after the word  
17 "of" the following: "group".

PETTENGILL of Benton

H-1012

1 Amend House File 139 as follows:  
2 1. Page 2, by inserting after line 26, the  
3 following:  
4 "3A. Notwithstanding subsection 3, the  
5 commissioner of insurance may delay or suspend  
6 implementation of the requirements of this section as  
7 to a third-party payment provider policy, contract, or  
8 plan upon a determination that application of these  
9 requirements to that policy, contract, or plan will

10 result in an increase in the actual total costs of  
 11 coverage with respect to medical and surgical  
 12 benefits, and mental health condition benefits, of two  
 13 percent or more in the first policy, contract, or plan  
 14 year or will result in an increase of one percent or  
 15 more in subsequent years."

16 2. By renumbering as necessary.

L. MILLER of Scott

H-1013

1 Amend House File 139 as follows:

2 1. Page 2, by inserting after line 26, the  
 3 following:

4 "3A. Notwithstanding subsection 3, coverage  
 5 benefits for the treatment of alcohol or substance  
 6 abuse pursuant to this section are not required until  
 7 twelve months after the development and adoption, by  
 8 rule, of an approval process by the department of  
 9 public health for services provided by a substance  
 10 abuse counselor or a licensed health facility  
 11 providing a program for the treatment of alcohol or  
 12 substance abuse, and the development and adoption, by  
 13 rule, of a licensure process by the department of  
 14 public health pursuant to chapter 125 for a substance  
 15 abuse treatment and rehabilitation facility."

16 2. By renumbering as necessary.

SCHULTE of Linn

H-1014

1 Amend House File 139 as follows:

2 1. Page 2, by inserting after line 26, the  
 3 following:

4 "\_\_\_\_. Notwithstanding subsection 3, coverage  
 5 benefits for the treatment of alcohol or substance  
 6 abuse pursuant to this section are not required until  
 7 twelve months after the adoption of the final  
 8 implementation rules and regulations for the federal  
 9 Paul Wellstone and Pete Domenici Mental Health Parity  
 10 and Addiction Equity Act of 2008, as it amends the  
 11 federal Mental Health Parity Act of 1996, as codified  
 12 in section 712 of the federal Employee Retirement  
 13 Income Security Act, 29 U.S.C. § 1185(a), section 2705  
 14 of the federal Public Health Service Act, 42 U.S.C. §  
 15 300gg-5, and section 9812 of the Internal Revenue  
 16 Code."

17 2. By renumbering as necessary.

UPMEYER of Hancock



H-1015

1 Amend House File 139 as follows:

2 1. Page 2, by inserting after line 26 the  
3 following:

4 "3A. The commissioner of insurance shall submit a  
5 report to the governor and the general assembly by  
6 December 15 of each year that details the actual cost  
7 attributable to providing the coverage required by  
8 this section in each of the classes of third-party  
9 payment provider policies, contracts, or plans to  
10 which this section applies."

11 2. By renumbering as necessary.

SODERBERG of Plymouth

H-1016

1 Amend House File 179 as follows:

2 1. By striking page 1, line 25, through page 2,  
3 line 5.

BERRY of Black Hawk

H-1017

1 Amend House File 179 as follows:

2 1. Page 1, by inserting before line 1 the  
3 following:

4 "Section 1. Section 232.69, subsection 1,  
5 unnumbered paragraph 1, Code 2009, is amended to read  
6 as follows:

7 The classes of persons enumerated in this  
8 subsection shall make a report within twenty-four  
9 hours and as provided in section 232.70, of cases of  
10 child abuse. In addition, the classes of persons  
11 enumerated in this subsection shall make a report of  
12 abuse of a child who is under ~~twelve~~ sixteen years of  
13 age and may make a report of abuse of a child who is  
14 ~~twelve~~ sixteen years of age or older, which would be  
15 defined as child abuse under section 232.68,  
16 subsection 2, paragraph "c" or "e", except that the  
17 abuse resulted from the acts or omissions of a person  
18 other than a person responsible for the care of the  
19 child."

20 2. By renumbering as necessary.

SCHULTZ of Crawford

H-1018

1 Amend House File 243 as follows:

2 1. Page 1, by striking lines 27 through 28.

3 2. By renumbering as necessary.

RANTS of Woodbury  
RAECKER of Polk

H-1019

1 Amend House File 179 as follows:

2 1. Page 1, by inserting before line 1 the  
3 following:

4 "Section 1. Section 232.69, subsection 1,  
5 unnumbered paragraph 1, Code 2009, is amended to read  
6 as follows:

7 The classes of persons enumerated in this  
8 subsection shall make a report within twenty-four  
9 hours and as provided in section 232.70, of cases of  
10 child abuse. In addition, the classes of persons  
11 enumerated in this subsection shall make a report of  
12 abuse of a child who is under ~~twelve~~ fourteen years of  
13 age and may make a report of abuse of a child who is  
14 ~~twelve~~ fourteen years of age or older, which would be  
15 defined as child abuse under section 232.68,  
16 subsection 2, paragraph "c" or "e", except that the  
17 abuse resulted from the acts or omissions of a person  
18 other than a person responsible for the care of the  
19 child."

20 2. By renumbering as necessary.

SCHULTZ of Crawford

H-1020

1 Amend House File 259 as follows:

2 1. Page 2, by inserting after line 23 the  
3 following:

4 "Sec. \_\_\_\_ Section 299.2, subsection 1, Code 2009,  
5 is amended to read as follows:

6 1. a. Who has completed the requirements for  
7 graduation in an accredited school or has obtained a  
8 high school equivalency diploma under chapter 259A.

9 b. Who is making satisfactory progress towards  
10 completion of the requirements for a high school  
11 equivalency diploma under chapter 259A after obtaining  
12 a written statement from the school district of  
13 enrollment affirming that the child has withdrawn from  
14 high school. A school district or accredited  
15 nonpublic school shall provide the written statement  
16 to a former student upon request."

17 2. By renumbering as necessary.

GAYMAN of Scott  
L. MILLER of Scott

H-1021

1 Amend House File 259 as follows:

- 2 1. Page 4, line 23, by striking the word  
3 "section" and inserting the following: "sections".  
4 2. Page 4, by striking line 24 and inserting the  
5 following: "providing for school district compulsory  
6 attendance support reviews and for a compulsory  
7 attendance working group take".

WINCKLER of Scott

H-1024

1 Amend House File 333 as follows:

- 2 1. Page 7, by striking lines 15 through 19 and  
3 inserting the following: "effect throughout the  
4 duration of the public improvement."

WATTS of Dallas

H-1025

1 Amend House File 333 as follows:

- 2 1. Page 11, by inserting after line 24 the  
3 following:  
4 "A contractor or subcontractor shall not be  
5 responsible for the administration or enforcement of  
6 this chapter as it pertains to a subcontractor,  
7 supplier, or other entity, including the public body  
8 where this chapter applies."

WATTS of Dallas

H-1027

1 Amend House File 333 as follows:

- 2 1. Page 3, by striking lines 27 through 29 and  
3 inserting the following:  
4 "\_\_\_\_. "Prevailing" means the average hourly wage  
5 and employee benefits of the majority of workers in  
6 the requisite craft, classification, or other type of  
7 worker within the locality.  
8 \_\_\_\_\_. "Prevailing wage rate" means the hourly wage  
9 rate plus employee benefits as determined pursuant to  
10 section 91F.4."  
11 2. By renumbering as necessary.

WATTS of Dallas

H-1031

1 Amend House File 333 as follows:

2 1. Page 4, by striking lines 1 through 33 and  
3 inserting the following:  
4 "10. a. "Public improvement" means any of the  
5 following that meets the criteria set out in  
6 paragraphs "b" and "c": a building or construction  
7 work which is constructed or performed under the  
8 control of a public body and is paid for in whole or  
9 in part with funds of the public body, including a  
10 building or improvement constructed or operated  
11 jointly with any other public or private agency, but  
12 excluding urban renewal demolition and low-rent  
13 housing projects, industrial aid projects authorized  
14 under chapter 419, and emergency work or repair or  
15 maintenance work performed by employees of a public  
16 body, and excluding a highway, bridge, or culvert  
17 project, and excluding construction or repair or  
18 maintenance work performed for a city utility under  
19 chapter 388 by its employees or performed for a rural  
20 water district under chapter 357A by its employees."

HORBACH of Tama

H-1033

1 Amend House File 333 as follows:

2 1. Page 12, by inserting after line 23 the  
3 following:  
4 "All funds receiving employer contributions for  
5 employees covered on public improvements shall make  
6 available all financial records, minutes of meetings,  
7 and other information as required by chapter 22. The  
8 funds shall be accountable to the auditor of state's  
9 office and subject to audit procedures deemed  
10 necessary by the auditor of state to determine that  
11 payments for employees are being applied to the  
12 purchase of benefits only and not to cover any  
13 nonessential administrative expenses. Violations of  
14 this application-of-payments requirement shall subject  
15 the violator to civil and criminal penalties for back  
16 payment of benefits, interest, and other assessments  
17 consistent with this chapter. Employees covered by  
18 third-party funds or plans or other interested parties  
19 shall have the right to private action for failure of  
20 the third-party funds to comply with the provisions of  
21 this paragraph."  
22 2. By renumbering as necessary.

HORBACH of Tama

H-1034

1 Amend House File 333 as follows:

- 2 1. By striking page 20, line 21, through page 21,  
3 line 2, and inserting the following:  
4 "Sec.\_\_\_\_. EFFECTIVE DATE. This Act takes effect  
5 on January 1, 2010."  
6 2. By renumbering as necessary.

HORBACH of Tama

H-1035

1 Amend House File 333 as follows:

- 2 1. Page 11, by inserting after line 19 the  
3 following:  
4 "\_\_\_\_. Failure of the public body to provide the  
5 required and accurate specified prevailing wage rates  
6 in the bid specifications shall relieve the contractor  
7 or subcontractor from any liability under this  
8 chapter. In such case, all liabilities and penalties  
9 resulting from violations of this chapter become the  
10 responsibility of the public body."  
11 2. By renumbering as necessary.

HORBACH of Tama

H-1042

1 Amend House File 333 as follows:

- 2 1. Page 1, line 33, by inserting after the word  
3 "standards." the following: "This section shall not  
4 be construed to promote or approve the price fixing of  
5 labor rates by competing contractors on projects where  
6 the pricing or bidding of public contracts is being  
7 requested by a public owner or on a project where  
8 public funds are applicable."

TYMESON of Madison

H-1044

1 Amend House File 333 as follows:

- 2 1. Page 1, by striking lines 13 through 15 and  
3 inserting the following:  
4 "Sec.\_\_\_\_. NEW SECTION. 91F.1 TITLE AND  
5 APPLICABILITY.  
6 1. This chapter shall be known and may be cited as  
7 the "State-Established Wage and Fringe Funds Mandates  
8 for Public Works Projects Act".  
9 2. This Act applies to all employees and vendors  
10 of the public or any publicly funded entity, including

11 publicly funded entities whose workers provide  
 12 construction services on public works projects."  
 13 2. By renumbering as necessary.

TYMESON of Madison

H-1045

1 Amend House File 333 as follows:  
 2 1. Page 6, by inserting after line 33 the  
 3 following:  
 4 "\_\_\_\_. Localities that do not have a wage rate  
 5 established pursuant to the federal Davis-Bacon Act,  
 6 40 U.S.C. § 276A, shall be exempt from this chapter.  
 7 The commissioner shall not raise wage rates in  
 8 localities that currently have wage rates established  
 9 by the federal Davis-Bacon Act."  
 10 2. By renumbering as necessary.

TYMESON of Madison

H-1046

1 Amend House File 243 as follows:  
 2 1. Page 1, by striking lines 26 through 32 and  
 3 inserting the following: "the political subdivision  
 4 has made a good faith effort".  
 5 2. Page 1, line 33, by inserting after the words  
 6 "appoint a" the following: "qualified".  
 7 3. Page 2, line 1, by inserting after the word  
 8 "appointment." the following: "In complying with the  
 9 requirements of this subsection, political  
 10 subdivisions shall utilize a fair and unbiased method  
 11 of selecting the best qualified applicants."  
 12 4. Page 2, by inserting after line 1 the  
 13 following:  
 14 "Sec. \_\_\_\_ NEW SECTION. 216A.61 GENDER BALANCE  
 15 OF LOCAL BOARDS -- REPORTING REQUIREMENT.  
 16 Beginning in 2012, and every even-numbered year  
 17 thereafter, each political subdivision of the state  
 18 shall submit a report to the commission, in a manner  
 19 prescribed by the commission, including the total  
 20 number of members and the number of women and men  
 21 members as of January 1 of that year for each  
 22 appointive board, commission, committee, or council  
 23 established by the Code of the applicable political  
 24 subdivision and describing what steps the political  
 25 subdivision is taking to encourage gender balance on  
 26 these appointive bodies. The commission shall compile  
 27 the information reported by each political  
 28 subdivision, and make the compilation available to the

29 public."  
 30 5. By renumbering as necessary.

MASCHER of Johnson

H-1047

1 Amend House File 333 as follows:  
 2 1. Page 3, by striking lines 27 through 29 and  
 3 inserting the following:  
 4 "\_. "Prevailing wage rate" means the hourly wage  
 5 plus fringe benefits or the hourly wage plus the per  
 6 hour cost of fringe benefits."  
 7 2. By renumbering as necessary.

HORBACH of TAMA

H-1050

1 Amend House File 333 as follows:  
 2 1. Page 11, by striking lines 8 through 16 and  
 3 inserting the following: "workers performing work  
 4 under the contract. If".

COWNIE of Polk

H-1052

1 Amend House File 328 as follows:  
 2 1. Page 1, by striking lines 22 and 23 and  
 3 inserting the following: "district, if the ~~boards of~~  
 4 ~~both the sending and receiving districts agree to this~~  
 5 ~~arrangement~~ length of time added to the receiving  
 6 district's bus route to transport the student does not  
 7 cause the riding time for elementary students on the  
 8 bus route to exceed one hour, or for high school  
 9 pupils, seventy-five minutes, unless authorized by the  
 10 parent or guardian of the child whose ride time  
 11 exceeds the limit specified."

TYMESON of Madison

H-1053

1 Amend House File 311 as follows:  
 2 1. Page 1, line 23, by striking the words  
 3 "Individual or" and inserting the following: "A".  
 4 2. Page 1, line 25, by striking the words "An  
 5 individual or" and inserting the following: "A".  
 6 3. Page 1, line 27, by striking the words "An  
 7 individual or" and inserting the following: "A".  
 8 4. Page 1, by inserting after line 32 the

9 following:  
 10 "\_\_\_\_. This section shall not apply to group  
 11 accident and sickness insurance, group hospital or  
 12 medical service contracts, or group medical service  
 13 contracts issued to a small employer as defined in  
 14 section 513B.2."  
 15 5. By renumbering, redesignating, and correcting  
 16 internal references as necessary.

SODERBERG of Plymouth

H-1054

1 Amend House File 311 as follows:  
 2 1. Page 2, by inserting after line 5 the  
 3 following:  
 4 "3. Coverage is not required pursuant to this  
 5 section for any of the following:  
 6 a. Myoelectric devices.  
 7 b. Prosthetic devices that contain  
 8 microprocessors.  
 9 c. Prosthetic devices that are designed  
 10 exclusively for athletic purposes.  
 11 d. Prosthetic devices provided solely for comfort  
 12 or convenience."  
 13 2. By renumbering as necessary.

LUKAN of Dubuque

H-1057

1 Amend House File 311 as follows:  
 2 1. Page 1, line 18, by inserting after the word  
 3 "leg" the following: ", that is necessary to restore  
 4 or maintain a person's ability to perform activities  
 5 of daily living or is essential to related  
 6 activities".

UPMEYER of Hancock

H-1061

1 Amend House File 333 as follows:  
 2 1. Page 10, by inserting after line 27 the  
 3 following:  
 4 "\_\_\_\_\_. The prevailing wage rate is not required to  
 5 be paid to workers of a certified employee  
 6 organization unless the certified employee  
 7 organization certifies that all officers and employees  
 8 of the employee organization are legal United States



9 residents and have not been convicted of a felony."  
10 2. By renumbering as necessary.

HORBACH of Tama

H-1062

1 Amend House File 333 as follows:  
2 1. Page 4, lines 2 and 3, by striking the words  
3 "paragraphs "b" and "c"" and inserting the following:  
4 "paragraph "b"".   
5 2. By striking page 4, line 34, through page 5,  
6 line 35, and inserting the following:  
7 "b. The public improvement meets the following  
8 criteria:  
9 (1) The public improvement is funded fifty percent  
10 or more by state funds. However, if the public  
11 improvement is for a school district, the project must  
12 be funded seventy-five percent or more by state funds.  
13 For the purposes of this subparagraph, "state funds"  
14 does not include property taxes, local option sales  
15 taxes, or revenues generated by local economic  
16 activities.  
17 (2) The minimum cost of the public improvement is  
18 one hundred thousand dollars."  
19 3. Page 8, by striking lines 19 and 20 and  
20 inserting the following: "306.3. However, the dollar  
21 threshold criterion of section 91F.3, subsection 10,  
22 paragraph "b", and an".  
23 4. By renumbering as necessary.

BAILEY of Hamilton

H-1066

1 Amend the amendment, H-1063, to House File 333 as  
2 follows:  
3 1. Page 1, line 13, by inserting after the figure  
4 "2009." the following: "For the purposes of this  
5 subparagraph, any public improvement project funded in  
6 any part by secure an advanced vision for education  
7 fund moneys pursuant to chapter 423F shall be exempt  
8 from the requirement to pay not less than the current  
9 specified prevailing wage rate."

KAUFMANN of Cedar  
DOLECHECK of Ringgold

H-1072

1 Amend the amendment, H-1063, to House File 333 as  
2 follows:

3 1. Page 1, by inserting after line 6 the  
 4 following:  
 5 "\_\_\_\_. Page 5, line 17, by inserting after the  
 6 word "more." the following: "For the purposes of this  
 7 subparagraph, any public improvement project funded in  
 8 any part by secure an advanced vision for education  
 9 fund moneys pursuant to chapter 423F shall be exempt  
 10 from the requirement to pay not less than the current  
 11 specified prevailing wage rate.""

DOLECHECK of Ringgold

H-1073

1 Amend House File 259 as follows:  
 2 1. Page 1, by striking lines 7 through 10 and  
 3 inserting the following: "compulsory attendance age.  
 4 ~~However, if a~~ A child enrolled in a school district o  
 5 accredited nonpublic school who reaches the age of  
 6 ~~sixteen eighteen~~ on or after September 15, ~~the child~~  
 7 remains of compulsory age until the end of the regular  
 8 school calendar."  
 9 2. Page 2, by striking lines 28 through 30 and  
 10 inserting the following: "receiving competent private  
 11 instruction under this chapter or a child over  
 12 compulsory age who is receiving private instruction  
 13 submits a request, the child shall also be".  
 14 3. Page 4, line 23, by striking the word  
 15 "section" and inserting the following: "sections".  
 16 4. Page 4, by striking line 24 and inserting the  
 17 following: "providing for school district compulsory  
 18 attendance support reviews and for a compulsory  
 19 attendance working group take".

WINCKLER of Scott

H-1075

1 Amend the amendment, H-1063, to House File 333, as  
 2 follows:  
 3 1. Page 1, by striking lines 7 through 20 and  
 4 inserting the following:  
 5 "\_\_\_\_. Page 4, lines 2 and 3, by striking the  
 6 words "paragraphs "b" and "c"" and inserting the  
 7 following: "paragraph "b".  
 8 \_\_\_\_\_. By striking page 4, line 34, through page 5,  
 9 line 35, and inserting the following:  
 10 "b. The public improvement project's total  
 11 estimated cost is one million five hundred thousand  
 12 dollars or more and at least twenty percent of the  
 13 funding is satisfied by state funds, as defined in  
 14 section 8.2, directed for infrastructure purposes.""

15 2. By renumbering as necessary.

UPMEYER of Hancock

H-1076

1 Amend the amendment, H-1063, to House File 333, as  
2 follows:

3 1. Page 1, by striking lines 7 through 20 and  
4 inserting the following:

5 " \_\_\_\_\_. Page 4, lines 2 and 3, by striking the  
6 words "paragraphs "b" and "c"" and inserting the  
7 following: "paragraph "b"".

8 \_\_\_\_\_. By striking page 4, line 34, through page 5,  
9 line 35, and inserting the following:

10 "b. The public improvement project's total  
11 estimated cost is one million five hundred thousand  
12 dollars or more and at least twenty percent of the  
13 funding is satisfied by state funds, as defined in  
14 section 8.2, directed specifically for infrastructure  
15 purposes."

16 \_\_\_\_\_. Page 6, by inserting before line 1 the  
17 following:

18 "\_\_\_\_\_. "Vertical infrastructure" includes but is  
19 not limited to the public improvement of buildings,  
20 appurtenant structures, and utilities; and site  
21 development."

22 \_\_\_\_\_. Page 7, by striking lines 20 through 35 and  
23 inserting the following:

24 "4. a. (1) Vertical infrastructure-related state  
25 licensing boards shall require licensees to submit  
26 wage rates and fringe benefits rates data once a year.  
27 A state licensing board shall transmit the data  
28 annually to the division.

29 (2) Vertical infrastructure-related contractors,  
30 who are registered with the division pursuant to  
31 chapter 91C, who participate in an apprenticeship  
32 program approved by and registered with the United  
33 States department of labor's office of apprenticeship,  
34 and who provide health insurance and retirement  
35 benefits for their workers shall submit wage rates and  
36 fringe benefits rates data once a year to the  
37 division. The commissioner shall create an internet  
38 website and paper forms for contractors to submit the  
39 required information.

40 (3) All parties shall keep the wage rates and  
41 fringe benefits rates information confidential.

42 (4) An individual who intentionally provides  
43 misinformation about wage rates, fringe benefits  
44 rates, or work locations commits a violation under  
45 this chapter and shall be penalized one hundred  
46 dollars per violation. A violation under this

47 subsection is grounds for a loss of licensure or  
48 registration with the division, as applicable, which  
49 shall be in addition to any penalty otherwise  
50 authorized by this subsection.

Page 2

1 b. The labor commissioner shall determine wage  
2 rates and fringe benefits rates using data only from  
3 licensees who receive health insurance and retirement  
4 benefits collected under paragraph "a", subparagraph  
5 (1), and all data collected under paragraph "a",  
6 subparagraph (2). The prevailing wage rates and  
7 fringe benefits rates determined in each locality  
8 shall be set at the wage rate and fringe benefits rate  
9 that thirty percent or more of those employed in a  
10 particular craft, classification, or type of work are  
11 paid in total. If a common wage rate and fringe  
12 benefits rate is not paid to at least thirty percent  
13 of those employed in a particular craft,  
14 classification, or type of work, the total of the wage  
15 rates and fringe benefits rates of all workers in a  
16 particular craft, classification, or type of work  
17 shall be calculated and the average wage rate and  
18 fringe benefits rate shall be the prevailing wage rate  
19 for that particular craft, classification, or type of  
20 worker in that locality."

21 \_\_\_\_\_. Page 8, line 1, by striking the word "b."  
22 and inserting the following: "c."

23 \_\_\_\_\_. Page 8, by striking lines 5 through 11.

24 \_\_\_\_\_. Page 8, line 12, by inserting after the  
25 figure "6," the following: "a."

26 \_\_\_\_\_. Page 8, by striking lines 17 through 23 and  
27 inserting the following: "horizontal and  
28 transportation infrastructure.

29 b. However, for federal Davis-Bacon Act prevailing  
30 wage rates to apply, the public improvement described  
31 in paragraph "a" must meet one of the following  
32 descriptions:

33 (1) The project is funded by the state or the  
34 state board of regents and the total estimated cost is  
35 one hundred thousand dollars or more.

36 (2) The project is funded by a school district and  
37 the total estimated cost is three hundred thousand  
38 dollars or more.

39 (3) The project is funded by a county with a  
40 population of forty thousand or more and the total  
41 estimated cost is one hundred thousand dollars or  
42 more. Population, for the purposes of this  
43 subparagraph, shall be based on the most recent United  
44 States census bureau annual census figures. Beginning  
45 in 2011, the most recent United States census bureau

46 decennial census figures shall be used to calculate  
 47 population for the purposes of this subparagraph.  
 48 (4) The project is funded by a city with a  
 49 population of twenty thousand or more and the total  
 50 estimated cost is one hundred thousand dollars or

Page 3

1 more. Population, for the purposes of this  
 2 subparagraph, shall be based on the most recent United  
 3 State census bureau annual census figures. Beginning  
 4 in 2011, the most recent United States census bureau  
 5 decennial census figures shall be used to calculate  
 6 population for the purposes of this subparagraph.  
 7 (5) The total estimated cost of the project is one  
 8 million five hundred thousand dollars or more,  
 9 regardless of the public body's population.  
 10 c. An objections and appeals process to be  
 11 established by the department of transportation in  
 12 accordance with chapter 17A shall be made applicable  
 13 to the public improvement described in paragraph  
 14 "a",""  
 15 2. By renumbering as necessary.

BAILEY of Hamilton

H-1078

1 Amend House File 374 as follows:  
 2 1. Page 1, by inserting after line 11 the  
 3 following:  
 4 "Sec.\_\_\_\_. Section 203D.6, subsection 1, Code  
 5 2009, is amended to read as follows:  
 6 1. PERSONS WHO MAY FILE CLAIMS – TIME OF FILING.  
 7 a. A depositor or seller may file a claim with the  
 8 department for indemnification of a loss from the  
 9 grain depositors and sellers indemnity fund. A claim  
 10 shall be filed in the manner prescribed by the board.  
 11 A claim shall not be filed prior to the incurrence  
 12 date, which is the earlier of the following:  
 13 ~~a.~~ (1) The revocation, termination, or  
 14 cancellation of the license of the grain dealer or  
 15 warehouse operator.  
 16 ~~b.~~ (2) The filing of a petition in bankruptcy by  
 17 a licensed grain dealer or licensed warehouse  
 18 operator.  
 19 b. To be timely, a claim shall be filed within one  
 20 hundred twenty days of the ~~incurrence date~~ revocation,  
 21 termination, or cancellation of the license of the  
 22 grain dealer or warehouse operator.  
 23 Sec.\_\_\_\_. Section 203D.6, subsection 3, paragraph  
 24 d, Code 2009, is amended to read as follows:

25 d. That the claim derives from a covered  
 26 transaction. For purposes of this paragraph, a claim  
 27 derives from a covered transaction if the claimant is  
 28 a seller who transferred title to the grain to a  
 29 licensed grain dealer other than by credit-sale  
 30 contract within six months of the ~~inurrence date~~  
 31 ~~revocation, termination, or cancellation of the~~  
 32 ~~license of the grain dealer~~, or if the claimant is a  
 33 depositor who delivered the grain to a licensed  
 34 warehouse operator."  
 35 2. By renumbering as necessary.

KUHN of Floyd

H-1081

1 Amend House File 415 as follows:  
 2 1. Page 1, by striking lines 6 and 7 and  
 3 inserting the following: "1, 2009, is four percent.  
 4 The state".  
 5 2. Page 1, by inserting after line 14 the  
 6 following:  
 7 "Sec.     . STATE PERCENT OF GROWTH –  
 8 POSTPONEMENT.  
 9 Notwithstanding section 257.8, subsection 1, the  
 10 state percent of growth for the budget year beginning  
 11 July 1, 2010, shall be established in January 2010."  
 12 3. Title page, line 1, by striking the words  
 13 "establishment of" and inserting the following:  
 14 "postponement of establishing".  
 15 4. By renumbering as necessary.

SANDS of Louisa

H-1082

1 Amend House File 415 as follows:  
 2 1. Page 1, line 7, by striking the word  
 3 "~~percent.~~" and inserting the following: "~~percent.~~  
 4 and, in addition, any property tax increase caused as  
 5 a result of this state percent of growth shall be paid  
 6 for by the state."  
 7 2. Title page, line 2, by inserting after the  
 8 word "program," the following: "requiring state  
 9 payment of any related property tax increases,".

SCHULTE of Linn  
 WAGNER of Linn  
 MAY of Dickinson

H-1083

- 1 Amend House File 416 as follows:  
2 1. Page 1, by inserting after line 15 the  
3 following:  
4 "Sec. \_\_\_\_ BUDGET ADJUSTMENTS – SUSPENSION.  
5 Notwithstanding section 257.10, subsections 9, 10, and  
6 11, and section 257.37A, for the budget year beginning  
7 July 1, 2010, there will be no budget adjustments for  
8 the categorical allowable growth pursuant to section  
9 257.10, subsections 9, 10, and 11, and section  
10 257.37A."  
11 2. Title page, line 3, by inserting after the  
12 word "program," the following: "and suspending budget  
13 adjustments for categorical allowable growth  
14 programs,".  
15 3. By renumbering as necessary.

RAECKER of Polk  
DOLECHECK of Ringgold

H-1084

- 1 Amend House File 259 as follows:  
2 1. Page 1, line 4, by striking the words  
3 "paragraph "b"" and inserting the following:  
4 "paragraphs "b" and "c"".  
5 2. Page 1, by inserting after line 19 the  
6 following:  
7 "c. The board of directors of a school district  
8 that wishes to reduce the compulsory attendance age  
9 established in paragraph "a" from seventeen to sixteen  
10 years of age by September 15 shall set forth its  
11 proposal to reduce the compulsory attendance age in a  
12 resolution and shall publish the notice of the time  
13 and place of a public hearing on the resolution.  
14 Notice of the time and place of the public hearing  
15 shall be published not less than ten nor more than  
16 twenty days before the public hearing in a newspaper  
17 which is a newspaper of general circulation in the  
18 school district. At the hearing, or no later than  
19 thirty days after the date of the hearing, the board  
20 may take action by majority vote to adopt the  
21 resolution to reduce the compulsory attendance age to  
22 sixteen. Notwithstanding subsection 2, if the board  
23 takes action to reduce the compulsory attendance age  
24 to sixteen in accordance with this paragraph,  
25 "individual" for purposes of subsection 2, includes an  
26 individual who reaches the age of seventeen on or  
27 after September 15 during the school year and intends

28 to terminate school enrollment prior to graduation."

29 3. By renumbering as necessary.

MAY of Dickinson

H-1096

1 Amend Senate File 217, as passed by the Senate, as  
2 follows:

3 1. Page 1, by striking lines 1 through 15.

4 2. Page 1, by inserting before line 16 the

5 following:

6 "Sec. \_\_\_\_ . STATE PERCENT OF GROWTH-  
7 POSTPONEMENT. Notwithstanding section 257.8,  
8 subsection 1, the state percent of growth for the  
9 budget year beginning July 1, 2010, shall be  
10 established in January 2010."

11 3. Title page, line 1, by striking the words  
12 "establishment of" and inserting the following:  
13 "postponement of establishing".

14 4. By renumbering as necessary.

MAY of Dickinson

H-1097

1 Amend House File 259 as follows:

2 1. Page 1, by striking lines 7 through 10 and  
3 inserting the following: "compulsory attendance age.  
4 ~~However, if a Δ~~ child enrolled in a school district o  
5 accredited nonpublic school who reaches the age of  
6 ~~sixteen seventeen~~ on or after September 15, ~~the child~~  
7 remains of compulsory age until the end of the regular  
8 school calendar."

9 2. Page 2, by striking lines 28 through 30 and  
10 inserting the following: "receiving competent private  
11 instruction under this chapter or a child over  
12 compulsory age who is receiving private instruction  
13 submits a request, the child shall also be".

14 3. Page 4, line 23, by striking the word  
15 "section" and inserting the following: "sections".

16 4. Page 4, by striking line 24 and inserting the  
17 following: "providing for school district compulsory  
18 attendance support reviews and for a compulsory  
19 attendance working group take".

WINCKLER of Scott

H-1102

1 Amend Senate File 98, as amended, passed, and  
2 reprinted by the Senate, as follows:



3 1. Page 1, by inserting before line 1 the  
 4 following:  
 5 "Section 1. Section 8.6, Code 2009, is amended by  
 6 adding the following new subsection:  
 7 NEW SUBSECTION. 9A. BUDGET AND TAX RATE  
 8 DATABASES. To develop and make available to the  
 9 public a searchable budget database website as  
 10 required under chapter 8G, division I, and to develop  
 11 and make available to the public a searchable tax rate  
 12 database website as required under chapter 8G,  
 13 division II."

14 2. Page 2, by inserting after line 28 the  
 15 following:

16 "DIVISION I

17 SEARCHABLE BUDGET DATABASE FOR STATE SPENDING

18 Sec.\_\_\_\_. NEW SECTION. 8G.1 INTENT – FINDINGS.

19 The general assembly finds that taxpayers should be  
 20 able to easily access the details on how the state is  
 21 spending their tax dollars and the performance results  
 22 achieved for those expenditures. Therefore, it is the  
 23 intent of the general assembly to direct the  
 24 department of management to create and maintain a  
 25 searchable budget database website detailing where tax  
 26 dollars are expended, the purposes for which tax  
 27 dollars are expended, and the results achieved for all  
 28 taxpayer investments in state government.

29 Sec.\_\_\_\_. NEW SECTION. 8G.2 SHORT TITLE.

30 This division shall be known as and may be cited as  
 31 the "Taxpayer Transparency Act".

32 Sec.\_\_\_\_. NEW SECTION. 8G.3 DEFINITIONS.

33 As used in this division, unless the context  
 34 otherwise requires:

35 1. "Agency" means a state department, office,  
 36 board, commission, bureau, division, institution, or  
 37 public institution of higher education. "Agency"  
 38 includes individual state agencies and programs, as  
 39 well as those programs and activities that are  
 40 administered by or involve more than one agency.  
 41 "Agency" includes all elective offices in the  
 42 executive branch of government and the general  
 43 assembly.

44 2. "Director" means the director of the department  
 45 of management.

46 3. "Entity" or "recipients" means any of the  
 47 following:

- 48 a. A corporation.
- 49 b. An association.
- 50 c. An employee union.

Page 2

- 1 d. A limited liability company.

- 2 e. A limited liability partnership.  
3 f. Any other legal business entity, including  
4 nonprofit entities.  
5 g. A grant recipient.  
6 h. Contractors.  
7 i. A county, city, school district, or other local  
8 government entity.  
9 "Entity" or "recipients" does not include an  
10 individual recipient of state assistance.  
11 4. "Funding action or expenditure" includes  
12 details on the type of spending that is provided  
13 including but not limited to grants, contracts, and  
14 appropriations. "Funding action or expenditure"  
15 includes tax exemptions or credits. Where possible,  
16 an electronic link to the actual grants or contracts  
17 shall be provided. An electronic link shall be in a  
18 format that is a searchable document.  
19 5. "Funding source" means the state account or  
20 fund from which the expenditure is appropriated.  
21 6. "Searchable website" means a website described  
22 in section 8G.4 that allows the public at no cost to  
23 search and compile information identified in section  
24 8G.4 and that is in a format capable of being  
25 downloaded.  
26 7. "State audit or report" shall include any audit  
27 or report issued by the auditor of state, department  
28 of management, legislative services agency,  
29 legislative committee, or executive body relating to  
30 the entity or recipient of funds, the budget program  
31 or activity, or agency.  
32 Sec. \_\_\_\_\_. NEW SECTION. 8G.4 SEARCHABLE BUDGET  
33 DATABASE WEBSITE CREATED.  
34 1. By January 1, 2011, the director shall develop  
35 and make publicly available a database website for  
36 searching, accessing, and processing data, including  
37 the data required in this section, for the most recent  
38 state budget. The website shall be developed in such  
39 a way that the information can be provided to other  
40 software applications, including internet software  
41 applications, in a manner and format that allows such  
42 software applications to access and interpret the data  
43 using the internal programming of the software  
44 applications.  
45 2. The searchable website developed pursuant to  
46 this section shall allow the public at no cost to  
47 search and compile information for all of the  
48 following:  
49 a. Name and principal location or residence of the  
50 entity or recipient of state funds.

Page 3

- 1 b. Amount of state funds expended.
- 2 c. Funding or expending agency.
- 3 d. Funding source of the revenue expended.
- 4 e. Budget program or activity of the expenditure.
- 5 f. Descriptive purpose for the funding action or
- 6 expenditure.
- 7 g. Expected performance outcome for the funding
- 8 action or expenditure.
- 9 h. Past performance outcomes achieved for the
- 10 funding action or expenditure.
- 11 i. State audit or report relating to the entity or
- 12 recipient of state funds or the budget program or
- 13 activity or agency.
- 14 j. Any other relevant information specified by the
- 15 director.

16 Sec. \_\_\_\_ NEW SECTION. 8G.5 WEBSITE UPDATES.

17 1. Effective July 1, 2011, the searchable website  
 18 shall be updated for each fiscal year not later than  
 19 thirty days following the close of the fiscal year.  
 20 In addition, the director may update the searchable  
 21 website as new data becomes available. All agencies  
 22 shall provide to the director data that is required to  
 23 be included in the searchable website not later than  
 24 thirty days after the data becomes available to the  
 25 agency. The director shall provide guidance to agency  
 26 heads or the governing body of an agency to ensure  
 27 compliance with this section.

28 2. By January 1, 2012, the director shall add data  
 29 for the previous budgets to the searchable website.  
 30 Data for previous fiscal years may be added as it  
 31 becomes available and as time permits. The director  
 32 shall ensure that all data added to the searchable  
 33 website remain accessible to the public for a minimum  
 34 of ten years.

35 Sec. \_\_\_\_ NEW SECTION. 8G.6 NONCOMPLIANCE.

36 The director shall not be considered in compliance  
 37 with this division if the data required for the  
 38 searchable website is not available in a searchable  
 39 manner and capable of being compiled or the public is  
 40 redirected to other government websites unless each of  
 41 those sites has information from all agencies and each  
 42 category of information required can be searched  
 43 electronically by field in a single search.

44 DIVISION II

45 SEARCHABLE TAX RATE DATABASE

46 Sec. \_\_\_\_ NEW SECTION. 8G.10 INTENT – FINDINGS.

47 The general assembly finds that increasing the ease  
 48 of public access to state and local tax rates,  
 49 particularly where the rates are currently available  
 50 from disparate government sources but are difficult

Page 4

1 for the public to collect and efficiently aggregate,  
2 significantly contributes to governmental  
3 accountability, public participation, and the  
4 understanding of the cost of government services.  
5 Therefore, it is the intent of the general assembly to  
6 direct the department of management, in consultation  
7 with the department of revenue, to create and maintain  
8 a searchable database website of each tax rate for all  
9 taxing districts in the state to make citizen access  
10 to state and local tax rates as open, transparent, and  
11 publicly accessible as is feasible.

12 Sec.\_\_\_\_. NEW SECTION. 8G.11 SHORT TITLE.

13 This division shall be known and cited as the  
14 "Taxation Disclosure Act".

15 Sec.\_\_\_\_. NEW SECTION. 8G.12 TAX RATE DATABASE.

16 1. SEARCHABLE TAX RATE DATABASE. By January 1,  
17 2010, the department of management, in consultation  
18 with the department of revenue, shall make publicly  
19 available on an internet site a searchable database of  
20 all tax rates in the state for each taxing  
21 jurisdiction. The information shall be aggregated by  
22 type of tax and accessible by entering a zip code or  
23 physical address for each residency or business.  
24 Individual tax levies shall be further specified  
25 within each tax rate.

26 2. GEOGRAPHICAL TAX RATE MAP. In addition to  
27 searching for tax rates by zip code or physical  
28 address for each residency or business, searches shall  
29 be accommodated by a geographical tax rate map of the  
30 state that is capable of being displayed with a level  
31 of specificity corresponding to each taxing district.

32 3. INDIVIDUAL TAX RATE CALCULATOR. Tax rate  
33 calculators shall be provided on the searchable  
34 database to allow citizens and businesses to calculate  
35 taxes based on the location of the citizen or  
36 business. Calculation capability shall be provided at  
37 a minimum for property, sales, use, income, vehicle,  
38 and business taxes and shall be specific to the rate  
39 for the taxing district identified by the citizen or  
40 business.

41 Sec.\_\_\_\_. NEW SECTION. 8G.13 UPDATING DATABASE.

42 To facilitate the department of management's  
43 efforts in creating and maintaining a searchable  
44 database of the taxes identified in section 8G.12,  
45 subsection 3, for all taxing districts in the state,  
46 every taxing district shall report its tax rates  
47 annually to the department of management and shall  
48 report any changes to its tax rates within thirty days  
49 of the change.

50 Sec.\_\_\_\_. CODE EDITOR DIRECTIVE. Unless otherwise

Page 5

1 determined by the Iowa Code editor, sections 8G.1  
 2 through 8G.6, as enacted in this Act, shall be  
 3 designated as division I of chapter 8G, and sections  
 4 8G.10 through 8G.13, as enacted in this Act, shall be  
 5 designated as division II of chapter 8G."

6 3. Title page, line 1, by inserting after the  
 7 words "An Act" the following: "concerning state  
 8 government operations, by".

9 4. Title page, line 2, by inserting after the  
 10 word "management" the following: "and establishing a  
 11 searchable budget database website for the public to  
 12 access the details of the expenditure of state tax  
 13 revenues and a searchable tax rate database for the  
 14 public to access the details of each tax rate for all  
 15 taxing districts in the state".

16 5. By renumbering as necessary.

STRUYK of Pottawattamie

H-1106

1 Amend House File 243 as follows:

2 1. Page 1, line 22, by striking the word "All"  
 3 and inserting the following: "A political subdivision  
 4 of the state shall make a good faith effort to provide  
 5 that all".

6 2. Page 1, line 23, by striking the words "a  
 7 political subdivision of the state" and inserting the  
 8 following: "the political subdivision".

9 3. By striking page 1, line 25, through page 2,  
 10 line 1, and inserting the following: "be gender  
 11 balanced".

PETTENGILL of Benton

H-1107

1 Amend House File 197 as follows:

2 By striking page 1, line 26, through page 3,  
 3 line 14.

4 2. Page 4, line 2, by striking the word  
 5 "request," and inserting the following: "request".

6 3. Page 7, by inserting after line 31 the  
 7 following:

8 "DIVISION

9 CHILD SUPPORT RECOVERY UNIT COLLECTIONS FEES

10 Sec.\_\_\_\_. Section 252B.5, subsection 13, paragraph

11 a, Code 2009, is amended to read as follows:

12 a. Beginning October 1, 2007, implement the  
 13 provision of the federal Deficit Reduction Act of

14 2005, Pub. L. No. 109-171 § 7310, requiring an annual  
 15 collections fee of twenty-five dollars in child  
 16 support cases in which the family has never received  
 17 assistance under Title IV-A of the federal Social  
 18 Security Act for whom the unit has ~~collected~~ disbursed  
 19 at least five hundred dollars. ~~After~~ When the first  
 20 five hundred dollars in support is ~~collected~~ disbursed  
 21 in each federal fiscal year for a family, the fee  
 22 shall be collected from the ~~obligor~~ obligee by  
 23 retaining twenty-five dollars from ~~subsequent~~  
 24 ~~collections~~ disbursements to the obligee. If five  
 25 hundred dollars but less than five hundred twenty-five  
 26 dollars is ~~collected~~ disbursed in any federal fiscal  
 27 year, any unpaid portion of the annual fee shall not  
 28 accumulate and is not due. ~~Any amount retained to pay~~  
 29 ~~the twenty-five dollar fee shall not reduce the amount~~  
 30 ~~of support due under the support order~~. The unit  
 31 shall send information regarding the requirements of  
 32 this subsection by regular mail to the last known  
 33 address of an affected ~~obligor~~ obligee, or may  
 34 include the information for an obligee in an  
 35 application for services signed by the obligee. In  
 36 addition, the unit shall take steps necessary  
 37 regarding the fee to qualify for federal funds in  
 38 conformity with the provisions of Title IV-D of the  
 39 federal Social Security Act, including receiving and  
 40 accounting for fee payments, as appropriate, through  
 41 the collection services center created in section  
 42 252B.13A.

43 Sec.\_\_\_\_. Section 252B.5, subsection 13, paragraph  
 44 c, Code 2009, is amended by striking the paragraph and  
 45 inserting in lieu thereof the following:

46 c. Until such time as a methodology to secure  
 47 payment of the collections fee from the obligor is  
 48 provided by law, an obligee may act pursuant to this  
 49 paragraph to recover the collections fee from the  
 50 obligor. If the unit retains all or a portion of the

Page 2

1 collections fee imposed pursuant to paragraph "a" in a  
 2 federal fiscal year, there is an automatic nonsupport  
 3 judgment, in an amount equal to the amount retained,  
 4 against the obligor payable to the obligee. This  
 5 paragraph shall serve as constructive notice that the  
 6 fee amount, once retained, is an automatic nonsupport  
 7 judgment against the obligor. The obligee may use any  
 8 legal means, including the lien created by the  
 9 nonsupport judgment, to collect the nonsupport  
 10 judgment.

11 Sec.\_\_\_\_. CHILD SUPPORT COLLECTIONS FEE –  
 12 METHODOLOGY. The department of human services shall

13 seek a federally approved, cost-effective methodology  
 14 to secure payment of the collections fee imposed  
 15 pursuant to section 252B.5, subsection 13, paragraph  
 16 "a", from the obligor. The department shall report  
 17 options for such a methodology to the general assembly  
 18 by December 15, 2009.

19 DIVISION

20 CHILD SUPPORT COLLECTIONS INTEREST

21 Sec.\_\_\_\_. INTEREST ON CHILD SUPPORT COLLECTIONS.

22 The department of human services shall perform a  
 23 cost-benefit analysis of calculating interest on  
 24 overdue child support payments enforced by the child  
 25 support recovery unit. The department shall report  
 26 its findings to the general assembly by December 15,  
 27 2009."

28 4. Title page, by striking lines 3 through 6 and  
 29 inserting the following: "support of a child under a  
 30 support order, protection of child support  
 31 information, annual collections fees, and the  
 32 potential charging of interest on overdue child  
 33 support payments, and providing an effective date."

34 5. By renumbering as necessary.

ABDUL-SAMAD of Polk

H-1113

1 Amend House File 259 as follows:

2 1. Page 1, by striking lines 7 through 10 and  
 3 inserting the following: "compulsory attendance age.  
 4 ~~However, if a~~ A child enrolled in a school district o  
 5 accredited nonpublic school who reaches the age of  
 6 ~~sixteen seventeen~~ on or after September 15, ~~the child~~  
 7 remains of compulsory age until the end of the regular  
 8 school calendar."

9 2. By striking page 2, line 24, through page 3,  
 10 line 13.

11 3. Page 4, line 23, by striking the word  
 12 "section" and inserting the following: "sections".

13 4. Page 4, by striking line 24 and inserting the  
 14 following: "providing for school district compulsory  
 15 attendance support reviews and for a compulsory  
 16 attendance working group take".

WINCKLER of Scott

H-1114

1 Amend House File 520 as follows:

2 1. Page 1, by striking lines 12 through 19 and  
 3 inserting the following:

4 "b. Is admitted to the community college, is

5 domiciled in the state during their course of study,  
 6 and is the spouse or dependent child of a person who  
 7 served on active duty in the military service of the  
 8 United States after September 10, 2001, and was  
 9 discharged under honorable conditions, or is currently  
 10 serving on active duty in the military service of the  
 11 United States."

12 2. By striking page 1, line 32, through page 2,  
 13 line 5, and inserting the following:

14 "b. Is admitted to an institution of higher  
 15 learning under the control of the board, is domiciled  
 16 in the state during their course of study, and is the  
 17 spouse or dependent child of a person who served on  
 18 active duty in the military service of the United  
 19 States after September 10, 2001, and was discharged  
 20 under honorable conditions, or is currently serving on  
 21 active duty in the military service of the United  
 22 States."

MASCHER of Johnson

H-1115

1 Amend the amendment, H-1022, to House File 257, as  
 2 follows:

3 1. By striking page 1, line 4, through page 2,  
 4 line 4.

T. OLSON of Linn

H-1117

1 Amend House File 561 as follows:

2 1. Page 4, line 29, by inserting after the word  
 3 "section." the following: "Notwithstanding section  
 4 12C.7, subsection 2, interest or earnings on moneys  
 5 deposited in the fund shall be credited to the fund."

6 2. Page 5, by striking lines 23 and 24 and  
 7 inserting the following:

8 "Sec. \_\_\_\_ Section 327J.2, Code 2009, is amended  
 9 to read as follows:

10 327J.2 PASSENGER RAIL SERVICE REVOLVING FUND.

11 1. FUND CREATED. The passenger rail service  
 12 revolving fund is established as a separate fund in  
 13 the state treasury under the control of the  
 14 department. Moneys deposited in the fund shall be  
 15 administered by the director and shall be used to pay  
 16 the costs associated with the initiation, operation,  
 17 and maintenance of ~~rail~~ passenger rail service."

18 3. Page 5, by inserting after line 33 the  
 19 following:

20 "3. NO REVERSION. Notwithstanding section 8.33,



21 any balance in the fund on June 30 of any fiscal year  
 22 shall not revert to the general fund of the state.  
 23 Notwithstanding section 12C.7, subsection 2, interest  
 24 or earnings on moneys deposited in the fund shall be  
 25 credited to the fund."  
 26 4. By renumbering as necessary.

BELL of Jasper

H-1120

1 Amend Senate File 118, as amended, passed, and  
 2 reprinted by the Senate, as follows:  
 3 1. Page 1, by inserting before line 1 the  
 4 following:  
 5 "Section 1. Section 321.236, subsection 1,  
 6 unnumbered paragraph 1, Code 2009, is amended to read  
 7 as follows:  
 8 Regulating the standing or parking of vehicles  
 9 except as provided in section 321L.10."  
 10 2. Page 1, by inserting after line 31 the  
 11 following:  
 12 "Sec. \_\_\_\_ NEW SECTION. 321L.10 METERED PARKING  
 13 EXEMPTION.  
 14 If a motor vehicle has a persons with disabilities  
 15 parking permit properly displayed as a placard,  
 16 sticker, or plate in or on such a vehicle, the  
 17 operator of such vehicle does not commit a parking  
 18 meter violation if the vehicle is operated by a person  
 19 with a disability or a person with a disability is a  
 20 passenger in the vehicle."  
 21 3. By renumbering as necessary.

LUKAN of Dubuque

H-1121

1 Amend House File 571 as follows:  
 2 1. Page 1, by striking lines 1 through 13 and  
 3 inserting the following: "Section 1. Section 21.3,  
 4 Code 2009, is amended to read as follows:  
 5 21.3 MEETINGS OF GOVERNMENTAL BODIES.  
 6 1. Meetings of governmental bodies shall be  
 7 preceded by public notice as provided in section 21.4  
 8 and shall be held in open session unless closed  
 9 sessions are expressly permitted by law. Except as  
 10 provided in section 21.5, all actions and discussions  
 11 at meetings of governmental bodies, whether formal or  
 12 informal, shall be conducted and executed in open  
 13 session.  
 14 2. Each governmental body shall keep minutes of  
 15 all its meetings showing the date, time and place, the

16 members present, and the action taken at each meeting.  
 17 The minutes shall show the results of each vote taken  
 18 and information sufficient to indicate the vote of  
 19 each member present. The vote of each member present  
 20 shall be made public at the open session. The minutes  
 21 shall be public records open to public inspection.

22 3. Each governmental body shall provide to all  
 23 persons in attendance at a meeting of a governmental  
 24 body copies of all material distributed in connection  
 25 with the meeting at the time the meeting is held, if  
 26 practicable, or within three days after the meeting is  
 27 held by posting such material on the internet site of  
 28 the governmental body or, upon request, by sending  
 29 such material to a requester by regular mail or  
 30 electronic mail.

31 4. Each governmental body shall schedule at least  
 32 fifty percent of the governmental body's meetings in  
 33 the evening hours.

34 Sec. 2. Section 21.4, subsections 1 and 2, Code  
 35 2009, are amended to read as follows:

36 1. A governmental body, ~~except township trustees,~~  
 37 shall give notice of the time, date, and place of each  
 38 meeting, and its tentative agenda, in a manner  
 39 reasonably calculated to apprise the public of that  
 40 information. Reasonable notice shall include advising  
 41 the news media who have filed a request for notice  
 42 with the governmental body and posting the notice on a  
 43 bulletin board or other prominent place which is  
 44 easily accessible to the public and clearly designated  
 45 for that purpose at the principal office of the body  
 46 holding the meeting, or if no such office exists, at  
 47 the building in which the meeting is to be held. A  
 48 meeting notice shall be posted at a designated  
 49 location at the principal place of business of the  
 50 governmental body holding the meeting or at the

Page 2

1 building in which the meeting is to be held.

2 2. a. Notice Unless otherwise provided by law,  
 3 notice conforming with all of the requirements of  
 4 subsection 1 of this section shall be given at least  
 5 ~~twenty four~~ seventy-two hours prior to the  
 6 commencement of any meeting of a governmental body  
 7 unless for good cause such notice is impossible or  
 8 impractical, in which case as much notice as is  
 9 reasonably possible shall be given. Each meeting  
 10 shall be held at a place reasonably accessible to the  
 11 public, and at a time reasonably convenient to the  
 12 public, unless for good cause such a place or time is  
 13 impossible or impractical. Special access to the  
 14 meeting may be granted to persons with disabilities.

15 b. ~~When~~ Unless otherwise provided by law, when it  
 16 is necessary to hold a meeting on less than  
 17 ~~twenty-four~~ seventy-two hours' notice, or at a place  
 18 that is not reasonably accessible to the public, or at  
 19 a time that is not reasonably convenient to the  
 20 public, the nature of the good cause justifying that  
 21 departure from the normal requirements shall be stated  
 22 in the minutes.

23 Sec. 3. Section 28E.6, Code 2009, is amended by  
 24 adding the following new subsection:  
 25 NEW SUBSECTION. 4. Each joint board of the entity  
 26 created in the agreement shall provide to all persons  
 27 in attendance at a meeting of the joint board copies  
 28 of all material distributed in connection with the  
 29 meeting at the time the meeting is held, if  
 30 practicable, or within three days after the meeting is  
 31 held by posting such material on the internet site of  
 32 the joint board or, upon request, by sending such  
 33 material to a requester by regular mail or electronic  
 34 mail."

35 2. Title page, line 1, by inserting after the  
 36 word "relating" the following: "to certain open  
 37 meeting requirements and".

38 3. By renumbering as necessary.

TYMESON of Madison

H-1122

1 Amend House File 380 as follows:

2 1. Page 2, by striking lines 24 through 34 and  
 3 inserting the following:

4 "Sec.\_\_\_\_. Section 153.13, Code 2009, is amended by  
 5 adding the following new subsection:

6 NEW SUBSECTION. 3. Persons who offer to perform,  
 7 perform, or assist with any phase of any operation  
 8 incident to tooth whitening, including the instruction  
 9 or application of tooth whitening materials or  
 10 procedures at any geographic location. For purposes  
 11 of this subsection, "tooth whitening" means any  
 12 process to whiten or lighten the appearance of human  
 13 teeth by the application of chemicals, whether or not  
 14 in conjunction with a light source."

15 2. Page 5, by inserting after line 26 the  
 16 following:

17 "Sec.\_\_\_\_. EFFECTIVE DATE. The section of this  
 18 Act amending section 153.13, being deemed of immediate  
 19 importance, takes effect upon enactment."

20 3. Title page, line 3, by inserting after the  
 21 word "penalty" the following: "and providing an

22 effective date".

23 4. By renumbering as necessary.

T. OLSON of Linn

H-1124

1 Amend House File 589 as follows:

2 1. Page 2, by inserting after line 23 the  
3 following:

4 "Sec. \_\_\_\_\_. Section 260C.14, subsection 3, Code  
5 2009, is amended to read as follows:

6 3. Have the powers and duties with respect to  
7 community colleges, not otherwise provided in this  
8 chapter, which are prescribed for boards of directors  
9 of local school districts by chapter 279 except that  
10 the board of directors is not required to prohibit the  
11 use of tobacco and the use or possession of alcoholic  
12 liquor or beer by any student of legal age under the  
13 provisions of section 279.9. The fall semester  
14 established by the board of directors for arts and  
15 sciences and vocational-technical coursework shall  
16 begin no sooner than the fourth Monday in August."

17 2. Title page, line 1, by inserting after the  
18 word "dates" the following: "for school districts and  
19 to the fall semester start date for community  
20 colleges".

21 3. By renumbering as necessary.

RAECKER of Polk

H-1125

1 Amend House File 589 as follows:

2 1. Page 2, by inserting after line 23 the  
3 following:

4 "Sec. \_\_\_\_\_. Section 280.13, Code 2009, is amended  
5 to read as follows:

6 280.13 REQUIREMENTS FOR INTERSCHOLASTIC ATHLETIC  
7 CONTESTS AND COMPETITIONS AND EXTRACURRICULAR  
8 ACTIVITIES.

9 1. A public school shall not participate in or  
10 allow students representing a public school to  
11 participate in any extracurricular interscholastic  
12 athletic contest or competition which is sponsored or  
13 administered by an organization as defined in this  
14 section, unless the organization is registered with  
15 the department of education, files financial  
16 statements with the department in the form and at the  
17 intervals prescribed by the director of the department  
18 of education, and is in compliance with rules which  
19 the state board of education adopts for the proper

20 administration, supervision, operation, adoption of  
 21 eligibility requirements, and scheduling of  
 22 extracurricular interscholastic athletic contests and  
 23 competitions and the organizations.

24 2. Public and nonpublic schools shall not  
 25 participate in or allow students representing the  
 26 schools to participate in any interscholastic athletic  
 27 contest or competition or extracurricular activity  
 28 which is sponsored or administered by the public  
 29 school or nonpublic school or an organization as  
 30 defined in this section prior to the earliest school  
 31 start date established pursuant to section 279.10,  
 32 subsection 1.

33 3. For the purposes of this section "organization"  
 34 means a corporation, association, or organization  
 35 which has as one of its primary purposes the  
 36 sponsoring or administration of extracurricular  
 37 interscholastic athletic contests or competitions, but  
 38 does not include an agency of this state, a public or  
 39 private school or school board, or an athletic  
 40 conference or other association whose interscholastic  
 41 contests or competitions do not include more than  
 42 twenty-four schools."

43 2. Title page, line 1, by inserting after the  
 44 word "dates" the following: ", and start dates for  
 45 interscholastic athletic contests and competitions and  
 46 extracurricular activities,".

47 3. By renumbering as necessary.

RAECKER of Polk

H-1126

1 Amend House File 589 as follows:

2 1. Page 1, by inserting before line 1 the  
 3 following:

4 "Section 1. Section 256F.4, subsection 5, Code  
 5 2009, is amended to read as follows:

6 5. A charter school shall provide instruction for  
 7 at least the number of ~~days~~ hours required by section  
 8 279.10, subsection 1, ~~or shall provide at least the~~  
 9 ~~equivalent number of total hours."~~

10 2. Page 1, by striking lines 8 through 14 and  
 11 inserting the following: "section 279.10, subsection  
 12 1, unless the school district maintains a year around  
 13 school calendar. However, this section does not apply  
 14 to a school district that has received approval from  
 15 the director of the department of education under  
 16 section 279.10, subsection 4, to commence classes for  
 17 regularly established elementary and secondary schools  
 18 in advance of the starting date established in section  
 19 279.10, subsection 1."

20 3. Page 1, line 17, by striking the figure "1."  
 21 and inserting the following: "~~1~~"  
 22 4. Page 1, by striking lines 24 through 30 and  
 23 inserting the following: "~~immediately precedes the~~  
 24 ~~first day of September. School shall continue for at~~  
 25 ~~least one hundred eighty days, except as provided in~~  
 26 ~~subsection 3, and may be maintained during the entire~~  
 27 ~~calendar year. The minimum hours of instructional~~  
 28 ~~school time in a school year shall be nine hundred~~  
 29 ~~ninety hours. However, if~~ If the board of directors  
 30 of a district".  
 31 5. Page 2, by striking lines 7 through 11 and  
 32 inserting the following:  
 33 "Sec.\_\_\_\_. Section 279.10, subsections 2, 3, and  
 34 4, Code 2009, are amended by striking the  
 35 subsections."  
 36 6. Page 2, by inserting after line 23 the  
 37 following:  
 38 "Sec.\_\_\_\_. Section 299.1, unnumbered paragraph 1,  
 39 Code 2009, is amended to read as follows:  
 40 Except as provided in section 299.2, the parent,  
 41 guardian, or legal or actual custodian of a child who  
 42 is of compulsory attendance age, shall cause the child  
 43 to attend some public school, an accredited nonpublic  
 44 school, or competent private instruction in accordance  
 45 with the provisions of chapter 299A, during a school  
 46 year, as defined under section 279.10. The board of  
 47 directors of a public school district or the governing  
 48 body of an accredited nonpublic school shall set the  
 49 number of ~~days~~ hours of required attendance for the  
 50 schools under its control.

Page 2

1 7. By renumbering as necessary.

RAECKER of Polk

H-1127

1 Amend House File 589 as follows:  
 2 1. Page 2, by inserting after line 23 the  
 3 following:  
 4 "Sec.\_\_\_\_. Section 262.9, subsection 26, Code  
 5 2009, is amended to read as follows:  
 6 26. Explore, in conjunction with the department of  
 7 education, the need for coordination between school  
 8 districts, area education agencies, state board of  
 9 regents institutions, and community colleges for  
 10 purposes of delivery of courses, use of  
 11 telecommunications, transportation, and other similar  
 12 issues. Coordination may include, but is not limited

13 to, coordination of calendars, programs, schedules, or  
 14 telecommunications emissions. The state board shall  
 15 develop recommendations as necessary, which shall be  
 16 submitted in a report to the general assembly on a  
 17 timely basis. In order to coordinate with the school  
 18 calendars established by school districts and  
 19 accredited nonpublic schools in accordance with  
 20 earliest school start date established pursuant to  
 21 section 279.10, subsection 1, the fall semester  
 22 established for the institutions of higher learning  
 23 governed by the state board, and the school calendars  
 24 established for the Iowa braille and sight saving  
 25 school and the state school for the deaf shall begin  
 26 no sooner than the fourth Monday in August."  
 27 2. Title page, line 1, by inserting after the  
 28 word "dates" the following: "for school districts,  
 29 the fall semester start date for regents universities,  
 30 and the school calendar start date for the Iowa  
 31 braille and sight saving school and the state school  
 32 for the deaf,".  
 33 3. By renumbering as necessary.

RAECKER of Polk

H-1131

1 Amend House File 623 as follows:  
 2 1. Page 3, by inserting after line 11 the  
 3 following:  
 4 "(d) The individual must complete the career  
 5 readiness certificate program through the department  
 6 at the end of the individual's training program."

UPMEYER of Hancock

H-1132

1 Amend House File 623 as follows:  
 2 1. Page 3, by inserting after line 11 the  
 3 following:  
 4 "(6) An individual who does not complete the  
 5 training after a period of time to be determined by  
 6 the director shall be required to make restitution to  
 7 the fund in the amount of the training extension  
 8 benefits received by the individual."  
 9 2. By renumbering as necessary.

SODERBERG of Plymouth

H-1134

1 Amend House File 623 as follows:

2 1. Page 7, by inserting after line 21 the  
 3 following:  
 4 "Sec. \_\_. ALTERNATIVE FUNDING. After two years  
 5 from the effective date of this Act or after a total  
 6 of seventy-one million dollars received from the  
 7 federal government pursuant to section 903 of the  
 8 federal Social Security Act is expended as a result of  
 9 the enactment of this Act, whichever happens later,  
 10 the state shall fund the benefit obligations initially  
 11 created in this Act from a source other than the  
 12 unemployment compensation trust fund."  
 13 2. By renumbering as necessary.

HORBACH of Tama

H-1139

1 Amend House File 320 as follows:  
 2 1. Page 1, by inserting after line 14 the  
 3 following:  
 4 "Sec. \_\_. Section 48A.8, Code 2009, is amended by  
 5 striking the section and inserting in lieu thereof the  
 6 following:  
 7 48A.8 REGISTRATION BY MAIL.  
 8 An eligible elector may register to vote by  
 9 completing a mail registration form. The completed  
 10 form may be mailed or delivered by the registrant or  
 11 the registrant's designee to the commissioner in the  
 12 county where the person resides. A separate  
 13 registration form shall be signed by each individual  
 14 registrant."  
 15 2. Page 1, by inserting after line 33 the  
 16 following:  
 17 "Sec. \_\_. Section 48A.26, Code 2009, is amended  
 18 by adding the following new subsection:  
 19 NEW SUBSECTION. 10. An acknowledgment mailed  
 20 pursuant to subsection 2 or 4 shall include a  
 21 statement informing the registered voter that the  
 22 voter is required to show current and valid  
 23 identification before the person will be allowed to  
 24 vote, and that the identification must contain a  
 25 photograph of the voter and a validity expiration  
 26 date.  
 27 Sec. \_\_. Section 48A.27, subsection 4, paragraph  
 28 c, subparagraph (2), Code 2009, is amended to read as  
 29 follows:  
 30 (2) The notice shall contain a statement in  
 31 substantially the following form:  
 32 "Information received from the United States postal  
 33 service indicates that you are no longer a resident  
 34 of, and therefore not eligible to vote in (name of



35 county) County, Iowa. If this information is not  
36 correct, and you still live in (name of county)  
37 County, please complete and mail the attached postage  
38 paid card at least ten days before the primary or  
39 general election and at least eleven days before any  
40 other election at which you wish to vote. If the  
41 information is correct and you have moved, please  
42 contact a local official in your new area for  
43 assistance in registering there. If you do not mail  
44 in the card, you may be required to show  
45 identification to prove residency before being allowed  
46 to vote in (name of county) County. If you do not  
47 return the card, and you do not vote in an election in  
48 (name of county) County, Iowa, on or before (date of  
49 second general election following the date of the  
50 notice) your name will be removed from the list of

Page 2

1 voters in that county. To ensure you receive this  
2 notice, it is being sent to both your most recent  
3 registration address and to your new address as  
4 reported by the postal service."  
5 Sec.\_\_\_\_. Section 48A.29, subsection 1, paragraph  
6 b, Code 2009, is amended to read as follows:  
7 b. The notice shall contain a statement in  
8 substantially the following form:  
9 "Information received from the United States postal  
10 service indicates that you are no longer a resident of  
11 (residence address) in (name of county) County, Iowa.  
12 If this information is not correct, and you still live  
13 in (name of county) County, please complete and mail  
14 the attached postage paid card at least ten days  
15 before the primary or general election and at least  
16 eleven days before any other election at which you  
17 wish to vote. If the information is correct, and you  
18 have moved, please contact a local official in your  
19 new area for assistance in registering there. If you  
20 do not mail in the card, you may be required to show  
21 identification to prove residency before being allowed  
22 to vote in (name of county) County. If you do not  
23 return the card, and you do not vote in some election  
24 in (name of county) County, Iowa, on or before (date  
25 of second general election following the date of the  
26 notice) your name will be removed from the list of  
27 voters in that county."  
28 Sec.\_\_\_\_. Section 48A.29, subsection 3, paragraph  
29 b, Code 2009, is amended to read as follows:  
30 b. The notice shall contain a statement in  
31 substantially the following form:  
32 "Information received by this office indicates that  
33 you are no longer a resident of (residence address) in

34 (name of county) County, Iowa. If the information is  
 35 not correct, and you still live at that address,  
 36 please complete and mail the attached postage paid  
 37 card at least ten days before the primary or general  
 38 election and at least eleven days before any other  
 39 election at which you wish to vote. If the  
 40 information is correct, and you have moved within the  
 41 county, you may update your registration by listing  
 42 your new address on the card and mailing it back. If  
 43 you have moved outside the county, please contact a  
 44 local official in your new area for assistance in  
 45 registering there. If you do not mail in the card,  
 46 you may be required to show identification to prove  
 47 residency before being allowed to vote in (name of  
 48 county) County. If you do not return the card, and  
 49 you do not vote in some election in (name of county)  
 50 County, Iowa, on or before (date of second general

Page 3

1 election following the date of the notice) your name  
 2 will be removed from the list of registered voters in  
 3 that county."

4 Sec.\_\_\_\_. Section 49.77, subsection 3, Code 2009,  
 5 is amended to read as follows:

6 ~~3. a. A precinct election official shall require~~  
 7 ~~any person whose name does not appear on the election~~  
 8 ~~register as an active voter to show identification.~~  
 9 ~~Specific documents which are acceptable forms of~~  
 10 ~~identification shall be prescribed by the state~~  
 11 ~~commissioner.~~

12 ~~b. 3. a. A precinct election official may sha ll~~  
 13 ~~require of that the voter unknown to the official,~~  
 14 ~~identification upon which the voter's signature or~~  
 15 ~~mark appears produce for inspection one of the~~  
 16 ~~following current and valid forms of identification if~~  
 17 ~~such identification contains the person's photograph~~  
 18 ~~and a validity expiration date:~~

19 ~~(a) An out-of-state driver's license or~~  
 20 ~~nonoperator's identification card.~~

21 ~~(b) A United States passport.~~

22 ~~(c) A United States military identification card.~~

23 ~~(d) An identification card issued by an employer.~~

24 ~~(e) A student identification card issued by an~~  
 25 ~~Iowa high school or an Iowa postsecondary educational~~  
 26 ~~institution.~~

27 ~~b. If identification is established to the~~  
 28 ~~satisfaction of the precinct election officials, the~~  
 29 ~~person may then be allowed to vote.~~

30 Sec.\_\_\_\_. Section 49.77, subsection 4, paragraph  
 31 a, Code 2009, is amended to read as follows:

32 a. A precinct election official shall require any

33 person whose name does not appear on the election  
 34 register as an active voter to show identification to  
 35 prove residency in the precinct. Specific documents  
 36 which are acceptable forms of identification under  
 37 this subsection shall be prescribed by rule by the  
 38 state commissioner. A person whose name does not  
 39 appear on the election register of the precinct in  
 40 which that person claims the right to vote shall not  
 41 be permitted to vote, unless the person affirms that  
 42 the person is currently registered in the county and  
 43 presents ~~proof of identity~~ identification to prove  
 44 residency, or the commissioner informs the precinct  
 45 election officials that an error has occurred and that  
 46 the person is a registered voter of that precinct. If  
 47 the commissioner finds no record of the person's  
 48 registration but the person insists that the person is  
 49 a registered voter of that precinct, the precinct  
 50 election officials shall allow the person to cast a

Page 4

1 ballot in the manner prescribed by section 49.81.  
 2 Sec. \_\_\_\_\_. Section 49.81, subsection 1, Code 2009,  
 3 is amended to read as follows:  
 4 1. A prospective voter who is prohibited under  
 5 section ~~48A.8, subsection 4, section~~ 49.77, subsection  
 6 4, or section 49.80 from voting except under this  
 7 section shall be notified by the appropriate precinct  
 8 election official that the voter may cast a  
 9 provisional ballot. If a booth meeting the  
 10 requirement of section 49.25 is not available at that  
 11 polling place, the precinct election officials shall  
 12 make alternative arrangements to insure the voter the  
 13 opportunity to vote in secret. The voter shall mark  
 14 the ballot, fold it or insert it in a secrecy envelope  
 15 as required by section 49.84, and immediately seal it  
 16 in an envelope of the type prescribed by subsection 4.  
 17 The voter shall deliver the sealed envelope to a  
 18 precinct election official who shall deposit it in an  
 19 envelope marked "provisional ballots". The ballot  
 20 shall be considered as having been cast in the special  
 21 precinct established by section 53.20 for purposes of  
 22 the postelection canvass."  
 23 3. Page 2, by inserting after line 19 the  
 24 following:  
 25 "Sec. \_\_\_\_\_. Section 53.38, Code 2009, is amended to  
 26 read as follows:  
 27 53.38 WHAT CONSTITUTES REGISTRATION.  
 28 Whenever a ballot is requested pursuant to section  
 29 53.39 or 53.45 on behalf of a voter in the armed  
 30 forces of the United States, the affidavit upon the  
 31 affidavit envelope of such voter, if the voter is

32 found to be an eligible elector of the county to which  
 33 the ballot is submitted, shall constitute a sufficient  
 34 registration under chapter 48A. A completed federal  
 35 postcard registration and federal absentee ballot  
 36 request form submitted by such eligible elector shall  
 37 also constitute a sufficient registration under  
 38 chapter 48A. The commissioner shall place the voter's  
 39 name on the registration record as a registered voter  
 40 if it does not already appear there. The  
 41 ~~identification requirements of section 48A.8 and the~~  
 42 verification requirements of section 48A.25A do not  
 43 apply to persons who register to vote under this  
 44 division."

45 4. Title page, by striking lines 1 and 2 and  
 46 inserting the following: "An Act relating to  
 47 registering to vote and voting by lowering the age at  
 48 which a registered voter is eligible to vote in a  
 49 primary election and by requiring voters to provide  
 50 certain identification when voting in person at the

Page 5

1 polling place."  
 2 5. By renumbering as necessary.

ALONS of Sioux

H-1145

1 Amend House File 712 as follows:

2 1. Page 1, by striking line 3 and inserting the  
 3 following: "'Private Right of Action for Consumer  
 4 Frauds Act'."

5 2. Page 1, by striking lines 12 and 13 and  
 6 inserting the following:

7 "4. "Deception" means an act or practice that is  
 8 likely to mislead a substantial number of consumers as  
 9 to a material fact or facts."

10 3. Page 1, line 17, by inserting after the word  
 11 "following" the following: "persons, including  
 12 business entities organized under Title XII by those  
 13 persons and the officers, directors, employees, and  
 14 agents of those persons or business entities,".

15 4. Page 1, by striking lines 21 and 22 and  
 16 inserting the following:

17 "c. Financial institutions which includes any bank  
 18 incorporated under the provisions of any state or  
 19 federal law, any savings and loan association or  
 20 savings bank incorporated under the provisions of any  
 21 state or federal law, any credit union organized under  
 22 the provisions of any state or federal law, any  
 23 affiliate or subsidiary of a bank, savings and loan

- 24 association, savings bank, or credit union, and  
 25 industrial loan licensees pursuant to chapter 536A and  
 26 regulated loan licensees pursuant to chapter 536."  
 27 5. Page 1, by striking lines 23 through 25.  
 28 6. Page 1, by striking line 29 and inserting the  
 29 following: "155A, 156, 169, 522B, 542, 542B, 543B,  
 30 544A, or 544B."  
 31 7. Page 2, line 2, by inserting after the word  
 32 "in" the following: "a practice the person knows or  
 33 reasonably should know is".  
 34 8. Page 2, line 3, by inserting after the word  
 35 "or" the following: "the".  
 36 9. Page 2, line 4, by striking the words "or  
 37 the".  
 38 10. Page 2, by striking line 6 and inserting the  
 39 following: "upon the unfair practice, deception,  
 40 fraud, false pretense, false promise,  
 41 misrepresentation, concealment, suppression, or  
 42 omission in connection".  
 43 11. Page 2, line 9, by inserting after the word  
 44 "purposes." the following: "For the purposes of this  
 45 chapter, a claimant alleging fraud, false promise,  
 46 false pretense, or misrepresentation must prove that  
 47 the prohibited practice related to a material fact or  
 48 facts. "Solicitation of contributions for charitable  
 49 purposes" does not include solicitations made on  
 50 behalf of a political organization as defined in

Page 2

- 1 section 13C.1, solicitations made on behalf of a  
 2 religious organization as defined in section 13C.1,  
 3 solicitations made on behalf of a state, regionally,  
 4 or nationally accredited college or university, or  
 5 solicitations made on behalf of a nonprofit foundation  
 6 benefiting a state, regionally, or nationally  
 7 accredited college or university subject to section  
 8 509(a)(1) or 509(a)(3) of the Internal Revenue Code of  
 9 1986."  
 10 12. Page 2, by striking lines 31 through 35 and  
 11 inserting the following: "disseminates the  
 12 advertisement."  
 13 13. Page 3, by inserting after line 2 the  
 14 following:  
 15 "\_\_\_\_. Public utilities as defined in section 476.1  
 16 that furnish gas by a piped distribution system or  
 17 electricity to the public for compensation.  
 18 \_\_\_\_\_. The provision of cable television service or  
 19 video service pursuant to a franchise under section  
 20 364.2 or 477A.2.  
 21 \_\_\_\_\_. The provision of local exchange carrier  
 22 telephone service pursuant to a certificate issued

23 under section 476.29.

24 \_\_\_\_\_. Conduct for which a cause of action is  
25 available to the consumer based upon negligence,  
26 product liability, or warranty.

27 \_\_\_\_\_. Actions alleging bodily injury.

28 \_\_\_\_\_. Conduct in compliance with the orders or  
29 rules of, or a statute administered by, a federal,  
30 state, or local governmental agency.

31 \_\_\_\_\_. An affirmative act that violates this chapter  
32 but is specifically required by other applicable law,  
33 to the extent that the action could not reasonably  
34 avoid a violation of this chapter.

35 \_\_\_\_\_. In any action relating to a charitable  
36 solicitation, an individual who has engaged in the  
37 charitable solicitation as an unpaid, uncompensated  
38 volunteer solicitor and who does not receive monetary  
39 gain of any sort from engaging in the solicitation."

40 14. Page 3, by striking lines 20 through 22 and  
41 inserting the following:

42 "1. A consumer who reasonably relies on a practice  
43 prohibited by this chapter and who suffers an  
44 ascertainable loss of money or property as the result  
45 of such prohibited practice may bring an action at law  
46 to recover actual economic damages. An award of  
47 damages for such a prohibited practice shall not be  
48 made without proof that the consumer suffered actual  
49 economic damages. The".

50 15. Page 3, line 27, by inserting after the word

Page 3

1 "chapter" the following: "and the consumer is awarded  
2 actual damages".

3 16. Page 4, line 17, by inserting after the word  
4 "finds" the following: "by a preponderance of clear,  
5 convincing, and satisfactory evidence".

6 17. Page 4, line 18, by inserting after the word  
7 "willful" the following: "and wanton".

8 18. Page 4, line 24, by striking the word "five"  
9 and inserting the following: "two".

10 19. Page 4, line 25, by striking the word "five"  
11 and inserting the following: "two".

12 20. Page 5, by inserting after line 33 the  
13 following:

14 "Sec. \_\_\_\_\_. NEW SECTION. 714H.7 CLASS ACTIONS  
15 BARRED.

16 A class action lawsuit alleging violations of this  
17 chapter shall not be available."

18 21. By renumbering as necessary.

H-1146

1 Amend House File 697 as follows:

2 1. Page 1, by inserting after line 19 the  
3 following:

4 "Sec. \_\_\_\_ NEW SECTION. 901.11 DONATIONS –  
5 PROHIBITED.

6 A monetary or property donation to any person or  
7 entity, including a political subdivision, government  
8 agency, entity, official, school, or charitable  
9 organization, is prohibited as a part of any  
10 dismissal, plea, sentence, plan of restitution, or  
11 other penalty.

12 Sec. \_\_\_\_ Section 907.13, subsection 2, Code 2009,  
13 is amended to read as follows:

14 2. The defendant's plan of community service, the  
15 comments of the defendant's probation officer, and the  
16 comments of the representative of the judicial  
17 district department of correctional services  
18 responsible for the unpaid community service program,  
19 shall be submitted promptly to the court. The court  
20 shall promptly enter an order approving the plan or  
21 modifying it. Compliance with the plan of community  
22 service as approved or modified by the court shall be  
23 a condition of the defendant's probation. The court  
24 thereafter may modify the plan at any time upon the  
25 defendant's request, upon the request of the judicial  
26 district department of correctional services, or upon  
27 the court's own motion. ~~As an option for modification  
28 of a plan, the court may allow a defendant to complete  
29 some part or all of the defendant's community service  
30 obligation through the donation of property to a  
31 charitable organization other than a governmental  
32 subdivision. A donation of property to a charitable  
33 organization offered in satisfaction of some part or  
34 all of a community service obligation under this  
35 subsection is not a deductible contribution for the  
36 purposes of federal or state income taxes.~~

37 Sec. \_\_\_\_ Section 910.1, subsection 4, Code 2009,  
38 is amended to read as follows:

39 4. "Restitution" means payment of pecuniary  
40 damages to a victim in an amount and in the manner  
41 provided by the offender's plan of restitution.  
42 "Restitution" also includes fines, penalties, and  
43 surcharges, ~~the contribution of funds to a local  
44 antirime organization which provided assistance to  
45 law enforcement in an offender's case,~~ the payment of  
46 crime victim compensation program reimbursements,  
47 payment of restitution to public agencies pursuant to  
48 section 321J.2, subsection 9, paragraph "b", court  
49 costs including correctional fees approved pursuant to  
50 section 356.7, court-appointed attorney fees ordered

Page 2

1 pursuant to section 815.9, including the expense of a  
2 public defender, and the performance of a public  
3 service by an offender in an amount set by the court  
4 when the offender cannot reasonably pay all or part of  
5 the court costs including correctional fees approved  
6 pursuant to section 356.7, or court-appointed attorney  
7 fees ordered pursuant to section 815.9, including the  
8 expense of a public defender.

9 Sec. \_\_\_\_\_. Section 910.2, Code 2009, is amended to  
10 read as follows:

11 910.2 RESTITUTION OR COMMUNITY SERVICE TO BE  
12 ORDERED BY SENTENCING COURT.

13 1. In all criminal cases in which there is a plea  
14 of guilty, verdict of guilty, or special verdict upon  
15 which a judgment of conviction is rendered, the  
16 sentencing court shall order that restitution be made  
17 by each offender to the victims of the offender's  
18 criminal activities, to the clerk of court for fines,  
19 penalties, surcharges, and, to the extent that the  
20 offender is reasonably able to pay, for crime victim  
21 assistance reimbursement, restitution to public  
22 agencies pursuant to section 321J.2, subsection 9,  
23 paragraph "b", court costs including correctional fees  
24 approved pursuant to section 356.7, or court-appointed  
25 attorney fees ordered pursuant to section 815.9,  
26 including the expense of a public defender, when  
27 applicable, ~~or contribution to a local antierime~~  
28 ~~organization~~. However, victims shall be paid in full  
29 before fines, penalties, ~~and~~ surcharges, crime victim  
30 compensation program reimbursement, public agencies,  
31 court costs including correctional fees approved  
32 pursuant to section 356.7, and court-appointed  
33 attorney fees ordered pursuant to section 815.9,  
34 including the expenses of a public defender, ~~or~~  
35 ~~contributions to a local antierime organization~~ are  
36 paid. In structuring a plan of restitution, the court  
37 shall provide for payments in the following order of  
38 priority: victim, fines, penalties, ~~and~~ surcharges,  
39 crime victim compensation program reimbursement,  
40 public agencies, court costs including correctional  
41 fees approved pursuant to section 356.7, and  
42 court-appointed attorney fees ordered pursuant to  
43 section 815.9, including the expense of a public  
44 defender, ~~and contribution to a local antierime~~  
45 ~~organization~~.

46 2. When the offender is not reasonably able to pay  
47 all or a part of the crime victim compensation program  
48 reimbursement, public agency restitution, court costs  
49 including correctional fees approved pursuant to  
50 section 356.7, or court-appointed attorney fees



Page 3

1 ordered pursuant to section 815.9, including the  
 2 expense of a public defender, ~~or contribution to a~~  
 3 ~~local antierime organization~~, the court may require  
 4 the offender in lieu of that portion of the crime  
 5 victim compensation program reimbursement, public  
 6 agency restitution, court costs including correctional  
 7 fees approved pursuant to section 356.7, or  
 8 court-appointed attorney fees ordered pursuant to  
 9 section 815.9, including the expense of a public  
 10 defender, ~~or contribution to a local antierime~~  
 11 ~~organization~~ for which the offender is not reasonably  
 12 able to pay, to perform a needed public service for a  
 13 governmental agency or for a private nonprofit agency  
 14 which provides a service to the youth, elderly, or  
 15 poor of the community. When community service is  
 16 ordered, the court shall set a specific number of  
 17 hours of service to be performed by the offender  
 18 which, for payment of court-appointed attorney fees  
 19 ordered pursuant to section 815.9, including the  
 20 expenses of a public defender, shall be approximately  
 21 equivalent in value to those costs. The judicial  
 22 district department of correctional services shall  
 23 provide for the assignment of the offender to a public  
 24 agency or private nonprofit agency to perform the  
 25 required service."

26 2. Title page, line 1, by inserting after the  
 27 word "to" the following: "criminal acts, records, and  
 28 proceedings, including".

29 3. Title page, line 1, by inserting after the  
 30 word "acts" the following: "and donations and  
 31 contributions in a criminal proceeding".

SWAIM of Davis  
 ANDERSON of Page

H-1148

1 Amend House File 656 as follows:

2 1. Page 7, line 19, by striking the word "two"  
 3 and inserting the following: "one".

SODERBERG of Plymouth

H-1149

1 Amend House File 656 as follows:

2 1. Page 49, by inserting before line 3 the  
 3 following:

4 "DIVISION \_\_\_\_  
 5 RESEARCH ACTIVITIES TAX CREDITS

6 Section \_\_\_\_\_. Section 15.335, subsection 1,  
7 paragraph a, subparagraph (1), Code 2009, is amended  
8 to read as follows:

- 9 (1) The credit equals the sum of the following:  
10 (a) ~~Six and one half~~ Ten percent of the excess of  
11 qualified research expenses during the tax year over  
12 the base amount for the tax year based upon the  
13 state's apportioned share of the qualifying  
14 expenditures for increasing research activities.  
15 (b) ~~Six and one half~~ Ten percent of the basic  
16 research payments determined under section 41(e)(1)(A)  
17 of the Internal Revenue Code during the tax year based  
18 upon the state's apportioned share of the qualifying  
19 expenditures for increasing research activities.

20 Sec. \_\_\_\_\_. Section 15A.9, subsection 8, paragraph  
21 a, subparagraph (1), Code 2009, is amended to read as  
22 follows:

- 23 (1) The credit equals the sum of the following:  
24 (a) ~~Thirteen~~ Twenty percent of the excess of  
25 qualified research expenses during the tax year over  
26 the base amount for the tax year based upon the  
27 state's apportioned share of the qualifying  
28 expenditures for increasing research activities.  
29 (b) ~~Thirteen~~ Twenty percent of the basic research  
30 payments determined under section 41(e)(1)(A) of the  
31 Internal Revenue Code during the tax year based upon  
32 the state's apportioned share of the qualifying  
33 expenditures for increasing research activities.

34 Sec. \_\_\_\_\_. Section 422.10, subsection 1, paragraph  
35 a, Code 2009, is amended to read as follows:

- 36 a. (1) For individuals, the credit equals the sum  
37 of the following:  
38 ~~(1)~~ (a) ~~Six and one half~~ Ten percent of the  
39 excess of qualified research expenses during the tax  
40 year over the base amount for the tax year based upon  
41 the state's apportioned share of the qualifying  
42 expenditures for increasing research activities.  
43 ~~(2)~~ (b) ~~Six and one half~~ Ten percent of the basic  
44 research payments determined under section 41(e)(1)(A)  
45 of the Internal Revenue Code during the tax year based  
46 upon the state's apportioned share of the qualifying  
47 expenditures for increasing research activities.  
48 (2) The state's apportioned share of the  
49 qualifying expenditures for increasing research  
50 activities is a percent equal to the ratio of

Page 2

- 1 qualified research expenditures in this state to total  
2 qualified research expenditures.  
3 Sec. \_\_\_\_\_. Section 422.33, subsection 5, paragraph  
4 a, Code 2009, is amended to read as follows:

- 5 a. (1) The taxes imposed under this division  
 6 shall be reduced by a state tax credit for increasing  
 7 research activities in this state equal to the sum of  
 8 the following:
- 9 ~~(4) (a) Six and one-half Ten~~ percent of te  
 10 excess of qualified research expenses during the tax  
 11 year over the base amount for the tax year based upon  
 12 the state's apportioned share of the qualifying  
 13 expenditures for increasing research activities.
- 14 ~~(2) (b) Six and one-half Ten~~ percent of the basic  
 15 research payments determined under section 41(e)(1)(A)  
 16 of the Internal Revenue Code during the tax year based  
 17 upon the state's apportioned share of the qualifying  
 18 expenditures for increasing research activities.
- 19 (2) The state's apportioned share of the  
 20 qualifying expenditures for increasing research  
 21 activities is a percent equal to the ratio of  
 22 qualified research expenditures in this state to the  
 23 total qualified research expenditures.
- 24 Sec.\_\_\_\_. RETROACTIVE APPLICABILITY. This  
 25 division of this Act applies retroactively to January  
 26 1, 2009, for tax years beginning on or after that  
 27 date."
- 28 2. Title page, line 2, by inserting after the  
 29 word "assistance" the following: "and tax credit".
- 30 3. By renumbering as necessary.

COWNIE of Polk

H-1152

- 1 Amend House File 656 as follows:
- 2 1. Page 24, by inserting before line 33 the  
 3 following:
- 4 "Sec.\_\_\_\_. SMALL BUSINESS DISASTER RECOVERY  
 5 ASSISTANCE – VALUES FUND ALLOCATION. Of the moneys  
 6 allocated by the department of economic development  
 7 for the fiscal year beginning July 1, 2009, and ending  
 8 June 30, 2010, pursuant to section 15G.111, subsection  
 9 4, as enacted in this Act, the department shall  
 10 allocate fifteen million dollars for purposes of small  
 11 business disaster recovery assistance."
- 12 2. By renumbering as necessary.

PAULSEN of Linn

H-1153

- 1 Amend House File 656 as follows:
- 2 1. Page 42, by inserting before line 27 the  
 3 following:
- 4 "Sec.\_\_\_\_. Section 15.104, Code 2009, is amended

5 by adding the following new subsection:  
 6 **NEW SUBSECTION.** 10. a. In addition to the  
 7 reporting requirements described in subsection 9,  
 8 provide a printed report to each member of the house  
 9 of representatives and senate standing committees on  
 10 economic growth and the joint appropriations  
 11 subcommittee on economic development.  
 12 b. The report shall include but not be limited to  
 13 the information described in subsection 9, paragraph  
 14 "b", as well as a detailed description of each project  
 15 funded that year with moneys from the grow Iowa values  
 16 fund, the total amount of tax dollars the state has  
 17 committed to the project, including both tax credits  
 18 and direct financial assistance, and an estimated  
 19 return on investment for the state."  
 20 2. By renumbering as necessary.

UPMEYER of Hancock

H-1155

1 Amend House File 712 as follows:  
 2 1. By striking everything after the enacting  
 3 clause and inserting the following:  
 4 "Section 1. **NEW SECTION.** 714H.1 PROHIBITED  
 5 PRACTICES OR ACTS – PRIVATE RIGHT OF ACTION.  
 6 1. A person who reasonably relies upon an act or  
 7 practice declared unlawful by section 714.16 in  
 8 entering into a transaction and thereby suffering an  
 9 ascertainable loss of money or property may bring an  
 10 action under this chapter to enjoin further  
 11 violations, or to recover as damages the out-of-pocket  
 12 loss the person sustained as a result of such act or  
 13 practice, or both. The out-of-pocket loss shall be no  
 14 more than the difference between what the person paid  
 15 for the product or service and what the product or  
 16 service was actually worth in the absence of the  
 17 unlawful act or practice.  
 18 2. At least ten days prior to the commencement of  
 19 any action brought under this chapter, any person  
 20 intending to bring such an action shall notify the  
 21 prospective defendant of the intended action and give  
 22 the prospective defendant an opportunity to confer  
 23 with the person, the person's counsel, or other  
 24 representative as to the proposed action. Such notice  
 25 shall be given to the prospective defendant by mail,  
 26 postage prepaid, to the prospective defendant's usual  
 27 place of business, or if the prospective defendant has  
 28 no usual place of business, to the prospective  
 29 defendant's last known address.  
 30 3. If the court finds by clear and convincing  
 31 evidence that the use or employment of the act or

32 practice declared unlawful by section 714.16 was  
 33 willful with the purpose of deceiving the public, the  
 34 court may award up to three times the actual damages  
 35 sustained, or five hundred dollars per person,  
 36 whichever is greater.

37 4. In determining whether to award enhanced  
 38 damages under subsection 3 and the amount of such  
 39 penalty, the court shall consider all of the  
 40 following:

- 41 a. Whether the amount of the actual damages
- 42 awarded would have a deterrent effect upon the
- 43 defendant.
- 44 b. The seriousness of the violation, including the
- 45 nature, circumstances, frequency, and gravity of any
- 46 prohibited act or practice.
- 47 c. The history of any previous violations.
- 48 d. The good faith of the person found to be in
- 49 violation, including whether the person took prompt
- 50 and appropriate remedial action upon learning of the

Page 2

1 alleged violation.

2 e. Any other matter that justice may require.

3 5. Any person who is entitled to bring an action  
 4 under subsection 1 on the person's own behalf against  
 5 an alleged violator for damages for an act or practice  
 6 declared unlawful by section 714.16 may bring a class  
 7 action against such person on behalf of any class of  
 8 persons of which the person is a member and which has  
 9 been damaged by such act or practice, in the manner  
 10 provided in the Iowa rules of civil procedure  
 11 governing class actions.

12 6. Punitive or exemplary damages shall not be  
 13 allowed in an action maintained under this section.

14 Sec. 2. NEW SECTION. 714H.2 ATTORNEY FEES AND  
 15 COSTS.

16 A court may award reasonable attorney fees and  
 17 costs to any of the following persons:

18 1. A prevailing plaintiff upon a finding by the  
 19 court that the defendant's use or employment of the  
 20 act or practice declared unlawful by section 714.16  
 21 was willful with the purpose of deceiving the public.

22 2. A prevailing defendant upon a finding by the  
 23 court that the action was groundless in fact or law or  
 24 brought in bad faith, or brought for the purpose of  
 25 harassment.

26 Sec. 3. NEW SECTION. 714H.3 LIMITATIONS OF  
 27 ACTIONS.

28 An action shall not be brought more than one year  
 29 after the person bringing the action discovers or  
 30 reasonably should have discovered a loss resulting

31 from an act or practice declared unlawful by section  
 32 714.16, except that an action shall not be brought  
 33 under this chapter more than four years from the first  
 34 act or practice giving rise to the cause of action.

35 Sec. 4. NEW SECTION. 714H.4 EXEMPTIONS.

36 This chapter shall not apply to any of the  
 37 following:

38 1. An act or practice required or permitted by or  
 39 in accordance with state or federal law, rule or  
 40 regulation, judicial or administrative decision, or  
 41 formal or informal agency action.

42 2. An act or practice by the publisher, owner,  
 43 agent, or employee of a newspaper, periodical, radio  
 44 or television station, or any other person without  
 45 knowledge of the deceptive character of the  
 46 advertisement in the publication or dissemination of  
 47 an advertisement supplied by another.

48 3. An act or practice by a retailer who has, in  
 49 good faith, engaged in the dissemination of claims of  
 50 a manufacturer or wholesaler without actual knowledge

Page 3

1 that the act or practice was in violation of section  
 2 714.16."

3 2. Title page, line 1, by striking the word  
 4 "cause" and inserting the following: "right".

5 3. Title page, line 2, by striking the words "an  
 6 applicability provision" and inserting the following:  
 7 "penalties".

UPMEYER of Hancock

H-1156

1 Amend House File 675 as follows:

2 1. Page 2, by inserting after line 13 the  
 3 following:

4 "c. An employer shall not be liable to an employee  
 5 for a denial of an application for an absence under  
 6 this section."

7 2. By renumbering as necessary.

RANTS of Woodbury

H-1157

1 Amend House File 675 as follows:

2 1. Page 2, by striking lines 2 through 13 and  
 3 inserting the following: "leave for personnel  
 4 described in subparagraph (1)."

5 2. By renumbering as necessary.

RANTS of Woodbury

H-1158

- 1 Amend House File 675 as follows:  
2 1. Page 1, line 32, by striking the word "severe"  
3 and inserting the following: "significant".

RANTS of Woodbury

H-1159

- 1 Amend House File 675 as follows:  
2 1. Page 1, lines 4 and 5, by striking the words  
3 "precinct caucus" and inserting the following:  
4 "presidential nominating event".  
5 2. Page 1, line 8, by striking the words  
6 "PRECINCT CAUCUSES" and inserting the following:  
7 "NOMINATING EVENT".  
8 3. Page 1, by inserting after line 8 the  
9 following:  
10 "0A. For purposes of this section, unless the  
11 context otherwise requires, "presidential nominating  
12 event" means a precinct caucus, county convention,  
13 district convention, or state convention held as part  
14 of the presidential nominating process."  
15 4. Page 1, line 9, by striking the words  
16 "precinct caucus" and inserting the following:  
17 "presidential nominating event".  
18 5. Page 1, line 15, by striking the words  
19 "precinct caucus" and inserting the following:  
20 "presidential nominating event".  
21 6. Page 1, line 18, by striking the words  
22 "precinct caucus" and inserting the following:  
23 "presidential nominating event".  
24 7. Page 1, line 21, by striking the words  
25 "precinct caucus" and inserting the following:  
26 "presidential nominating event".  
27 8. Page 1, line 35, by striking the words  
28 "precinct caucus" and inserting the following:  
29 "presidential nominating event".  
30 9. Page 2, line 15, by striking the words  
31 "precinct caucus" and inserting the following:  
32 "nominating event".  
33 10. Page 2, line 20, by inserting after the word  
34 "caucus" the following: "or convention".  
35 11. Page 2, line 22, by striking the words  
36 "precinct caucus" and inserting the following:  
37 "nominating event".  
38 12. Title page, line 2, by inserting after the  
39 word "caucuses" the following: "and conventions".

RANTS of Woodbury

H-1160

1 Amend House File 675 as follows:

- 2 1. By striking everything after the enacting  
3 clause and inserting the following:  
4 "Section 1. Section 43.4, Code 2009, is amended by  
5 adding the following new unnumbered paragraph:  
6 NEW UNNUMBERED PARAGRAPH. In addition, each state  
7 central committee of the political parties shall, on  
8 the date set for their presidential precinct caucuses,  
9 establish a presidential candidate preference poll  
10 which shall allow persons eligible to attend the  
11 caucus to register their presidential candidate  
12 preference at the location of their precinct caucuses.  
13 The preference poll shall begin at 7:00 a.m. on the  
14 date of the caucus and end as of the time the  
15 presidential precinct caucus is scheduled to begin."  
16 2. Title page, by striking lines 1 and 2 and  
17 inserting the following: "An Act concerning  
18 presidential precinct caucuses."  
19 3. By renumbering as necessary.

RANTS of Woodbury

H-1161

1 Amend House File 179 as follows:

- 2 1. Page 2, line 5, by inserting after the word  
3 "years." the following: "Members of the clergy are  
4 encouraged to complete the training requirements under  
5 this lettered paragraph."

BERRY of Black Hawk

H-1162

1 Amend House File 656 as follows:

- 2 1. Page 49, by inserting before line 3 the  
3 following:  
4 "DIVISION\_\_\_\_  
5 STUDENT LOANS  
6 Sec.\_\_\_\_. Section 422.7, Code 2009, is amended by  
7 adding the following new subsection:  
8 NEW SUBSECTION. 42A. a. Subtract, to the extent  
9 not otherwise deducted, the amount of principal paid  
10 and the amount of interest paid on a student loan if  
11 the taxpayer has graduated during the calendar year  
12 from an accredited two-year or four-year college or  
13 university and is employed full-time in the state at  
14 the end of the tax year.  
15 b. The deduction pursuant to this subsection is  
16 available beginning with the tax year in which the



17 taxpayer graduated or the following year, as elected  
 18 by the taxpayer, and for the ensuing four tax years.

19 c. The amount of principal deducted pursuant to  
 20 paragraph "a" shall not exceed the following amounts:

21 (1) For single persons and married persons filing  
 22 separately with adjusted gross income of seventy-five  
 23 thousand dollars or less, two thousand five hundred  
 24 dollars.

25 (2) For single persons and married persons filing  
 26 separately with adjusted gross income of more than  
 27 seventy-five thousand dollars but less than  
 28 ninety-five thousand dollars, one thousand five  
 29 hundred dollars.

30 (3) For single persons and married persons filing  
 31 separately with adjusted gross income of ninety-five  
 32 thousand dollars or more, zero dollars.

33 (4) For married persons filing jointly, heads of  
 34 household, and surviving spouses with adjusted gross  
 35 income of one hundred fifty-five thousand dollars or  
 36 less, five thousand dollars.

37 (5) For married persons filing jointly, heads of  
 38 household, and surviving spouses with adjusted gross  
 39 income of more than one hundred fifty-five thousand  
 40 dollars but less than two hundred thousand dollars,  
 41 three thousand dollars.

42 (6) For married persons filing jointly, heads of  
 43 household, and surviving spouses with adjusted gross  
 44 income of two hundred thousand dollars or more, zero  
 45 dollars.

46 d. The amount of interest deducted pursuant to  
 47 paragraph "a" shall not exceed the following amounts:

48 (1) For single persons and married persons filing  
 49 separately with adjusted gross income of seventy-five  
 50 thousand dollars or less, five thousand dollars.

Page 2

1 (2) For single persons and married persons filing  
 2 separately with adjusted gross income of more than  
 3 seventy-five thousand dollars but less than  
 4 ninety-five thousand dollars, three thousand dollars.

5 (3) For single persons and married persons filing  
 6 separately with adjusted gross income of ninety-five  
 7 thousand dollars or more, zero dollars.

8 (4) For married persons filing jointly, heads of  
 9 household, and surviving spouses with adjusted gross  
 10 income of one hundred fifty-five thousand dollars or  
 11 less, ten thousand dollars.

12 (5) For married persons filing jointly, heads of  
 13 household, and surviving spouses with adjusted gross  
 14 income of more than one hundred fifty-five thousand  
 15 dollars but less than two hundred thousand dollars,

16 six thousand dollars.

17 (6) For married persons filing jointly, heads of  
18 household, and surviving spouses with adjusted gross  
19 income of two hundred thousand dollars or more, zero  
20 dollars.

21 Sec.\_\_\_\_. RETROACTIVE APPLICABILITY DATE. This  
22 division of this Act applies retroactively to January  
23 1, 2009, for tax years beginning on or after that  
24 date."

25 2. Title page, line 5, by inserting after the  
26 word "program" the following: ", and to an exclusion  
27 from the computation of net income for the interest  
28 and principal on certain student loans and including a  
29 retroactive applicability date provision".

30 3. By renumbering as necessary.

COWNIE of Polk

H-1164

1 Amend House File 506 as follows:

2 1. Page 3, lines 20 and 21, by striking the words  
3 "or entity for commercial purposes".

4 2. Page 6, line 25, by striking the words "for  
5 commercial purposes".

GASKILL of Wapello

H-1165

1 Amend House File 506 as follows:

2 1. Page 6, line 31, by inserting after the word  
3 "subdivisions." the following: "However, persons who  
4 have contracted with the governing board of the county  
5 land record information system to carry out the duties  
6 of the board are not employees for purposes of chapter  
7 670, relating to tort liability of governmental  
8 subdivisions."

GASKILL of Wapello

H-1166

1 Amend House File 506 as follows:

2 1. Page 3, line 23, by striking the words "two  
3 dollars" and inserting the following: "one dollar".

GASKILL of Wapello

H-1167

1 Amend House File 561 as follows:

- 2 1. Page 1, line 2, by inserting before the word  
3 "RAILWAY" the following: "CONDEMNATION PROCEEDINGS  
4 AND".
- 5 2. Page 2, by inserting after line 13 the  
6 following:  
7 "Sec. \_\_\_\_ Section 6B.14, subsection 2, Code 2009,  
8 is amended to read as follows:  
9 2. Prior to the meeting of the commission, the  
10 commission or a commissioner shall not communicate  
11 with the applicant, property owner, or tenant, or  
12 their agents, regarding the condemnation proceedings.  
13 The commissioners shall meet in open session to view  
14 the property and to receive evidence, but may and  
15 shall deliberate and vote in closed open session.  
16 ~~When deliberating in closed session, the meeting is~~  
17 ~~closed to all persons who are not commissioners except~~  
18 ~~for personnel from the sheriff's office if such~~  
19 ~~personnel is requested by the commission.~~ After  
20 deliberations commence, the commission and each  
21 commissioner is prohibited from communicating with any  
22 party to the proceeding unless such communication  
23 occurs in the presence of or with the consent of the  
24 property owner and the other parties who appeared  
25 before the commission or their agents. ~~However, if~~  
26 ~~the commission is deliberating in closed session, and~~  
27 ~~after deliberations commence the commission requires~~  
28 ~~further information from a party or a witness, the~~  
29 ~~commission shall notify the property owner and the~~  
30 ~~acquiring agency that they are allowed to attend the~~  
31 ~~meeting at which such additional information shall be~~  
32 ~~provided but only for that period of time during which~~  
33 ~~the additional information is being provided. The~~  
34 ~~property owner and the acquiring agency shall be given~~  
35 ~~a reasonable opportunity to attend the meeting.~~ The  
36 commission shall keep minutes of all its meetings  
37 showing the date, time, and place, the members  
38 present, and the action taken at each meeting. The  
39 minutes shall show the results of each vote taken and  
40 information sufficient to indicate the vote of each  
41 member present. ~~The vote of each member present shall~~  
42 ~~be made public at the open session.~~ The minutes shall  
43 be public records open to public inspection."
- 44 3. Page 5, by inserting after line 14 the  
45 following:  
46 "Sec. \_\_\_\_ EFFECTIVE DATE. The section of this  
47 division of this Act amending section 6B.14, being  
48 deemed of immediate importance, takes effect upon  
49 enactment."
- 50 4. Title page, line 1, by inserting after the

Page 2

- 1 word "relating" the following: "to condemnation
- 2 proceedings under eminent domain and".
- 3 5. Title page, line 5, by inserting after the
- 4 word "fund" the following: ", and providing an
- 5 effective date".
- 6 6. By renumbering as necessary.

GRASSLEY of Butler

H-1168

1 Amend House File 561 as follows:

2 1. Page 1, by striking line 2 and inserting the  
3 following: "EMINENT DOMAIN AUTHORITY AND CONDEMNATION  
4 PROCEDURES".

5 2. Page 2, by inserting after line 4 the  
6 following:

7 "Sec.\_\_\_\_. NEW SECTION. 6A.15 PROPERTY ON STATE  
8 HISTORIC REGISTRY.

9 Property listed on the state register of historic  
10 places maintained by the historical division of the  
11 department of cultural affairs shall not be removed  
12 from the register solely for the purpose of allowing  
13 acquisition of the property by condemnation."

14 3. Page 2, by inserting after line 13 the  
15 following:

16 "Sec.\_\_\_\_. Section 6A.24, subsection 3, Code 2009,  
17 is amended to read as follows:

18 3. For any action brought under this section, the  
19 burden of proof shall be on the acquiring agency to  
20 prove by a ~~preponderance of the~~ clear and convincing  
21 evidence that the finding of public use, public  
22 purpose, or public improvement meets the definition of  
23 those terms. If a property owner or a contract  
24 purchaser of record or a tenant occupying the property  
25 under a recorded lease prevails in an action brought  
26 under this section, the acquiring agency shall be  
27 required to pay the costs, including reasonable  
28 attorney fees, of the adverse party.

29 Sec.\_\_\_\_. Section 6B.2C, Code 2009, is amended to  
30 read as follows:

31 6B.2C APPROVAL OF THE PUBLIC IMPROVEMENT.

32 The authority to condemn is not conferred, and the  
33 condemnation proceedings shall not commence, unless  
34 the governing body for the acquiring agency ~~approves,~~  
35 by resolution, declares that adequate funding for the  
36 public improvement has been secured, that the use of  
37 condemnation for the public improvement is approved,  
38 and ~~that~~ there is a reasonable expectation the  
39 applicant will be able to achieve its public purpose,  
40 comply with all applicable standards, and obtain the

41 necessary permits.  
 42 Sec.\_\_\_\_. NEW SECTION. 68B.9 BAN ON CERTAIN  
 43 LOBBYING ACTIVITIES ON BEHALF OF POLITICAL  
 44 SUBDIVISIONS.  
 45 A political subdivision that collects and expends  
 46 property taxes shall not use public funds of any kind  
 47 to pay a person, organization, or other entity to act  
 48 as a lobbyist in relation to any legislation relating  
 49 specifically to eminent domain authority or  
 50 condemnation procedures.

Page 2

1 Sec.\_\_\_\_. Section 316.4, subsection 1, Code 2009,  
 2 is amended to read as follows:  
 3 1. If a program or project undertaken by a  
 4 displacing agency will result in the displacement of a  
 5 person, the displacing agency shall make a payment to  
 6 the displaced person, upon proper application as  
 7 approved by the displacing agency, for actual  
 8 reasonable and necessary expenses incurred in moving  
 9 the person, the person's family, business, farm  
 10 operation, or other personal property subject to rules  
 11 and limits established by the department. The payment  
 12 may also provide for actual direct losses of tangible  
 13 personal property, purchase of substitute personal  
 14 property, business reestablishment expenses, storage  
 15 expenses, and expenses incurred in searching for a  
 16 replacement business or farm. If relocation of a  
 17 business or farm operation is not economically  
 18 feasible, the displaced person may also apply for  
 19 payment of the loss of existing business relationships  
 20 because of the inability to relocate the business or  
 21 farm operation to a location similar in economic  
 22 advantage to the location from which the business or  
 23 farm operation was displaced.  
 24 Sec.\_\_\_\_. EFFECTIVE AND APPLICABILITY DATES. The  
 25 sections of this division of this Act enacting  
 26 sections 6A.15 and 68B.9, and amending sections 6A.24,  
 27 6B.2C, and 316.4, being deemed of immediate  
 28 importance, take effect upon enactment and apply to  
 29 projects or condemnation proceedings pending or  
 30 commenced on or after that date.  
 31 DIVISION\_\_\_\_  
 32 RAILWAY ASSISTANCE".  
 33 4. Title page, line 1, by inserting after the  
 34 word "relating" the following: "to eminent domain  
 35 authority and condemnation procedures and to".  
 36 5. Title page, line 5, by inserting after the  
 37 word "fund" the following: "and providing effective

38 and applicability dates".  
 39 6. By renumbering as necessary.

KAUFMANN of Cedar

H-1172

1 Amend House File 520 as follows:  
 2 1. Page 1, by inserting before line 20 the  
 3 following:  
 4 "Sec. \_\_\_\_ Section 261D.3, Code 2009, is amended  
 5 by adding the following new subsection:  
 6 NEW SUBSECTION. 5. The commissioners representing  
 7 this state shall support this state's participation in  
 8 the midwest student exchange program."  
 9 2. Title page, by striking lines 1 and 2 and  
 10 inserting the following: "An Act relating to higher  
 11 education by requiring support for Iowa's  
 12 participation in the midwest student exchange program  
 13 and by providing for a definition of resident for  
 14 purposes of tuition and fees for qualified veterans  
 15 and military persons and their spouses and dependent  
 16 children at Iowa's public".  
 17 3. By renumbering as necessary.

WATTS of Dallas  
 HEATON of Henry

H-1173

1 Amend House File 520 as follows:  
 2 1. Page 1, by inserting before line 20 the  
 3 following:  
 4 "Sec. \_\_\_\_ Section 261.10, Code 2009, is amended  
 5 to read as follows:  
 6 261.10 WHO QUALIFIED.  
 7 A tuition grant may be awarded to ~~a~~ the following:  
 8 1. A resident of Iowa who is admitted and in  
 9 attendance as a full-time or part-time resident  
 10 student at an accredited private institution and who  
 11 establishes financial need.  
 12 2. A person who is admitted and in attendance at  
 13 an accredited private institution; is domiciled in the  
 14 state during their course of study; served on active  
 15 duty in the military service of the United States  
 16 after September 10, 2001, and was discharged under  
 17 honorable conditions, or is currently serving on  
 18 active duty in the military service of the United  
 19 States.  
 20 3. A person who is admitted and in attendance at  
 21 an accredited private institution, is domiciled in  
 22 this state during their course of study, and is the

23 spouse or dependent child of a person who served on  
 24 active duty in the military service of the United  
 25 States after September 10, 2001, and was discharged  
 26 under honorable conditions, or is currently serving on  
 27 active duty in the military service of the United  
 28 States."

29 2. Title page, by striking lines 1 through 3 and  
 30 inserting the following: "An Act relating to higher  
 31 education, including qualifications for the Iowa  
 32 tuition grant and for residency for purposes of  
 33 tuition and fees at certain institutions for qualified  
 34 veterans, military persons on active duty, and their  
 35 spouses and dependent children."  
 36 3. By renumbering as necessary.

WATTS of Dallas

H-1174

1 Amend House File 520 as follows:  
 2 1. Page 1, line 5, by inserting after the word  
 3 "who" the following: "has been domiciled in the state  
 4 for at least six months immediately preceding  
 5 admission to the community college and".  
 6 2. Page 1, line 25, by inserting after the word  
 7 "who" the following: "has been domiciled in the state  
 8 for at least six months immediately preceding  
 9 admission to the institution and".  
 10 3. Title page, line 2, by inserting after the  
 11 word "veterans" the following: ", military persons on  
 12 active duty, and their spouses and dependent  
 13 children".

WATTS of Dallas

H-1175

1 Amend House File 656 as follows:  
 2 1. Page 49, by inserting before line 3 the  
 3 following:  
 4 "DIVISION\_\_\_\_  
 5 EMINENT DOMAIN  
 6 Sec.\_\_\_\_. Section 6A.22, subsection 2, Code 2009,  
 7 is amended by adding the following new paragraph:  
 8 NEW PARAGRAPH. d. Notwithstanding paragraphs "a",  
 9 "b", and "c", "public use", "public purpose", or  
 10 "public improvement" does not include any project that  
 11 receives a state appropriation or that receives or is  
 12 awarded state funds or other funding by means of  
 13 incentives, as authorized pursuant to chapter 12, 15,  
 14 15A, 15E, 15F, 15G, or 16.  
 15 Sec.\_\_\_\_. EFFECTIVE DATE. This division of this

16 Act, being deemed of immediate importance, takes  
 17 effect upon enactment."  
 18 2. Title page, line 5, by inserting after the  
 19 word "program" the following: "and affecting the use  
 20 of eminent domain when state financial assistance is  
 21 involved and including an effective date provision".  
 22 3. By renumbering as necessary.

KAUFMANN of Cedar

H-1176

1 Amend House File 213 as follows:  
 2 1. Page 4, by inserting after line 3 the  
 3 following:  
 4 "Sec.\_\_\_\_. Section 103.22, Code 2009, is amended  
 5 by adding the following new subsection:  
 6 NEW SUBSECTION. 13. Apply to a person otherwise  
 7 licensed pursuant to this chapter who is engaged in  
 8 the wiring or installation of electrical wiring,  
 9 apparatus, or equipment while presenting a course of  
 10 instruction relating to home construction technology,  
 11 or a similar course of instruction, offered to  
 12 students enrolled in a community college established  
 13 under chapter 260C or an institution under the control  
 14 of the state board of regents. A student enrolled in  
 15 such a course of instruction shall not be considered  
 16 an apprentice electrician or unclassified person, and  
 17 supervision ratios as provided in section 103.15,  
 18 subsection 3, shall not be applicable. The board  
 19 shall by rule establish inspection procedures in the  
 20 event that the home constructed pursuant to the course  
 21 is intended for eventual occupation as a residence."  
 22 2. Page 4, line 15, by striking the words "can  
 23 by" and inserting the following: "can ~~by~~ be".  
 24 3. By renumbering as necessary.

QUIRK of Chickasaw

H-1177

1 Amend the amendment, H-1114, to House File 520 as  
 2 follows:  
 3 1. Page 1, by inserting after line 22 the  
 4 following:  
 5 "\_\_\_\_. Title page, line 2, by inserting after the  
 6 word "veterans" the following: ", military persons on  
 7 active duty, and their spouses and dependent  
 8 children".  
 9 2. By renumbering as necessary.

MASCHER of Johnson



H-1178

1 Amend House File 234 as follows:

2 1. Page 3, by inserting after line 1 the  
3 following:

4 "7. Nothing in this section shall be construed to  
5 require reimbursement for conditions that can be a  
6 focus of clinical attention, commonly referred to as  
7 "V-code" conditions as outlined in the most recent  
8 version of the diagnostic and statistical manual of  
9 mental disorders, but are not considered to be mental  
10 health conditions including but not limited to  
11 medication-induced movement disorders, relational  
12 problems, problems related to abuse or neglect,  
13 noncompliance with treatment, malingering, adult  
14 antisocial behavior, child or adolescent antisocial  
15 behavior, age-related cognitive decline, bereavement,  
16 academic problems, occupational problems, identity  
17 problems, religious or spiritual problems,  
18 acculturation problems, and phase of life problems."

SMITH of Marshall

H-1179

1 Amend House File 736 as follows:

2 1. Page 1, by inserting after line 12 the  
3 following:

4 "Sec.\_\_\_\_. Section 466A.4, subsection 1, Code  
5 2009, is amended to read as follows:

6 1. Public water supply utilities, counties, county  
7 conservation boards, and cities may also be eligible  
8 and apply for and receive local watershed improvement  
9 grants for water quality improvement projects. An  
10 applicant shall coordinate with a local watershed  
11 improvement committee or a soil and water conservation  
12 district and shall include in the application a  
13 description of existing projects and any potential  
14 impact the proposed project may have on existing or  
15 planned water quality improvement projects."

16 2. By renumbering as necessary.

SWAIM of Davis

H-1180

1 Amend House File 589 as follows:

2 1. Page 2, line 6, by inserting after the word  
3 "year" the following: "or to a school district which  
4 initially implemented for the school year beginning  
5 July 1, 2008, a flexible calendar with at least one

6 hundred eighty school days scheduled over an  
7 eleven-month period".

RAECKER of Polk

H-1181

1 Amend House File 732 as follows:

2 1. Page 17, by inserting after line 7 the  
3 following:

4 "Sec. \_\_\_\_ NEW SECTION. 321.179 DRIVER EDUCATION  
5 – TEACHING PARENT.

6 1. TEACHING PARENT. As an alternative to the  
7 driver education requirements under section 321.178, a  
8 teaching parent may instruct a student in a driver  
9 education course that meets the requirements of this  
10 section and provide evidence that the requirements  
11 under this section have been met.

12 2. DEFINITIONS. For purposes of this section:

13 a. "Approved course" means driver education  
14 curriculum approved by the department pursuant to  
15 rules adopted under chapter 17A. An approved course  
16 shall, at a minimum, meet the requirements of  
17 subsection 3 and be appropriate for teaching-  
18 parent-directed driver education and related street or  
19 highway instruction. Driver education materials that  
20 meet or exceed standards established by the department  
21 for an approved course in driver education for a  
22 public or private school shall be approved unless  
23 otherwise determined by the department. The list of  
24 approved courses shall be posted on the department's  
25 internet website.

26 b. "Student" means a person between the ages of  
27 fourteen and twenty-one years who is within the  
28 custody and control of the teaching parent and who  
29 satisfies preliminary licensing requirements of the  
30 department.

31 c. "Teaching parent" means a parent, guardian, or  
32 legal custodian of a student who is currently  
33 providing competent private instruction to the student  
34 pursuant to section 299A.2 or 299A.3 and who provided  
35 such instruction to the student during the previous  
36 year; who has a valid driver's license, other than a  
37 motorized bicycle license or a temporary restricted  
38 license, that permits unaccompanied driving; and who  
39 has maintained a clear driving record for the previous  
40 two years. For purposes of this paragraph, "clear  
41 driving record" means the individual has not been  
42 identified as a candidate for suspension of a driver's  
43 license under the habitual offender provisions of the  
44 department's regulations; is not subject to a driver's  
45 license suspension, revocation, denial, cancellation,

46 disqualification, or bar; and has no record of a  
47 conviction for a moving traffic violation determined  
48 to be the cause of a motor vehicle accident.

49 3. COURSE OF INSTRUCTION.

50 a. An approved course administered by a teaching

Page 2

1 parent shall consist of, but not be limited to, the  
2 following:

3 (1) Thirty clock hours of classroom instruction.

4 (2) Forty hours of street or highway driving  
5 including four hours of driving after sunset and  
6 before sunrise while accompanied by the teaching  
7 parent.

8 (3) Four hours of classroom instruction concerning  
9 substance abuse.

10 (4) A minimum of twenty minutes of instruction  
11 concerning railroad crossing safety.

12 (5) Instruction relating to becoming an organ  
13 donor under the revised uniform anatomical gift Act as  
14 provided in chapter 142C.

15 (6) Instruction providing an awareness about  
16 sharing the road with bicycles and motorcycles.

17 b. The content of the course of instruction  
18 required under this subsection shall be equivalent to  
19 that required under section 321.178. However,  
20 reference and study materials, physical classroom  
21 requirements, and extra vehicle safety equipment  
22 required for instruction under section 321.178 shall  
23 not be required for the course of instruction provided  
24 under this section.

25 4. COURSE COMPLETION AND CERTIFICATION. Upon

26 application by a student for an intermediate license,  
27 the teaching parent shall provide evidence showing the  
28 student's completion of an approved course and  
29 substantial compliance with the requirements of  
30 subsection 3 by affidavit signed by the teaching  
31 parent on a form to be provided by the department.  
32 The evidence shall include all of the following:

33 a. Documentation that the instructor is a teaching  
34 parent as defined in subsection 2.

35 b. Documentation that the student is receiving  
36 competent private instruction under section 299A.2 or  
37 the name of the school district within which the  
38 student is receiving instruction under section 299A.3.

39 c. The name of the approved course completed by  
40 the student.

41 d. An affidavit attesting to satisfactory  
42 completion of course work and street or highway  
43 driving instruction.

44 e. Copies of written tests completed by the

45 student.

46 f. A statement of the number of classroom hours of  
47 instruction.

48 g. A log of completed street or highway driving  
49 instruction including the dates when the lessons were  
50 conducted, the student's and the teaching parent's

Page 3

1 name and initials noted next to each entry, notes on  
2 driving activities including a list of driving  
3 deficiencies and improvements, and the duration of the  
4 driving time for each session.

5 5. INTERMEDIATE LICENSE. Any student who  
6 successfully completes an approved course as provided  
7 in this section, passes a driving test to be  
8 administered by the department, and is otherwise  
9 qualified under section 321.180B, subsection 2, shall  
10 be eligible for an intermediate license pursuant to  
11 section 321.180B. Twenty of the forty hours of street  
12 or highway driving instruction required under  
13 subsection 3, paragraph "a", subparagraph (2), may be  
14 utilized to satisfy the requirement of section  
15 321.180B, subsection 2.

16 6. FULL LICENSE. A student must comply with  
17 section 321.180B, subsection 4, to be eligible for a  
18 full driver's license pursuant to section 321.180B.  
19 Sec. \_\_\_\_\_. Section 321.180B, subsection 2, Code  
20 2009, is amended to read as follows:

21 2. INTERMEDIATE LICENSE.

22 a. The department may issue an intermediate  
23 driver's license to a person sixteen or seventeen  
24 years of age who possesses an instruction permit  
25 issued under subsection 1 or a comparable instruction  
26 permit issued by another state for a minimum of six  
27 months immediately preceding application, and who  
28 presents an affidavit signed by a parent or guardian  
29 on a form to be provided by the department that the  
30 permittee has accumulated a total of twenty hours of  
31 street or highway driving of which two hours were  
32 conducted after sunset and before sunrise and the  
33 street or highway driving was with the permittee's  
34 parent, guardian, instructor, a person certified by  
35 the department, or a person at least twenty-five years  
36 of age who had written permission from a parent or  
37 guardian to accompany the permittee, and whose driving  
38 privileges have not been suspended, revoked, or barred  
39 under this chapter or chapter 321J during, and who has  
40 been accident and violation free continuously for, the  
41 six-month period immediately preceding the application  
42 for an intermediate license. An applicant for an  
43 intermediate license must meet the requirements of

44 section 321.186, including satisfactory completion of  
 45 driver education as required in section 321.178 or  
 46 321.179, and payment of the required license fee  
 47 before an intermediate license will be issued.  
 48 h. A person issued an intermediate license must  
 49 limit the number of passengers in the motor vehicle  
 50 when the intermediate licensee is operating the motor

Page 4

1 vehicle to the number of passenger safety belts.  
 2 c. Except as otherwise provided, a person issued  
 3 an intermediate license under this subsection who is  
 4 operating a motor vehicle between the hours of  
 5 twelve-thirty a.m. and five a.m. must be accompanied  
 6 by a person issued a driver's license valid for the  
 7 vehicle operated who is the parent or guardian of the  
 8 permittee, a member of the permittee's immediate  
 9 family if the family member is at least twenty-one  
 10 years of age, an approved driver education instructor,  
 11 a prospective driver education instructor who is  
 12 enrolled in a practitioner preparation program with a  
 13 safety education program approved by the state board  
 14 of education, or a person at least twenty-five years  
 15 of age if written permission is granted by the parent  
 16 or guardian, and who is actually occupying a seat  
 17 beside the driver. However, a licensee may operate a  
 18 vehicle to and from school-related extracurricular  
 19 activities and work without an accompanying driver  
 20 between the hours of twelve-thirty a.m. and five a.m.  
 21 if such licensee possesses a waiver on a form to be  
 22 provided by the department. An accompanying driver is  
 23 not required between the hours of five a.m. and  
 24 twelve-thirty a.m."  
 25 2. Title page, line 2, by inserting after the  
 26 word "boards" the following "and to driver education  
 27 instruction provided by a teaching parent".  
 28 3. By renumbering as necessary.

TYMESON of Madison

H-1182

1 Amend House File 737 as follows:  
 2 1. By striking everything after the enacting  
 3 clause and inserting the following:  
 4 "Section 1. NEW SECTION. 257.6A DISASTER RELIEF  
 5 – BUDGET ENROLLMENTS.  
 6 1. a. Notwithstanding any provision of the Code  
 7 to the contrary, for the school budget year beginning  
 8 July 1, 2009, and succeeding school budget years, if a

9 school district located in a governor-declared state  
 10 of disaster emergency area or a presidentially  
 11 declared major disaster area experiences a  
 12 significantly reduced actual enrollment for the next  
 13 school budget year after the disaster occurred then  
 14 the district shall be eligible to receive a budget  
 15 enrollment adjustment for the two school budget years  
 16 following the disaster.

17 b. The adjustment shall be an amount equal to the  
 18 difference between the actual enrollment for the  
 19 school budget year prior to the disaster and the  
 20 actual enrollment for the next school budget year  
 21 following the disaster, multiplied by the district  
 22 cost per pupil.

23 c. A board of directors that requests a budget  
 24 enrollment adjustment shall adopt a resolution  
 25 requesting to receive the adjustment and shall notify  
 26 the school budget review committee annually but no  
 27 earlier than November 1, as determined by the  
 28 department of education.

29 2. a. A board of directors that determines a need  
 30 exists for additional funds exceeding the authorized  
 31 budget adjustment for a budget enrollment adjustment  
 32 pursuant to this section shall submit a request for  
 33 modified allowable growth to the school budget review  
 34 committee as provided in section 257.31.

35 b. The school budget review committee shall  
 36 establish if modified allowable growth is justified  
 37 and, if so, shall set the modified allowable growth in  
 38 an amount determined pursuant to subsection 1.

39 c. Modified allowable growth pursuant to this  
 40 section shall only be available for the reduction in  
 41 the number of pupils that is attributable to the  
 42 disaster.

43 Sec. 2. Section 257.31, subsection 5, Code 2009,  
 44 is amended by adding the following new paragraph:  
 45 NEW PARAGRAPH. o. Unusual need for funds  
 46 exceeding an authorized budget adjustment following a  
 47 disaster pursuant to section 257.6A."

T. TAYLOR of Linn

H-1183

1 Amend House File 561 as follows:

2 1. Paged 1, line 2, by striking the words  
 3 "RAILWAY ASSISTANCE" and inserting the following:

4 "EMINENT DOMAIN AUTHORITY OF STATE

5 Sec. \_\_\_\_\_. Section 6A.1, Code 2009, is amended to  
 6 read as follows:

7 6A.1 EXERCISE OF POWER BY STATE.

8 1. Proceedings may be instituted and maintained by

9 the state of Iowa, or for the use and benefit thereof,  
 10 for the condemnation of such private property as may  
 11 be necessary for any public improvement which the  
 12 general assembly has authorized to be undertaken by  
 13 the state, and for which an available appropriation  
 14 has been made. The executive council shall institute  
 15 and maintain such proceedings in case authority to so  
 16 do be not otherwise delegated.

17 2. All proceedings instituted and maintained by  
 18 the state of Iowa shall not commence without the  
 19 signed authorization of the governor.

20 3. The condemnation authority granted in this  
 21 section shall not extend to the department of natural  
 22 resources if the department is seeking to acquire real  
 23 property for purposes of carrying out a duty related  
 24 to development and maintenance of the recreation  
 25 resources of the state, including planning,  
 26 acquisition, and development of recreational projects,  
 27 and areas and facilities related to such projects,  
 28 notwithstanding any provisions to the contrary."

29 2. Page 2, by inserting after line 13 the  
 30 following:

31 Sec.\_\_\_\_. Section 455A.5, Code 2009, is amended by  
 32 adding the following new subsection:

33 NEW SUBSECTION. 7. The authority granted the  
 34 commission to acquire real property for purposes of  
 35 carrying out a duty related to development and  
 36 maintenance of the recreation resources of the state,  
 37 including planning, acquisition, and development of  
 38 recreational projects, and areas and facilities  
 39 related to such projects, shall not extend to the  
 40 authority to acquire land by eminent domain.

41 Sec.\_\_\_\_. Section 456A.24, subsection 2,  
 42 unnumbered paragraph 1, Code 2009, is amended to read  
 43 as follows:

44 Acquire by purchase, ~~condemnation,~~ lease,  
 45 agreement, gift, and devise lands or waters suitable  
 46 for the purposes hereinafter enumerated, and  
 47 rights-of-way thereto, and to maintain the same for  
 48 the following purposes, ~~to wit:~~

49 Sec.\_\_\_\_. Section 456A.24, Code 2009, is amended  
 50 by adding the following new subsection:

Page 2

1 NEW SUBSECTION. 15. The authority granted the  
 2 department to acquire real property for any statutory  
 3 purpose relating to development and maintenance of the  
 4 recreation resources of the state, including planning,  
 5 acquisition, and development of recreational projects,  
 6 and areas and facilities related to such projects,  
 7 shall not extend to the authority to acquire land by

8 eminent domain.

9 Sec.\_\_\_\_. Section 461A.7, Code 2009, is amended to  
10 read as follows:

11 461A.7 ~~EMINENT DOMAIN PURCHASE OF LANDS – PUBLIC~~  
12 ~~PARKS.~~

13 The commission may purchase ~~or condemn~~ lands ~~from~~  
14 ~~willing sellers~~ for public parks. ~~No~~ A contract for  
15 the purchase of such public parks shall not be made to  
16 an amount in excess of funds appropriated therefore by  
17 the general assembly.

18 Sec.\_\_\_\_. Section 461A.10, Code 2009, is amended  
19 to read as follows:

20 461A.10 TITLE TO LANDS.

21 The title to all lands purchased, ~~condemned~~, or  
22 donated, hereunder, for park ~~or highway~~ purposes and  
23 the title to all lands purchased, condemned, or  
24 donated hereunder for highway purposes, shall be taken  
25 in the name of the state and if thereafter it shall be  
26 deemed advisable to sell any portion of the land so  
27 purchased or condemned, the proceeds of such sale  
28 shall be placed to the credit of the said public state  
29 parks fund to be used for such park purposes.

30 Sec.\_\_\_\_. Section 463C.8, subsection 1, paragraph  
31 k, Code 2009, is amended to read as follows:

32 k. The power to acquire, own, hold, administer,  
33 and dispose of property, except that such power is not  
34 a grant of authority to acquire property by eminent  
35 domain.

36 Sec.\_\_\_\_. Sections 461A.9 and 461A.75, Code 2009,  
37 are repealed.

38 Sec.\_\_\_\_. EFFECTIVE DATE. The sections of this  
39 division of this Act amending sections 6A.1, 455A.5,  
40 456A.24, 461A.7, 461A.10, and 463C.8, and repealing  
41 sections 461A.9 and 461A.75, being deemed of immediate  
42 importance, take effect upon enactment.

43 DIVISION  
44 RAILWAY ASSISTANCE".

45 3. Title page, line 1, by inserting after the  
46 word "relating" the following: "to the exercise of  
47 eminent domain authority by the state, including by  
48 the department of transportation and the department of  
49 natural resources, and to".

50 4. Title page, line 5, by inserting after the

Page 3

1 word "fund" the following: ", and providing an  
2 effective date".

3 5. By renumbering as necessary.



H-1184

1 Amend House File 746 as follows:

2 1. By striking everything after the enacting  
3 clause and inserting the following:

4 "Section 1. Section 80A.13, Code 2009, is amended  
5 to read as follows:

6 80A.13 CAMPUS WEAPON REQUIREMENTS.

7 An individual employed by a college or university,  
8 or by a private security business holding a contract  
9 with a college or university, who performs private  
10 security duties on a college or university campus and  
11 who carries a weapon while performing these duties  
12 shall meet all of the following requirements:

13 ~~1. File with the sheriff of the county in which  
14 the campus is located evidence that the individual has  
15 successfully completed an approved firearms training  
16 program under section 724.9. This requirement does  
17 not apply to armored car personnel.~~

18 ~~2. Possess a permit to carry weapons issued by the  
19 sheriff of the county in which the campus is located  
20 under sections 724.6 through 724.11. This requirement  
21 does not apply to armored car personnel.~~

22 ~~3. File with the sheriff of the county in  
23 which the campus is located a sworn affidavit from the  
24 employer outlining the nature of the duties to be  
25 performed and justification of the need to go armed.~~

26 Sec. 2. Section 724.4, Code 2009, is amended to  
27 read as follows:

28 724.4 CARRYING WEAPONS.

29 ~~1. Except as otherwise provided in this section, a  
30 person who goes armed with a dangerous weapon  
31 concealed on or about the person, or who, within the  
32 limits of any city, goes armed with a pistol or  
33 revolver, or any loaded firearm of any kind, whether  
34 concealed or not, or who knowingly carries or  
35 transports in a vehicle a pistol or revolver, commits  
36 an aggravated misdemeanor. A person who goes armed  
37 with a dangerous weapon with the intent to commit a  
38 crime of violence commits a class "D" felony. This  
39 subsection applies regardless of whether the dangerous  
40 weapon is concealed or not concealed on or about the  
41 person and regardless of whether the dangerous weapon  
42 is transported in a vehicle. For purposes of this  
43 subsection, "crime of violence" means a felony which  
44 has, as an element of the offense, the use of physical  
45 force by one person against another person.~~

46 2. A person who goes armed with a knife concealed  
47 on or about the person, if the person uses the knife  
48 in the commission of a crime, commits an aggravated  
49 misdemeanor.

50 3. A person who goes armed with a knife concealed

Page 2

1 on or about the person, if the person does not use the  
2 knife in the commission of a crime:

3 a. If the knife has a blade exceeding eight inches  
4 in length, commits an aggravated misdemeanor.

5 b. If the knife has a blade exceeding five inches  
6 but not exceeding eight inches in length, commits a  
7 serious misdemeanor.

8 ~~4. Subsections 1 through 3 do~~ Subsection 3 does  
9 not apply to any of the following:

10 a. A person who goes armed with a dangerous weapon  
11 in the person's own dwelling or place of business, or  
12 on land owned or possessed by the person.

13 b. A peace officer, when the officer's duties  
14 require the person to carry such weapons.

15 ~~c. A member of the armed forces of the United~~  
16 ~~States or of the national guard or person in the~~  
17 ~~service of the United States, when the weapons are~~  
18 ~~carried in connection with the person's duties as~~  
19 ~~such.~~

20 ~~d. A correctional officer, when the officer's~~  
21 ~~duties require, serving under the authority of the~~  
22 ~~Iowa department of corrections.~~

23 ~~e. c.~~ c. A person who for any lawful purpose carries  
24 an unloaded pistol, revolver, or other dangerous  
25 weapon inside a closed and fastened container or  
26 securely wrapped package which is too large to be  
27 concealed on the person.

28 ~~f. A person who for any lawful purpose carries or~~  
29 ~~transports an unloaded pistol or revolver in a vehicle~~  
30 ~~inside a closed and fastened container or securely~~  
31 ~~wrapped package which is too large to be concealed on~~  
32 ~~the person or inside a cargo or luggage compartment~~  
33 ~~where the pistol or revolver will not be readily~~  
34 ~~accessible to any person riding in the vehicle or~~  
35 ~~common carrier.~~

36 ~~g. A person while the person is lawfully engaged~~  
37 ~~in target practice on a range designed for that~~  
38 ~~purpose or while actually engaged in lawful hunting.~~

39 ~~h. d.~~ d. A person who carries a knife used in  
40 hunting or fishing, while actually engaged in lawful  
41 hunting or fishing.

42 ~~i. A person who has in the person's possession and~~  
43 ~~who displays to a peace officer on demand a valid~~  
44 ~~permit to carry weapons which has been issued to the~~  
45 ~~person, and whose conduct is within the limits of that~~  
46 ~~permit. A person shall not be convicted of a~~  
47 ~~violation of this section if the person produces at~~  
48 ~~the person's trial a permit to carry weapons which was~~  
49 ~~valid at the time of the alleged offense and which~~  
50 ~~would have brought the person's conduct within this~~

Page 3

1 ~~exception if the permit had been produced at the time~~  
2 ~~of the alleged offense.~~

3 j. e. A law enforcement officer from another  
4 state when the officer's duties require the officer to  
5 carry the weapon and the officer is in this state for  
6 any of the following reasons:

7 (1) The extradition or other lawful removal of a  
8 prisoner from this state.

9 (2) Pursuit of a suspect in compliance with  
10 chapter 806.

11 (3) Activities in the capacity of a law  
12 enforcement officer with the knowledge and consent of  
13 the chief of police of the city or the sheriff of the  
14 county in which the activities occur or of the  
15 commissioner of public safety.

16 k. f. A person engaged in the business of  
17 transporting prisoners under a contract with the Iowa  
18 department of corrections or a county sheriff, a  
19 similar agency from another state, or the federal  
20 government.

21 Sec. 3. Section 724.4B, subsection 2, paragraph a,  
22 Code 2009, is amended to read as follows:

23 a. A person listed under section 724.4, subsection  
24 4, ~~paragraphs paragraph "b" through "f", "c", or "j"~~  
25 "e".

26 Sec. 4. Section 724.6, subsection 1, Code 2009, is  
27 amended to read as follows:

28 1. A person ~~may be issued a permit to carry~~  
29 ~~weapons when the person's employment who is employed~~  
30 in a private investigation business or private  
31 security business licensed under chapter 80A, ~~or a~~  
32 ~~person's employment~~ as a peace officer, correctional  
33 officer, security guard, bank messenger or other  
34 person transporting property of a value requiring  
35 security, or in police work, whose employment  
36 reasonably justifies that person going armed, shall be  
37 issued a professional permit to carry weapons if the  
38 person applies for the permit and meets the  
39 requirements of sections 724.8 through 724.10. The  
40 permit shall be on a form prescribed and published by  
41 the commissioner of public safety, shall identify the  
42 holder, and shall state the nature of the employment  
43 requiring the holder to go armed. A permit so issued,  
44 other than to a peace officer, shall authorize the  
45 person to whom it is issued to go armed anywhere in  
46 the state, ~~only~~ while engaged in the employment, and  
47 while going to and from the place of the employment.  
48 A permit issued to a certified peace officer shall  
49 authorize that peace officer to go armed anywhere in  
50 the state at all times. Permits shall expire ~~twelve~~

Page 4

1 ~~months~~ five years after the date when issued except  
2 that permits issued to peace officers and correctional  
3 officers are valid through the officer's period of  
4 employment unless otherwise canceled. When the  
5 employment is terminated, the holder of the permit  
6 shall surrender it to the issuing officer for  
7 cancellation.

8 Sec. 5. Section 724.7, Code 2009, is amended to  
9 read as follows:

10 724.7 NONPROFESSIONAL PERMIT TO CARRY WEAPONS.

11 Any person ~~who can reasonably justify going armed~~  
12 ~~may not otherwise prohibited from possessing or~~  
13 transporting a firearm and who meets the requirements  
14 in sections 724.8 through 724.10 shall be issued a  
15 nonprofessional permit to carry weapons ~~if the person~~  
16 applies for such permit. Such permits shall be on a  
17 form prescribed and published by the commissioner of  
18 public safety, which shall be readily distinguishable  
19 from the professional permit, and shall identify the  
20 holder thereof, and state the reason for the issuance  
21 of the permit, ~~and the limits of the authority granted~~  
22 ~~by such permit~~. All permits so issued shall be for a  
23 ~~definite five-year period as established by the~~  
24 ~~issuing officer, but in no event shall exceed a period~~  
25 ~~of twelve months~~.

26 Sec. 6. Section 724.8, subsection 5, Code 2009, is  
27 amended to read as follows:

28 5. ~~The issuing officer reasonably determines that~~  
29 ~~the applicant does not constitute a danger to any~~  
30 ~~person~~ person is not otherwise prohibited by state or  
31 federal law from possessing or transporting a firearm.

32 Sec. 7. Section 724.9, Code 2009, is amended to  
33 read as follows:

34 724.9 FIREARM TRAINING PROGRAM.

35 A training program to qualify persons in the safe  
36 use of firearms shall be provided by the issuing  
37 officer of permits, as provided in section 724.11.  
38 ~~The commissioner of public safety shall approve the~~  
39 ~~training program, and the county sheriff or the~~  
40 ~~commissioner of public safety conducting the training~~  
41 ~~program within their respective jurisdictions may~~  
42 shall contract with a private organization or use the  
43 services of other agencies, or may use a combination  
44 of the two, a private individual or a professional  
45 organization who shall conduct the training consistent  
46 with the standards set forth by the national rifle  
47 association to provide such training. Any person  
48 eligible to be issued a permit to carry weapons may  
49 enroll in such course. A fee sufficient to cover the  
50 cost of the program may be charged each person

Page 5

1 attending. Certificates of completion, on a form  
2 prescribed and published by the commissioner of public  
3 safety, shall be issued to each person who  
4 successfully completes the program. ~~No~~ A person shall  
5 not be issued either a professional or nonprofessional  
6 permit unless the person has received a certificate of  
7 completion or is a certified peace officer. ~~No peace~~  
8 ~~officer or correctional officer, except a certified~~  
9 ~~peace officer, shall go armed with a pistol or~~  
10 ~~revolver unless the officer has received a certificate~~  
11 ~~of completion, provided that this requirement shall~~  
12 ~~not apply to persons who are employed in this state as~~  
13 ~~peace officers on January 1, 1978 until July 1, 1978,~~  
14 ~~or to peace officers of other jurisdictions exercising~~  
15 ~~their legal duties within this state.~~

16 Sec. 8. Section 724.11, Code 2009, is amended to  
17 read as follows:

18 724.11 ISSUANCE OF PERMIT TO CARRY WEAPONS.

19 ~~Applications for permits~~ An application for a  
20 permit to carry weapons, ~~if made~~, shall be made to the  
21 sheriff of the county in which the applicant resides.  
22 Applications from persons who are nonresidents of the  
23 state, or whose need to go armed arises out of  
24 employment by the state, shall be made to the  
25 commissioner of public safety. In either case, the  
26 issuance of the permit shall be by ~~and at the~~  
27 ~~discretion of the sheriff or commissioner, who shall,~~  
28 before issuing the permit, determine that the  
29 requirements of sections ~~724.6 to 724.8 through~~ 724.10  
30 have been satisfied ~~and the person is not otherwise~~  
31 ~~prohibited by state or federal law from possessing or~~  
32 ~~transporting a firearm.~~ However, the training program  
33 requirements in section 724.9 may be waived for  
34 ~~renewal permits.~~ The issuing officer shall collect a  
35 fee of ~~ten~~ fifty dollars, except from a duly appointed  
36 peace officer or correctional officer, for each permit  
37 issued. Renewal permits or duplicate permits shall be  
38 issued for a fee of five dollars. The issuing officer  
39 shall notify the commissioner of public safety of the  
40 issuance of any permit at least monthly and forward to  
41 the commissioner an amount equal to two dollars for  
42 each permit issued and one dollar for each renewal or  
43 duplicate permit issued. All such fees received by  
44 the commissioner shall be paid to the treasurer of  
45 state and deposited in the operating account of the  
46 department of public safety to offset the cost of  
47 administering this chapter. Any unspent balance as of  
48 June 30 of each year shall revert to the general fund  
49 as provided by section 8.33.

50 Sec. 9. Section 724.5, Code 2009, is repealed."

Page 6

- 1 2. Title page, by striking lines 1 and 2 and
- 2 inserting the following: "An Act relating to the
- 3 carrying of weapons".

SCHULTZ of Crawford

H-1185

- 1 Amend House File 746 as follows:
- 2 1. Page 2, by inserting after line 16 the
- 3 following:
- 4 "Sec.\_\_\_\_. Section 704.1, Code 2009, is amended to
- 5 read as follows:
- 6 704.1 REASONABLE FORCE.
- 7 "Reasonable force" is that force and no more which
- 8 a reasonable person, in like circumstances, would
- 9 judge to be necessary to prevent an injury or loss and
- 10 can include deadly force if it is reasonable to
- 11 believe that such force is necessary to avoid injury
- 12 or risk to one's life or safety or the life or safety
- 13 of another, or it is reasonable to believe that such
- 14 force is necessary to resist a like force or threat.
- 15 Reasonable force, including deadly force, may be used
- 16 ~~even if an alternative course of action is available~~
- 17 ~~if the alternative entails a risk to life or safety,~~
- 18 ~~or the life or safety of a third party, or requires~~
- 19 ~~one to abandon or retreat from one's dwelling or place~~
- 20 ~~of business or employment, and a person has no duty to~~
- 21 ~~retreat, and has the right to stand the person's~~
- 22 ~~ground, and meet force with force, if the person~~
- 23 ~~believes reasonable force, including deadly force, is~~
- 24 ~~necessary under the circumstances to prevent death or~~
- 25 ~~serious injury to oneself or a third party, or to~~
- 26 ~~prevent the commission of a forcible felony.~~
- 27 Sec.\_\_\_\_. NEW SECTION. 704.4A IMMUNITY.
- 28 1. A person who uses reasonable force shall be
- 29 immune from any criminal prosecution or civil action
- 30 for using such force, unless the person against whom
- 31 such force is used is a peace officer acting within
- 32 the scope of the officer's duties and the peace
- 33 officer identifies the officer's identity, or the
- 34 person knew or reasonably should have known the person
- 35 is a peace officer.
- 36 2. A law enforcement agency may use standard
- 37 investigating procedures for investigating the use of
- 38 force, but the law enforcement agency shall not arrest
- 39 a person for using force unless it determines there is
- 40 probable cause that the force was unlawful under this
- 41 chapter.
- 42 3. If a person is arrested and it is later

43 determined by a court or jury that the person was  
 44 justified in using reasonable force under the  
 45 circumstances, the person shall be awarded reasonable  
 46 attorney fees, court costs, compensation for loss of  
 47 any income, and reimbursement of any other expenses  
 48 incurred as a result of being arrested and charged."

49 2. Title page, by striking lines 1 and 2 and  
 50 inserting the following: "An Act relating to the

Page 2

1 carrying of weapons and the use of reasonable force  
 2 and providing an effective date."

SORRENSON of Warren

H-1186

1 Amend House File 746 as follows:

2 1. Page 2, by striking lines 21 through 25 and  
 3 inserting the following: "~~issued a nonprofessional~~  
 4 ~~permit to carry weapons. The issuing officer shall~~  
 5 issue a nonprofessional permit to carry weapons to an  
 6 applicant who meets the requirements of sections 724.8  
 7 through 724.10. Such permits".

8 2. Page 7, by striking lines 1 through 4 and  
 9 inserting the following: "either case, ~~the issuance~~  
 10 ~~of the permit shall be by and at the discretion of the~~  
 11 ~~sheriff or commissioner, who~~ the issuing officer  
 12 shall, ~~before issuing the permit,~~ determine that the  
 13 requirements of sections 724.6 to 724.10 have been  
 14 satisfied before issuing the permit. However the".

15 3. By renumbering as necessary.

SCHULTZ of Crawford

H-1187

1 Amend House File 656 as follows:

2 1. Page 20, line 3, by inserting after the word  
 3 "department." the following: "In considering  
 4 applications for financial assistance under this  
 5 component, the board shall give priority to projects  
 6 that are ready to begin construction immediately."

7 2. By renumbering as necessary.

KOESTER of Polk

H-1188

1 Amend House File 506 as follows:

2 1. Page 1, line 26, by striking the words

- 3 ""Actual costs"" and inserting the following:  
 4 ""Actual cost"".
- 5 2. Page 1, line 28, by striking the words  
 6 ""Actual costs"" and inserting the following:  
 7 ""Actual cost"".
- 8 3. Page 3, lines 20 and 21, by striking the words  
 9 "or entity for commercial purposes".
- 10 4. Page 6, line 9, by striking the words "~~This~~  
 11 ~~section~~".
- 12 5. Page 6, line 10, by striking the words and  
 13 figure "a. Subsection 2" and inserting the following:  
 14 "a. ~~This section~~ Subsection 2".
- 15 6. Page 6, line 25, by striking the words "for  
 16 commercial purposes".

GASKILL of Wapello

H-1189

- 1 Amend House File 675 as follows:
- 2 1. Page 1, line 29, by inserting after the word  
 3 "include" the following: "but is not limited to".
- 4 2. Page 1, line 32, by striking the word "severe"  
 5 and inserting the following: "substantial".
- 6 3. Page 2, line 10, by inserting after the word  
 7 "denied" the following: "shall be based, if all other  
 8 factors are equal, upon the order in which the  
 9 employees applied to the employer for an absence and".

GASKILL of Wapello

H-1192

- 1 Amend House File 552 as follows:
- 2 1. Page 1, line 9, by inserting before the word  
 3 "The" the following: "However, for the first six  
 4 months after an election to form a commission or for  
 5 the first six months after a vacancy occurs on the  
 6 commission, the governing body shall seek to appoint a  
 7 member who is a resident of the city or county  
 8 establishing the commission and shall not appoint a  
 9 nonresident until after six months have elapsed."

KAUFMANN of Cedar

H-1193

- 1 Amend Senate File 266, as passed by the Senate, as  
 2 follows:
- 3 1. Page 1, by inserting before line 1 the  
 4 following:  
 5 "Section 1. Section 441.26, unnumbered paragraph



6 2, Code 2009, is amended to read as follows:  
 7 If you are not satisfied that the foregoing  
 8 assessment is correct, you may file a protest against  
 9 such assessment with the board of review on or after  
 10 April 16, to and including May 5 15, of the year of  
 11 the assessment, such protest to be confined to the  
 12 grounds specified in section 441.37.  
 13 Dated: .. day of ... (month), .. (year)

14 .....  
 15 County/City Assessor.

16 Sec. 2. Section 441.37, subsection 1, unnumbered  
 17 paragraph 1, Code 2009, is amended to read as follows:

18 Any property owner or aggrieved taxpayer who is  
 19 dissatisfied with the owner's or taxpayer's assessment  
 20 may file a protest against such assessment with the  
 21 board of review on or after April 16, to and including  
 22 May 5 15, of the year of the assessment. In any  
 23 county which has been declared to be a disaster area  
 24 by proper federal authorities after March 1 and prior  
 25 to May 20 of said year of assessment, the board of  
 26 review shall be authorized to remain in session until  
 27 June 15 and the time for filing a protest shall be  
 28 extended to and include the period from May 25 to June  
 29 5 of such year. Said protest shall be in writing and  
 30 signed by the one protesting or by the protester's  
 31 duly authorized agent. The taxpayer may have an oral  
 32 hearing thereon if request therefor in writing is made  
 33 at the time of filing the protest. Said protest must  
 34 be confined to one or more of the following grounds:"

- 35 2. Page 1, by inserting after line 17 the
- 36 following:  
 37 "The assessor shall send an individual notice to  
 38 all property owners or taxpayers affected by an  
 39 equalization order issued by the director if an  
 40 assessment notice had not previously been mailed to  
 41 the property owner or taxpayer. The notice shall be  
 42 sent on or before October 15."
- 43 3. By renumbering as necessary.

HUSER of Polk

H-1194

- 1 Amend House File 697 as follows:
- 2 1. Page 1, line 1, by striking the word
- 3 "JUDICIAL" and inserting the following:
- 4 "GOVERNMENTAL".
- 5 2. Page 1, line 4, by striking the words ""Court
- 6 employee"" and inserting the following: ""Employee"".
- 7 3. Page 1, line 5, by inserting before the figure
- 8 "602.1101" the following: "68B.2 or".
- 9 4. Page 1, by inserting after line 13 the

- 10 following:  
 11 "d. "Legislator" means a member of the general  
 12 assembly."  
 13 5. Page 1, line 14, by striking the word "court"  
 14 and inserting the following: "legislator,".  
 15 6. Page 1, line 15, by striking the words "or a  
 16 court" and inserting the following: ", legislator,  
 17 or".  
 18 7. Page 1, line 18, by striking the words "or  
 19 court" and inserting the following: ", legislator,  
 20 or".  
 21 8. Title page, line 1, by striking the word  
 22 "judicial" and inserting the following:  
 23 "governmental".

BAUDLER of Adair  
 MERTZ of Kossuth

H-1195

- 1 Amend House File 732 as follows:  
 2 1. Page 8, by inserting after line 11 the  
 3 following:  
 4 "Sec.\_\_\_\_. Section 257.6, Code 2009, is amended by  
 5 adding the following new subsection:  
 6 NEW SUBSECTION. 7. HIGH SCHOOL ENROLLMENT. For  
 7 actual enrollments certified during the school year  
 8 beginning July 1, 2010, and each succeeding school  
 9 year, for the purpose of determining actual enrollment  
 10 pursuant to subsection 1, a school district shall not  
 11 include a student in a district's actual enrollment  
 12 for purposes of this chapter or consider a student an  
 13 eligible pupil under sections 261E.6 and 261E.7 after  
 14 the student has been included for a period of four  
 15 consecutive or nonconsecutive years of high school."  
 16 2. By renumbering as necessary.

TYMESON of Madison

H-1196

- 1 Amend House File 732 as follows:  
 2 1. Page 3, by inserting after line 20 the  
 3 following:  
 4 "Sec.\_\_\_\_. Section 256.7, Code 2009, is amended by  
 5 adding the following new subsection:  
 6 NEW SUBSECTION. 30. Define mathematics and  
 7 reading proficiency as performance at grade level as  
 8 determined by multiple assessments."  
 9 2. By renumbering as necessary.

TYMESON of Madison

H-1197

1 Amend House File 732 as follows:

2 1. Page 9, by inserting after line 5 the  
3 following:

4 "Sec.\_\_\_\_. NEW SECTION. 257.41A DROPOUT  
5 PENALTIES.

6 1. For each dropout in the previous school year,  
7 twenty percent of the state cost per pupil, as defined  
8 in section 257.9, shall be refunded to the department  
9 of education for deposit in the state treasury by June  
10 30 of the current fiscal year. The department of  
11 education in consultation with the department of  
12 management shall determine the amount to be refunded  
13 by each school district and shall notify each district  
14 by the last day of February of each year.

15 2. For the purposes of this section, "dropout"  
16 means a resident pupil who has been enrolled in a  
17 public school in any of grades seven through twelve  
18 who withdrew from school for a reason other than to  
19 transfer to another school or school district."

20 2. By renumbering as necessary.

TYMESON of Madison

H-1198

1 Amend House File 732 as follows:

2 1. Page 7, by inserting after line 28 the  
3 following:

4 "Sec.\_\_\_\_. Section 256F.4, subsection 2, Code  
5 2009, is amended by adding the following new  
6 paragraph:

7 NEW PARAGRAPH. k. Be subject to and comply with  
8 the provisions of section 279.68 relating to the use  
9 of school resources or employees to influence  
10 elections."

11 2. Page 11, by inserting after line 10 the  
12 following:

13 "Sec.\_\_\_\_. NEW SECTION. 279.68 USE OF SCHOOL  
14 RESOURCES OR EMPLOYEES TO INFLUENCE ELECTIONS  
15 PROHIBITED – CIVIL PENALTY.

16 1. A person acting on behalf of a school district  
17 or a person who aids another person acting on behalf  
18 of a school district shall not use school district  
19 personnel, equipment, materials, buildings, or other  
20 resources for the purpose of influencing the outcome  
21 of an election. Notwithstanding this section, a  
22 school district may distribute informational reports  
23 on a proposed bond election as provided in chapter  
24 298. Nothing in this section precludes a school  
25 district from reporting on official actions of the

26 board of directors of the school district.  
27 2. An employee of a school district who is acting  
28 as an agent of or working in an official capacity for  
29 the school district shall not give students written  
30 materials to influence the outcome of an election or  
31 to advocate support for or opposition to pending or  
32 proposed legislation.  
33 3. An employee of a school district shall not use  
34 the authority of the employee's position to influence  
35 the vote or political activities of any subordinate  
36 employee.  
37 4. A teacher who is acting as an agent of or who  
38 is working in an official capacity for a school  
39 district shall not do any of the following:  
40 a. Endorse, support, or oppose any candidate or  
41 nominee for local, state, or federal public office or  
42 any elected or appointed local, state, or federal  
43 official.  
44 b. Endorse, support, or oppose any pending,  
45 proposed, or enacted local, state, or federal  
46 legislation, regulation, or rule.  
47 c. Endorse, support, or oppose any pending or  
48 proposed litigation in a local, state, or federal  
49 court or endorse, support, or oppose any judicial  
50 action taken by a local, state, or federal court.

Page 2

1 d. Advocate one side of a social, political, or  
2 cultural issue that is a matter of partisan  
3 controversy.  
4 e. Endorse, support, or engage in any activities  
5 that hamper or impede the lawful access of military  
6 recruiters to the school attendance center grounds.  
7 f. Endorse, support, or engage in any activities  
8 that hamper or impede the actions of local, state, or  
9 federal law enforcement.  
10 5. Nothing in this section shall be construed as  
11 denying the civil or political liberties of any person  
12 as guaranteed by the United States or Iowa  
13 Constitution.  
14 6. By January 1, 2010, the attorney general shall  
15 publish and distribute to school districts detailed  
16 guidelines regarding activities prohibited under this  
17 section. The attorney general may distribute these  
18 guidelines through a web site or electronically.  
19 7. By January 1, 2010, the state board of  
20 education shall publish and distribute to school  
21 districts and school district teachers, employees,  
22 parents, and students detailed guidelines regarding  
23 the rights and responsibilities of school districts  
24 and school district teachers, employees, parents, and

25 students under this section.  
 26 8. In addition to the civil penalty prescribed in  
 27 subsection 11, a violation of subsection 4 by a  
 28 licensed teacher is misconduct subject to disciplinary  
 29 action, including suspension or revocation of the  
 30 individual's teaching license, as the board of  
 31 educational examiners deems appropriate.  
 32 9. The state board of education shall require  
 33 teachers to obtain at least three hours of annual  
 34 training concerning the responsibilities of teachers  
 35 under subsection 4.  
 36 10. The attorney general or the county attorney  
 37 for the county in which an alleged violation of this  
 38 section occurred may initiate a suit in the district  
 39 court of the county in which the school district is  
 40 located for the purpose of complying with this  
 41 section.  
 42 11. For each violation of this section, the court  
 43 may impose a civil penalty not to exceed five hundred  
 44 dollars plus any amount of misused funds subtracted  
 45 from the school district budget against a person who  
 46 knowingly violates or a person who knowingly aids  
 47 another person in violating this section. The person  
 48 determined to be in violation of this section shall be  
 49 responsible for the payment of all penalties and  
 50 misused funds. School district funds or insurance

Page 3

1 payments shall not be used to pay these penalties or  
 2 misused funds. All misused funds collected pursuant  
 3 to this section shall be returned to the school  
 4 district whose funds were misused.  
 5 12. An attorney acting on behalf of a school  
 6 district may request a legal opinion of the county  
 7 attorney or attorney general as to whether a proposed  
 8 use of school district resources would violate this  
 9 section.  
 10 13. All penalties collected by the court for a  
 11 suit initiated in the district court of a county by  
 12 the attorney general pursuant to this section shall be  
 13 paid to the office of the attorney general for the use  
 14 and reimbursement of costs of prosecution pursuant to  
 15 this section. All penalties collected by the court  
 16 for a suit initiated in the district court of a county  
 17 by a county attorney pursuant to this section shall be  
 18 paid to the county treasurer of the county in which  
 19 the court is held for the use and reimbursement of  
 20 costs of prosecution pursuant to this section.  
 21 14. For purposes of this section, unless the  
 22 context otherwise requires:  
 23 a. "Election" means any election referenced or

- 24 defined in section 39.3.  
 25 b. "Misused funds" means school district moneys or  
 26 resources used pursuant to subsection 1."  
 27 3. By renumbering as necessary.

TYMESON of Madison

H-1199

- 1 Amend House File 732 as follows:  
 2 1. Page 11, by inserting after line 10 the  
 3 following:  
 4 "Sec.\_\_\_\_. NEW SECTION. 280.29 INTERNET  
 5 RESTRICTIONS.  
 6 The board of directors of each public school  
 7 district and the authorities in charge of each  
 8 nonpublic school shall adopt a policy restricting  
 9 school officials and school employees from posting  
 10 student photographs and other identifying information  
 11 about a student on an internet social networking  
 12 website without obtaining permission of the student or  
 13 the student's parent or guardian if the student is  
 14 under eighteen years old. This section does not apply  
 15 to photographs or other information posted on the  
 16 school's internet website related to a student's  
 17 involvement with school-related activities or  
 18 accomplishments."  
 19 2. Title page, by striking line 2 and inserting  
 20 the following: "education, local school districts,  
 21 and accredited nonpublic schools."  
 22 3. By renumbering as necessary.

DE BOEF of Keokuk

H-1201

- 1 Amend House File 743 as follows:  
 2 1. By striking page 1, line 34, through page 2,  
 3 line 5, and inserting the following:  
 4 "6. A landowner or occupant shall owe the same  
 5 duty to a land surveyor entering land without the  
 6 consent of the landowner or occupant as the landowner  
 7 or occupant would owe to a trespasser on the land."

D. OLSON of Boone

H-1202

- 1 Amend House File 765 as follows:  
 2 1. Page 1, by inserting before line 16 the  
 3 following:  
 4 "Sec.\_\_\_\_. Section 15.102, subsection 7, Code

5 2009, is amended to read as follows:

6 7. a. "Targeted small business" means a small  
7 business which is fifty-one percent or more owned,  
8 operated, and actively managed by one or more women,  
9 minority persons, veterans, or persons with a  
10 disability provided the business meets all of the  
11 following requirements:

12 (1) Is located in this state.

13 (2) Is operated for profit.

14 (3) Has an annual gross income of less than four  
15 million dollars computed as an average of the three  
16 preceding fiscal years.

17 b. As used in this subsection:

18 (1) "Disability" means, with respect to an  
19 individual, a physical or mental impairment that  
20 substantially limits one or more of the major life  
21 activities of the individual, a record of physical or  
22 mental impairment that substantially limits one or  
23 more of the major life activities of the individual,  
24 or being regarded as an individual with a physical or  
25 mental impairment that substantially limits one or  
26 more of the major life activities of the individual.

27 "Disability" does not include any of the following:

28 (a) Homosexuality or bisexuality.

29 (b) Transvestism, transsexualism, pedophilia,  
30 exhibitionism, voyeurism, gender identity disorders  
31 not resulting from physical impairments, or other  
32 sexual behavior disorders.

33 (c) Compulsive gambling, kleptomania, or  
34 pyromania.

35 (d) Psychoactive substance abuse disorders  
36 resulting from current illegal use of drugs.

37 (2) "Major life activity" includes functions such  
38 as caring for one's self, performing manual tasks,  
39 walking, seeing, hearing, speaking, breathing,  
40 learning, or working.

41 (3) "Minority person" means an individual who is a  
42 Black, Latino, Asian or Pacific Islander, American  
43 Indian, or Alaskan native American.

44 (4) "Veteran" has the same meaning as defined in  
45 section 35.1."

46 2. By renumbering as necessary.

HORBACH of Tama

H-1203

1 Amend House File 783 as follows:

2 1. Page 1, line 28, by inserting after the word  
3 "women," the following: "veterans as defined in  
4 section 35.1."

HORBACH of Tama

H-1204

1 Amend House File 732 as follows:  
 2 1. Page 3, by inserting after line 20 the  
 3 following:  
 4 "Sec.\_\_\_\_. Section 256.7, subsection 29, Code  
 5 2009, is amended by striking the subsection."  
 6 2. Page 4, by inserting after line 4 the  
 7 following:  
 8 "Sec.\_\_\_\_. Section 256.9, subsections 59 and 60,  
 9 Code 2009, are amended by striking the subsections."  
 10 3. Page 19, by inserting after line 8 the  
 11 following:  
 12 "Sec.\_\_\_\_. 2008 Iowa Acts, chapter 1187, section  
 13 145, is amended to read as follows:  
 14 SEC. 145. EFFECTIVE DATE. The section of this  
 15 division of this Act that amends section 256.11,  
 16 subsection 6, takes effect July 1, ~~2009~~ 2010."  
 17 4. Page 19, by inserting after line 10 the  
 18 following:  
 19 "Sec.\_\_\_\_. EFFECTIVE DATE. The sections of this  
 20 Act amending section 256.7, subsection 29, and section  
 21 256.9, subsections 59 and 60, being deemed of  
 22 immediate importance, take effect upon enactment."  
 23 5. Title page, by striking line 2 and inserting  
 24 the following: "education, local school districts,  
 25 and accredited nonpublic schools, and providing an  
 26 effective date."

ALONS of Sioux  
 SODERBERG of Plymouth  
 TYMESON of Madison

H-1205

1 Amend House File 769 as follows:  
 2 1. Page 1, line 30, by inserting after the figure  
 3 "2009." the following: "The report shall include a  
 4 description of the methodology used by the  
 5 institutions in conducting the vulnerability review."

WATTS of Dallas

H-1206

1 Amend House File 769 as follows:  
 2 1. Page 1, line 34, by inserting after the word  
 3 "meetings." the following: "Unless funds are  
 4 appropriated by the general assembly exclusively for  
 5 the purpose of conducting the climatic change review,  
 6 the institutions shall be responsible for all costs  
 7 associated with conducting the review."

WATTS of Dallas



H-1207

1 Amend House File 780 as follows:  
 2 1. Page 10, line 22, by inserting after the word  
 3 "costs," the following: "Administrative costs shall  
 4 not be funded on any basis other than through the  
 5 allocation of moneys appropriated to the office  
 6 pursuant to this paragraph, or pursuant to federal  
 7 funding received by the office and specifically  
 8 designated for purposes which include administrative  
 9 or operating expenses."  
 10 2. Page 10, by striking lines 23 through 29 and  
 11 inserting the following:  
 12 "b. From the funds available for administrative  
 13 costs, the office shall not employ more than ~~four~~  
 14 seven full-time equivalent positions."  
 15 3. Page 28, by striking lines 17 through 22 and  
 16 inserting the following:  
 17 "4. The provisions of section 469.10, subsection  
 18 2, relating to the funding of administrative costs  
 19 strictly through the allocation of moneys appropriated  
 20 to the office of energy independence pursuant to that  
 21 section, or from federal funding specifically  
 22 designated for purposes which include administrative  
 23 or operating expenses, and the increase in full-time  
 24 equivalent positions authorization from four to seven  
 25 positions shall be applicable to the transfer".

WATTS of Dallas

H-1208

1 Amend House File 732 as follows:  
 2 1. Page 8, by inserting after line 21 the  
 3 following:  
 4 "Sec.\_\_\_\_. Section 257.17, Code 2009, is amended  
 5 to read as follows:  
 6 257.17 AID REDUCTION FOR EARLY SCHOOL STARTS.  
 7 State aid payments made pursuant to section 257.16  
 8 for a fiscal year shall be reduced by one  
 9 one-hundred-eightieth for each day of that fiscal year  
 10 for which the school district begins school before the  
 11 earliest starting date specified in section 279.10,  
 12 subsection 1. However, this section does not apply to  
 13 a school district that has received approval from the  
 14 ~~director of the department of education under section~~  
 15 ~~279.10, subsection 4, to commence classes for~~  
 16 ~~regularly established elementary and secondary schools~~  
 17 in advance of the starting date established in for a  
 18 pilot program for an innovative school year in  
 19 accordance with section 279.10, subsection 4 ~~3.~~"  
 20 2. Page 10, by inserting after line 15 the

21 following:

22 "Sec.\_\_\_\_. Section 279.10, subsections 1 and 2,  
 23 Code 2009, are amended to read as follows:  
 24 1. The school year shall begin on the first day of  
 25 July and each regularly established elementary and  
 26 secondary school shall begin no sooner than ~~a day~~  
 27 ~~during the calendar week in which the first day of~~  
 28 ~~September falls~~ the fourth Monday in August but no  
 29 later than the first Monday in December. ~~However, if~~  
 30 ~~the first day of September falls on a Sunday, school~~  
 31 ~~may begin on a day during the calendar week which~~  
 32 ~~immediately precedes the first day of September unless~~  
 33 the school district has received approval from the  
 34 department of education for a pilot program for an  
 35 innovative school year in accordance with subsection  
 36 3. School shall continue for at least one hundred  
 37 eighty days, except as provided in subsection 3, and  
 38 may be maintained during the entire calendar year.  
 39 However, if the board of directors of a district  
 40 extends the school calendar because inclement weather  
 41 caused the district to temporarily close school during  
 42 the regular school calendar, the district may excuse a  
 43 graduating senior who has met district or school  
 44 requirements for graduation from attendance during the  
 45 extended school calendar. A school corporation may  
 46 begin employment of personnel for in-service training  
 47 and development purposes before the date to begin  
 48 elementary and secondary school. The earliest  
 49 starting date specified in this subsection shall not  
 50 apply to a school district which maintains a

Page 2

1 year-round three semester school year or to a school  
 2 district which initially implemented for the school  
 3 year beginning July 1, 2008, a flexible calendar with  
 4 at least one hundred eighty school days scheduled over  
 5 an eleven-month period.  
 6 2. The board of directors shall hold a public  
 7 hearing on any ~~proposal~~ request made pursuant to  
 8 subsection 3 prior to submitting it to the department  
 9 of education for approval.  
 10 Sec.\_\_\_\_. Section 279.10, subsection 4, Code 2009,  
 11 is amended by striking the subsection."  
 12 3. Page 11, by inserting after line 10 the  
 13 following:  
 14 "Sec.\_\_\_\_. Section 280.3, subsection 1, Code 2009,  
 15 is amended to read as follows:  
 16 1. The board of directors of each public school  
 17 district and the authorities in charge of each  
 18 nonpublic school shall prescribe the minimum  
 19 educational program and an attendance policy which

20 shall require each child to attend school for at least  
 21 one hundred forty-eight days, to be met by attendance  
 22 for at least thirty-seven days each school quarter,  
 23 for the schools under their jurisdictions. Each  
 24 public school and nonpublic school shall comply with  
 25 the start date and school calendar requirements  
 26 specified in section 279.10, subsection 1."

27 4. Page 19, by inserting after line 10 the  
 28 following:

29 "Sec.\_\_\_\_. EFFECTIVE AND APPLICABILITY DATES. The  
 30 sections of this Act amending section 257.17, section  
 31 279.10, subsections 1, 2, and 4, and section 280.3,  
 32 subsection 1, take effect July 1, 2010, and are  
 33 applicable for school years beginning on or after that  
 34 date."

35 5. Title page, by striking line 2 and inserting  
 36 the following: "education, local school boards, and  
 37 accredited nonpublic schools, and providing effective  
 38 and applicability dates."

39 6. By renumbering as necessary.

MAY of Dickinson

H-1209

1 Amend House File 769 as follows:

- 2 1. Page 1, line 23, by striking the word "and".
- 3 2. Page 1, line 25, by inserting after the word
- 4 "changes" the following: ", and the comparative
- 5 impact of efforts to mitigate climatic change relative
- 6 to the costs identified".

WATTS of Dallas

H-1210

1 Amend House File 769 as follows:

- 2 1. Page 1, line 10, by inserting after the word
- 3 "increase" the following: "or decrease".
- 4 2. Page 1, line 12, by inserting after the word
- 5 "adverse" the following: "or positive".
- 6 3. Page 1, line 17, by inserting after the word
- 7 "change" the following: ", and whether and to what
- 8 extent identified invasive species have previously
- 9 entered, developed, or existed within the state".
- 10 4. Page 1, line 18, by inserting after the word
- 11 "adversely" the following: "or beneficially".

WATTS of Dallas

H-1212

- 1 Amend House File 732 as follows:  
 2 1. Page 11, by inserting after line 10 the  
 3 following:  
 4 "Sec. \_\_\_\_ NEW SECTION. 279.60 DISPLAY OF UNITED  
 5 STATES FLAG IN CLASSROOMS.  
 6 In addition to the requirements of section 280.5,  
 7 the board of directors of each school district shall  
 8 cause a United States flag, manufactured in the United  
 9 States and in good condition to be displayed during  
 10 school hours in each public school gymnasium or  
 11 assembly hall in the district. The size of the flag  
 12 shall be not less than two feet by three feet."  
 13 2. By renumbering as necessary.

BAUDLER of Adair

H-1213

- 1 Amend House File 234 as follows:  
 2 1. Page 2, by inserting after line 21, the  
 3 following:  
 4 "\_\_\_\_. Notwithstanding subsection 4, coverage  
 5 benefits for the treatment of alcohol or substance  
 6 abuse pursuant to this section are not required until  
 7 twelve months after the adoption of the final  
 8 implementation rules and regulations for the federal  
 9 Paul Wellstone and Pete Domenici Mental Health Parity  
 10 and Addiction Equity Act of 2008, as it amends the  
 11 federal Mental Health Parity Act of 1996, as codified  
 12 in section 712 of the federal Employee Retirement  
 13 Income Security Act, 29 U.S.C. § 1185(a), section 2705  
 14 of the federal Public Health Service Act, 42 U.S.C. §  
 15 300gg-5, and section 9812 of the Internal Revenue  
 16 Code."  
 17 2. By renumbering as necessary.

UPMEYER of Hancock

H-1214

- 1 Amend House File 234 as follows:  
 2 1. Page 2, by inserting after line 21 the  
 3 following:  
 4 "4A. The commissioner of insurance shall submit a  
 5 report to the governor and the general assembly by  
 6 December 15 of each year that details the actual cost  
 7 attributable to providing the coverage required by  
 8 this section in each of the classes of third-party  
 9 payment provider policies, contracts, or plans to

- 10 which this section applies."  
11 2. By renumbering as necessary.

SODERBERG of Plymouth

H-1215

- 1 Amend House File 234 as follows:  
2 1. Page 2, by inserting after line 21, the  
3 following:  
4 "4A. Notwithstanding subsection 4, the  
5 commissioner of insurance may delay or suspend  
6 implementation of the requirements of this section as  
7 to a third-party payment provider policy, contract, or  
8 plan upon a determination that application of these  
9 requirements to that policy, contract, or plan will  
10 result in an increase in the actual total costs of  
11 coverage with respect to medical and surgical  
12 benefits, and mental health condition benefits, of two  
13 percent or more in the first policy, contract, or plan  
14 year or will result in an increase of one percent or  
15 more in subsequent years."  
16 2. By renumbering as necessary.

L. MILLER of Scott

H-1216

- 1 Amend House File 234 as follows:  
2 1. Page 1, line 18, by inserting after the figure  
3 and word "514C.6, a" the following: "group".  
4 2. Page 2, line 9, by striking the words  
5 "Individual or group" and inserting the following:  
6 "Group".  
7 3. Page 2, line 11, by striking the words "An  
8 individual or group" and inserting the following: "A  
9 group".  
10 4. Page 2, line 15, by striking the words "An  
11 individual or group" and inserting the following: "A  
12 group".  
13 5. Page 2, line 17, by inserting after the word  
14 "of" the following: "group".

PETTENGILL of Benton

H-1218

- 1 Amend House File 769 as follows:  
2 1. Page 1, line 30, by inserting after the figure  
3 "2009." the following: "The report shall include the  
4 results of the institutions' review of the range of

5 possible costs relating either to efforts to mitigate  
6 climatic change or to adapt to unmitigated changes."

DEYOE of Story

H-1219

1 Amend House File 687 as follows:  
2 1. Page 2, by striking lines 14 through 20 and  
3 inserting the following: "child's skills. If the  
4 diagnostic assessments administered in accordance with  
5 this subsection indicate that a child is reading below  
6 grade level, the school district shall submit a report  
7 of the assessment results to the parent, which the  
8 parent shall sign and return to the school district.  
9 If the parent does not sign or return the report, the  
10 school district shall note in the student's record the  
11 inaction on the part of the parent."  
12 2. Page 2, line 21, by striking the words "~~the~~  
13 ~~parent.~~"  
14 3. Page 2, line 21, by inserting before the words  
15 "The board" the following: "If the parent does not  
16 sign or return the report, the school district shall  
17 also attempt to contact the parent at least three  
18 times or until the school district successfully  
19 communicates with the parent regarding the report of  
20 the child's assessment results, whichever occurs  
21 first. Each attempt to contact the parent shall be  
22 noted in the student's record."

SWEENEY of Hardin

H-1221

1 Amend House File 234 as follows:  
2 1. Page 1, line 2, by striking the words "AND  
3 VETERANS WELLNESS".  
4 2. Page 1, line 4, by striking the words "and  
5 Veterans Wellness".  
6 3. Page 2, by striking lines 22 through 27.  
7 4. Page 3, by inserting after line 1 the  
8 following:  
9 "Sec. . MENTAL HEALTH CONDITIONS – VETERANS.  
10 1. The division of mental health and disability  
11 services of the department of human services and the  
12 division of behavioral health of the department of  
13 public health shall coordinate with the Iowa  
14 department of veterans affairs to maximize access to  
15 mental health and substance abuse treatment for  
16 veterans.  
17 2. The department of veterans affairs shall expand  
18 the veterans counseling program implemented in  
19 accordance with section 35.12 to include all of the

20 following:

21 a. Provision of mental health and substance abuse  
 22 treatment services specially designed to meet the  
 23 needs of veterans of the conflicts in Iraq and  
 24 Afghanistan.

25 b. A contract with the department of human  
 26 services for services under the veterans counseling  
 27 program to be provided at each of the four state  
 28 mental health institutes.

29 c. Incorporation of financial or service need  
 30 eligibility provisions to target veterans with the  
 31 most significant unmet needs while remaining within  
 32 the funding available.

33 d. Coordination of benefits provided under the  
 34 counseling program with those provided to veterans  
 35 through the Equality in Health Care Coverage and  
 36 Veterans Wellness Act enacted by this Act.

37 3. a. Notwithstanding section 35D.18, the balance  
 38 of the Iowa veterans home annual appropriations or  
 39 revenues in excess of \$1,000,000 that remains  
 40 unencumbered or unobligated at the close of the fiscal  
 41 year beginning July 1, 2008, shall be transferred to a  
 42 veterans home account which shall be created in the  
 43 veterans trust fund.

44 b. There is appropriated from the veterans home  
 45 account in the veterans trust fund to the department  
 46 of veterans affairs for the fiscal year beginning July  
 47 1, 2009, and ending June 30, 2010, \$1,000,000, to be  
 48 used for expansion of the veterans counseling program  
 49 in accordance with this section.

50 4. This section of this Act, being deemed of

Page 2

1 immediate importance, takes effect upon enactment."

2 5. Title page, line 3, by inserting after the  
 3 word "services" the following: "and veterans  
 4 services, providing an appropriation, and providing an  
 5 effective date".

6 6. By renumbering as necessary.

TYMESON of Madison

H-1225

1 Amend House File 486 as follows:

2 1. Page 2, by inserting after line 23 the  
 3 following:

4 "Sec. \_\_\_\_ Section 423.1, Code 2009, is amended to  
 5 read as follows:

6 NEW SUBSECTION. 7A. "Commercial canine  
 7 establishment" means a business associated with the

8 care and feeding of canines by a person licensed or  
9 registered pursuant to section 162.8.

10 Sec.\_\_\_\_. Section 423.3, subsections 3, 6, 9, 15,  
11 and 16, Code 2009, are amended to read as follows:

12 3. The sales price of agricultural breeding  
13 livestock, ~~and~~ domesticated fowl, and canines which  
14 are kept as part of a commercial canine establishment.

15 6. The sales price of tangible personal property  
16 which will be consumed as fuel in creating heat,  
17 power, or steam for grain drying, or for providing  
18 heat or cooling for livestock buildings, for  
19 commercial canine establishment buildings, or for  
20 greenhouses or buildings or parts of buildings  
21 dedicated to the production of flowering, ornamental,  
22 or vegetable plants intended for sale in the ordinary  
23 course of business, or for use in cultivation of  
24 agricultural products by aquaculture, or in implements  
25 of husbandry engaged in agricultural production.

26 9. The sales price of wood chips, sawdust, hay,  
27 straw, paper, or other materials used for bedding in  
28 the production of agricultural livestock, ~~or~~ fowl, or  
29 canines which are kept as part of a commercial canine  
30 establishment.

31 15. The sales price from the sale of property  
32 which is a container, label, carton, pallet, packing  
33 case, wrapping, baling wire, twine, bag, bottle,  
34 shipping case, or other similar article or receptacle  
35 sold for use in agricultural, livestock, or dairy  
36 production, or for use as part of a commercial canine  
37 establishment.

38 16. The sales price from the sale of feed and feed  
39 supplements and additives when used for consumption by  
40 farm deer, ~~or~~ bison, or canines which are kept as part  
41 of a commercial canine establishment.

42 Sec.\_\_\_\_. Section 423.3, Code 2009, is amended by  
43 adding the following new subsection:

44 NEW SUBSECTION. 8A. The sales price, exclusive of  
45 services, of machinery and equipment, including  
46 auxiliary attachments, used as part of a commercial  
47 canine establishment.

48 Sec.\_\_\_\_. Section 423.45, subsection 5, paragraph  
49 b, subparagraph (2), Code 2009, is amended to read as  
50 follows:

Page 2

1 (2) "Fuel consumed in processing" means fuel used  
2 or consumed for processing including grain drying, for  
3 providing heat or cooling for livestock buildings, for  
4 commercial canine establishment buildings, or for  
5 greenhouses or buildings or parts of buildings  
6 dedicated to the production of flowering, ornamental,



7 or vegetable plants intended for sale in the ordinary  
 8 course of business, for use in aquaculture production,  
 9 or for generating electric current, or in implements  
 10 of husbandry engaged in agricultural production."

11 2. Title page, line 3, by inserting after the  
 12 word "stewardship" the following: ", and providing  
 13 for exemptions from sales taxes associated with  
 14 commercial canine establishments".

15 3. By renumbering as necessary.

LUKAN of Dubuque

H-1226

1 Amend House File 486 as follows:

2 1. Page 2, by inserting after line 23 the  
 3 following:

4 "Sec. \_\_\_\_ **CONTINGENT IMPLEMENTATION.** This Act  
 5 shall be implemented by the department of agriculture  
 6 and land stewardship only when the department first  
 7 receives moneys during a fiscal year as necessary to  
 8 carry out all of the provisions of this Act. Until  
 9 that time the provisions of sections 162.11 and  
 10 162.12, shall be administered and enforced in the same  
 11 manner as if this Act had not been enacted."

12 2. Title page, line 3, by inserting after the  
 13 word "stewardship" and inserting the following: ",  
 14 and providing for contingent implementation".

15 3. By renumbering as necessary.

LUKAN of Dubuque

H-1227

1 Amend House File 486 as follows:

2 1. Page 2, by inserting after line 23 the  
 3 following:

4 "Sec. \_\_\_\_ **NEW SECTION.** 422.12N DOG ADOPTION TAX  
 5 CREDIT.

6 1. The taxes imposed under this division, less the  
 7 credits allowed under section 422.12, shall be reduced  
 8 by a dog adoption tax credit. The amount of the tax  
 9 credit shall equal the total amount of costs paid by  
 10 the taxpayer to obtain ownership of a dog transferred  
 11 by a pound issued a certificate of registration  
 12 pursuant to section 162.3 or an animal shelter issued  
 13 a certificate of registration pursuant to section  
 14 162.4. However, during any tax year, the total amount  
 15 of all tax credits claimed by a taxpayer under this  
 16 subsection shall not exceed three hundred dollars.

17 2. In order for the taxpayer to claim the dog  
 18 adoption tax credit under subsection 1, a tax credit

19 certificate issued by the pound or animal shelter  
 20 transferring the dog to the taxpayer must be attached  
 21 to the taxpayer's tax return. The department of  
 22 revenue shall prescribe the form for the tax credit  
 23 certificate. A tax credit certificate attached to the  
 24 tax return shall at least include the taxpayer's name,  
 25 address, tax identification number, and the amount of  
 26 the costs paid by the taxpayer to the pound or animal  
 27 shelter.

28 3. Any amount of the dog adoption tax credit in  
 29 excess of the taxpayer's tax liability shall be  
 30 refunded. In lieu of claiming a refund, the taxpayer  
 31 may elect to have the overpayment shown on the  
 32 taxpayer's final, completed return credited to the  
 33 taxpayer's tax liability for the following tax year.

34 Sec.\_\_\_\_. APPLICABILITY. Section 422.12N, as  
 35 enacted in this Act, applies on and after January 1,  
 36 2010, for tax years beginning on or after that date."

37 2. Title page, line 3, by inserting after the  
 38 word "stewardship" the following: ", providing for a  
 39 tax credit, and providing for the applicability of the  
 40 tax credits".

41 3. By renumbering as necessary.

LUKAN of Dubuque

H-1229

1 Amend House File 691 as follows:

2 1. Page 1, line 13, by striking the word "and"  
 3 and inserting the following: "or".

MASCHER of Johnson

H-1231

1 Amend House File 768 as follows:

2 1. Page 1, by inserting before line 1 the  
 3 following:  
 4 "Section 1. NEW SECTION. 514C.24 COVERAGE FOR  
 5 TESTS FOR FEMALE INSUREDS.

6 1. This Act shall be known and may be cited as  
 7 "Barbara's Bill".

8 2. Notwithstanding the uniformity of treatment  
 9 requirements of section 514C.6, a contract, policy, or  
 10 plan providing for third-party payment or prepayment  
 11 of health or medical expenses that provides coverage  
 12 for hospital or medical treatment or services for  
 13 illness shall provide coverage for the following:

14 a. An annual cervical smear or Pap smear test for  
 15 female insureds.

16 b. Surveillance tests for ovarian cancer for

17 female insureds who are at risk for ovarian cancer.

18 3. This section applies to the following classes  
 19 of third-party payment provider contracts, policies,  
 20 or plans delivered, issued for delivery, continued, or  
 21 renewed in this state on or after January 1, 2010:

22 a. Individual or group accident and sickness  
 23 insurance providing coverage on an expense-incurred  
 24 basis.

25 b. An individual or group hospital or medical  
 26 service contract issued pursuant to chapter 509, 514,  
 27 or 514A.

28 c. An individual or group health maintenance  
 29 organization contract regulated under chapter 514B.

30 d. An individual or group Medicare supplemental  
 31 policy, unless coverage pursuant to such a policy is  
 32 preempted by federal law.

33 e. A plan established pursuant to chapter 509A for  
 34 public employees.

35 4. This section shall not apply to accident-only,  
 36 specified disease, short-term hospital or medical,  
 37 hospital confinement indemnity, credit, dental,  
 38 vision, long-term care, basic hospital and  
 39 medical-surgical expense coverage as defined by the  
 40 commissioner, disability income insurance coverage,  
 41 coverage issued as a supplement to liability  
 42 insurance, workers' compensation or similar insurance,  
 43 or automobile medical payment insurance.

44 5. As used in this section:

45 a. "At risk for ovarian cancer" means either of  
 46 the following:

47 (1) Having a family history of one or more of the  
 48 following:

49 (a) One or more first-degree relatives with  
 50 ovarian cancer.

Page 2

1 (b) Clusters of female relatives with breast  
 2 cancer.

3 (c) Nonpolyposis colorectal cancer.

4 (2) Testing positive for BRCA1 or BRCA2 mutations.

5 b. "Surveillance tests for ovarian cancer" means  
 6 annual screening using CA-125 serum tumor marker  
 7 testing, transvaginal ultrasound, and pelvic  
 8 examination.

9 6. The commissioner of insurance shall adopt rules  
 10 pursuant to chapter 17A as necessary to administer  
 11 this section."

12 2. Title page, line 1, by inserting after the  
 13 word "Act" the following: "relating to the treatment  
 14 of cancer by requiring health insurance coverage for

15 cervical and ovarian cancer tests and by".  
 16 3. By renumbering as necessary.

SWEENEY of Hardin

H-1233

1 Amend House File 486 as follows:  
 2 1. Page 2, line 23, by inserting after the word  
 3 "complaint." the following: "The complaint shall be a  
 4 sworn statement by the complainant which alleges facts  
 5 which constitute a violation, together with any  
 6 supporting documents."  
 7 2. By renumbering as necessary.

SANDS of Louisa

H-1236

1 Amend the amendment, H-1189, to House File 675 as  
 2 follows:  
 3 1. Page 1, line 5, by striking the word  
 4 ""substantial"" and inserting the following:  
 5 ""significant"".

RANTS of Woodbury

H-1238

1 Amend House File 722 as follows:  
 2 1. Page 26, by inserting after line 13 the  
 3 following:  
 4 "Sec.\_\_\_\_. Section 483A.36, Code 2009, is amended  
 5 to read as follows:  
 6 483A.36 MANNER OF CONVEYANCE.  
 7 ~~No~~ A person, except as permitted by law, shall no  
 8 have or carry a gun in or on a vehicle on a public  
 9 highway, unless the gun is taken down or totally  
 10 contained in a securely fastened case, and its barrels  
 11 and permanently attached magazines are unloaded."  
 12 2. By renumbering as necessary.

BAUDLER of Adair

H-1241

1 Amend Senate File 424, as passed by the Senate, as  
 2 follows:  
 3 1. By striking everything after the enacting  
 4 clause and inserting the following:  
 5 "Section 1. Section 43.4, Code 2009, is amended by  
 6 adding the following new unnumbered paragraph:

7 NEW UNNUMBERED PARAGRAPH. In addition, each state  
 8 central committee of the political parties shall, on  
 9 the date set for their presidential precinct caucuses,  
 10 establish a presidential candidate preference poll  
 11 which shall allow persons eligible to attend the  
 12 caucus to register their presidential candidate  
 13 preference at the location of their precinct caucus.  
 14 The preference poll shall begin at 7:00 a.m. on the  
 15 date of the caucus and end as of the time the  
 16 presidential precinct caucus is scheduled to begin."  
 17 2. Title page, by striking lines 1 and 2 and  
 18 inserting the following: "An Act concerning  
 19 presidential precinct caucuses."  
 20 3. By renumbering as necessary.

RANTS of Woodbury

H-1242

1 Amend Senate File 424, as passed by the Senate, as  
 2 follows:  
 3 1. Page 1, line 3, by inserting after the word  
 4 "employee" the following: "eligible for".  
 5 2. Page 1, line 30, by striking the word "severe"  
 6 and inserting the following: "significant".

RANTS of Woodbury

H-1243

1 Amend Senate File 424, as passed by the Senate, as  
 2 follows:  
 3 1. Page 1, line 3, by inserting after the word  
 4 "employee" the following: "eligible for".  
 5 2. Page 1, line 30, by striking the word  
 6 "severe".

RANTS of Woodbury

H-1244

1 Amend Senate File 424, as passed by the Senate, as  
 2 follows:  
 3 1. Page 1, lines 4 and 5, by striking the words  
 4 "precinct caucus" and inserting the following:  
 5 "presidential nominating event".  
 6 2. Page 1, line 8, by striking the words  
 7 "PRECINCT CAUCUSES" and inserting the following:  
 8 "NOMINATING EVENT".  
 9 3. Page 1, by inserting after line 8 the  
 10 following:  
 11 "0A. For purposes of this section, unless the

12 context otherwise requires, "presidential nominating  
 13 event" means a precinct caucus, county convention,  
 14 district convention, or state convention held as part  
 15 of the presidential nominating process."

16 4. Page 1, line 9, by striking the words  
 17 "precinct caucus" and inserting the following:  
 18 "presidential nominating event".

19 5. Page 1, line 15, by striking the words  
 20 "precinct caucus" and inserting the following:  
 21 "presidential nominating event".

22 6. Page 1, line 18, by striking the words  
 23 "precinct caucus" and inserting the following:  
 24 "presidential nominating event".

25 7. Page 1, line 34, by striking the words  
 26 "precinct caucus" and inserting the following:  
 27 "presidential nominating event".

28 8. Page 2, line 23, by striking the words  
 29 "precinct caucus" and inserting the following:  
 30 "nominating event".

31 9. Page 2, line 28, by inserting after the word  
 32 "caucus" the following: "or convention".

33 10. Page 2, line 30, by striking the words  
 34 "precinct caucus" and inserting the following:  
 35 "nominating event".

36 11. Title page, line 2, by inserting after the  
 37 word "caucuses" the following: "and conventions".

RANTS of Woodbury

#### H-1245

1 Amend Senate File 424, as passed by the Senate, as  
 2 follows:

3 1. Page 1, by striking lines 19 through 22 and  
 4 inserting the following: "is scheduled to start."

RANTS of Woodbury

#### H-1246

1 Amend Senate File 424, as passed by the Senate, as  
 2 follows:

3 1. Page 2, by striking lines 1 through 21 and  
 4 inserting the following: "subparagraph (1)."

5 2. By renumbering, redesignating, and correcting  
 6 internal references as necessary.

RANTS of Woodbury

#### H-1247

1 Amend Senate File 424, as passed by the Senate, as  
 2 follows:

- 3 1. Page 2, by inserting after line 21 the  
4 following:  
5 "c. An employer shall not be liable to an employee  
6 for a denial of an application for an absence under  
7 this section."  
8 2. By renumbering as necessary.

RANTS of Woodbury

H-1249

- 1 Amend House File 675 as follows:  
2 1. Page 1, by striking lines 19 through 24 and  
3 inserting the following: "is scheduled to start. The  
4 employee shall not be liable for any loss of wages or  
5 salary or any other penalty except for the loss of  
6 wages or salary for the hours of unpaid leave actually  
7 used."  
8 2. By striking page 1, line 34, through page 2,  
9 line 8, and inserting the following:  
10 "(2) The employer filed a written notice with the  
11 commissioner at least seven days prior to the date of  
12 the precinct caucus specifying exigent circumstances  
13 justifying the denial of such leave for personnel  
14 described in subparagraph (1) and declaring the  
15 minimum number of such personnel, by position, needed  
16 to protect public health and safety or maintain  
17 minimum operational capacity, as applicable. A copy  
18 of this written notice shall be provided to employees  
19 of the employer.  
20 (3) The number of persons employed in a position  
21 that did not apply for an absence is less than the  
22 minimum number of persons in that position needed by  
23 the employer to protect public health and safety or  
24 maintain minimum operational capacity, as applicable.  
25 b. If the circumstances in paragraph "a" exist as  
26 to a particular position of the employer, then the  
27 employer may deny the minimum number of employees  
28 applying for an absence in that position needed to  
29 yield the minimum staffing level for that position as  
30 specified in the written notice to the commissioner.  
31 The"  
32 3. By renumbering as necessary.

GASKILL of Wapello

H-1250

- 1 Amend House File 627 as follows:  
2 1. Page 1, line 19, by inserting after the word  
3 "areas" the following: "; managing land under the  
4 federal conservation reserve program under 7 C.F.R.  
5 pt. 1410; and managing buffer strips, pastures, or

6 field borders".

7 2. Page 1, by striking lines 20 through 25 and  
8 inserting the following:

9 "d. This subsection shall not apply to the burning  
10 of landscape waste originating on agricultural land,  
11 provided that the burning of trees and tree trimmings  
12 occurs at least one-quarter mile from any building  
13 inhabited by a person other than the landowner, a  
14 tenant, or an employee of the landowner conducting the  
15 burning."

SMITH of Marshall

H-1251

1 Amend Senate File 424, as passed by the Senate, as  
2 follows:

3 1. Page 1, line 19, by striking the words "be  
4 liable for" and inserting the following: "impose".

5 2. Page 1, by striking lines 20 through 22 and  
6 inserting the following: "any penalty nor shall any  
7 deduction be made from the person's regular salary or  
8 wages for participating in a precinct caucus pursuant  
9 to this section except for any loss of wages or salary  
10 for the hours of unpaid leave actually used to  
11 participate."

12 3. Page 1, line 30, by striking the word "severe"  
13 and inserting the following: "substantial".

14 4. Page 1, lines 32 and 33, by striking the words  
15 "filed a written notice with the commissioner" and  
16 inserting the following: "provided a written notice  
17 to the employee".

18 5. Page 2, by striking lines 2 through 10 and  
19 inserting the following: "personnel needed during the  
20 four-hour period described in subsection 1."

21 6. Page 2, lines 11 and 12, by striking the words  
22 "as to a particular position of the employer".

23 7. Page 2, line 14, by striking the words "in  
24 that position".

25 8. Page 2, line 15, by striking the words "for  
26 that position".

27 9. Page 2, line 16, by striking the word  
28 "commissioner" and inserting the following:  
29 "employee".

30 10. Page 2, line 17, by inserting after the word  
31 "denied" the following: "shall be based, if all other  
32 factors are equal, upon the order in which the  
33 employees applied to the employer for an absence and".

34 11. By renumbering as necessary.

GASKILL of Wapello



H-1252

1 Amend House File 772 as follows:

2 1. By striking everything after the enacting  
3 clause and inserting the following:  
4 "Section 1. Section 728.5, unnumbered paragraph 2,  
5 Code 2009, is amended to read as follows:  
6 The Except when a person allows or permits a minor  
7 to participate in any act included in subsections 1  
8 through 6, which is intended to arouse or satisfy the  
9 sexual desires or appeal to the prurient interests of  
10 patrons, the provisions of this section shall not  
11 apply to a theater, concert hall, art center, museum,  
12 or similar establishment which is primarily devoted to  
13 the arts or theatrical performances and in which any  
14 of the circumstances contained in this section were  
15 permitted or allowed as part of such art exhibits or  
16 performances."

ANDERSON of Page

H-1255

1 Amend House File 375 as follows:

2 1. Page 1, by striking lines 8 through 10 and  
3 inserting the following: "borrowers."

SANDS of Louisa

H-1258

1 Amend Senate File 151, as amended, passed, and  
2 reprinted by the Senate, as follows:

3 1. Page 1, line 2, by inserting before the word  
4 "RAILWAY" the following: "CONDEMNATION PROCEEDINGS  
5 AND".

6 2. Page 2, by inserting after line 13 the  
7 following:

8 "Sec.\_\_\_\_. Section 6B.14, subsection 2, Code 2009,  
9 is amended to read as follows:

10 2. Prior to the meeting of the commission, the  
11 commission or a commissioner shall not communicate  
12 with the applicant, property owner, or tenant, or  
13 their agents, regarding the condemnation proceedings.  
14 The commissioners shall meet in open session to view  
15 the property and to receive evidence, ~~but may and~~  
16 ~~shall deliberate and vote in closed open~~ session.  
17 ~~When deliberating in closed session, the meeting is~~  
18 ~~closed to all persons who are not commissioners except~~  
19 ~~for personnel from the sheriff's office if such~~  
20 ~~personnel is requested by the commission.~~ After  
21 deliberations commence, the commission and each

22 commissioner is prohibited from communicating with any  
 23 party to the proceeding unless such communication  
 24 occurs in the presence of or with the consent of the  
 25 property owner and the other parties who appeared  
 26 before the commission or their agents. However, if  
 27 ~~the commission is deliberating in closed session, and~~  
 28 ~~after deliberations commence the commission requires~~  
 29 ~~further information from a party or a witness, the~~  
 30 ~~commission shall notify the property owner and the~~  
 31 ~~acquiring agency that they are allowed to attend the~~  
 32 ~~meeting at which such additional information shall be~~  
 33 ~~provided but only for that period of time during which~~  
 34 ~~the additional information is being provided. The~~  
 35 ~~property owner and the acquiring agency shall be given~~  
 36 ~~a reasonable opportunity to attend the meeting. The~~  
 37 commission shall keep minutes of all its meetings  
 38 showing the date, time, and place, the members  
 39 present, and the action taken at each meeting. The  
 40 minutes shall show the results of each vote taken and  
 41 information sufficient to indicate the vote of each  
 42 member present. ~~The vote of each member present shall~~  
 43 ~~be made public at the open session.~~ The minutes shall  
 44 be public records open to public inspection."

45 3. Page 5, by inserting after line 16 the  
 46 following:

47 "Sec. \_\_\_\_ EFFECTIVE DATE. The section of this  
 48 division of this Act amending section 6B.14, being  
 49 deemed of immediate importance, takes effect upon  
 50 enactment."

Page 2

1 4. Title page, line 1, by inserting after the  
 2 word "relating" the following: "to condemnation  
 3 proceedings under eminent domain and".

4 5. Title page, line 5, by inserting after the  
 5 word "fund" the following: ", and providing an  
 6 effective date".

7 6. By renumbering as necessary.

GRASSLEY of Butler

H-1259

1 Amend the amendment, H-1217, to House File 722 as  
 2 follows:

3 1. Page 1, by inserting after line 3 the  
 4 following:

5 ""Sec. \_\_\_\_ Section 462A.14, subsection 1,  
 6 paragraph b, Code 2009, is amended to read as follows:

7 b. While having an alcohol concentration of ~~10~~  
 8 .08 or more."

MAY of Dickinson

H-1260

1 Amend House File 722 as follows:  
 2 1. Page 4, by inserting after line 19 the  
 3 following:  
 4 "Sec. \_\_\_\_\_. Section 462A.14, subsection 1,  
 5 paragraph b, Code 2009, is amended to read as follows:  
 6 b. While having an alcohol concentration of ~~10~~  
 7 .08 or more."  
 8 2. By renumbering as necessary.

MAY of Dickinson

H-1261

1 Amend House File 375 as follows:  
 2 1. By striking everything after the enacting  
 3 clause and inserting the following:  
 4 "Section 1. Section 535B.1, Code 2009, is amended  
 5 by adding the following new subsection:  
 6 NEW SUBSECTION. 6A. "Nationwide mortgage  
 7 licensing system and registry" means a mortgage  
 8 licensing system developed and maintained by the  
 9 conference of state bank supervisors and the American  
 10 association of residential mortgage regulators for the  
 11 licensing and registration of mortgage loan  
 12 originators.  
 13 Sec. 2. NEW SECTION. 535B.18 PROHIBITED ACTS AND  
 14 PRACTICES.  
 15 It is a violation of this chapter for a licensee or  
 16 individual registrant to engage in any of the  
 17 following activities:  
 18 1. Directly or indirectly employ any scheme,  
 19 device, or artifice to defraud or mislead borrowers or  
 20 lenders or to defraud any person.  
 21 2. Engage in any unfair or deceptive practice  
 22 toward any person.  
 23 3. Obtain property by fraud or misrepresentation.  
 24 4. Solicit or enter into a contract with a  
 25 borrower that provides in substance that the licensee  
 26 or individual registrant may earn a fee or commission  
 27 through "best efforts" to obtain a loan even though no  
 28 loan is actually obtained for the borrower.  
 29 5. Solicit, advertise, or enter into a contract  
 30 for specific interest rates, points, or other  
 31 financing terms unless the terms are actually  
 32 available at the time of soliciting, advertising, or

33 contracting.

34 6. Conduct any business covered by this chapter  
35 without holding a valid license as required under this  
36 chapter, or assist or aid and abet any person in the  
37 conduct of business under this chapter without a valid  
38 license or registration as required under this  
39 chapter.

40 7. Fail to make disclosures as required by this  
41 chapter or any other applicable state or federal law  
42 including regulations thereunder.

43 8. Fail to comply with this chapter or rules or  
44 regulations promulgated under this chapter, or fail to  
45 comply with any other state or federal law, including  
46 the rules and regulations thereunder, applicable to  
47 any business authorized or conducted under this  
48 chapter.

49 9. Make, in any manner, any false or deceptive  
50 statement or representation.

Page 2

1 10. Negligently make any false statement or  
2 knowingly and willfully make any omission of material  
3 fact in connection with any information or reports  
4 filed with a governmental agency or the nationwide  
5 mortgage licensing system and registry or in  
6 connection with any investigation conducted by the  
7 superintendent of banking or another governmental  
8 agency.

9 11. Make any payment, threat, or promise, directly  
10 or indirectly, to any person for the purposes of  
11 influencing the independent judgment of the person in  
12 connection with a residential mortgage loan, or make  
13 any payment, threat, or promise, directly or  
14 indirectly, to any appraiser of a property, for the  
15 purposes of influencing the independent judgment of  
16 the appraiser with respect to the value of the  
17 property.

18 12. Collect, charge, attempt to collect or charge,  
19 or use or propose any agreement purporting to collect  
20 or charge any fee prohibited by this chapter.

21 13. Cause or require a borrower to obtain property  
22 insurance coverage in an amount that exceeds the  
23 replacement cost of the improvements as established by  
24 the property insurer.

25 14. Fail to truthfully account for moneys  
26 belonging to a party to a residential mortgage loan  
27 transaction.

28 Sec. 3. NEW SECTION. 535B.19 REPORT TO  
29 NATIONWIDE MORTGAGE LICENSING SYSTEM AND REGISTRY –  
30 CONFIDENTIALITY.

31 1. The superintendent of banking shall regularly

32 report violations of this chapter, as well as  
 33 enforcement actions and other relevant information, to  
 34 the nationwide mortgage licensing system and registry  
 35 subject to the confidentiality provisions of  
 36 subsection 2.  
 37 2. Except as otherwise provided in section 1512 of  
 38 the federal Housing and Economic Recovery Act of 2008,  
 39 Pub. L. No. 110-289(1512), the requirements under any  
 40 federal law or chapter 22 or 692 regarding the privacy  
 41 or confidentiality of any information or material  
 42 provided to the nationwide mortgage licensing system  
 43 and registry, and any privilege arising under federal  
 44 or state law, including the rules of any federal or  
 45 state court, with respect to such information or  
 46 material, shall continue to apply to such information  
 47 or material after the information or material has been  
 48 disclosed to the nationwide mortgage licensing system  
 49 and registry. Such information and material may be  
 50 shared with any state or federal regulatory official

Page 3

1 with mortgage industry oversight authority without the  
 2 loss of privilege or the loss of confidentiality  
 3 protections provided by federal law or chapter 22 or  
 4 692."  
 5 2. Title page, by striking lines 1 and 2 and  
 6 inserting the following: "An Act specifying  
 7 prohibited acts and practices applicable to licensed  
 8 mortgage brokers and individual registrants, and  
 9 making penalties applicable."

SANDS of Louisa

H-1267

1 Amend House File 213 as follows:  
 2 1. Page 4, by inserting after line 3 the  
 3 following:  
 4 "Sec.\_\_\_\_. Section 103.22, subsection 7, Code  
 5 2009, is amended to read as follows:  
 6 7. Prohibit an owner of property from performing  
 7 work on the owner's principal residence, if such  
 8 residence is an existing dwelling rather than new  
 9 construction and is not an apartment that is attached  
 10 to any other apartment or building, as those terms are  
 11 defined in section 499B.2, and is not larger than a  
 12 single-family dwelling, ~~or farm property~~, excluding  
 13 commercial or industrial installations or  
 14 installations in public use buildings or facilities,  
 15 or require such owner to be licensed under this  
 16 chapter. In order to qualify for inapplicability  
 17 pursuant to this subsection, a residence shall qualify

18 for the homestead tax exemption.  
 19 Sec.\_\_\_\_. Section 103.22, Code 2009, is amended by  
 20 adding the following new subsection:  
 21 NEW SUBSECTION. 13. Prohibit an owner of farm  
 22 property from performing work on that farm property.  
 23 For purposes of this subsection, "farm property"  
 24 includes but is not limited to existing or newly  
 25 constructed outbuildings and livestock buildings."  
 26 2. By renumbering as necessary.

SANDS of Louisa

H-1269

1 Amend House File 801 as follows:  
 2 1. Page 2, line 35, by inserting after the word  
 3 "budget" the following: "and for the previous five  
 4 budget years".

PETTENGILL of Benton

H-1272

1 Amend House File 801 as follows:  
 2 1. Page 4, by inserting after line 28 the  
 3 following:  
 4 "4A. The director shall provide information on the  
 5 searchable website database that lists the transfers  
 6 of appropriations made from one agency to another or  
 7 within an agency by the governor. This information  
 8 shall be provided in a manner that will be easily  
 9 understood by the public."

RAECKER of Polk

H-1275

1 Amend House File 732 as follows:  
 2 1. Page 15, by inserting after line 28 the  
 3 following:  
 4 "Sec.\_\_\_\_. Section 298.3, subsection 9, Code 2009,  
 5 is amended to read as follows:  
 6 9. Purchase of transportation equipment for  
 7 transporting students. For purposes of this  
 8 subsection, "transportation equipment" includes any  
 9 component of a school bus for which the cost of repair  
 10 or replacement exceeds four percent of the replacement  
 11 cost of the school bus."  
 12 2. By renumbering as necessary.

COHOON of Des Moines  
 DOLECHECK of Ringgold

H-1277

1 Amend Senate File 159 as follows:  
2 1. Page 4, by inserting after line 3 the  
3 following:  
4 "Sec.\_\_\_\_. Section 103.22, subsection 7, Code  
5 2009, is amended to read as follows:  
6 7. Prohibit an owner of property from performing  
7 work on the owner's principal residence, if such  
8 residence is an existing dwelling rather than new  
9 construction and is not an apartment that is attached  
10 to any other apartment or building, as those terms are  
11 defined in section 499B.2, and is not larger than a  
12 single-family dwelling, ~~or farm property~~, excluding  
13 commercial or industrial installations or  
14 installations in public use buildings or facilities,  
15 or require such owner to be licensed under this  
16 chapter. In order to qualify for inapplicability  
17 pursuant to this subsection, a residence shall qualify  
18 for the homestead tax exemption.  
19 Sec.\_\_\_\_. Section 103.22, Code 2009, is amended by  
20 adding the following new subsection:  
21 NEW SUBSECTION. 13. Prohibit an owner of farm  
22 property from performing work on that farm property.  
23 For purposes of this subsection, "farm property"  
24 includes but is not limited to existing or newly  
25 constructed outbuildings and livestock buildings."  
26 2. By renumbering as necessary.

SANDS of Louisa

H-1278

1 Amend House File 802 as follows:  
2 1. Page 1, line 12, by inserting after the word  
3 "application." the following: "The board shall  
4 publish notice of the public hearing in a newspaper  
5 having a general circulation in the county in the  
6 manner provided in section 331.305."

FREVERT of Palo Alto

H-1279

1 Amend House File 801 as follows:  
2 1. Page 3, by inserting after line 26 the  
3 following:  
4 "2A. Notwithstanding the information specified in  
5 subsection 2, public institutions of higher education  
6 under the state board of regents shall only be  
7 required to provide to the director such information  
8 that is currently required to be filed by the

9 institution or board of regents to any executive  
10 branch agency pursuant to any state law other than  
11 this division."

12 2. Page 4, line 35, by inserting after the figure  
13 "2009." the following: "In the progress and  
14 implementation report provided by the director due  
15 January 1, 2010, the director shall include any need  
16 of the department of administrative services for  
17 additional funding and staffing required for full  
18 implementation of this division."

19 3. Page 5, line 33, by inserting before the word  
20 "implement" the following: "fully or partially".

21 4. Page 5, line 34, by inserting after the word  
22 "division" the following: "to the extent of existing  
23 resources".

24 5. Page 7, by inserting before line 23 the  
25 following:

26 "Sec.\_\_\_\_. CONTINGENT EFFECTIVE DATE. This Act  
27 takes effect only upon the enactment of an  
28 appropriation to the department of administrative  
29 services for the fiscal year beginning July 1, 2009,  
30 and ending June 30, 2010, specifically for the purpose  
31 of wholly or partially implementing chapter 8G, as  
32 enacted by this Act."

33 6. Title page, line 5, by inserting after the  
34 word "state" the following: "and including a  
35 contingent effective date".

FREVERT of Palo Alto

H-1281

1 Amend House File 763 as follows:

2 1. Page 1, by inserting before line 1 the  
3 following:

4 "Section 1. Section 466A.4, subsection 1, Code  
5 2009, is amended to read as follows:

6 1. Public water supply utilities, counties, county  
7 conservation boards, and cities may also be eligible  
8 and apply for and receive local watershed improvement  
9 grants for water quality improvement projects. An  
10 applicant shall coordinate with a local watershed  
11 improvement committee or a soil and water conservation  
12 district and shall include in the application a  
13 description of existing projects and any potential  
14 impact the proposed project may have on existing or  
15 planned water quality improvement projects."

16 2. Title page, line 1, by striking the words  
17 "administrative costs to support".

18 3. By renumbering as necessary.

SWAIM of Davis



H-1282

1 Amend Senate File 424, as passed by the Senate, as  
2 follows:

3 1. Page 1, by striking lines 19 through 22 and  
4 inserting the following: "is scheduled to start. The  
5 employer shall not impose any penalty nor shall any  
6 deduction be made from the person's regular salary or  
7 wages for participating in a precinct caucus pursuant  
8 to this section except for any loss of wages or salary  
9 for the hours of unpaid leave actually used to  
10 participate."

11 2. Page 1, line 30, by striking the word "severe"  
12 and inserting the following: "substantial".

13 3. Page 1, lines 32 and 33, by striking the words  
14 "filed a written notice with the commissioner" and  
15 inserting the following: "provided a written notice  
16 to the employee".

17 4. Page 2, by striking lines 2 through 10 and  
18 inserting the following: "personnel needed during the  
19 four-hour period described in subsection 1."

20 5. Page 2, lines 11 and 12, by striking the words  
21 "as to a particular position of the employer".

22 6. Page 2, line 14, by striking the words "in  
23 that position".

24 7. Page 2, line 15, by striking the words "for  
25 that position".

26 8. Page 2, line 16, by striking the word  
27 "commissioner" and inserting the following:  
28 "employee".

29 9. Page 2, line 17, by inserting after the word  
30 "denied" the following: "shall be based, if all other  
31 factors are equal, upon the order in which the  
32 employees applied to the employer for an absence and".

33 10. By renumbering as necessary.

GASKILL of Wapello

H-1283

1 Amend the amendment, H-1279, to House File 801, as  
2 follows:

3 1. Page 1, by striking lines 24 through 35 and  
4 inserting the following:

5 "\_\_\_\_. Page 7, by inserting after line 17 the  
6 following:

7 "Sec. \_\_\_\_. IMPLEMENTATION. For purposes of  
8 implementing chapter 8G, the department of  
9 administrative services shall use vendors under  
10 contract on the effective date of this Act and shall  
11 not enter into a contract with a vendor to implement

12 chapter 8G after the effective date of this Act."  
13 2. By renumbering as necessary.

RAECKER of Polk

H-1284

1 Amend Senate Joint Resolution 5, as passed by the  
2 Senate, as follows:  
3 1. Title page, lines 3 and 4, by striking the  
4 words "the maximum permissible penalty does not exceed  
5 thirty days of imprisonment" and inserting the  
6 following: "imprisonment is not permitted by law".

SWAIM of Davis

H-1285

1 Amend House File 779 as follows:  
2 1. Page 25, by inserting after line 10 the  
3 following:  
4 "DIVISION  
5 MISCELLANEOUS PROVISIONS  
6 Sec.\_\_\_\_. UNITED STATES HIGHWAY 30 – TRAFFIC  
7 CONTROL SIGNALS. Notwithstanding section 321.253, at  
8 the request of a city located along United States  
9 highway 30 with a population of at least nine thousand  
10 five hundred but not more than eleven thousand, the  
11 department of transportation shall place and maintain  
12 a traffic control signal at the location along United  
13 States highway 30 within the city limits which was  
14 identified in a study conducted during the past year  
15 as a location where a traffic signal is needed."  
16 2. Title page, line 3, by inserting after the  
17 word "vehicle" the following: "and traffic".  
18 3. By renumbering as necessary.

ROBERTS of Carroll

H-1286

1 Amend Senate File 419, as passed by the Senate, as  
2 follows:  
3 1. Page 24, by inserting after line 23 the  
4 following:  
5 "DIVISION\_\_\_\_\_  
6 MISCELLANEOUS PROVISIONS–  
7 Sec.\_\_\_\_. UNITED STATES HIGHWAY 30– TRAFFIC  
8 CONTROL SIGNALS. Notwithstanding section 321.253, at  
9 the request of a city located along United States  
10 highway 30 with a population of at least nine thousand  
11 five hundred but not more than eleven thousand, the

12 department of transportation shall place and maintain  
 13 a traffic control signal at the location along United  
 14 States highway 30 within the city limits which was  
 15 identified in a study conducted during the past year  
 16 as a location where a traffic signal is needed."  
 17 2. Title page, line 3, by inserting after the  
 18 word "vehicle" the following: "and traffic".  
 19 3. By renumbering as necessary.

ROBERTS of Carroll

H-1288

1 Amend House File 486 as follows:  
 2 1. Page 2, by striking lines 11 through 18, and  
 3 inserting the following:  
 4 "(1) The person's violation of a standard adopted  
 5 by the United States department of agriculture that  
 6 directly regulates the health and welfare of an  
 7 animal, if compliance with the standard is a condition  
 8 for the issuance or retention of the person's federal  
 9 license."  
 10 2. Page 2, by inserting after line 23, the  
 11 following:  
 12 "Sec. \_\_\_\_ Section 162.13, Code 2009, is amended  
 13 to read as follows:  
 14 162.13 PENALTIES.  
 15 1. Operation ~~The operation~~ of a pound, animal  
 16 shelter, pet shop, boarding kennel, commercial kennel,  
 17 research facility, or public auction, or dealing in  
 18 dogs or cats, or both, either as a dealer or a  
 19 commercial breeder, without a currently valid license  
 20 or a certificate of registration is a simple  
 21 misdemeanor and each day of operation is a separate  
 22 offense.  
 23 2. a. The failure of any pound, research  
 24 facility, animal shelter, pet shop, boarding kennel,  
 25 commercial kennel, commercial breeder, public auction,  
 26 or dealer, to adequately house, feed, or water dogs,  
 27 cats, or A person who violates departmental standards  
 28 adopted under this chapter by failing to adequately  
 29 house, feed, or water dogs, cats, or other vertebrate  
 30 animals in the person's or facility's possession or  
 31 custody is guilty of a simple misdemeanor. This  
 32 paragraph applies to a person who has been issued a  
 33 certificate of registration by the department as a  
 34 pound, animal shelter, or research facility, and to a  
 35 person who has been issued a license by the department  
 36 as a public auction, boarding kennel, commercial  
 37 kennel, pet shop, commercial breeder, or dealer.  
 38 b. A person who violates standards adopted by the  
 39 United States department of agriculture pursuant to 9

40 C.F.R. ch. I by not adequately housing, feeding, or  
 41 watering dogs, cats, or other vertebrate animals in  
 42 the person's possession or custody is guilty of a  
 43 simple misdemeanor. This paragraph applies to a  
 44 person who has been issued a certificate of  
 45 registration by the department as a commercial kennel,  
 46 public auction, dealer, or commercial breeder because  
 47 the person has been issued a federal license.  
 48 3. The animals are An animal that has not been  
 49 adequately housed, fed, or watered as provided in  
 50 section 2, is subject to seizure and impoundment and

Page 2

1 may be sold or destroyed as provided by rules which  
 2 shall be adopted by the department pursuant to chapter  
 3 17A. The department's rules shall provide for the  
 4 destruction of an animal by a humane method, including  
 5 by euthanasia. The failure to meet the requirements  
 6 of this section is also cause for revocation or  
 7 suspension of license or registration after public  
 8 hearing. The commission of an act declared to be an  
 9 unlawful practice under section 714.16 or prohibited  
 10 under chapter 717 or 717B, by a person licensed or  
 11 registered under this chapter is cause for revocation  
 12 or suspension of the license or registration  
 13 certificate. Dogs, cats, and other vertebrates upon  
 14 which euthanasia is permitted by law may be destroyed  
 15 by a person subject to this chapter or chapter 169, by  
 16 a humane method, including euthanasia, as provided by  
 17 rules which shall be adopted by the department  
 18 pursuant to chapter 17A.  
 19 ~~4. It is unlawful for a dealer to~~ A dealer shall  
 20 not knowingly ship a diseased animal. A dealer  
 21 violating this ~~paragraph~~ subsection is subject to a  
 22 fine not exceeding one hundred dollars. Each diseased  
 23 animal shipped in violation of this ~~paragraph~~  
 24 subsection is a separate offense."  
 25 3. Title page, line 3, by inserting after the  
 26 word "stewardship" the following: ", and providing  
 27 penalties".  
 28 4. By renumbering as necessary.

SANDS of Louisa

H-1290

1 Amend the amendment, H-1221, to House File 234, as  
 2 follows:  
 3 1. Page 1, by striking lines 2 through 5.  
 4 2. By renumbering as necessary.

TYMESON of Madison

H-1292

1 Amend House File 234 as follows:

2 1. By striking everything after the enacting  
3 clause and inserting the following:

4 "Sec. \_\_\_\_ MENTAL HEALTH CONDITIONS – VETERANS.

5 1. The division of mental health and disability  
6 services of the department of human services and the  
7 division of behavioral health of the department of  
8 public health shall coordinate with the Iowa  
9 department of veterans affairs to maximize access to  
10 mental health and substance abuse treatment for  
11 veterans.

12 2. The department of veterans affairs shall expand  
13 the veterans counseling program implemented in  
14 accordance with section 35.12 to include all of the  
15 following:

16 a. Provision of mental health and substance abuse  
17 treatment services specially designed to meet the  
18 needs of veterans of the conflicts in Iraq and  
19 Afghanistan.

20 b. A contract with the department of human  
21 services for services under the veterans counseling  
22 program to be provided at each of the four state  
23 mental health institutes.

24 c. Incorporation of financial or service need  
25 eligibility provisions to target veterans with the  
26 most significant unmet needs while remaining within  
27 the funding available.

28 d. Coordination of benefits provided under the  
29 counseling program with those provided to veterans  
30 through the Equality in Health Care Coverage and  
31 Veterans Wellness Act enacted by this Act.

32 3. a. Notwithstanding section 35D.18, the balance  
33 of the Iowa veterans home annual appropriations or  
34 revenues in excess of \$1,000,000 that remains  
35 unencumbered or unobligated at the close of the fiscal  
36 year beginning July 1, 2008, shall be transferred to a  
37 veterans home account which shall be created in the  
38 veterans trust fund.

39 b. There is appropriated from the veterans home  
40 account in the veterans trust fund to the department  
41 of veterans affairs for the fiscal year beginning July  
42 1, 2009, and ending June 30, 2010, \$1,000,000, to be  
43 used for expansion of the veterans counseling program  
44 in accordance with this section.

45 4. This section of this Act, being deemed of  
46 immediate importance, takes effect upon enactment."

47 2. Title page, by striking lines 1 through 3 and  
48 inserting the following: "An Act relating to veterans

49 services, providing an appropriation, and providing an  
50 effective date".

TYMESON of Madison

H-1294

1 Amend House File 799 as follows:

2 1. By striking everything after the enacting  
3 clause and inserting the following:

4 "Section 1. Section 321.1, subsection 4, Code  
5 2009, is amended to read as follows:

6 4. "All-terrain vehicle" means a motor vehicle  
7 designed to travel on three or more wheels and  
8 designed primarily for off-road recreational use but  
9 not including farm tractors or equipment, construction  
10 equipment, forestry vehicles, or lawn and grounds  
11 maintenance vehicles. "All-terrain vehicle" includes  
12 off-road utility vehicles.

13 Sec. 2. Section 321.1, Code 2009, is amended by  
14 adding the following new subsection:

15 NEW SUBSECTION. 47A. "Off-road utility vehicle"  
16 means a motorized flotation-tire vehicle with not less  
17 than four and not more than eight low-pressure tires  
18 that is limited in engine displacement to less than  
19 one thousand five hundred cubic centimeters and in  
20 total dry weight to not more than two thousand pounds  
21 and that has a seat that is of bucket or bench design,  
22 not intended to be straddled by the operator, and a  
23 steering wheel or control levers for control.

24 Sec. 3. Section 321.234A, subsection 1, Code 2009,  
25 is amended by adding the following new paragraph:  
26 NEW PARAGRAPH. f. The all-terrain vehicle is an  
27 off-road utility vehicle operated in accordance with  
28 section 321.238.

29 Sec. 4. Section 321.236, Code 2009, is amended by  
30 adding the following new subsection:

31 NEW SUBSECTION. 15. Regulating the operation of  
32 off-road utility vehicles as provided in section  
33 321.238.

34 Sec. 5. NEW SECTION. 321.238 OPERATION OF  
35 OFF-ROAD UTILITY VEHICLES.

36 1. Local authorities, with respect to streets or  
37 highways under their jurisdiction, may allow the  
38 operation of off-road utility vehicles during any  
39 period between sunrise and sunset by a person having a  
40 valid driver's license.

41 2. Except as provided in section 321.234A, an  
42 off-road utility vehicle shall not be operated on a  
43 primary highway or on a city street which is a primary  
44 road extension through a city, except to cross the  
45 primary highway or city street.

46 3. Off-road utility vehicles are not subject to  
 47 the registration requirements of this chapter.  
 48 4. A person convicted of a violation under this  
 49 section is guilty of a simple misdemeanor punishable  
 50 as a scheduled violation under section 805.8A,

Page 2

1 subsection 3, paragraph "f".  
 2 Sec. 6. Section 321I.1, subsection 1, paragraph c,  
 3 Code 2009, is amended to read as follows:  
 4 c. Off-road utility vehicles shall be considered  
 5 all-terrain vehicles for the purpose of registration,  
 6 but are exempt from the dealer registration  
 7 requirements and the titling requirements of this  
 8 chapter. An operator of an off-road utility vehicle  
 9 is subject to provisions governing the operation of  
 10 all-terrain vehicles in ~~section~~ sections 321.234A and  
 11 321.238 and this chapter, but is exempt from the  
 12 safety instruction and certification program  
 13 requirements of sections 321I.25 and 321I.26. A  
 14 motorized vehicle that was previously titled or is  
 15 currently titled under chapter 321 shall not be  
 16 registered or operated as an off-road utility vehicle.  
 17 Sec. 7. Section 321I.10, subsection 1, Code 2009,  
 18 is amended to read as follows:  
 19 1. A person shall not operate an all-terrain  
 20 vehicle upon roadways or highways except as provided  
 21 in ~~section~~ sections 321.234A and 321.238 and this  
 22 section.  
 23 Sec. 8. Section 805.8A, subsection 3, paragraph f,  
 24 Code 2009, is amended to read as follows:  
 25 f. For violations under sections 321.234A,  
 26 321.238, 321.247, 321.381, and 321.381A, the scheduled  
 27 fine is fifty dollars.  
 28 Sec. 9. Section 321I.1, subsection 16, paragraph  
 29 b, if enacted by 2009 Iowa Acts, House File 722, is  
 30 amended to read as follows:  
 31 b. An owner of an off-road utility vehicle may  
 32 register or title an off-road utility vehicle in order  
 33 to legally operate the off-road vehicle on public ice,  
 34 a designated riding area, or a designated riding  
 35 trail. The operator of an off-road utility vehicle is  
 36 subject to provisions governing the operation of  
 37 all-terrain vehicles in ~~section~~ sections 321.234A, and  
 38 321.238 and this chapter, but is exempt from the  
 39 safety instruction and certification program  
 40 requirements of sections 321I.25 and 321I.26. An  
 41 operator of an off-road utility vehicle shall not  
 42 operate the vehicle on a designated riding area or  
 43 designated riding trail unless the department has  
 44 posted signage indicating the riding area or trail is

45 open to the operation of off-road utility vehicles.  
 46 Off-road utility vehicles are exempt from the dealer  
 47 registration and titling requirements of this chapter.  
 48 A motorized vehicle that was previously titled or is  
 49 currently titled under chapter 321 shall not be  
 50 registered or operated as an off-road utility

Page 3

1 vehicle."  
 2 2. Title page, by striking lines 1 through 3 and  
 3 inserting the following: "An Act concerning the  
 4 operation of off-road utility vehicles on roads under  
 5 the jurisdiction of local authorities and providing a  
 6 penalty."  
 7 3. By renumbering as necessary.

MAY of Dickinson

H-1295

1 Amend House File 259 as follows:  
 2 1. By striking everything after the enacting  
 3 clause and inserting the following:  
 4 "Sec.\_\_\_\_. **NEW SECTION.** 257.41A DROPOUT PENALTY.  
 5 1. For each dropout in the previous school year,  
 6 twenty percent of the state cost per pupil, as  
 7 determined pursuant to section 257.9, shall be  
 8 refunded to the department of education for deposit in  
 9 the state treasury by June 30 of the current fiscal  
 10 year. The department of education in consultation  
 11 with the department of management shall determine the  
 12 amount to be refunded by each school district and  
 13 shall notify each district by the last day of February  
 14 of each year.  
 15 2. For the purposes of this section, "dropout"  
 16 means a resident pupil who has been enrolled in a  
 17 public school in any of grades seven through twelve  
 18 who withdrew from school for a reason other than to  
 19 transfer to another school or school district.  
 20 Sec.\_\_\_\_. DEPARTMENT OF EDUCATION – DROPOUT  
 21 PENALTY IMPACT STUDY. The department of education  
 22 shall conduct a study of the impact of the  
 23 implementation of the dropout penalty established  
 24 under section 257.41A, as enacted by this Act, on  
 25 dropout rates of students who are of compulsory school  
 26 attendance age and measures implemented by impacted  
 27 school districts to prevent student absenteeism and  
 28 reduce dropout rates. The department shall submit its  
 29 findings and recommendations to the general assembly  
 30 by January 15, 2012."  
 31 2. Title page, by striking lines 1 and 2 and



32 inserting the following: "An Act establishing a  
33 dropout penalty and providing for a study of the  
34 impact of the dropout penalty on the dropout rates of  
35 students who are of compulsory school attendance age."  
36 3. By renumbering as necessary.

TYMESON of Madison

H-1297

1 Amend House File 486 as follows:  
2 1. Page 2, line 23, by inserting after the word  
3 "complaint." the following: "The complaint must be in '  
4 writing, and include the name, address, and signature  
5 of the complainant. If the department determines that  
6 no violation of subsection 1 exists, it may forward  
7 the complaint and a statement detailing the costs  
8 incurred by the department when conducting the  
9 inspection to the attorney general. The attorney  
10 general may assess the complainant the amount. The  
11 attorney general shall assess and collect the amount  
12 in the same manner as a civil penalty. The collected  
13 amount shall be deposited in the general fund of the  
14 state."  
15 2. By renumbering as necessary.

LUKAN of Dubuque

H-1298

1 Amend Senate File 152, as amended, passed, and  
2 reprinted by the Senate, as follows:  
3 1. Page 5, by inserting after line 13 the  
4 following:  
5 "Sec. \_\_\_\_\_. Section 237B.1, subsection 3, Code  
6 2009, is amended to read as follows:  
7 3. In establishing the initial and subsequent  
8 standards, the department of human services shall  
9 review other certification and licensing standards  
10 applicable to the centers. The standards established  
11 by the department shall be broad facility standards  
12 for the protection of children's safety. The  
13 department shall also apply criminal and abuse  
14 registry background check requirements for the persons  
15 who own, operate, staff, participate in, or otherwise  
16 have contact with the children receiving services from  
17 a children's center. The background check  
18 requirements shall be substantially equivalent to  
19 those applied under chapter 237 for a child foster  
20 care facility provider. The department of human  
21 services shall not establish program standards or  
22 other requirements under this section involving

23 program development or oversight of the programs  
 24 provided to the children served by children's  
 25 centers."  
 26 2. By renumbering as necessary.

H. MILLER of Webster

H-1301

1 Amend House File 732 as follows:  
 2 1. Page 2, by inserting after line 5 the  
 3 following:  
 4 "Sec.\_\_\_\_. Section 216C.11, subsection 2, Code  
 5 2009, is amended to read as follows:  
 6 2. A person with a disability ~~or, a person~~  
 7 assisting a person with a disability by controlling an  
 8 assistive animal, or a person training an assistive  
 9 animal has the right to be accompanied by a service  
 10 dog or an assistive animal, under control, in any of  
 11 the places listed in sections 216C.3 and 216C.4  
 12 without being required to make additional payment for  
 13 the service dog or assistive animal. A landlord shall  
 14 waive lease restrictions on the keeping of animals for  
 15 the service dog or assistive animal of a person with a  
 16 disability. The person is liable for damage done to  
 17 any premises or facility by a service dog or assistive  
 18 animal."  
 19 2. Title page, line 1, by inserting after the  
 20 word "to" the following: "enabling persons to  
 21 participate fully in the social and economic life of  
 22 the state by amending statutory provisions relating to  
 23 assistive animals and to the".  
 24 3. By renumbering as necessary.

COWNIE of Polk  
 RAECKER of Polk

H-1303

1 Amend Senate File 434, as amended, passed, and  
 2 reprinted by the Senate, as follows:  
 3 1. Page 1, by striking lines 12 and 13 and  
 4 inserting the following: "the action in the county  
 5 system as defined in section 445.1 until the judgment  
 6 of the court is satisfied or until the action is  
 7 dismissed."  
 8 2. Page 2, by striking lines 4 and 5 and  
 9 inserting the following: "a notation of the pendency  
 10 of the action in the county system as defined in  
 11 section 445.1 until the judgment of the court is  
 12 satisfied or until the action is dismissed."  
 13 3. Page 2, by striking lines 16 and 17 and

14 inserting the following: "a notation of the pendency  
15 of the action in the county system as defined in  
16 section 445.1 until the judgment of the court is  
17 satisfied or until the action is dismissed."

## COMMITTEE ON LOCAL GOVERNMENT

H-1306

1 Amend House File 781 as follows:  
2 1. By striking everything after the enacting  
3 clause and inserting the following:  
4 "Section 1. LEGISLATIVE STUDY – LICENSURE OF  
5 PROFESSIONAL MIDWIVES.  
6 1. The legislative council is requested to  
7 establish an interim study committee to conduct a  
8 review of a request for the establishment of licensure  
9 requirements for professional midwives.  
10 2. The interim study committee should be composed  
11 of ten legislative members consisting of members from  
12 both political parties and both houses of the general  
13 assembly.  
14 3. The committee shall be staffed by the  
15 legislative services agency and shall issue its report  
16 of recommendations by January 1, 2010."  
17 2. Title page, by striking lines 1 and 2 and  
18 inserting the following: "An Act to request the  
19 legislative council to establish an interim study  
20 committee concerning the licensing of midwives."

MASCHER of Johnson

H-1307

1 Amend House File 790 as follows:  
2 1. Page 2, line 17, by inserting after the word  
3 "application." the following: "The department's  
4 telephone number shall be the same telephone number  
5 available on a twenty-four-hour-per-day,  
6 seven-days-per-week basis for notifying the department  
7 of other types of emergency conditions."  
8 2. Page 2, by striking lines 27 and 28 and  
9 inserting the following:  
10 "\_\_\_\_. The liquid manure must be applied on a field  
11 with a phosphorus index rating of two or less."  
12 3. Page 2, line 33, by striking the words "one  
13 week" and inserting the following: "two weeks".  
14 4. Page 5, line 1, by striking the word  
15 "building" and inserting the following: "building".  
16 5. Page 8, by striking lines 1 and 2 and  
17 inserting the following:  
18 "\_\_\_\_. The person must construct the dry bedded

19 confinement feeding operation structure with a floor  
 20 consisting of reinforced concrete at least".  
 21 6. Page 11, by inserting after line 31 the  
 22 following:  
 23 "Sec. \_\_\_\_ EFFECTIVE DATE. This division of this  
 24 Act, being deemed of immediate importance, takes  
 25 effect upon enactment."  
 26 7. Page 17, by inserting after line 2 the  
 27 following:  
 28 "Sec. \_\_\_\_ Section 459.102, subsections 5 and 35,  
 29 Code 2009, are amended to read as follows:  
 30 5. "Animal feeding operation structure" means a  
 31 confinement building, manure storage structure, dry  
 32 bedded confinement feeding operation structure as  
 33 defined in section 459B.102, or egg washwater storage  
 34 structure.  
 35 35. "Manure storage structure" means a formed  
 36 manure storage structure or an unformed manure storage  
 37 structure.  
 38 a. A manure storage structure includes a dry  
 39 bedded manure storage structure as defined in section  
 40 459B.102.  
 41 b. A manure storage structure does not include an  
 42 egg washwater storage structure."  
 43 8. Page 17, by inserting after line 8 the  
 44 following:  
 45 "Sec. \_\_\_\_ EFFECTIVE DATE. This division of this  
 46 Act, being deemed of immediate importance, takes  
 47 effect upon enactment."  
 48 9. Title page, line 2, by inserting after the  
 49 word "penalties" the following: "and effective  
 50 dates".

Page 2

1 10. By renumbering as necessary.

ZIRKELBACH of Jones

H-1308

1 Amend Senate File 3, as amended, passed, and  
 2 reprinted by the Senate, as follows:  
 3 1. Page 1, by inserting after line 11 the  
 4 following:  
 5 "Sec. \_\_\_\_ Section 462A.14, Code 2009, is amended  
 6 by adding the following new subsections:  
 7 NEW SUBSECTION. 14. A peace officer may stop or  
 8 intercept a motorboat or sailboat upon a reasonable  
 9 and specific belief that a violation has occurred  
 10 during the operation of a motorboat or sailboat. The  
 11 reasonable and specific belief that a violation has

12 occurred must be observed by the peace officer prior  
 13 to the time of the stop or interception of the  
 14 motorboat or sailboat and must be the reason for the  
 15 peace officer to stop or intercept the motorboat or  
 16 sailboat.

17 NEW SUBSECTION. 15. For the purposes of this  
 18 section, "operate" means to be in actual physical  
 19 control of a motorboat in motion which is powered by a  
 20 motor of ten horsepower or more or to be in actual  
 21 physical control of a sailboat in motion which is  
 22 under a sail speed great enough to cause a wake."

23 2. By renumbering as necessary.

COMMITTEE ON PUBLIC SAFETY

H-1311

1 Amend House File 783 as follows:

2 1. By striking everything after the enacting  
 3 clause and inserting the following:

4 "Section 1. Section 314.13, Code 2009, is amended  
 5 to read as follows:

6 314.13 DEFINITIONS.

7 As used in this chapter, unless the context  
 8 otherwise requires:

9 1. "Agency" means any governmental body which  
 10 exercises jurisdiction over any road as provided by  
 11 law.

12 2. "Committee" means the integrated roadside  
 13 vegetation management technical advisory committee  
 14 created in section 314.22.

15 3. "Coordinator" means the integrated roadside  
 16 vegetation management coordinator.

17 4. "Department" means the state department of  
 18 transportation.

19 5. "Disadvantaged business enterprise" means a  
 20 small business which meets both of the following:

21 a. The business is at least fifty-one percent  
 22 owned by one or more socially and economically  
 23 disadvantaged individuals.

24 b. The management and daily business operations of  
 25 the business are controlled by one or more of the  
 26 socially and economically disadvantaged individuals  
 27 who own the business.

28 ~~5.~~ 6. "Highway" or "street" means the entire  
 29 width between property lines of every way or place of  
 30 whatever nature when any part thereof is open to the  
 31 use of the public, as a matter of right, for purposes  
 32 of vehicular traffic.

33 7. "Prequalified" means that a small business has  
 34 been approved by the department as a small business,  
 35 is a recognized contractor engaged in the class of

36 work provided for in the plans and specifications,  
37 possesses sufficient resources to complete the work,  
38 and is able to furnish a performance bond for one  
39 hundred percent of the contract.  
40 8. "Small business" means any enterprise, which is  
41 operated for profit and under a single management, and  
42 which has either fewer than twenty employees or an  
43 annual gross income of less than four million dollars  
44 computed as the average of the three preceding fiscal  
45 years. This definition does not apply to any program  
46 or activity for which a definition for small business  
47 is provided for the program or activity by federal law  
48 or regulation or other state law.  
49 9. "Socially and economically disadvantaged  
50 individual" means an individual who is a citizen of

Page 2

1 the United States or who is a lawfully admitted  
2 permanent resident of the United States and who is a  
3 woman, Black American, Hispanic American, Native  
4 American, Asian-Pacific American, Asian-Indian  
5 American, or any other minority person or individual  
6 found to be disadvantaged by the United States small  
7 business administration. However, the department may  
8 also determine, on a case-by-case basis, that an  
9 individual who is not a member of one of the  
10 enumerated groups is a socially and economically  
11 disadvantaged individual. A rebuttable presumption  
12 exists that individuals in the following groups are  
13 socially and economically disadvantaged:  
14 a. "Asian-Indian Americans", which includes  
15 persons whose origins are from India, Pakistan,  
16 Bangladesh, Bhutan, the Maldives Islands, Nepal, or  
17 Sri Lanka.  
18 b. "Asian-Pacific Americans", which includes  
19 persons whose origins are from Japan, China, Taiwan,  
20 Korea, Burma (Myanmar), Vietnam, Laos, Cambodia,  
21 Thailand, Malaysia, Indonesia, the Philippines,  
22 Brunei, Samoa, Guam, the United States trust  
23 territories of the Pacific Islands, and the Northern  
24 Marianas, Macao, Fiji, Tonga, Kiribati, Juvalu, Nauru,  
25 Micronesia, or Hong Kong.  
26 c. "Black Americans", which includes persons  
27 having origins in any of the black racial groups of  
28 Africa.  
29 d. "Hispanic Americans", which includes persons of  
30 Mexican, Puerto Rican, Cuban, Central or South  
31 American, or other Spanish or Portuguese culture or  
32 origin, regardless of race.  
33 e. "Native Americans", which includes persons who  
34 are American Indians, Eskimos, Aleuts, or Native

35 Hawaiians.

36 Sec. 2. NEW SECTION. 314.13A CONTRACT ASSESSMENT  
 37 – SOCIALLY AND ECONOMICALLY DISADVANTAGED  
 38 INDIVIDUALS.

39 1. The department, prior to awarding a federal or  
 40 nonfederal highway contract, shall assess the impact  
 41 of the contract on socially and economically  
 42 disadvantaged individuals, including women and persons  
 43 with a disability as defined in section 15.102, in the  
 44 state.

45 2. The assessment shall include the following:

46 a. Any disproportionate or unique impact the  
 47 contract may have on socially and economically  
 48 disadvantaged individuals in the state.

49 b. A rationale for the contract having an impact  
 50 on socially and economically disadvantaged individuals

Page 3

1 in the state.

2 c. Consultation with representatives of socially  
 3 and economically disadvantaged individuals in cases  
 4 where the contract has an identifiable impact on  
 5 socially and economically disadvantaged individuals in  
 6 the state.

7 3. This section shall be carried out to the extent  
 8 consistent with federal law.

9 4. The assessment shall be used for informational  
 10 purposes.

11 Sec. 3. Section 314.14, Code 2009, is amended to  
 12 read as follows:

13 314.14 CONTRACTS SET ASIDE FOR ~~DISADVANTAGED~~  
 14 ~~BUSINESS ENTERPRISES~~ SMALL BUSINESSES.

15 1. ~~Definitions. As used in this section:~~

16 a. ~~"Disadvantaged business enterprise" means a~~  
 17 ~~small business concern which meets either of the~~  
 18 ~~following:~~

19 (1) ~~Is at least fifty one percent owned by one or~~  
 20 ~~more socially and economically disadvantaged~~  
 21 ~~individuals.~~

22 (2) ~~Whose management and daily business operations~~  
 23 ~~are controlled by one or more of the socially and~~  
 24 ~~economically disadvantaged individuals who own it.~~

25 b. ~~"Small business concern" means a business which~~  
 26 ~~is independently owned and operated and which is not~~  
 27 ~~dominant in its field of operation.~~

28 c. ~~"Socially and economically disadvantaged~~  
 29 ~~individuals" means those individuals who are citizens~~  
 30 ~~of the United States or who are lawfully admitted~~  
 31 ~~permanent residents and who are Black Americans,~~  
 32 ~~Hispanic Americans, Native Americans, Asian Pacific~~  
 33 ~~Americans, Asian Indian Americans, or any other~~

34 ~~minority or individuals found to be disadvantaged by~~  
 35 ~~the United States small business administration.~~  
 36 ~~However, the department may also determine, on a~~  
 37 ~~case by case basis, that an individual who is not a~~  
 38 ~~member of one of the enumerated groups is socially and~~  
 39 ~~economically disadvantaged. A rebuttable presumption~~  
 40 ~~exists that individuals in the following groups are~~  
 41 ~~socially and economically disadvantaged:~~  
 42 (1) "Black Americans" which includes persons  
 43 having origins in any of the black racial groups of  
 44 Africa.  
 45 (2) "Hispanic Americans" which includes persons of  
 46 Mexican, Puerto Rican, Cuban, Central or South  
 47 American, or other Spanish culture or origin,  
 48 regardless of race.  
 49 (3) "Native Americans" which includes persons who  
 50 are American Indians, Eskimos, Aleuts, or Native

Page 4

1 ~~Hawaiians.~~  
 2 (4) "Asian Pacific Americans" which includes  
 3 persons whose origins are from Japan, China, Taiwan,  
 4 Korea, Vietnam, Laos, Cambodia, the Philippines,  
 5 Samoa, Guam, the United States Trust Territories of  
 6 the Pacific, and the Northern Marianas.  
 7 (5) "Asian Indian Americans" which includes  
 8 persons whose origins are from India, Pakistan, and  
 9 Bangladesh.  
 10 d. "Prequalified" means that the disadvantaged  
 11 business enterprise is currently approved by the  
 12 department as a disadvantaged business enterprise, is  
 13 a recognized contractor engaged in the class of work  
 14 provided for in the plans and specifications,  
 15 possesses sufficient resources to complete the work,  
 16 and is able to furnish a performance bond for one  
 17 hundred percent of the contract.  
 18 ~~2. Set aside.~~ Notwithstanding section 314.1,  
 19 there may be set aside contracts for bidding by  
 20 prequalified ~~disadvantaged business enterprises~~ small  
 21 businesses a percentage of the total annual dollar  
 22 amount of public contracts let by the department. The  
 23 annual dollar amount set aside for bidding by  
 24 prequalified ~~disadvantaged business enterprises~~ small  
 25 businesses shall not exceed ten percent of the total  
 26 dollar amount of ~~federal aid~~ highway construction  
 27 contracts let by the department and ~~federal aid~~  
 28 transit dollars administered by the department. The  
 29 director may estimate the set-aside amount at the  
 30 beginning of each fiscal year and a suit shall not be  
 31 brought by any party as a result of this estimate.  
 32 Set-aside contracts will be awarded to the lowest



33 responsible prequalified ~~disadvantaged business~~  
 34 ~~enterprise~~ small business. This section shall not be  
 35 construed as limiting the department's right to refuse  
 36 any or all ~~disadvantaged business enterprise~~ small  
 37 business bids.

38 Sec. 4. PARTICIPATIONS GOALS – SMALL BUSINESSES  
 39 AND DISADVANTAGED BUSINESS ENTERPRISES.

40 1. The department of transportation, in  
 41 cooperation with organizations that represent highway  
 42 contractors, shall submit recommendations to the  
 43 general assembly and the governor by November 1, 2009,  
 44 concerning methods to track and assess the  
 45 participation of small businesses and disadvantaged  
 46 business enterprises in receiving nonfederal highway  
 47 funding. The recommendations may include methods to  
 48 assess the effort on the part of contractors to  
 49 achieve participation by small businesses and  
 50 disadvantaged business enterprises and may involve the

Page 5

1 establishment of participation goals. Following the  
 2 consideration and adoption of recommendations by the  
 3 general assembly, the department shall annually review  
 4 the small business and disadvantaged business  
 5 enterprise participation achievements of contractors  
 6 who were awarded contracts for nonfederal aid highway  
 7 projects with the department.

8 2. The department shall work in cooperation with  
 9 organizations that represent highway contractors,  
 10 small businesses, and disadvantaged business  
 11 enterprises to maintain communication among the  
 12 entities to further the dissemination of information  
 13 about contract and training resources that are  
 14 available from the department."

15 2. Title page, by striking lines 1 through 3 and  
 16 inserting the following: "An Act relating to small  
 17 business and disadvantaged business enterprise  
 18 contracts with the department of transportation."

19 3. By renumbering as necessary.

COMMITTEE ON TRANSPORTATION

H-1314

1 Amend House File 486 as follows:

2 1. By striking everything after the enacting  
 3 clause and inserting the following:

4 "Section 1. Section 162.2, Code 2009, is amended  
 5 by adding the following new subsection:

6 NEW SUBSECTION. 8A. "Department" means the  
 7 department of agriculture and land stewardship.

8 Sec. 2. Section 162.11, subsection 2, Code 2009,  
9 is amended to read as follows:

10 2. The department may regulate a person who  
11 applies for or has been issued a certificate of  
12 registration ~~may be denied or revoked if the person no~~  
13 ~~longer possesses a current and valid federal license.~~  
14 ~~Other than obtaining the certificate of registration~~  
15 ~~from the secretary, any as a dealer, or commercial~~  
16 ~~breeder, and any person who operates a commercial~~  
17 ~~kennel, or public auction shall not be subject to~~  
18 ~~further regulation under the provisions of this~~  
19 ~~chapter only as provided in section 162.12.~~

20 Sec. 3. Section 162.12, Code 2009, is amended to  
21 read as follows:

22 162.12 DENIAL OR REVOCATION OF CERTIFICATE OF  
23 REGISTRATION OR LICENSE OR REGISTRATION.

24 1. ~~A~~ This subsection applies to a person who  
25 applies to the department for a certificate of  
26 registration ~~may be denied to any or has been issued a~~  
27 certificate of registration as a pound, or animal  
28 shelter, or research facility, and to a person who  
29 applies for a license or certificate of registration  
30 ~~may be denied to any has been issued a license as a~~  
31 ~~public auction, boarding kennel, commercial kennel,~~  
32 ~~research facility, pet shop, commercial breeder, or~~  
33 ~~dealer, or an existing certificate or license may be~~  
34 ~~revoked by the secretary if, after public hearing, it~~  
35 ~~is determined. The department may deny the person's~~  
36 application or revoke the person's certificate of  
37 registration or license, if the department determines  
38 that the housing facilities or primary enclosures are  
39 inadequate under this chapter or if the feeding,  
40 watering, cleaning, and housing practices at the  
41 pound, animal shelter, public auction, pet shop,  
42 boarding kennel, commercial kennel, research facility,  
43 or those practices by the commercial breeder or  
44 dealer, are not in compliance with this chapter or  
45 with the rules adopted pursuant to this chapter. The  
46 premises of each licensee or certificate holder such  
47 person shall be open for inspection during normal  
48 business hours.

49 2. This subsection applies to a person who applies  
50 to the department for a certificate of registration or

Page 2

1 has been issued a certificate of registration by the  
2 department as a commercial kennel, public auction,  
3 dealer, or commercial breeder, because the person has  
4 been issued a federal license. The department may  
5 deny the person's application or revoke the person's  
6 certificate of registration upon any of the following:

7 a. The person's violation of a requirement in  
 8 subsection 1 that directly relates to providing for  
 9 the health and welfare of an animal. A person does  
 10 not violate subsection 1, including a rule adopted  
 11 pursuant to this chapter, by failing to comply with an  
 12 administrative requirement including but not limited  
 13 to recordkeeping, that is imposed upon persons issued  
 14 a certificate of registration or license pursuant to  
 15 subsection 1.

16 b. The person's failure to retain the federal  
 17 license.

18 3. A person whose application for a certificate of  
 19 registration or license has been disapproved by the  
 20 department under this section or a person whose  
 21 certificate of registration or license has been  
 22 revoked under this section may contest the  
 23 department's action pursuant to an evidentiary hearing  
 24 as provided in chapter 17A.

25 Sec. 4. NEW SECTION. 162.17 CARE OF COMPANION  
 26 ANIMALS TRUST FUND.

27 A care of companion animals trust fund is created  
 28 in the state treasury under the authority of the  
 29 department.

30 1. The fund shall include moneys appropriated to  
 31 the fund from the general fund and any other moneys  
 32 available to and obtained or accepted by the  
 33 department from the federal government or private  
 34 sources for deposit in the fund.

35 2. Moneys in the fund are appropriated to the  
 36 department exclusively to pay the expenses of the  
 37 department in administering and enforcing this chapter  
 38 as necessary to ensure that persons who have been  
 39 issued certificates of registration or licenses by the  
 40 department comply with this chapter's requirements,  
 41 including rules adopted by the department.

42 3. The fund shall be separate from the general  
 43 fund of the state and shall not be considered part of  
 44 the general fund of the state. Notwithstanding  
 45 section 8.33, any unexpended balance in the fund at  
 46 the end of each fiscal year shall be retained in the  
 47 fund. Notwithstanding section 12C.7, any interest and  
 48 earnings on investments from money in the fund shall  
 49 be credited to the fund.

50 Sec. 5. CONTINGENT IMPLEMENTATION. The provisions

1 of this Act amending sections 162.11 and 162.12 shall  
 2 be implemented by the department of agriculture and  
 3 land stewardship only when the balance in the care of  
 4 companion animals trust fund created in section  
 5 162.17, as enacted in this Act, first has a balance of

6 one hundred fifty thousand dollars. Until that time  
 7 the provisions of sections 162.11 and 162.12 shall be  
 8 administered and enforced in the same manner as if  
 9 this Act had not been enacted. Within fifteen days  
 10 after the fund first has a balance of one hundred  
 11 fifty thousand dollars, the secretary of agriculture  
 12 shall publish a notice that sections 162.11 and  
 13 162.12, as amended by this Act, are being implemented  
 14 in the Iowa administrative bulletin. The secretary of  
 15 agriculture shall notify the Code editor of such  
 16 implementation during the same period."  
 17 2. Title page, line 3, by inserting after the  
 18 word "stewardship" the following: ", and providing  
 19 for contingent implementation".  
 20 3. By renumbering as necessary.

KUHN of Floyd  
 LYKAM of Scott

H-1316

1 Amend Senate File 344, as amended, passed, and  
 2 reprinted by the Senate, as follows:  
 3 1. Page 48, by inserting after line 32 the  
 4 following:  
 5 "DIVISION\_\_\_\_  
 6 EMINENT DOMAIN  
 7 Sec.\_\_\_\_. Section 6A.22, subsection 2, Code 2009,  
 8 is amended by adding the following new paragraph:  
 9 NEW PARAGRAPH. d. Notwithstanding paragraphs "a",  
 10 "b", and "c", "public use", "public purpose", or  
 11 "public improvement" does not include any project that  
 12 receives a state appropriation or that receives or is  
 13 awarded state funds or other funding by means of  
 14 incentives, as authorized pursuant to chapter 12, 15,  
 15 15A, 15E, 15F, 15G, or 16.  
 16 Sec.\_\_\_\_. EFFECTIVE DATE. This division of this  
 17 Act, being deemed of immediate importance, takes  
 18 effect upon enactment."  
 19 2. Title page, line 5, by inserting after the  
 20 word "program" the following: "and affecting the use  
 21 of eminent domain when state financial assistance is  
 22 involved and including an effective date provision".  
 23 3. By renumbering as necessary.

KAUFMANN of Cedar

H-1317

1 Amend Senate File 344, as amended, passed, and  
 2 reprinted by the Senate, as follows:  
 3 1. Page 19, line 33, by inserting after the word

4 "department." the following: "In considering  
5 applications for financial assistance under this  
6 component, the board shall give priority to projects  
7 that are ready to begin construction immediately."  
8 2. By renumbering as necessary.

KOESTER of Polk

H-1319

1 Amend Senate File 404, as amended, passed, and  
2 reprinted by the Senate, as follows:  
3 1. Page 1, line 20, by inserting after the word  
4 "governor" the following: "or secretary of  
5 agriculture, as specified".  
6 2. Page 1, line 23, by inserting after the word  
7 "production." the following: "Two individuals shall  
8 be appointed by the governor and one individual shall  
9 be appointed by the secretary of agriculture."  
10 3. Page 1, line 27, by inserting after the word  
11 "production." the following: "One individual shall be  
12 appointed by the governor and two individuals shall be  
13 appointed by the secretary of agriculture."  
14 4. Page 1, line 31, by inserting after the word  
15 "food." the following: "Both individuals shall be  
16 appointed by the governor."  
17 5. Page 1, line 33, by inserting after the word  
18 "consumers." the following: "The individual shall be  
19 appointed by the governor."  
20 6. Page 1, line 35, by inserting after the word  
21 "union" the following: "and one member representing  
22 the Iowa farm bureau federation. The two members  
23 representing the Iowa farmers union and the Iowa farm  
24 bureau federation shall be appointed by the governor  
25 and the third individual representing a farm  
26 organization shall be appointed by the secretary of  
27 agriculture".  
28 7. Page 2, line 2, by inserting after the word  
29 "association." the following: "The individual shall  
30 be appointed by the secretary of agriculture."  
31 8. Page 2, line 5, by inserting after the word  
32 "stewardship." the following: "The individual shall  
33 be appointed by the secretary of agriculture."  
34 9. Page 2, line 7, by inserting after the word  
35 "food." the following: "The individual shall be  
36 appointed by the governor."  
37 10. Page 2, line 9, by inserting after the word  
38 "access." the following: "Two individuals shall be  
39 appointed by the governor and two individuals shall be

40 appointed by the secretary of agriculture."

41 11. By renumbering as necessary.

DE BOEF of Keokuk  
SWEENEY of Hardin

H-1320

1 Amend the amendment, H-1293, to House File 420, as  
2 follows:

3 1. Page 1, by striking lines 5 and 6 and  
4 inserting the following: "state at the time within  
5 two years of such appointment or, within two years of  
6 the date employment begins, or within two years  
7 following completion of any applicable probationary  
8 period, whichever is latest, and shall remain a  
9 resident of the state during the remainder of".

10 2. Page 1, by inserting after line 7 the  
11 following:

12 "    . Page 3, line 16, by inserting after the  
13 word "employment." the following: "Each employee  
14 residing outside the state on the date of appointment  
15 or on the date employment begins shall take reasonable  
16 steps to become a resident of the state as soon as  
17 practicable following appointment or beginning of  
18 employment."

STRUYK of Pottawattamie

H-1323

1 Amend the amendment, H-1212, to House File 732, as  
2 follows:

3 1. Page 1, line 4, by striking the figure  
4 "279.60" and inserting the following: "279.54".

BAUDLER of Adair

H-1324

1 Amend Senate File 389, as amended, passed, and  
2 reprinted by the Senate, as follows:

3 1. By striking page 1, line 2, through page 20,  
4 line 27, and inserting the following:  
5 "IOWA CHOICE HEALTH CARE COVERAGE COUNCIL  
6 Section 1. Section 514E.1, subsections 15 and 22,  
7 Code 2009, are amended to read as follows:  
8 15. "Iowa choice health care coverage ~~advisory~~  
9 council" or "~~advisory council~~" "council" means the  
10 ~~advisory~~ council created in section 514E.6.  
11 22. "Qualified health care coverage" means  
12 creditable coverage which meets minimum standards of

13 quality and affordability ~~as determined by the~~  
14 ~~association by rule.~~  
15 Sec. 2. Section 514E.2, subsection 3, unnumbered  
16 paragraph 1, Code 2009, is amended to read as follows:  
17 The association shall submit to the commissioner a  
18 plan of operation for the association and any  
19 amendments necessary or suitable to assure the fair,  
20 reasonable, and equitable administration of the  
21 association. ~~The plan of operation shall include~~  
22 ~~provisions for the development of a comprehensive~~  
23 ~~health care coverage plan as provided in section~~  
24 ~~514E.5. In developing the comprehensive plan the~~  
25 ~~association shall give deference to the~~  
26 ~~recommendations made by the advisory council as~~  
27 ~~provided in section 514E.6, subsection 1. The~~  
28 ~~association shall approve or disapprove but shall not~~  
29 ~~modify recommendations made by the advisory council.~~  
30 ~~Recommendations that are approved shall be included in~~  
31 ~~the plan of operation submitted to the commissioner.~~  
32 ~~Recommendations that are disapproved shall be~~  
33 ~~submitted to the commissioner with reasons for the~~  
34 ~~disapproval.~~ The plan of operation becomes effective  
35 upon approval in writing by the commissioner prior to  
36 the date on which the coverage under this chapter must  
37 be made available. After notice and hearing, the  
38 commissioner shall approve the plan of operation if  
39 the plan is determined to be suitable to assure the  
40 fair, reasonable, and equitable administration of the  
41 association, and provides for the sharing of  
42 association losses, if any, on an equitable and  
43 proportionate basis among the member carriers. If the  
44 association fails to submit a suitable plan of  
45 operation within one hundred eighty days after the  
46 appointment of the board of directors, or if at any  
47 later time the association fails to submit suitable  
48 amendments to the plan, the commissioner shall adopt,  
49 pursuant to chapter 17A, rules necessary to implement  
50 this section. The rules shall continue in force until

Page 2

1 modified by the commissioner or superseded by a plan  
2 submitted by the association and approved by the  
3 commissioner. In addition to other requirements, the  
4 plan of operation shall provide for all of the  
5 following:  
6 Sec. 3. Section 514E.5, Code 2009, is amended by  
7 striking the section and inserting in lieu thereof the  
8 following:  
9 514E.5 IOWA HEALTH CARE COVERAGE PLANS – COVERAGE  
10 OF ALL CHILDREN – STUDY AND RECOMMENDATIONS REGARDING  
11 COMPREHENSIVE COVERAGE.

12 1. The Iowa choice health care coverage council,  
13 in collaboration with the Iowa Medicaid enterprise and  
14 the hawk-i board, shall consider options and make  
15 recommendations for a comprehensive health care  
16 coverage plan to provide health care coverage to all  
17 children without such coverage, that utilizes,  
18 modifies, and enhances existing public programs,  
19 including the medical assistance program and hawk-i  
20 program and maximizes the ability of the state to  
21 obtain federal funding and reimbursement for such  
22 programs.

23 a. The council shall consider options and make  
24 recommendations for the coordination of a children's  
25 health care network in the state that acts as a  
26 resource for consumers to transition seamlessly among  
27 public and private health care coverage options,  
28 including but not limited to medical assistance,  
29 hawk-i, and Iowa choice programs.

30 b. The council shall also consider options and  
31 make recommendations for providing access to private,  
32 unsubsidized, affordable, qualified health care  
33 coverage to children who are not otherwise eligible  
34 for health care coverage through public programs.

35 2. The council shall consider options and make  
36 recommendations for providing access to private,  
37 unsubsidized, affordable, qualified health care  
38 coverage to all Iowa children less than nineteen years  
39 of age with a family income that is more than three  
40 hundred percent of the federal poverty level and to  
41 adults and families with a family income that is up to  
42 four hundred percent of the federal poverty level who  
43 are not otherwise eligible for health care coverage  
44 through public programs.

45 a. The council shall consider options and make  
46 recommendations concerning what constitutes qualified  
47 health care coverage for adults and families who are  
48 not eligible for a public program.

49 b. The council shall consider options and make  
50 recommendations for a health care coverage program

Page 3

1 called Iowa choice which offers private qualified  
2 health care coverage with options to purchase at least  
3 three levels of benefits including a gold plan which  
4 offers a comprehensive benefits package, a silver plan  
5 which offers a medium benefits package, and a bronze  
6 plan which offers a basic benefits package. The  
7 council shall consider options and make  
8 recommendations for providing an array of benefits  
9 through the Iowa choice program that may include  
10 physical, mental, and dental health care coverages.



- 11 3. The council shall also consider options and  
 12 make recommendations to offer a program to provide  
 13 coverage under the state health or medical group  
 14 insurance plan to nonstate public employees, including  
 15 employees of counties, cities, schools, area education  
 16 agencies, and community colleges, and employees of  
 17 nonprofit employers and small employers and to pool  
 18 such employees with the state plan.
- 19 4. The council shall study the ramifications of  
 20 requiring each employer in the state with more than  
 21 ten employees to adopt and maintain a cafeteria plan  
 22 that satisfies section 125 of the Internal Revenue  
 23 Code of 1986.
- 24 5. As part of considering options and making  
 25 recommendations for a comprehensive health care  
 26 coverage plan, the council may collaborate with health  
 27 insurance carriers to do including but not limited to  
 28 the following:
- 29 a. Design solutions to issues relating to  
 30 guaranteed issuance of insurance, preexisting  
 31 condition exclusions, portability, and allowable  
 32 pooling and rating classifications.
  - 33 b. Formulate principles that ensure fair and  
 34 appropriate practices relating to issues involving  
 35 individual health care policies such as rescision and  
 36 preexisting condition clauses, and that provide for a  
 37 binding third-party review process to resolve disputes  
 38 related to such issues.
  - 39 c. Design affordable, portable health care  
 40 coverage options for low-income children, adults, and  
 41 families.
  - 42 d. Design a proposed premium schedule for health  
 43 care coverage options that are recommended by the  
 44 council which includes the development of rating  
 45 factors that are consistent with market conditions.
  - 46 e. Design protocols to limit the transfer from  
 47 employer-sponsored or other private health care  
 48 coverage to state-developed health care coverage  
 49 plans.
- 50 6. The council shall submit a report of its

Page 4

- 1 recommendations for a comprehensive health care  
 2 coverage plan to the commissioner for review and  
 3 comment and the commissioner shall forward the report  
 4 and such comments to the general assembly no later  
 5 than February 15, 2010. The comprehensive health care  
 6 coverage plan shall become effective only upon  
 7 approval by the general assembly.
- 8 Sec. 4. Section 514E.6, Code 2009, is amended to  
 9 read as follows:

10 514E.6 IOWA CHOICE HEALTH CARE COVERAGE ~~ADVISORY~~  
 11 COUNCIL.

12 1. The Iowa choice health care coverage ~~advisory~~  
 13 council is created for the purpose of ~~assisting the~~  
 14 ~~association with developing~~ considering the  
 15 recommending options to develop a comprehensive health  
 16 care coverage plan as provided in section 514E.5. The  
 17 ~~advisory~~ council shall consider options and make  
 18 recommendations concerning the design and  
 19 implementation of the comprehensive plan including but  
 20 not limited to a definition of what constitutes  
 21 qualified health care coverage, suggestions for the  
 22 design of health care coverage options, and  
 23 implementation of a health care coverage reporting  
 24 requirement.

25 2. The ~~advisory~~ council consists of the following  
 26 persons who are voting members unless otherwise  
 27 provided:

28 a. The two most recent former governors, or if one  
 29 or both of them are unable or unwilling to serve, a  
 30 person or persons appointed by the governor.

31 b. Seven members appointed by the director of  
 32 public health:

33 (1) A representative of the federation of Iowa  
 34 insurers.

35 (2) A health economist who resides in Iowa.

36 (3) Two consumers, one of whom shall be a  
 37 representative of a children's advocacy organization  
 38 and one of whom shall be a member of a minority.

39 (4) A representative of organized labor.

40 (5) A representative of an organization of  
 41 employers.

42 (6) A representative of the Iowa association of  
 43 health underwriters.

44 c. The following members shall be ex officio,  
 45 nonvoting members of the council:

46 (1) The commissioner of insurance, or a designee.

47 (2) The director of human services, or a designee.

48 (3) The director of public health, or a designee.

49 (4) Four members of the general assembly, one  
 50 appointed by the speaker of the house of

Page 5

1 representatives, one appointed by the minority leader  
 2 of the house of representatives, one appointed by the  
 3 majority leader of the senate, and one appointed by  
 4 the minority leader of the senate.

5 3. The members of the council appointed by the  
 6 director of public health shall be appointed for terms  
 7 of six years beginning and ending as provided in  
 8 section 69.19. Such a member of the board is eligible

9 for reappointment. The director shall fill a vacancy  
 10 for the remainder of the unexpired term.

11 4. The members of the council shall annually elect  
 12 one voting member as chairperson and one as vice  
 13 chairperson. Meetings of the council shall be held at  
 14 the call of the chairperson or at the request of a  
 15 majority of the council's members.

16 5. The members of the council shall not receive  
 17 compensation for the performance of their duties as  
 18 members but each member shall be paid necessary  
 19 expenses while engaged in the performance of duties of  
 20 the council. Any legislative member shall be paid the  
 21 per diem and expenses specified in section 2.10.

22 6. The members of the council are subject to and  
 23 are officials within the meaning of chapter 68B."

24 2. Page 21, line 18, by striking the word "In"  
 25 and inserting the following: "9. In".

26 3. Page 21, lines 18 and 19, by striking the  
 27 words and figures "subsections 1 through 7" and  
 28 inserting the following: "~~subsections 1 through 7~~  
 29 this section".

30 4. Page 26, by inserting after line 23 the  
 31 following:  
 32 "Sec. \_\_\_\_\_. Section 249A.3, subsection 14, Code  
 33 2009, is amended to read as follows:  
 34 14. Once initial ongoing eligibility for ~~the~~  
 35 ~~family medical assistance program related medical~~  
 36 ~~assistance~~ is determined for a child ~~described~~ under  
 37 ~~subsection 1, paragraph "b", "f", "g", "j", "k", "l",~~  
 38 ~~or "n" or under subsection 2, paragraph "e", "f", or~~  
 39 ~~"h" the age of nineteen~~, the department shall provide  
 40 continuous eligibility for a period of up to twelve  
 41 months regardless of changes in family circumstances,  
 42 until the child's next annual review of eligibility  
 43 under the medical assistance program, ~~if the child~~  
 44 ~~would otherwise be determined ineligible due to excess~~  
 45 ~~countable income but otherwise remains eligible with~~  
 46 the exception of the following children:  
 47 a. A newborn child of a medical  
 48 assistance-eligible woman.  
 49 b. A child whose eligibility was determined under  
 50 the medically needy program.

Page 6

1 c. A child who is eligible under a state-only  
 2 funded program.  
 3 d. A child who is no longer an Iowa resident.  
 4 e. A child who is incarcerated in a jail or other  
 5 correctional institution."

6 5. Page 30, line 13, by striking the word  
 7 "prior".

- 8 6. Page 31, by striking line 11 and inserting the  
 9 following: "amounts, and graduated premiums based on  
 10 a rationally developed sliding fee schedule, in  
 11 accordance with federal".
- 12 7. Page 35, by inserting after line 28 the  
 13 following:  
 14 "Sec.\_\_\_\_. EFFECTIVE DATE – RETROACTIVE  
 15 APPLICABILITY. The section of this division of this  
 16 Act amending section 249A.3, subsection 14, being  
 17 deemed of immediate importance, takes effect upon  
 18 enactment and is retroactively applicable to July 1,  
 19 2008."
- 20 8. Page 42, by striking lines 16 and 17 and  
 21 inserting the following: "interest or earnings on  
 22 moneys deposited in the fund or in the accounts within  
 23 the fund shall be credited to the fund or the accounts  
 24 within the fund, as applicable."
- 25 9. Page 44, line 17, by striking the words "and  
 26 a" and inserting the following: "and any".
- 27 10. Page 44, line 23, by striking the word  
 28 "purposes" and inserting the following: "purpose".
- 29 11. By striking page 53, line 23, through page  
 30 67, line 33, and inserting the following:  
 31 "DIVISION\_\_\_\_  
 32 HEALTH CARE TRANSPARENCY"
- 33 12. By striking page 68, line 14, through page  
 34 69, line 20.
- 35 13. Title page, line 2, by striking the words  
 36 "providing penalties,".
- 37 14. By renumbering as necessary.

## COMMITTEE ON HUMAN RESOURCES

H-1335

- 1 Amend Senate File 283, as passed by the Senate, as  
 2 follows:  
 3 1. By striking page 1, line 1, through page 3,  
 4 line 34, and inserting the following:  
 5 "Section 1. Section 46.12, unnumbered paragraph 1,  
 6 Code 2009, is amended to read as follows:  
 7 When a vacancy occurs or will occur within one  
 8 hundred twenty days in the supreme court, the court of  
 9 appeals, or district court, the state commissioner of  
 10 elections shall forthwith so notify the chairperson of  
 11 the proper judicial nominating commission unless the  
 12 chief justice has ordered the state commissioner of  
 13 elections to delay sending the notification for up to  
 14 one hundred eighty days for budgetary reasons. The  
 15 chairperson shall call a meeting of the commission  
 16 within ten days after such notice; if the chairperson  
 17 fails to do so, the chief justice shall call such

18 meeting."

19 2. By striking page 4, line 17, through page 6,  
20 line 17, and inserting the following:

21 "Sec.\_\_\_\_. Section 602.6304, subsections 2 and 3,  
22 Code 2009, are amended to read as follows:

23 2. In November of any year in which an impending  
24 vacancy is created because a district associate judge  
25 is not retained in office pursuant to a judicial  
26 election, the county magistrate appointing commission  
27 shall publicize notice of the vacancy in at least two  
28 publications in the official county newspaper. The  
29 commission shall accept applications for consideration  
30 for nomination as district associate judge for a  
31 minimum of fifteen days prior to certifying  
32 nominations. The commission shall consider the  
33 applications and shall, by majority vote, certify to  
34 the chief judge of the judicial district not later  
35 than December 15 of that year the names of three  
36 applicants who are nominated by the commission for the  
37 vacancy, unless the chief justice has ordered the  
38 commission to delay the certification of the nominees  
39 for up to one hundred eighty days for budgetary  
40 reasons. If there are three or fewer applicants the  
41 commission shall certify all applicants who meet the  
42 statutory qualifications. Nominees shall be chosen  
43 solely on the basis of the qualifications of the  
44 applicants, and political affiliation shall not be  
45 considered.

46 3. Within thirty days after a county magistrate  
47 appointing commission receives notification of an  
48 actual or impending vacancy in the office of district  
49 associate judge, other than a vacancy referred to in  
50 subsection 2, the commission shall certify to the

Page 2

1 chief judge of the judicial district the names of  
2 three applicants who are nominated by the commission  
3 for the vacancy, unless the chief justice has ordered  
4 the commission to delay the certification of the  
5 nominees for up to one hundred eighty days for  
6 budgetary reasons. The commission shall publicize  
7 notice of the vacancy in at least two publications in  
8 the official county newspaper. The commission shall  
9 accept applications for consideration for nomination  
10 as district associate judge for a minimum of fifteen  
11 days prior to certifying nominations. The commission  
12 shall consider the applications and shall, by majority  
13 vote, certify to the chief judge of the judicial  
14 district the names of three applicants who are  
15 nominated by the commission for the vacancy. If there  
16 are three or fewer applicants the commission shall

17 certify all applicants who meet the statutory  
 18 qualifications. Nominees shall be chosen solely on  
 19 the basis of the qualifications of the applicants, and  
 20 political affiliation shall not be considered. As  
 21 used in this subsection, a vacancy is created by the  
 22 death, retirement, resignation, or removal of a  
 23 district associate judge, or by an increase in the  
 24 number of positions authorized."

25 3. By striking page 6, line 26, through page 12,  
 26 line 30, and inserting the following:  
 27 "Sec.\_\_\_\_. Section 602.7103B, subsections 2 and 3,  
 28 Code 2009, are amended to read as follows:

29 2. In November of any year in which an impending  
 30 vacancy is created because a full-time associate  
 31 juvenile judge is not retained in office pursuant to a  
 32 judicial election, the county magistrate appointing  
 33 commission shall publicize notice of the vacancy in at  
 34 least two publications in the official county  
 35 newspaper. The commission shall accept applications  
 36 for consideration for nomination as full-time  
 37 associate juvenile judge for a minimum of fifteen days  
 38 prior to certifying nominations. The commission shall  
 39 consider the applications and shall, by majority vote,  
 40 certify to the chief judge of the judicial district  
 41 not later than December 15 of that year the names of  
 42 three applicants who are nominated by the commission  
 43 for the vacancy, unless the chief justice has ordered  
 44 the commission to delay the certification of the  
 45 nominees for up to one hundred eighty days for  
 46 budgetary reasons. If there are three or fewer  
 47 applicants, the commission shall certify all  
 48 applicants who meet the statutory qualifications.  
 49 Nominees shall be chosen solely on the basis of the  
 50 qualifications of the applicants, and political

Page 3

1 affiliation shall not be considered.

2 3. Within thirty days after a county magistrate  
 3 appointing commission receives notification of an  
 4 actual or impending vacancy in the office of full-time  
 5 associate juvenile judge, other than a vacancy  
 6 referred to in subsection 2, the commission shall  
 7 certify to the chief judge of the judicial district  
 8 the names of three applicants who are nominated by the  
 9 commission for the vacancy, unless the chief justice  
 10 has ordered the commission to delay the certification  
 11 of the nominees for up to one hundred eighty days for  
 12 budgetary reasons. The commission shall publicize  
 13 notice of the vacancy in at least two publications in  
 14 the official county newspaper. The commission shall  
 15 accept applications for consideration for nomination

16 as full-time associate juvenile judge for a minimum of  
 17 fifteen days prior to certifying nominations. The  
 18 commission shall consider the applications and shall,  
 19 by majority vote, certify to the chief judge of the  
 20 judicial district the names of three applicants who  
 21 are nominated by the commission for the vacancy. If  
 22 there are three or fewer applicants, the commission  
 23 shall certify all applicants who meet the statutory  
 24 qualifications. Nominees shall be chosen solely on  
 25 the basis of the qualifications of the applicants, and  
 26 political affiliation shall not be considered. As  
 27 used in this subsection, a vacancy is created by the  
 28 death, retirement, resignation, or removal of a  
 29 full-time associate juvenile judge, or by an increase  
 30 in the number of positions authorized.

31 Sec.\_\_\_\_. Section 633.20B, subsections 2 and 3,  
 32 Code 2009, are amended to read as follows:

33 2. In November of any year in which an impending  
 34 vacancy is created because a full-time associate  
 35 probate judge is not retained in office pursuant to a  
 36 judicial election, the county magistrate appointing  
 37 commission shall publicize notice of the vacancy in at  
 38 least two publications in the official county  
 39 newspaper. The commission shall accept applications  
 40 for consideration for nomination as full-time  
 41 associate probate judge for a minimum of fifteen days  
 42 prior to certifying nominations. The commission shall  
 43 consider the applications and shall, by majority vote,  
 44 certify to the chief judge of the judicial district  
 45 not later than December 15 of that year the names of  
 46 three applicants who are nominated by the commission  
 47 for the vacancy, unless the chief justice has ordered  
 48 the commission to delay the certification of the  
 49 nominees for up to one hundred eighty days for  
 50 budgetary reasons. If there are three or fewer

Page 4

1 applicants, the commission shall certify all  
 2 applicants who meet the statutory qualifications.  
 3 Nominees shall be chosen solely on the basis of the  
 4 qualifications of the applicants, and political  
 5 affiliation shall not be considered.

6 3. Within thirty days after a county magistrate  
 7 appointing commission receives notification of an  
 8 actual or impending vacancy in the office of full-time  
 9 associate probate judge, other than a vacancy referred  
 10 to in subsection 2, the commission shall certify to  
 11 the chief judge of the judicial district the names of  
 12 three applicants who are nominated by the commission  
 13 for the vacancy, unless the chief justice has ordered  
 14 the commission to delay the certification of the

15 nominees for up to one hundred eighty days for  
 16 budgetary reasons. The commission shall publicize  
 17 notice of the vacancy in at least two publications in  
 18 the official county newspaper. The commission shall  
 19 accept applications for consideration for nomination  
 20 as full-time associate probate judge for a minimum of  
 21 fifteen days prior to certifying nominations. The  
 22 commission shall consider the applications and shall,  
 23 by majority vote, certify to the chief judge of the  
 24 judicial district the names of three applicants who  
 25 are nominated by the commission for the vacancy. If  
 26 there are three or fewer applicants, the commission  
 27 shall certify all applicants who meet the statutory  
 28 qualifications. Nominees shall be chosen solely on  
 29 the basis of the qualifications of the applicants, and  
 30 political affiliation shall not be considered. As  
 31 used in this subsection, a vacancy is created by the  
 32 death, retirement, resignation, or removal of a  
 33 full-time associate probate judge, or by an increase  
 34 in the number of positions authorized.

35 Sec.\_\_\_\_. JUDICIAL OFFICER – VOLUNTARY FURLOUGHS.

36 Notwithstanding the annual salary rates for judicial  
 37 officers established by 2008 Iowa Acts, chapter 1191,  
 38 section 11, for the fiscal period beginning July 1,  
 39 2008, and ending June 30, 2010, a judicial officer may  
 40 voluntarily agree to be furloughed on any day  
 41 employees of the judicial branch are furloughed. If a  
 42 judicial officer voluntarily agrees to be furloughed  
 43 on a specific date, the judicial officer shall notify  
 44 the state court administrator of the furlough date.  
 45 If a judicial officer voluntarily agrees to be  
 46 furloughed, the salary of the judicial officer shall  
 47 be reduced accordingly for the pay period in which the  
 48 furlough date occurred in the same manner as for  
 49 noncontract employees of the judicial branch. Through  
 50 the course of the fiscal period, the judicial branch

Page 5

1 may use an amount equal to the aggregate amount of  
 2 salary reductions due to voluntary judicial officer  
 3 furloughs for any purpose other than for judicial  
 4 salaries.

5 Sec.\_\_\_\_. EFFECTIVE DATE. The section of this Act  
 6 permitting voluntary judicial officer furloughs, being  
 7 deemed of immediate importance, takes effect upon  
 8 enactment."

9 4. Title page, by striking lines 1 and 2 and  
 10 inserting the following: "An Act relating to the



11 appointment of judicial officers, providing an  
12 effective date, and providing for".

## COMMITTEE ON JUDICIARY

H-1338

1 Amend Senate File 281, as passed by the Senate, as  
2 follows:  
3 1. Page 1, line 11, by inserting after the word  
4 "memorial." the following: "The report should also  
5 include an estimate of the cost to place a replica of  
6 the Iowa memorial in Valley Forge at the Iowa veterans  
7 cemetery."

## COMMITTEE ON VETERANS AFFAIRS

H-1341

1 Amend the amendment, H-1329, to Senate File 419, as  
2 passed by the Senate, as follows:  
3 1. Page 1, by inserting after line 47 the  
4 following:  
5 "\_\_\_ . By striking page 23, line 34, through page  
6 24, line 23.  
7 \_\_\_\_ . Title page, by striking line 5."

## RANTS of Woodbury

H-1345

1 Amend Senate File 415, as amended, passed, and  
2 reprinted by the Senate, as follows:  
3 1. Page 1, by inserting before line 1 the  
4 following:  
5 "Section 1. Section 6A.22, subsection 2, paragraph  
6 c, subparagraph (1), Code 2009, is amended to read as  
7 follows:  
8 (1) (a) If private property is to be condemned  
9 for development or creation of a lake, only that  
10 number of acres justified as reasonable and necessary  
11 for a surface drinking water source, and not otherwise  
12 acquired, may be condemned. ~~In addition~~ Prior to  
13 making a determination that such a lake development or  
14 creation is reasonable and necessary, the acquiring  
15 agency shall ~~conduct a review of~~ demonstrate by clear  
16 and convincing evidence that no other prudent and  
17 feasible ~~alternatives to~~ alternative for provision of  
18 a drinking water source ~~prior to making a~~  
19 determination that such lake development or creation  
20 is reasonable and necessary exists. Development or  
21 creation of a lake as a surface drinking water source

22 includes all of the following:

23 (i) Construction of the dam, including sites for  
24 suitable borrow material and the auxiliary spillway.

25 (ii) The water supply pool.

26 (iii) The sediment pool.

27 (iv) The flood control pool.

28 (v) The floodwater retarding pool.

29 (vi) The surrounding area upstream of the dam no  
30 higher in elevation than the top of the dam's  
31 elevation.

32 (vii) The appropriate setback distance required by  
33 state or federal laws and regulations to protect  
34 drinking water supply.

35 (b) For purposes of this subparagraph (1), "number  
36 of acres justified as reasonable and necessary for a  
37 surface drinking water source" means according to  
38 guidelines of the United States natural resource  
39 conservation service and according to analyses of  
40 surface drinking water capacity needs conducted by one  
41 or more registered professional engineers using  
42 standards alternative to the federal guidelines. Any  
43 guidelines or analyses related to future drinking  
44 water capacity needs shall be based on the current  
45 rate of drinking water usage in the area to be served  
46 by the surface drinking water source.

47 (c) Guidelines relating to drinking water capacity  
48 needs in time of drought shall not be used in any  
49 analysis performed pursuant to this subparagraph (1).  
50 An analysis performed pursuant to this subparagraph

Page 2

1 (1) shall include information on groundwater resources  
2 in the area and the potential for the use of such  
3 resources to meet drinking water capacity needs.

4 (d) A second review or analysis may be requested  
5 by any landowner affected by the proposed condemnation  
6 action, and the engineer shall be selected by a  
7 committee of private landowners affected by the  
8 proposed condemnation action. The acquiring agency  
9 shall be responsible for paying the fees and expenses  
10 of such an engineer.

11 (e) A landowner affected by the proposed  
12 condemnation action may request a public hearing  
13 regarding the influence of a federal agency on the  
14 lake creation or development project, on the proposed  
15 condemnation actions related to the project, and on  
16 the use of federal guidelines in analyzing drinking  
17 water capacity needs. The hearing shall be conducted  
18 by a person who is not involved with the lake creation  
19 or development, and the services of such person in  
20 conducting the hearing shall be paid by the acquiring

21 agency."

22 2. Page 1, line 4, by inserting after the figure  
23 "657A.10A," the following: "and notwithstanding  
24 chapters 6A and 6B,".

25 3. Page 4, by inserting after line 14 the  
26 following:

27 "Sec. \_\_\_\_\_. EFFECTIVE DATE. The section of this  
28 Act amending section 6A.22, being deemed of immediate  
29 importance, takes effect upon enactment and applies to  
30 projects or condemnation proceedings pending or  
31 commenced on or after that date."

32 4. Title page, line 2, by inserting after the  
33 word "years" the following: "and to the acquisition  
34 of property through condemnation for certain lake  
35 projects, and including effective date and  
36 applicability date provisions".

37 5. By renumbering as necessary.

KAUFMANN of Cedar

H-1346

1 Amend Senate File 415, as amended, passed, and  
2 reprinted by the Senate, as follows:

3 1. Page 1, by inserting before line 1 the  
4 following:

5 "Section 1. Section 6A.1, Code 2009, is amended to  
6 read as follows:

7 6A.1 EXERCISE OF POWER BY STATE.

8 1. Proceedings may be instituted and maintained by  
9 the state of Iowa, or for the use and benefit thereof,  
10 for the condemnation of such private property as may  
11 be necessary for any public improvement which the  
12 general assembly has authorized to be undertaken by  
13 the state, and for which an available appropriation  
14 has been made. The executive council shall institute  
15 and maintain such proceedings in case authority to so  
16 do be not otherwise delegated.

17 2. All proceedings instituted and maintained by  
18 the state of Iowa shall not commence without the  
19 signed authorization of the governor.

20 3. The condemnation authority granted in this  
21 section shall not extend to the department of natural  
22 resources if the department is seeking to acquire real  
23 property for purposes of carrying out a duty related  
24 to development and maintenance of the recreation  
25 resources of the state, including planning,  
26 acquisition, and development of recreational projects,  
27 and areas and facilities related to such projects,  
28 notwithstanding any provisions to the contrary.

29 Sec. 2. Section 455A.5, Code 2009, is amended by  
30 adding the following new subsection:

31 NEW SUBSECTION. 7. The authority granted the  
 32 commission to acquire real property for purposes of  
 33 carrying out a duty related to development and  
 34 maintenance of the recreation resources of the state,  
 35 including planning, acquisition, and development of  
 36 recreational projects, and areas and facilities  
 37 related to such projects, shall not extend to the  
 38 authority to acquire land by eminent domain.

39 Sec. 3. Section 456A.24, subsection 2, unnumbered  
 40 paragraph 1, Code 2009, is amended to read as follows:

41 Acquire by purchase, ~~condemnation~~, lease,  
 42 agreement, gift, and devise lands or waters suitable  
 43 for the purposes hereinafter enumerated, and  
 44 rights-of-way thereto, and to maintain the same for  
 45 the following purposes, ~~to-wit~~:

46 Sec. 4. Section 456A.24, Code 2009, is amended by  
 47 adding the following new subsection:

48 NEW SUBSECTION. 15. The authority granted the  
 49 department to acquire real property for any statutory  
 50 purpose relating to development and maintenance of the

Page 2

1 recreation resources of the state, including planning,  
 2 acquisition, and development of recreational projects,  
 3 and areas and facilities related to such projects,  
 4 shall not extend to the authority to acquire land by  
 5 eminent domain.

6 Sec. 5. Section 461A.7, Code 2009, is amended to  
 7 read as follows:

8 461A.7 EMINENT DOMAIN PURCHASE OF LANDS – PUBLIC  
 9 PARKS.

10 The commission may purchase ~~or condemn~~ lands from  
 11 willing sellers for public parks. ~~No~~ A contract for  
 12 the purchase of such public parks shall not be made to  
 13 an amount in excess of funds appropriated therefor by  
 14 the general assembly.

15 Sec. 6. Section 461A.10, Code 2009, is amended to  
 16 read as follows:

17 461A.10 TITLE TO LANDS.

18 The title to all lands purchased, ~~condemned~~, or  
 19 donated, hereunder, for park ~~or highway~~ purposes and  
 20 the title to all lands purchased, condemned, or  
 21 donated hereunder for highway purposes, shall be taken  
 22 in the name of the state and if thereafter it shall be  
 23 deemed advisable to sell any portion of the land so  
 24 purchased or condemned, the proceeds of such sale  
 25 shall be placed to the credit of the said public state  
 26 parks fund to be used for such park purposes.

27 Sec. 7. Section 463C.8, subsection 1, paragraph k,  
 28 Code 2009, is amended to read as follows:

29 k. The power to acquire, own, hold, administer,

30 and dispose of property, except that such power is not  
 31 a grant of authority to acquire property by eminent  
 32 domain.

33 Sec. 8. Sections 461A.9 and 461A.75, Code 2009,  
 34 are repealed."

35 2. Page 1, line 4, by inserting after the figure  
 36 "657A.10A," the following: "and notwithstanding  
 37 chapters 6A and 6B,".

38 3. Page 4, by inserting after line 14 the  
 39 following:

40 "Sec. \_\_\_\_ EFFECTIVE DATE. The sections of this  
 41 Act amending sections 6A.1, 455A.5, 456A.24, 461A.7,  
 42 461A.10, and 463C.8, and repealing sections 461A.9 and  
 43 461A.75, being deemed of immediate importance, take  
 44 effect upon enactment."

45 4. Title page, line 2, by inserting after the  
 46 word "years" the following: "and to the authority and  
 47 proceedings to acquire property through condemnation  
 48 by the state, and providing an effective date".

49 5. By renumbering as necessary.

GRASSLEY of Butler

H-1347

1 Amend Senate File 415, as amended, passed, and  
 2 reprinted by the Senate, as follows:

3 1. Page 1, by inserting before line 1 the  
 4 following:

5 "Section 1. Section 6A.22, subsection 2, paragraph  
 6 c, subparagraph (1), Code 2009, is amended to read as  
 7 follows:

8 (1) (a) If private property is to be condemned for  
 9 development or creation of a lake, only that number of  
 10 acres justified as reasonable and necessary for a  
 11 surface drinking water source, and not otherwise  
 12 acquired, may be condemned. ~~In addition~~ Prior to  
 13 making a determination that such lake development or  
 14 creation is reasonable and necessary, the acquiring  
 15 agency shall ~~conduct a review of~~ demonstrate by clear  
 16 and convincing evidence that no other prudent and  
 17 feasible ~~alternatives to~~ alternative for provision of  
 18 a drinking water source ~~prior to making a~~  
 19 determination that such lake development or creation  
 20 is reasonable and necessary exists. Development or  
 21 creation of a lake as a surface drinking water source  
 22 includes all of the following:

- 23 (i) Construction of the dam, including sites for
- 24 suitable borrow material and the auxiliary spillway.
- 25 (ii) The water supply pool.
- 26 (iii) The sediment pool.
- 27 (iv) The flood control pool.

- 28 (v) The floodwater retarding pool.
- 29 (vi) The surrounding area upstream of the dam no  
30 higher in elevation than the top of the dam's  
31 elevation.
- 32 (vii) The appropriate setback distance required by  
33 state or federal laws and regulations to protect  
34 drinking water supply.
- 35 (b) For purposes of this subparagraph (1), "number  
36 of acres justified as reasonable and necessary for a  
37 surface drinking water source" means according to  
38 guidelines of the United States natural resource  
39 conservation service and according to analyses of  
40 surface drinking water capacity needs conducted by one  
41 or more registered professional engineers. However,  
42 any guidelines or analyses related to future water  
43 capacity needs or water capacity needs in time of  
44 drought shall be based on the current rate of drinking  
45 water usage in the area to be served by the surface  
46 drinking water source.
- 47 (c) In making determinations required under this  
48 subparagraph (1), any reviews or analyses conducted by  
49 an engineer shall be conducted by a registered  
50 professional engineer selected by a committee of

Page 2

- 1 private landowners affected by the proposed  
2 condemnation action. The acquiring agency shall be  
3 responsible for paying the fees and expenses of an  
4 engineer whose services are retained pursuant to this  
5 subparagraph (1).
- 6 Sec. 2. Section 6A.24, subsection 3, Code 2009, is  
7 amended to read as follows:
- 8 3. For any action brought under this section, the  
9 burden of proof shall be on the acquiring agency to  
10 prove by ~~a preponderance of the~~ clear and convincing  
11 evidence that the finding of public use, public  
12 purpose, or public improvement meets the definition of  
13 those terms. If a property owner or a contract  
14 purchaser of record or a tenant occupying the property  
15 under a recorded lease prevails in an action brought  
16 under this section, the acquiring agency shall be  
17 required to pay the costs, including reasonable  
18 attorney fees, of the adverse party.
- 19 Sec. 3. Section 6B.54, subsection 10, paragraph a,  
20 Code 2009, is amended by adding the following new  
21 subparagraph:
- 22 NEW SUBPARAGRAPH. (3) Reasonable attorney fees  
23 and reasonable costs not to exceed one hundred  
24 thousand dollars, including expert witness fees and  
25 fees relating to appraisal of the property, not  
26 otherwise provided under section 6B.33.

27 Sec. 4. Section 316.4, subsection 1, Code 2009, is  
28 amended to read as follows:

29 1. If a program or project undertaken by a  
30 displacing agency will result in the displacement of a  
31 person, the displacing agency shall make a payment to  
32 the displaced person, upon proper application as  
33 approved by the displacing agency, for actual  
34 reasonable and necessary expenses incurred in moving  
35 the person, the person's family, business, farm  
36 operation, or other personal property subject to rules  
37 and limits established by the department. The payment  
38 may also provide for actual direct losses of tangible  
39 personal property, purchase of substitute personal  
40 property, business reestablishment expenses, storage  
41 expenses, and expenses incurred in searching for a  
42 replacement business or farm. If relocation of a  
43 business or farm operation is not economically  
44 feasible, the displaced person may also apply for  
45 payment of the loss of existing business relationships  
46 because of the inability to relocate the business or  
47 farm operation to a location similar in economic  
48 advantage to the location from which the business or  
49 farm operation was moved.

50 Sec. 5. Section 364.4, subsection 1, paragraph a,

Page 3

1 unnumbered paragraph 1, Code 2009, is amended to read  
2 as follows:

3 Acquire, hold, and dispose of property outside the  
4 city in the same manner as within. However, the power  
5 of a city to acquire property outside the city does  
6 not include the power to acquire property outside the  
7 city by eminent domain, except if viable alternatives  
8 do not exist within the city and the acquisition of  
9 the property is necessary for the following, subject  
10 to the provisions of chapters 6A and 6B:

11 Sec. 6. Section 403.7, subsection 1, unnumbered  
12 paragraph 1, Code 2009, is amended to read as follows:  
13 A municipality shall have the right to acquire by  
14 condemnation any interest in real property, including  
15 a fee simple title thereto, which it may deem  
16 necessary for or in connection with an urban renewal  
17 project under this chapter, subject to the limitations  
18 on eminent domain authority in ~~chapter~~ chapters 6A and  
19 6B. However, a municipality shall not condemn  
20 agricultural land included within an economic  
21 development area for any use unless the owner of the  
22 agricultural land consents to condemnation or unless  
23 ~~the municipality determines that the land is necessary~~  
24 ~~or useful~~ viable alternatives to the condemnation of  
25 agricultural land do not exist and the acquisition of

26 the property is necessary for any of the following:"  
 27 2. Page 1, line 4, by inserting after the figure  
 28 "657A.10A," the following: "and notwithstanding  
 29 chapters 6A and 6B,".  
 30 3. Page 4, by inserting after line 14 the  
 31 following:  
 32 "Sec. \_\_\_\_\_. EFFECTIVE DATE. The sections of this  
 33 Act amending sections 6A.22, 6A.24, 6B.54, 316.4,  
 34 364.4, and 403.7, being deemed of immediate  
 35 importance, take effect upon enactment and apply to  
 36 projects or condemnation proceedings pending or  
 37 commenced on or after that date."  
 38 4. Title page, line 2, by inserting after the  
 39 word "years" the following: "and to the authority and  
 40 proceedings to acquire property through condemnation,  
 41 and including effective date and applicability date  
 42 provisions".  
 43 5. By renumbering as necessary.

TYMESON of Madison

H-1348

1 Amend Senate File 415, as amended, passed, and  
 2 reprinted by the Senate, as follows:  
 3 1. Page 4, by inserting after line 14 the  
 4 following:  
 5 "11. The city shall reimburse the property owner  
 6 for all attorney fees and costs incurred as a result  
 7 of a petition filed under this section and determined  
 8 by the court to be fair and reasonable. The property  
 9 owner shall submit an application for reimbursement to  
 10 the court within ninety days of the conclusion of the  
 11 action. If title of the property is awarded to the  
 12 city, the city shall also reimburse the owner for the  
 13 expenses the owner incurred for recording fees,  
 14 penalty costs for full or partial prepayment of any  
 15 preexisting recorded mortgage entered into in good  
 16 faith encumbering the property, and for other expenses  
 17 incidental to conveying the property to the acquiring  
 18 agency. The city shall also reimburse the property  
 19 owner for all costs occasioned by an appeal, including  
 20 reasonable attorney fees."

TYMESON of Madison

H-1349

1 Amend Senate File 415, as amended, passed, and  
 2 reprinted by the Senate, as follows:  
 3 1. Page 1, line 14 by inserting after the word  
 4 "nuisance," the following: "that satisfies all the



5 requirements of subsection 7,".

6 2. By striking page 2, line 34, through page 3,  
7 line 22, and inserting the following:

8 "7. A disaster-affected abandoned building shall  
9 satisfy all of the following:

10 a. Property taxes or special assessments on the  
11 property were delinquent at the time the petition was  
12 filed.

13 b. Utilities are not currently being provided to  
14 the property.

15 c. The building is currently unoccupied by the  
16 owner or lessees or licensees of the owner.

17 d. The building fails to meet the city's housing  
18 code for being fit for human habitation, occupancy, or  
19 use.

20 e. The property is deteriorating as a result of  
21 exposure to the elements.

22 f. The building is boarded up.

23 g. Past efforts to rehabilitate the property have  
24 been unsuccessful.

25 h. Vermin, accumulation of debris, and uncut  
26 vegetation are present on the property.

27 i. Other public nuisance conditions exist on the  
28 property.

29 j. The property owner failed to comply with orders  
30 of the local housing official.

31 k. The property is located within a census tract  
32 in which ninety percent or more of the census tract  
33 area consists of property in a slum or blighted  
34 condition, as defined in section 6A.22."

KAUFMANN of Cedar

H-1350

1 Amend Senate File 415, as amended, passed, and  
2 reprinted by the Senate, as follows:

3 1. Page 1, by inserting before line 1 the  
4 following:

5 "Section 1. Section 6A.22, subsection 2, Code  
6 2009, is amended by adding the following new  
7 paragraph:

8 NEW PARAGRAPH. d. Notwithstanding paragraphs "a",  
9 "b", and "c", "public use", "public purpose", or  
10 "public improvement" does not include any project that  
11 receives a state appropriation or that receives or is  
12 awarded state funds or other funding by means of  
13 incentives, as authorized pursuant to chapter 12, 15,  
14 15A, 15E, 15F, 15G, or 16."

15 2. Page 1, line 4, by inserting after the figure  
16 "657A.10A," the following: "and notwithstanding  
17 chapters 6A and 6B,".

- 18 3. Page 4, by inserting after line 14 the  
 19 following:  
 20 "Sec.\_\_\_\_. EFFECTIVE DATE. The section of this  
 21 Act amending section 6A.22, being deemed of immediate  
 22 importance, takes effect upon enactment."  
 23 4. Title page, line 2, by inserting after the  
 24 word "years" the following: "and to the purposes for  
 25 which property may be acquired through condemnation,  
 26 and providing an effective date".  
 27 5. By renumbering as necessary.

KAUFMANN of Cedar

H-1351

- 1 Amend Senate File 415, as amended, passed, and  
 2 reprinted by the Senate, as follows:  
 3 1. Page 1, by inserting before line 1 the  
 4 following:  
 5 "Section 1. NEW SECTION. 6A.15 PROPERTY ON STATE  
 6 HISTORIC REGISTRY.  
 7 Property listed on the state register of historic  
 8 places maintained by the historical division of the  
 9 department of cultural affairs shall not be removed  
 10 from the register solely for the purpose of allowing  
 11 acquisition of the property by condemnation.  
 12 Sec. 2. Section 6A.24, subsection 3, Code 2009, is  
 13 amended to read as follows:  
 14 3. For any action brought under this section, the  
 15 burden of proof shall be on the acquiring agency to  
 16 prove by ~~a preponderance of the~~ clear and convincing  
 17 evidence that the finding of public use, public  
 18 purpose, or public improvement meets the definition of  
 19 those terms. If a property owner or a contract  
 20 purchaser of record or a tenant occupying the property  
 21 under a recorded lease prevails in an action brought  
 22 under this section, the acquiring agency shall be  
 23 required to pay the costs, including reasonable  
 24 attorney fees, of the adverse party.  
 25 Sec. 3. Section 6B.2C, Code 2009, is amended to  
 26 read as follows:  
 27 6B.2C APPROVAL OF THE PUBLIC IMPROVEMENT.  
 28 The authority to condemn is not conferred, and the  
 29 condemnation proceedings shall not commence, unless  
 30 the governing body for the acquiring agency ~~approves,~~  
 31 by resolution, declares that adequate funding for the  
 32 public improvement has been secured, that the use of  
 33 condemnation for the public improvement is approved,  
 34 and that there is a reasonable expectation the  
 35 applicant will be able to achieve its public purpose,  
 36 comply with all applicable standards, and obtain the  
 37 necessary permits.  
 38 Sec. 4. NEW SECTION. 68B.9 BAN ON CERTAIN

39 LOBBYING ACTIVITIES ON BEHALF OF POLITICAL  
40 SUBDIVISIONS.

41 A political subdivision that collects and expends  
42 property taxes shall not use public funds of any kind  
43 to pay a person, organization, or other entity to act  
44 as a lobbyist in relation to any legislation relating  
45 specifically to eminent domain authority or  
46 condemnation procedures.

47 Sec. 5. Section 316.4, subsection 1, Code 2009, is  
48 amended to read as follows:

49 1. If a program or project undertaken by a  
50 displacing agency will result in the displacement of a

Page 2

1 person, the displacing agency shall make a payment to  
2 the displaced person, upon proper application as  
3 approved by the displacing agency, for actual  
4 reasonable and necessary expenses incurred in moving  
5 the person, the person's family, business, farm  
6 operation, or other personal property subject to rules  
7 and limits established by the department. The payment  
8 may also provide for actual direct losses of tangible  
9 personal property, purchase of substitute personal  
10 property, business reestablishment expenses, storage  
11 expenses, and expenses incurred in searching for a  
12 replacement business or farm. If relocation of a  
13 business or farm operation is not economically  
14 feasible, the displaced person may also apply for  
15 payment of the loss of existing business relationships  
16 because of the inability to relocate the business or  
17 farm operation to a location similar in economic  
18 advantage to the location from which the business or  
19 farm operation was displaced."

20 2. Page 1, line 4, by inserting after the figure  
21 "657A.10A," the following: "and notwithstanding  
22 chapters 6A and 6B,".

23 3. Page 4, by inserting after line 14 the  
24 following:

25 "Sec. 6. EFFECTIVE AND APPLICABILITY DATES. The  
26 sections of this Act amending sections 6A.15, 6A.24,  
27 6B.2C, 68B.9, and 316.4, being deemed of immediate  
28 importance, take effect upon enactment and apply to  
29 projects or condemnation proceedings pending or  
30 commenced on or after that date."

31 4. Title page, line 2, by inserting after the  
32 word "years" the following: ", placing restrictions  
33 and requirements on the authority to acquire property  
34 through condemnation, and including effective date and

35 applicability date provisions".

36 5. By renumbering as necessary.

TYMESON of Madison

H-1352

1 Amend Senate File 415, as amended, passed, and  
2 reprinted by the Senate, as follows:

3 1. Page 1, by inserting before line 1 the  
4 following:

5 "Section 1. Section 6B.14, subsection 2, Code  
6 2009, is amended to read as follows:

7 2. Prior to the meeting of the commission, the  
8 commission or a commissioner shall not communicate  
9 with the applicant, property owner, or tenant, or  
10 their agents, regarding the condemnation proceedings.  
11 The commissioners shall meet in open session to view  
12 the property and to receive evidence, ~~but may and~~  
13 shall deliberate and vote in closed open session.

14 ~~When deliberating in closed session, the meeting is~~  
15 ~~closed to all persons who are not commissioners except~~  
16 ~~for personnel from the sheriff's office if such~~  
17 ~~personnel is requested by the commission. After~~  
18 ~~deliberations commence, the commission and each~~  
19 ~~commissioner is prohibited from communicating with any~~  
20 ~~party to the proceeding unless such communication~~  
21 ~~occurs in the presence of or with the consent of the~~  
22 ~~property owner and the other parties who appeared~~  
23 ~~before the commission or their agents. However, if~~  
24 ~~the commission is deliberating in closed session, and~~  
25 ~~after deliberations commence the commission requires~~  
26 ~~further information from a party or a witness, the~~  
27 ~~commission shall notify the property owner and the~~  
28 ~~acquiring agency that they are allowed to attend the~~  
29 ~~meeting at which such additional information shall be~~  
30 ~~provided but only for that period of time during which~~  
31 ~~the additional information is being provided. The~~  
32 ~~property owner and the acquiring agency shall be given~~  
33 ~~a reasonable opportunity to attend the meeting. The~~  
34 ~~commission shall keep minutes of all its meetings~~  
35 ~~showing the date, time, and place, the members~~  
36 ~~present, and the action taken at each meeting. The~~  
37 ~~minutes shall show the results of each vote taken and~~  
38 ~~information sufficient to indicate the vote of each~~  
39 ~~member present. The vote of each member present shall~~  
40 ~~be made public at the open session. The minutes shall~~  
41 ~~be public records open to public inspection."~~

42 2. Page 1, line 4, by inserting after the figure  
43 "657A.10A," the following: "and notwithstanding  
44 chapters 6A and 6B,".

45 3. Page 4, by inserting after line 14 the

46 following:

47 "Sec. \_\_\_\_\_. EFFECTIVE DATE. The section of this  
48 Act amending section 6B.14, being deemed of immediate  
49 importance, takes effect upon enactment."

50 4. Title page, line 2, by inserting after the

Page 2

1 word "years" the following: "and to the deliberations  
2 of a compensation commission during proceedings to  
3 acquire property through condemnation, and including  
4 an effective date provision".

5 5. By renumbering as necessary.

TYMESON of Madison

H-1353

1 Amend Senate File 415, as amended, passed, and  
2 reprinted by the Senate, as follows:

3 1. Page 1, line 18, by striking the words  
4 "attempt to".

5 2. Page 1, by striking lines 20 and 21 and  
6 inserting the following: "city shall also provide  
7 notice to any contract purchaser of".

8 3. Page 1, by striking lines 24 and 25 and  
9 inserting the following: "the property. The city  
10 shall not file a petition under this section unless  
11 each person with an interest in the property has  
12 received actual notice of the city's intent to acquire  
13 the property. The city shall also cause the notice to  
14 be posted in".

15 4. Page 2, by striking lines 5 through 18 and  
16 inserting the following:

17 "4. a. The city shall cause the petition to be  
18 served upon each respondent named in the petition in  
19 the manner provided by the Iowa rules of civil  
20 procedure for the personal service of original notice.  
21 However, original notice shall not be provided by  
22 publication. Each interest holder in the property  
23 shall receive actual notice of the petition.

24 b. In addition to notice provided under paragraph  
25 "a", the city shall also cause notice of the".

26 5. Page 2, by striking lines 25 and 26 and  
27 inserting the following: "or special assessments on  
28 the property, and evidence that each person with an  
29 interest in the property received actual notice under  
30 subsection 2. A".

31 6. Page 2, line 31, by inserting after the word  
32 and figure "subsection 4." the following: "A hearing  
33 on the petition shall not be held until each  
34 respondent receives actual notice of the hearing."

35 7. Page 3, line 25, by striking the word "proper"  
 36 and inserting the following: "actual".  
 37 8. Page 4, line 10, by inserting after the word  
 38 "If" the following: "each respondent has received  
 39 actual notice of the city's deposit with the clerk of  
 40 the district court and".

TYMESON of Madison

H-1354

1 Amend Senate File 415, as amended, passed, and  
 2 reprinted by the Senate, as follows:  
 3 1. Page 1, by striking line 16 and inserting the  
 4 following:  
 5 "2. a. A city shall obtain approval of the  
 6 executive council created in chapter 7D prior to  
 7 undertaking any action to acquire title to  
 8 disaster-affected abandoned property under this  
 9 section.  
 10 b. Following approval by the executive council  
 11 under paragraph "a" and at least thirty days prior to  
 12 filing a petition for".

GRASSLEY of Butler

H-1355

1 Amend Senate File 415, as amended, passed, and  
 2 reprinted by the Senate, as follows:  
 3 1. Page 1, by inserting before line 1 the  
 4 following:  
 5 "Section 1. NEW SECTION. 12.22 PROPERTY RIGHTS  
 6 DEFENSE FUND.  
 7 1. The property rights defense fund is established  
 8 in the office of the treasurer of state under the  
 9 control of the treasurer of state. Moneys which  
 10 remain unclaimed under subsection 10, paragraph "b" of  
 11 this Act, shall be deposited in the fund. Moneys  
 12 deposited into the fund are not subject to section  
 13 8.33. Notwithstanding section 12C.7, interest or  
 14 earnings on moneys in the property rights defense fund  
 15 shall be credited to the fund. Moneys in the property  
 16 rights defense fund are not subject to transfer,  
 17 appropriation, or reversion to any other fund, or any  
 18 other use except as provided in this section.  
 19 2. Moneys in the fund shall be used for the  
 20 reimbursement of attorneys fees and costs incurred by  
 21 property owners as the result of proceedings initiated  
 22 under this Act, chapters 6A and 6B, and section  
 23 657A.10A. Property owners shall apply to the  
 24 treasurer of state on a form prescribed by the

25 treasurer of state.  
26 3. The treasurer of state shall adopt  
27 administrative rules pursuant to chapter 17A necessary  
28 to administer the property rights defense fund."  
29 2. Page 4, lines 13 and 14 by striking the words  
30 "city for deposit in the general fund of the city" and  
31 inserting the following: "treasurer of state for  
32 deposit in the property rights defense fund created in  
33 section 12.22".  
34 3. Title page, by inserting after the word  
35 "years" the following: "and establishing a property  
36 rights defense fund".  
37 4. By renumbering as necessary.

GRASSLEY of Butler

H-1356

1 Amend Senate File 415, as amended, passed, and  
2 reprinted by the Senate, as follows:  
3 1. Page 4, by inserting after line 14 the  
4 following:  
5 "Sec.\_\_\_\_. CONTINGENT EFFECTIVE DATE. This Act  
6 takes effect upon the passage of a joint resolution  
7 amending the Constitution of the State of Iowa by the  
8 senate and the house of representatives during the  
9 first regular session of the eighty-third general  
10 assembly to prohibit the condemnation of private  
11 property through eminent domain for economic  
12 development purposes."  
13 2. Title page, line 2, by inserting after the  
14 word "years" the following: "and providing a  
15 contingent effective date".

GRASSLEY of Butler

H-1357

1 Amend Senate File 415, as amended, passed, and  
2 reprinted by the Senate, as follows:  
3 1. Page 1, line 16, by striking the word "thirty"  
4 and inserting the following: "ninety".  
5 2. Page 2, line 28, by striking the word "may"  
6 and inserting the following: "shall".  
7 3. Page 2, line 29, by striking the word "sixty"  
8 and inserting the following: "ninety".

GRASSLEY of Butler

H-1358

1 Amend Senate File 415, as amended, passed, and  
2 reprinted by the Senate, as follows:

3 1. Page 1, line 4, by inserting after the figure  
 4 "657A.10A," the following: "and notwithstanding  
 5 chapters 6A and 6B,".

KAUFMANN of Cedar

H-1359

1 Amend Senate File 415, as amended, passed, and  
 2 reprinted by the Senate, as follows:  
 3 1. Page 2, by striking lines 21 through 24 and  
 4 inserting the following: "nuisance conditions  
 5 existing on the property, the assessed value of the  
 6 property on January 1, 2008, the amount of delinquent  
 7 property taxes".  
 8 2. Page 2, by striking lines 26 and 27 and  
 9 inserting the following: "city has attempted to  
 10 provide notice under subsection 2."  
 11 3. Page 4, by striking lines 3 through 5 and  
 12 inserting the following: "city, the court shall award  
 13 to the respondents an amount equal to the assessed  
 14 value of the property on January 1, 2008."

KAUFMANN of Cedar

H-1360

1 Amend Senate File 415, as amended, passed, and  
 2 reprinted by the Senate, as follows:  
 3 1. Page 4, by inserting after line 5 the  
 4 following:  
 5 "aa. If the court awards title of the property to  
 6 the city, the county board of supervisors shall abate  
 7 or refund the property taxes owed, with all interest,  
 8 fees, and costs that were due and payable on the  
 9 property between May 1, 2008, and the date on which  
 10 the property is conveyed to the city."  
 11 2. By renumbering, redesignating, and correcting  
 12 internal references as necessary.

KAUFMANN of Cedar

H-1362

1 Amend House File 805 as follows:  
 2 1. Page 1, line 19, by striking the figure  
 3 "6,657,336" and inserting the following: "6,567,625".  
 4 2. Page 1, line 21, by striking the figure  
 5 "506,515" and inserting the following: "504,390".  
 6 3. Page 1, line 23, by striking the figure  
 7 "36,752,012" and inserting the following:  
 8 "36,408,427".



- 9 4. Page 3, line 1, by striking the figure
- 10 "40,890,860" and inserting the following:
- 11 "40,339,780".
- 12 5. Page 3, line 4, by striking the figure
- 13 "9,611,696" and inserting the following: "9,571,314".
- 14 6. Page 3, line 7, by striking the figure
- 15 "236,263,176" and inserting the following:
- 16 "235,529,974".
- 17 7. Page 3, line 10, by striking the figure
- 18 "1,555,005" and inserting the following: "1,553,567".

WINDSCHITL of Harrison

H-1364

- 1 Amend the amendment, H-1332, to Senate File 445, a
- 2 passed by the Senate, as follows:
- 3 1. Page 1, by inserting after line 23 the
- 4 following:
- 5 "\_\_\_\_. Page 5, by inserting after line 28 the
- 6 following:
- 7 "Sec.\_\_\_\_. Section 294A.25, Code 2009, is amended
- 8 to read as follows:
- 9 294A.25 APPROPRIATION.
- 10 ~~1. For the fiscal period beginning July 1, 2003,~~
- 11 ~~and ending June 30, 2009, there is appropriated each~~
- 12 ~~fiscal year from the general fund of the state to the~~
- 13 ~~department of education the amount of fifty six~~
- 14 ~~million eight hundred ninety one thousand three~~
- 15 ~~hundred thirty six dollars to be used to improve~~
- 16 ~~teacher salaries. The moneys shall be distributed as~~
- 17 ~~provided in this section.~~
- 18 ~~2. For the fiscal year beginning July 1, 2009, and~~
- 19 ~~for each succeeding year, there is appropriated from~~
- 20 ~~the general fund of the state to the department of~~
- 21 ~~education an amount not to exceed fifteen million six~~
- 22 ~~hundred thirty three thousand two hundred forty five~~
- 23 ~~dollars. The moneys shall be distributed as provided~~
- 24 ~~in this section.~~
- 25 ~~3. The amount of one hundred fifteen thousand five~~
- 26 ~~hundred dollars to be paid to the department of human~~
- 27 ~~services for distribution to its licensed classroom~~
- 28 ~~teachers at institutions under the control of the~~
- 29 ~~department of human services for payments for phase II~~
- 30 ~~based upon the average student yearly enrollment at~~
- 31 ~~each institution as determined by the department of~~
- 32 ~~human services.~~
- 33 ~~4. The amount of ninety four thousand six hundred~~
- 34 ~~dollars to be paid to the state board of regents for~~
- 35 ~~distribution to licensed classroom teachers at the~~
- 36 ~~Iowa braille and sight saving school and the Iowa~~
- 37 ~~school for the deaf for payments of minimum salary~~

38 supplements for phase I and payments for phase II  
 39 based upon the average yearly enrollment at each  
 40 school as determined by the state board of regents.  
 41 ~~5. Commencing with the fiscal year beginning July~~  
 42 ~~1, 1988 2009, there is appropriated annually from the~~  
 43 ~~general fund of the state~~ the amount of one hundred  
 44 thousand dollars to be paid to the department of  
 45 education for distribution to the tribal council of  
 46 the Sac and Fox Indian settlement located on land held  
 47 in trust by the secretary of the interior of the  
 48 United States. Moneys ~~allocated~~ appropriated under  
 49 this subsection shall be used for the purposes  
 50 specified in section 256.30.

Page 2

1 ~~6. For the fiscal year beginning July 1, 2002, and~~  
 2 ~~ending June 30, 2003, the amount of fifty thousand~~  
 3 ~~dollars to be paid to the department of education for~~  
 4 ~~participation in a state and national project, the~~  
 5 ~~national assessment of education progress, to~~  
 6 ~~determine the academic achievement of Iowa students in~~  
 7 ~~math, reading, science, United States history, or~~  
 8 ~~geography.~~  
 9 ~~7. Except as otherwise provided in this section,~~  
 10 ~~for the fiscal period beginning July 1, 2003, and~~  
 11 ~~ending June 30, 2009, the remainder of moneys~~  
 12 ~~appropriated in subsection 1 to the department of~~  
 13 ~~education shall be deposited each fiscal year in the~~  
 14 ~~educational excellence fund to be allocated in an~~  
 15 ~~amount to meet the requirements of this chapter for~~  
 16 ~~phase I and phase II.~~  
 17 ~~8. Except as otherwise provided in this section,~~  
 18 ~~for the fiscal year beginning July 1, 2009, and~~  
 19 ~~succeeding fiscal years, the remainder of moneys~~  
 20 ~~appropriated in subsection 1 to the department of~~  
 21 ~~education shall be deposited in the educational~~  
 22 ~~excellence fund to be allocated in an amount to meet~~  
 23 ~~the requirements of this chapter for phase I.~~  
 24 ~~9. Commencing with the fiscal year beginning July~~  
 25 ~~1, 2003, the amount of two hundred thirty thousand~~  
 26 ~~dollars for a kindergarten to grade twelve management~~  
 27 ~~information system.~~  
 28 ~~10. For the fiscal year beginning July 1, 2003,~~  
 29 ~~and for each succeeding fiscal year, the amount of one~~  
 30 ~~hundred seventy thousand dollars to the state board of~~  
 31 ~~regents for distribution in the amount of sixty eight~~  
 32 ~~thousand dollars to the Iowa braille and sight saving~~  
 33 ~~school and in the amount of one hundred two thousand~~  
 34 ~~dollars to the Iowa state school for the deaf.~~  
 35 ~~11. For each fiscal year, to the department of~~  
 36 ~~education the amount of forty seven thousand dollars~~

37 ~~for the Iowa mathematics and science coalition."~~  
 38 \_\_\_\_\_. Page 5, lines 30 and 31, by striking the  
 39 word and figures "294A.21, and 294A.25," and inserting  
 40 the following: "and 294A.21."  
 41 2. By renumbering as necessary.

HORBACH of Tama

H-1365

1 Amend the amendment, H-1332, to Senate File 445, as  
 2 passed by the Senate, as follows:  
 3 1. Page 1, by inserting after line 23 the  
 4 following:  
 5 "\_\_\_\_\_. Page 5, by inserting after line 28 the  
 6 following:  
 7 "Sec.\_\_\_\_. Section 294A.25, Code 2009, is amended  
 8 to read as follows:  
 9 294A.25 APPROPRIATION.  
 10 1. ~~For the fiscal period beginning July 1, 2003,~~  
 11 ~~and ending June 30, 2009, there is appropriated each~~  
 12 ~~fiscal year from the general fund of the state to the~~  
 13 ~~department of education the amount of fifty six~~  
 14 ~~million eight hundred ninety one thousand three~~  
 15 ~~hundred thirty six dollars to be used to improve~~  
 16 ~~teacher salaries. The moneys shall be distributed as~~  
 17 ~~provided in this section.~~  
 18 2. ~~For the fiscal year beginning July 1, 2009, and~~  
 19 ~~for each succeeding year, there is appropriated from~~  
 20 ~~the general fund of the state to the department of~~  
 21 ~~education an amount not to exceed fifteen million six~~  
 22 ~~hundred thirty three thousand two hundred forty five~~  
 23 ~~dollars. The moneys shall be distributed as provided~~  
 24 ~~in this section.~~  
 25 3. ~~The amount of one hundred fifteen thousand five~~  
 26 ~~hundred dollars to be paid to the department of human~~  
 27 ~~services for distribution to its licensed classroom~~  
 28 ~~teachers at institutions under the control of the~~  
 29 ~~department of human services for payments for phase II~~  
 30 ~~based upon the average student yearly enrollment at~~  
 31 ~~each institution as determined by the department of~~  
 32 ~~human services.~~  
 33 4. The Commencing with the fiscal year beginning  
 34 July 1, 2009, there is appropriated each fiscal year  
 35 from the general fund of the state to the department  
 36 of education the amount of ninety-four thousand six  
 37 hundred dollars to be paid to the state board of  
 38 regents for distribution to licensed classroom  
 39 teachers at the Iowa braille and sight saving school  
 40 and the Iowa school for the deaf for payments of  
 41 minimum salary supplements for phase I and payments  
 42 for phase II based upon the average yearly enrollment

43 at each school as determined by the state board of  
44 regents.

45 ~~5. Commencing with the fiscal year beginning July~~  
46 ~~1, 1988, the amount of one hundred thousand dollars to~~  
47 ~~be paid to the department of education for~~  
48 ~~distribution to the tribal council of the Sac and Fox~~  
49 ~~Indian settlement located on land held in trust by the~~  
50 ~~secretary of the interior of the United States.~~

Page 2

1 Moneys allocated under this subsection shall be used  
2 for the purposes specified in section 256.30.

3 ~~6. For the fiscal year beginning July 1, 2002, and~~  
4 ~~ending June 30, 2003, the amount of fifty thousand~~  
5 ~~dollars to be paid to the department of education for~~  
6 ~~participation in a state and national project, the~~  
7 ~~national assessment of education progress, to~~  
8 ~~determine the academic achievement of Iowa students in~~  
9 ~~math, reading, science, United States history, or~~  
10 ~~geography.~~

11 ~~7. Except as otherwise provided in this section,~~  
12 ~~for the fiscal period beginning July 1, 2003, and~~  
13 ~~ending June 30, 2009, the remainder of moneys~~  
14 ~~appropriated in subsection 1 to the department of~~  
15 ~~education shall be deposited each fiscal year in the~~  
16 ~~educational excellence fund to be allocated in an~~  
17 ~~amount to meet the requirements of this chapter for~~  
18 ~~phase I and phase II.~~

19 ~~8. Except as otherwise provided in this section,~~  
20 ~~for the fiscal year beginning July 1, 2009, and~~  
21 ~~succeeding fiscal years, the remainder of moneys~~  
22 ~~appropriated in subsection 1 to the department of~~  
23 ~~education shall be deposited in the educational~~  
24 ~~excellence fund to be allocated in an amount to meet~~  
25 ~~the requirements of this chapter for phase I.~~

26 ~~9. Commencing with the fiscal year beginning July~~  
27 ~~1, 2003, the amount of two hundred thirty thousand~~  
28 ~~dollars for a kindergarten to grade twelve management~~  
29 ~~information system.~~

30 ~~10. For the fiscal year beginning July 1, 2003,~~  
31 ~~and for each succeeding fiscal year, the amount of one~~  
32 ~~hundred seventy thousand dollars to the state board of~~  
33 ~~regents for distribution in the amount of sixty eight~~  
34 ~~thousand dollars to the Iowa braille and sight saving~~  
35 ~~school and in the amount of one hundred two thousand~~  
36 ~~dollars to the Iowa state school for the deaf.~~

37 ~~11. For each fiscal year, to the department of~~  
38 ~~education the amount of forty seven thousand dollars~~  
39 ~~for the Iowa mathematics and science coalition."~~

40 \_\_\_\_\_. Page 5, lines 30 and 31, by striking the  
41 word and figures "294A.21, and 294A.25," and inserting

42 the following: "and 294A.21,."  
 43 2. By renumbering as necessary.

STRUYK of Pottawattamie  
 PETTENGILL of Benton

H-1366

1 Amend Senate File 445, as passed by the Senate, as  
 2 follows:

3 1. Page 5, by inserting after line 28 the  
 4 following:

5 "Sec.\_\_\_\_. Section 294A.25, Code 2009, is amended  
 6 to read as follows:

7 294A.25 APPROPRIATION.

8 ~~1. For the fiscal period beginning July 1, 2003,~~  
 9 ~~and ending June 30, 2009, there is appropriated each~~  
 10 ~~fiscal year from the general fund of the state to the~~  
 11 ~~department of education the amount of fifty six~~  
 12 ~~million eight hundred ninety one thousand three~~  
 13 ~~hundred thirty six dollars to be used to improve~~  
 14 ~~teacher salaries. The moneys shall be distributed as~~  
 15 ~~provided in this section.~~

16 ~~2. For the fiscal year beginning July 1, 2009, and~~  
 17 ~~for each succeeding year, there is appropriated from~~  
 18 ~~the general fund of the state to the department of~~  
 19 ~~education an amount not to exceed fifteen million six~~  
 20 ~~hundred thirty three thousand two hundred forty five~~  
 21 ~~dollars. The moneys shall be distributed as provided~~  
 22 ~~in this section.~~

23 ~~3. The amount of one hundred fifteen thousand five~~  
 24 ~~hundred dollars to be paid to the department of human~~  
 25 ~~services for distribution to its licensed classroom~~  
 26 ~~teachers at institutions under the control of the~~  
 27 ~~department of human services for payments for phase II~~  
 28 ~~based upon the average student yearly enrollment at~~  
 29 ~~each institution as determined by the department of~~  
 30 ~~human services.~~

31 ~~4. The amount of ninety four thousand six hundred~~  
 32 ~~dollars to be paid to the state board of regents for~~  
 33 ~~distribution to licensed classroom teachers at the~~  
 34 ~~Iowa braille and sight saving school and the Iowa~~  
 35 ~~school for the deaf for payments of minimum salary~~  
 36 ~~supplements for phase I and payments for phase II~~  
 37 ~~based upon the average yearly enrollment at each~~  
 38 ~~school as determined by the state board of regents.~~

39 ~~5. Commencing with the fiscal year beginning July~~  
 40 ~~1, 1988 2009, there is appropriated annually from the~~  
 41 ~~general fund of the state to the department of~~  
 42 ~~education the amount of one hundred thousand dollars~~  
 43 ~~to be paid to the department of education for~~  
 44 ~~distribution to the tribal council of the Sac and Fox~~

45 Indian settlement located on land held in trust by the  
 46 secretary of the interior of the United States.  
 47 Moneys ~~allocated~~ appropriated under this subsection  
 48 shall be used for the purposes specified in section  
 49 256.30.  
 50 6. For the fiscal year beginning July 1, 2002, and

Page 2

1 ~~ending June 30, 2003, the amount of fifty thousand~~  
 2 ~~dollars to be paid to the department of education for~~  
 3 ~~participation in a state and national project, the~~  
 4 ~~national assessment of education progress, to~~  
 5 ~~determine the academic achievement of Iowa students in~~  
 6 ~~math, reading, science, United States history, or~~  
 7 ~~geography.~~

8 ~~7. Except as otherwise provided in this section,~~  
 9 ~~for the fiscal period beginning July 1, 2003, and~~  
 10 ~~ending June 30, 2009, the remainder of moneys~~  
 11 ~~appropriated in subsection 1 to the department of~~  
 12 ~~education shall be deposited each fiscal year in the~~  
 13 ~~educational excellence fund to be allocated in an~~  
 14 ~~amount to meet the requirements of this chapter for~~  
 15 ~~phase I and phase II.~~

16 ~~8. Except as otherwise provided in this section,~~  
 17 ~~for the fiscal year beginning July 1, 2009, and~~  
 18 ~~succeeding fiscal years, the remainder of moneys~~  
 19 ~~appropriated in subsection 1 to the department of~~  
 20 ~~education shall be deposited in the educational~~  
 21 ~~excellence fund to be allocated in an amount to meet~~  
 22 ~~the requirements of this chapter for phase I.~~

23 ~~9. Commencing with the fiscal year beginning July~~  
 24 ~~1, 2003, the amount of two hundred thirty thousand~~  
 25 ~~dollars for a kindergarten to grade twelve management~~  
 26 ~~information system.~~

27 ~~10. For the fiscal year beginning July 1, 2003,~~  
 28 ~~and for each succeeding fiscal year, the amount of one~~  
 29 ~~hundred seventy thousand dollars to the state board of~~  
 30 ~~regents for distribution in the amount of sixty eight~~  
 31 ~~thousand dollars to the Iowa braille and sight saving~~  
 32 ~~school and in the amount of one hundred two thousand~~  
 33 ~~dollars to the Iowa state school for the deaf.~~

34 ~~11. For each fiscal year, to the department of~~  
 35 ~~education the amount of forty seven thousand dollars~~  
 36 ~~for the Iowa mathematics and science coalition."~~

37 2. Page 5, lines 30 and 31, by striking the word  
 38 and figures "294A.21, and 294A.25," and inserting the  
 39 following: "and 294A.21,".

40 3. By renumbering as necessary.

H-1367

1 Amend Senate File 445, as passed by the Senate, as  
2 follows:

3 1. Page 5, by inserting after line 28 the  
4 following:

5 "Sec. \_\_\_\_ Section 294A.25, Code 2009, is amended  
6 to read as follows:

7 294A.25 APPROPRIATION.

8 ~~1. For the fiscal period beginning July 1, 2003,  
9 and ending June 30, 2009, there is appropriated each  
10 fiscal year from the general fund of the state to the  
11 department of education the amount of fifty six  
12 million eight hundred ninety one thousand three  
13 hundred thirty six dollars to be used to improve  
14 teacher salaries. The moneys shall be distributed as  
15 provided in this section.~~

16 ~~2. For the fiscal year beginning July 1, 2000, and  
17 for each succeeding year, there is appropriated from  
18 the general fund of the state to the department of  
19 education an amount not to exceed fifteen million six  
20 hundred thirty three thousand two hundred forty five  
21 dollars. The moneys shall be distributed as provided  
22 in this section.~~

23 ~~3. The amount of one hundred fifteen thousand five  
24 hundred dollars to be paid to the department of human  
25 services for distribution to its licensed classroom  
26 teachers at institutions under the control of the  
27 department of human services for payments for phase II  
28 based upon the average student yearly enrollment at  
29 each institution as determined by the department of  
30 human services.~~

31 ~~4. The Commencing with the fiscal year beginning  
32 July 1, 2009, there is appropriated each fiscal year  
33 from the general fund of the state to the department  
34 of education the amount of ninety-four thousand six  
35 hundred dollars to be paid to the state board of  
36 regents for distribution to licensed classroom  
37 teachers at the Iowa braille and sight saving school  
38 and the Iowa school for the deaf for payments of  
39 minimum salary supplements for phase I and payments  
40 for phase II based upon the average yearly enrollment  
41 at each school as determined by the state board of  
42 regents.~~

43 ~~5. Commencing with the fiscal year beginning July  
44 1, 1988, the amount of one hundred thousand dollars to  
45 be paid to the department of education for  
46 distribution to the tribal council of the Sac and Fox  
47 Indian settlement located on land held in trust by the  
48 secretary of the interior of the United States.  
49 Moneys allocated under this subsection shall be used  
50 for the purposes specified in section 256.30.~~

Page 2

- 1 ~~6. For the fiscal year beginning July 1, 2002, and~~  
 2 ~~ending June 30, 2003, the amount of fifty thousand~~  
 3 ~~dollars to be paid to the department of education for~~  
 4 ~~participation in a state and national project, the~~  
 5 ~~national assessment of education progress, to~~  
 6 ~~determine the academic achievement of Iowa students in~~  
 7 ~~math, reading, science, United States history, or~~  
 8 ~~geography.~~
- 9 ~~7. Except as otherwise provided in this section,~~  
 10 ~~for the fiscal period beginning July 1, 2003, and~~  
 11 ~~ending June 30, 2009, the remainder of moneys~~  
 12 ~~appropriated in subsection 1 to the department of~~  
 13 ~~education shall be deposited each fiscal year in the~~  
 14 ~~educational excellence fund to be allocated in an~~  
 15 ~~amount to meet the requirements of this chapter for~~  
 16 ~~phase I and phase II.~~
- 17 ~~8. Except as otherwise provided in this section,~~  
 18 ~~for the fiscal year beginning July 1, 2009, and~~  
 19 ~~succeeding fiscal years, the remainder of moneys~~  
 20 ~~appropriated in subsection 1 to the department of~~  
 21 ~~education shall be deposited in the educational~~  
 22 ~~excellence fund to be allocated in an amount to meet~~  
 23 ~~the requirements of this chapter for phase I.~~
- 24 ~~9. Commencing with the fiscal year beginning July~~  
 25 ~~1, 2003, the amount of two hundred thirty thousand~~  
 26 ~~dollars for a kindergarten to grade twelve management~~  
 27 ~~information system.~~
- 28 ~~10. For the fiscal year beginning July 1, 2003,~~  
 29 ~~and for each succeeding fiscal year, the amount of one~~  
 30 ~~hundred seventy thousand dollars to the state board of~~  
 31 ~~regents for distribution in the amount of sixty eight~~  
 32 ~~thousand dollars to the Iowa braille and sight saving~~  
 33 ~~school and in the amount of one hundred two thousand~~  
 34 ~~dollars to the Iowa state school for the deaf.~~
- 35 ~~11. For each fiscal year, to the department of~~  
 36 ~~education the amount of forty seven thousand dollars~~  
 37 ~~for the Iowa mathematics and science coalition."~~
- 38 2. Page 5, lines 30 and 31, by striking the word  
 39 and figures "294A.21, and 294A.25," and inserting the  
 40 following: "and 294A.21,".
- 41 3. By renumbering as necessary.

PETTENGILL of Benton  
 STRUYK of Pottawattamie

H-1368

- 1 Amend the amendment, H-1308, to Senate File 3, as  
 2 amended, passed, and reprinted by the Senate, as  
 3 follows:



- 4 1. Page 1, line 7, by inserting after the word
- 5 "officer" the following: "or a water patrol officer
- 6 of the department of natural resources".
- 7 2. Page 1, line 12, by inserting after the word
- 8 "officer" the following: "or water patrol officer of
- 9 the department of natural resources".
- 10 3. Page 1, line 15, by inserting after the word
- 11 "officer" the following: "or water patrol officer".
- 12 4. By renumbering as necessary.

MAY of Dickinson

H-1370

- 1 Amend Senate File 419, as passed by the Senate, as
- 2 follows:
- 3 1. By striking page 23, line 34, through page 24,
- 4 line 23.
- 5 2. Title page, by striking line 5.

RANTS of Woodbury

H-1371

- 1 Amend the amendment, H-1145, to House File 712, as
- 2 follows:
- 3 1. By striking page 1, line 1, through page 3,
- 4 line 18, and inserting the following:
- 5 "Amend House File 712 as follows:
- 6 \_\_\_\_\_. By striking everything after the enacting
- 7 clause and inserting the following:
- 8 "Section 1. NEW SECTION. 714H.1 TITLE.
- 9 This chapter shall be known and may be cited as the
- 10 "Private Right of Action for Consumer Frauds Act".
- 11 Sec. 2. NEW SECTION. 714H.2 DEFINITIONS.
- 12 1. "Actual damages" means all economic damages
- 13 proximately caused by the prohibited practice or act
- 14 that are reasonably ascertainable in amount.
- 15 2. "Advertisement" means the same as defined in
- 16 section 714.16.
- 17 3. "Consumer" means a natural person or the
- 18 person's legal representative.
- 19 4. "Consumer merchandise" means merchandise
- 20 offered for sale or lease, or sold or leased,
- 21 primarily for personal, family, or household purposes.
- 22 5. "Deception" means an act or practice that is
- 23 likely to mislead a substantial number of consumers as
- 24 to a material fact or facts.
- 25 6. "Merchandise" means the same as defined in
- 26 section 714.16.
- 27 7. "Person" means the same as defined in section
- 28 714.16.

29 8. "Sale" means any sale or offer for sale of  
30 consumer merchandise for cash or credit.

31 9. "Unfair practice" means the same as defined in  
32 section 714.16.

33 Sec. 3. NEW SECTION. 714H.3 PROHIBITED PRACTICES  
34 AND ACTS.

35 1. A person shall not engage in a practice or act  
36 the person knows or reasonably should know is an  
37 unfair practice, deception, fraud, false pretense, or  
38 false promise, or the misrepresentation, concealment,  
39 suppression, or omission of a material fact, with the  
40 intent that others rely upon the unfair practice,  
41 deception, fraud, false pretense, false promise,  
42 misrepresentation, concealment, suppression, or  
43 omission in connection with the advertisement, sale,  
44 or lease of consumer merchandise, or the solicitation  
45 of contributions for charitable purposes. For the  
46 purposes of this chapter, a claimant alleging an  
47 unfair practice, deception, fraud, false pretense,  
48 false promise, or misrepresentation must prove that  
49 the prohibited practice related to a material fact or  
50 facts. "Solicitations of contributions for charitable

Page 2

1 purposes" does not include solicitations made on  
2 behalf of a political organization as defined in  
3 section 13C.1, solicitations made on behalf of a  
4 religious organization as defined in section 13C.1,  
5 solicitations made on behalf of a state, regionally,  
6 or nationally accredited college or university, or  
7 solicitations made on behalf of a nonprofit foundation  
8 benefiting a state, regionally, or nationally  
9 accredited college or university subject to section  
10 509(a)(1) or 509(a)(3) of the Internal Revenue Code of  
11 1986.

12 2. A person shall not engage in any practice or  
13 act that is in violation of any of the following:

14 a. Section 321.69.

15 b. Chapter 516D.

16 c. Section 516E.5, 516E.9, or 516E.10.

17 d. Chapter 555A.

18 e. Section 714.16, subsection 2, paragraphs "b"  
19 through "n".

20 f. Chapter 714A.

21 Sec. 4. NEW SECTION. 714H.4 EXCLUSIONS.

22 1. This chapter shall not apply to any of the  
23 following:

24 a. Services offered or provided by any of the  
25 following persons, including business entities  
26 organized under Title XII by those persons and the  
27 officers, directors, employees, and agents of those

28 persons or business entities, pursuant to a profession  
 29 or business for which they are licensed or registered:

30 (1) Insurance companies subject to Title XIII.

31 (2) Attorneys licensed to practice law in this  
 32 state.

33 (3) Financial institutions which includes any bank  
 34 incorporated under the provisions of any state or  
 35 federal law, any savings and loan association or  
 36 savings bank incorporated under the provisions of any  
 37 state or federal law, any credit union organized under  
 38 the provisions of any state or federal law, and any  
 39 affiliate or subsidiary of a bank, savings and loan  
 40 association, savings bank, or credit union, and any  
 41 industrial loan licensee under chapter 536A or  
 42 regulated loan licensee under chapter 536.

43 (4) Persons or facilities licensed, certified, or  
 44 registered under chapters 135B, 135C, 135J, 148, 148A,  
 45 148B, 148C, 149, 151, 152, 152A, 152B, 153, 154, 154B,  
 46 154C, 154D, 155A, 156, 169, 522B, 542, 542B, 543B,  
 47 544A, or 544B.

48 b. Advertising by a retailer for a product, other  
 49 than a drug or other product claiming to have a  
 50 health-related benefit or use, if the advertising is

Page 3

1 prepared by a supplier, unless the retailer  
 2 participated in the preparation of the advertisement  
 3 or knew or should have known that the advertisement  
 4 was deceptive, false, or misleading.

5 c. In connection with an advertisement that  
 6 violates this chapter, the newspaper, magazine,  
 7 publication, or other print media in which the  
 8 advertisement appears, or the radio station,  
 9 television station, or other electronic media which  
 10 disseminates the advertisement, including an employee,  
 11 agent, or representative of the newspaper, magazine,  
 12 publication or other print media, or the radio  
 13 station, television station, or other electronic  
 14 media.

15 d. Any advertisement that complies with the  
 16 statutes, rules, and regulations of the federal trade  
 17 commission.

18 e. The provision of local exchange carrier  
 19 telephone service pursuant to a certificate issued  
 20 under section 476.29.

21 f. Public utilities as defined in section 476.1  
 22 that furnish gas by a piped distribution system or  
 23 electricity to the public for compensation.

24 g. The provision of cable television service or  
 25 video service pursuant to a franchise under section  
 26 364.2 or 477A.2.

27 h. Conduct in compliance with the orders or rules  
 28 of, or a statute administered by, a federal, state, or  
 29 local governmental agency.

30 i. Actions alleging bodily injury.

31 j. In any action relating to a charitable  
 32 solicitation, an individual who has engaged in the  
 33 charitable solicitation as an unpaid, uncompensated  
 34 volunteer and who does not receive monetary gain of  
 35 any sort from engaging in the solicitation.

36 k. An affirmative act that violates this chapter  
 37 but is specifically required by other applicable law,  
 38 to the extent that the actor could not reasonably  
 39 avoid a violation of this chapter.

40 2. "Material fact" as used in this chapter does  
 41 not include repairs of damage to, adjustments on, or  
 42 replacements of parts with new parts of otherwise new  
 43 merchandise if the repairs, adjustments, or  
 44 replacements are made to achieve compliance with  
 45 factory specifications and are made before sale of the  
 46 merchandise at retail and the actual cost of any labor  
 47 and parts charged to or performed by a retailer for  
 48 any such repairs, adjustments, and parts does not  
 49 exceed three hundred dollars or ten percent of the  
 50 actual cost to a retailer including freight of the

Page 4

1 merchandise, whichever is less, provided that the  
 2 seller posts in a conspicuous place notice that  
 3 repairs, adjustments, or replacements will be  
 4 disclosed upon request. The exclusion provided in  
 5 this subsection does not apply to the concealment,  
 6 suppression, or omission of a material fact if the  
 7 purchaser requests disclosure of any repair,  
 8 adjustment, or replacement.

9 Sec. 5. NEW SECTION. 714H.5 PRIVATE RIGHT OF  
 10 ACTION.

11 1. A consumer who suffers an ascertainable loss of  
 12 money or property as the result of such prohibited  
 13 practice or act may bring an action at law to recover  
 14 actual damages. The court may order such equitable  
 15 relief as it deems necessary to protect the public  
 16 from further violations, including temporary and  
 17 permanent injunctive relief.

18 2. If the court finds that a person has violated  
 19 this chapter and the consumer is awarded actual  
 20 damages, the court shall award to the consumer the  
 21 costs of the action and to the consumer's attorney  
 22 reasonable fees. Reasonable attorney fees shall be  
 23 determined by the value of the time reasonably  
 24 expended by the attorney including but not limited to  
 25 consideration of the following factors:

- 26 a. The time and labor required.
- 27 b. The novelty and difficulty of the issues in the
- 28 case.
- 29 c. The skills required to perform the legal
- 30 services properly.
- 31 d. The preclusion of other employment by the
- 32 attorney due to the attorney's acceptance of the case.
- 33 e. The customary fee.
- 34 f. Whether the fee is fixed or contingent.
- 35 g. The time limitations imposed by the client or
- 36 the circumstances of the case.
- 37 h. The amount of money involved in the case and
- 38 the results obtained.
- 39 i. The experience, reputation, and ability of the
- 40 attorney.
- 41 j. The undesirability of the case.
- 42 k. The nature and length of the professional
- 43 relationship between the attorney and the client.
- 44 1. Attorney fee awards in similar cases.
- 45 3. In order to recover damages, a claim under this
- 46 section shall be proved by a preponderance of the
- 47 evidence.
- 48 4. If the finder of fact finds by a preponderance
- 49 of clear, convincing, and satisfactory evidence that a
- 50 prohibited practice or act in violation of this

Page 5

- 1 chapter constitutes willful and wanton disregard for
- 2 the rights or safety of another, in addition to an
- 3 award of actual damages, statutory damages up to three
- 4 times the amount of actual damages may be awarded to a
- 5 prevailing consumer.
- 6 5. An action pursuant to this chapter must be
- 7 brought within two years of the occurrence of the last
- 8 event giving rise to the cause of action under this
- 9 chapter or within two years of the discovery of the
- 10 violation of this chapter by the person bringing the
- 11 action, whichever is later.
- 12 6. This section shall not affect a consumer's
- 13 right to seek relief under any other theory of law.
- 14 Sec. 6. NEW SECTION. 714H.6 ATTORNEY GENERAL
- 15 NOTIFICATION.
- 16 1. A party filing a petition, counterclaim,
- 17 cross-petition, or pleading, or any count thereof, in
- 18 intervention alleging a violation under this chapter,
- 19 within seven days following the date of filing such
- 20 pleading, shall provide a copy to the attorney general
- 21 and, within seven days following entry of any final
- 22 judgment in the action, shall provide a copy of the
- 23 judgment to the attorney general.
- 24 2. A party appealing to district court a small

25 claims order or judgment involving an issue raised  
26 under this chapter, within seven days of providing  
27 notice of the appeal, shall notify the attorney  
28 general in writing and provide a copy of the pleading  
29 raising the issue and a copy of the small claims court  
30 order or judgment.

31 3. A party appealing an order or judgment  
32 involving an issue raised under this chapter, within  
33 seven days following the date such notice of appeal is  
34 filed with the court, shall notify the attorney  
35 general in writing and provide a copy of the pleading  
36 raising the issue and a copy of the court order or  
37 judgment being appealed.

38 4. Upon timely application to the court in which  
39 an action involving an issue raised under this chapter  
40 is pending, the attorney general may intervene as a  
41 party at any time or may be heard at any time. The  
42 attorney general's failure to intervene shall not  
43 preclude the attorney general from bringing a separate  
44 enforcement action.

45 5. All copies of pleadings, orders, judgments, and  
46 notices required by this section to be sent to the  
47 attorney general shall be sent by certified mail  
48 unless the attorney general has previously been  
49 provided such copies of pleadings, orders, judgments,  
50 or notices in the same action by certified mail, in

Page 6

1 which case subsequent mailings may be made by regular  
2 mail. Failure to provide the required mailings to the  
3 attorney general shall not be grounds for dismissal of  
4 an action under this chapter, but shall be grounds for  
5 a subsequent action by the attorney general to vacate  
6 or modify the judgment.

7 Sec. 7. NEW SECTION. 714H.7 CLASS ACTIONS  
8 BARRED.

9 A class action lawsuit alleging violations of this  
10 chapter shall not be available. Nothing in this  
11 chapter shall be construed to limit the attorney  
12 general from bringing a class action lawsuit pursuant  
13 to section 714.16.

14 Sec. 8. NEW SECTION. 714H.8 SEVERABILITY CLAUSE.

15 If any provision of this chapter or its application  
16 to any person or circumstances is held invalid, the  
17 invalidity does not affect other provisions or  
18 applications of this chapter that can be given effect  
19 without the invalid provision or application, and to  
20 this end the provisions of this chapter are severable.

21 Sec. 9. APPLICABILITY. This Act applies to causes  
22 of actions accruing on or after the effective date of  
23 this Act."

24 \_\_\_\_\_. Title page, line 1, by striking the word  
 25 "cause" and inserting the following: "right".  
 26 \_\_\_\_\_. Title page, line 2, by striking the word  
 27 "providing" and inserting the following:  
 28 "including"."

HUSER of Polk

H-1374

1 Amend Senate File 404, as amended, passed, and  
 2 reprinted by the Senate, as follows:  
 3 1. Page 1, line 23, by striking the word  
 4 "vegetable,".  
 5 2. By renumbering as necessary.

DRAKE of Cass

H-1375

1 Amend House File 712 as follows:  
 2 1. By striking everything after the enacting  
 3 clause and inserting the following:  
 4 "Section 1. NEW SECTION. 714H.1 TITLE.  
 5 This chapter shall be known and may be cited as the  
 6 "Private Right of Action for Consumer Frauds Act".  
 7 Sec. 2. NEW SECTION. 714H.2 DEFINITIONS.  
 8 1. "Actual damages" means all economic damages  
 9 proximately caused by the prohibited practice or act  
 10 that are reasonably ascertainable in amount.  
 11 2. "Advertisement" means the same as defined in  
 12 section 714.16.  
 13 3. "Consumer" means a natural person or the  
 14 person's legal representative.  
 15 4. "Consumer merchandise" means merchandise  
 16 offered for sale or lease, or sold or leased,  
 17 primarily for personal, family, or household purposes.  
 18 5. "Deception" means an act or practice that is  
 19 likely to mislead a substantial number of consumers as  
 20 to a material fact or facts.  
 21 6. "Merchandise" means the same as defined in  
 22 section 714.16.  
 23 7. "Person" means the same as defined in section  
 24 714.16.  
 25 8. "Sale" means any sale or offer for sale of  
 26 consumer merchandise for cash or credit.  
 27 9. "Unfair practice" means the same as defined in  
 28 section 714.16.  
 29 Sec. 3. NEW SECTION. 714H.3 PROHIBITED PRACTICES  
 30 AND ACTS.  
 31 1. A person shall not engage in a practice or act  
 32 the person knows or reasonably should know is an  
 33 unfair practice, deception, fraud, false pretense, or

34 false promise, or the misrepresentation, concealment,  
35 suppression, or omission of a material fact, with the  
36 intent that others rely upon the unfair practice,  
37 deception, fraud, false pretense, false promise,  
38 misrepresentation, concealment, suppression, or  
39 omission in connection with the advertisement, sale,  
40 or lease of consumer merchandise, or the solicitation  
41 of contributions for charitable purposes. For the  
42 purposes of this chapter, a claimant alleging an  
43 unfair practice, deception, fraud, false pretense,  
44 false promise, or misrepresentation must prove that  
45 the prohibited practice related to a material fact or  
46 facts. "Solicitations of contributions for charitable  
47 purposes" does not include solicitations made on  
48 behalf of a political organization as defined in  
49 section 13C.1, solicitations made on behalf of a  
50 religious organization as defined in section 13C.1,

Page 2

1 solicitations made on behalf of a state, regionally,  
2 or nationally accredited college or university, or  
3 solicitations made on behalf of a nonprofit foundation  
4 benefiting a state, regionally, or nationally  
5 accredited college or university subject to section  
6 509(a)(1) or 509(a)(3) of the Internal Revenue Code of  
7 1986.  
8 2. A person shall not engage in any practice or  
9 act that is in violation of any of the following:  
10 a. Section 321.69.  
11 b. Chapter 516D.  
12 c. Section 516E.5, 516E.9, or 516E.10.  
13 d. Chapter 555A.  
14 e. Section 714.16, subsection 2, paragraphs "b"  
15 through "n".  
16 f. Chapter 714A.  
17 Sec. 4. NEW SECTION. 714H.4 EXCLUSIONS.  
18 1. This chapter shall not apply to any of the  
19 following:  
20 a. Services offered or provided by any of the  
21 following persons, including business entities  
22 organized under Title XII by those persons and the  
23 officers, directors, employees, and agents of those  
24 persons or business entities, pursuant to a profession  
25 or business for which they are licensed or registered:  
26 (1) Insurance companies subject to Title XIII.  
27 (2) Attorneys licensed to practice law in this  
28 state.  
29 (3) Financial institutions which includes any bank  
30 incorporated under the provisions of any state or  
31 federal law, any savings and loan association or  
32 savings bank incorporated under the provisions of any



33 state or federal law, any credit union organized under  
34 the provisions of any state or federal law, and any  
35 affiliate or subsidiary of a bank, savings and loan  
36 association, savings bank, or credit union, and any  
37 industrial loan licensee under chapter 536A or  
38 regulated loan licensee under chapter 536.

39 (4) Persons or facilities licensed, certified, or  
40 registered under chapters 135B, 135C, 135J, 148, 148A,  
41 148B, 148C, 149, 151, 152, 152A, 152B, 153, 154, 154B,  
42 154C, 154D, 155A, 156, 169, 522B, 542, 542B, 543B,  
43 544A, or 544B.

44 b. Advertising by a retailer for a product, other  
45 than a drug or other product claiming to have a  
46 health-related benefit or use, if the advertising is  
47 prepared by a supplier, unless the retailer  
48 participated in the preparation of the advertisement  
49 or knew or should have known that the advertisement  
50 was deceptive, false, or misleading.

Page 3

1 c. In connection with an advertisement that  
2 violates this chapter, the newspaper, magazine,  
3 publication, or other print media in which the  
4 advertisement appears, or the radio station,  
5 television station, or other electronic media which  
6 disseminates the advertisement, including an employee,  
7 agent, or representative of the newspaper, magazine,  
8 publication or other print media, or the radio  
9 station, television station, or other electronic  
10 media.

11 d. Any advertisement that complies with the  
12 statutes, rules, and regulations of the federal trade  
13 commission.

14 e. The provision of local exchange carrier  
15 telephone service pursuant to a certificate issued  
16 under section 476.29.

17 f. Public utilities as defined in section 476.1  
18 that furnish gas by a piped distribution system or  
19 electricity to the public for compensation.

20 g. The provision of cable television service or  
21 video service pursuant to a franchise under section  
22 364.2 or 477A.2.

23 h. Conduct in compliance with the orders or rules  
24 of, or a statute administered by, a federal, state, or  
25 local governmental agency.

26 i. Actions alleging bodily injury.

27 j. In any action relating to a charitable  
28 solicitation, an individual who has engaged in the  
29 charitable solicitation as an unpaid, uncompensated  
30 volunteer and who does not receive monetary gain of  
31 any sort from engaging in the solicitation.

32 k. An affirmative act that violates this chapter  
 33 but is specifically required by other applicable law,  
 34 to the extent that the actor could not reasonably  
 35 avoid a violation of this chapter.  
 36 2. "Material fact" as used in this chapter does  
 37 not include repairs of damage to, adjustments on, or  
 38 replacements of parts with new parts of otherwise new  
 39 merchandise if the repairs, adjustments, or  
 40 replacements are made to achieve compliance with  
 41 factory specifications and are made before sale of the  
 42 merchandise at retail and the actual cost of any labor  
 43 and parts charged to or performed by a retailer for  
 44 any such repairs, adjustments, and parts does not  
 45 exceed three hundred dollars or ten percent of the  
 46 actual cost to a retailer including freight of the  
 47 merchandise, whichever is less, provided that the  
 48 seller posts in a conspicuous place notice that  
 49 repairs, adjustments, or replacements will be  
 50 disclosed upon request. The exclusion provided in

Page 4

1 this subsection does not apply to the concealment,  
 2 suppression, or omission of a material fact if the  
 3 purchaser requests disclosure of any repair,  
 4 adjustment, or replacement.  
 5 Sec. 5. NEW SECTION. 714H.5 PRIVATE RIGHT OF  
 6 ACTION.  
 7 1. A consumer who suffers an ascertainable loss of  
 8 money or property as the result of such prohibited  
 9 practice or act may bring an action at law to recover  
 10 actual damages. The court may order such equitable  
 11 relief as it deems necessary to protect the public  
 12 from further violations, including temporary and  
 13 permanent injunctive relief.  
 14 2. If the court finds that a person has violated  
 15 this chapter and the consumer is awarded actual  
 16 damages, the court shall award to the consumer the  
 17 costs of the action and to the consumer's attorney  
 18 reasonable fees. Reasonable attorney fees shall be  
 19 determined by the value of the time reasonably  
 20 expended by the attorney including but not limited to  
 21 consideration of the following factors:  
 22 a. The time and labor required.  
 23 b. The novelty and difficulty of the issues in the  
 24 case.  
 25 c. The skills required to perform the legal  
 26 services properly.  
 27 d. The preclusion of other employment by the  
 28 attorney due to the attorney's acceptance of the case.  
 29 e. The customary fee.  
 30 f. Whether the fee is fixed or contingent.

- 31 g. The time limitations imposed by the client or
- 32 the circumstances of the case.
- 33 h. The amount of money involved in the case and
- 34 the results obtained.
- 35 i. The experience, reputation, and ability of the
- 36 attorney.
- 37 j. The undesirability of the case.
- 38 k. The nature and length of the professional
- 39 relationship between the attorney and the client.
- 40 l. Attorney fee awards in similar cases.
- 41 3. In order to recover damages, a claim under this
- 42 section shall be proved by a preponderance of the
- 43 evidence.
- 44 4. If the finder of fact finds by a preponderance
- 45 of clear, convincing, and satisfactory evidence that a
- 46 prohibited practice or act in violation of this
- 47 chapter constitutes willful and wanton disregard for
- 48 the rights or safety of another, in addition to an
- 49 award of actual damages, statutory damages up to three
- 50 times the amount of actual damages may be awarded to a

Page 5

- 1 prevailing consumer.
- 2 5. An action pursuant to this chapter must be
- 3 brought within two years of the occurrence of the last
- 4 event giving rise to the cause of action under this
- 5 chapter or within two years of the discovery of the
- 6 violation of this chapter by the person bringing the
- 7 action, whichever is later.
- 8 6. This section shall not affect a consumer's
- 9 right to seek relief under any other theory of law.
- 10 Sec. 6. NEW SECTION. 714H.6 ATTORNEY GENERAL
- 11 NOTIFICATION.
- 12 1. A party filing a petition, counterclaim,
- 13 cross-petition, or pleading, or any count thereof, in
- 14 intervention alleging a violation under this chapter,
- 15 within seven days following the date of filing such
- 16 pleading, shall provide a copy to the attorney general
- 17 and, within seven days following entry of any final
- 18 judgment in the action, shall provide a copy of the
- 19 judgment to the attorney general.
- 20 2. A party appealing to district court a small
- 21 claims order or judgment involving an issue raised
- 22 under this chapter, within seven days of providing
- 23 notice of the appeal, shall notify the attorney
- 24 general in writing and provide a copy of the pleading
- 25 raising the issue and a copy of the small claims court
- 26 order or judgment.
- 27 3. A party appealing an order or judgment
- 28 involving an issue raised under this chapter, within
- 29 seven days following the date such notice of appeal is

30 filed with the court, shall notify the attorney  
 31 general in writing and provide a copy of the pleading  
 32 raising the issue and a copy of the court order or  
 33 judgment being appealed.

34 4. Upon timely application to the court in which  
 35 an action involving an issue raised under this chapter  
 36 is pending, the attorney general may intervene as a  
 37 party at any time or may be heard at any time. The  
 38 attorney general's failure to intervene shall not  
 39 preclude the attorney general from bringing a separate  
 40 enforcement action.

41 5. All copies of pleadings, orders, judgments, and  
 42 notices required by this section to be sent to the  
 43 attorney general shall be sent by certified mail  
 44 unless the attorney general has previously been  
 45 provided such copies of pleadings, orders, judgments,  
 46 or notices in the same action by certified mail, in  
 47 which case subsequent mailings may be made by regular  
 48 mail. Failure to provide the required mailings to the  
 49 attorney general shall not be grounds for dismissal of  
 50 an action under this chapter, but shall be grounds for

Page 6

1 a subsequent action by the attorney general to vacate  
 2 or modify the judgment.

3 Sec. 7. NEW SECTION. 714H.7 CLASS ACTIONS  
 4 BARRED.

5 A class action lawsuit alleging violations of this  
 6 chapter shall not be available. Nothing in this  
 7 chapter shall be construed to limit the attorney  
 8 general from bringing a class action lawsuit pursuant  
 9 to section 714.16.

10 Sec. 8. NEW SECTION. 714H.8 SEVERABILITY CLAUSE.

11 If any provision of this chapter or its application  
 12 to any person or circumstances is held invalid, the  
 13 invalidity does not affect other provisions or  
 14 applications of this chapter that can be given effect  
 15 without the invalid provision or application, and to  
 16 this end the provisions of this chapter are severable.

17 Sec. 9. APPLICABILITY. This Act applies to causes  
 18 of actions accruing on or after the effective date of  
 19 this Act."

20 2. Title page, line 1, by striking the word  
 21 "cause" and inserting the following: "right".

22 3. Title page, line 2, by striking the word  
 23 "providing" and inserting the following: "including".

H-1377

1 Amend House File 712 as follows:

- 2 1. Page 3, by striking lines 26 through 28 and  
3 inserting the following:  
4 "2. A losing party in an action under this chapter  
5 shall pay the prevailing party's reasonable attorney  
6 fees."  
7 2. By renumbering as necessary.

ALONS of Sioux

H-1378

1 Amend House File 807 as follows:

- 2 1. Page 4, line 35, by striking the word "ten"  
3 and inserting the following: "~~ten~~ twenty".  
4 2. Page 5, line 2, by striking the word "ten" and  
5 inserting the following: "~~ten~~ twenty".  
6 3. Page 5, line 3, by striking the word "twenty"  
7 and inserting the following: "~~twenty~~ twenty-five".  
8 4. Page 5, line 5, by striking the word "twenty"  
9 and inserting the following: "~~twenty~~ twenty-five".  
10 5. Page 5, line 6, by striking the word  
11 "twenty-five" and inserting the following:  
12 "~~twenty-five~~ thirty-five".  
13 6. Page 5, line 8, by striking the word  
14 "twenty-five" and inserting the following:  
15 "~~twenty-five~~ thirty-five".  
16 7. Page 5, line 9, by striking the word  
17 "thirty-five" and inserting the following:  
18 "~~thirty-five~~ forty-five".  
19 8. Page 5, line 11, by striking the word  
20 "thirty-five" and inserting the following:  
21 "~~thirty-five~~ forty-five".  
22 9. Page 5, line 12, by striking the word "forty"  
23 and inserting the following: "~~forty~~ fifty-five".  
24 10. Page 5, line 14, by striking the word "forty"  
25 and inserting the following: "~~forty~~ fifty-five".  
26 11. Page 5, line 15, by striking the word  
27 "forty-five" and inserting the following: "~~forty-five~~  
28 sixty-five".  
29 12. Page 5, line 17, by striking the word  
30 "forty-five" and inserting the following: "~~forty-five~~  
31 sixty-five".  
32 13. Page 5, line 18, by striking the word "fifty"  
33 and inserting the following: "seventy-five".  
34 14. Page 5, line 20, by striking the word "fifty"  
35 and inserting the following: "seventy-five".  
36 15. By renumbering as necessary.

LUKAN of Dubuque

H-1379

1 Amend House File 807 as follows:

2 1. Page 6, by inserting before line 31 the  
3 following:

4 "Sec.\_\_\_\_. Section 422.13, subsection 1, paragraph  
5 a, Code 2009, is amended to read as follows:

6 a. The individual has net income of ~~nine~~ eleven  
7 thousand dollars or more for the tax year from sources  
8 taxable under this division."

9 2. Title page, line 2, by inserting after the  
10 word "rates," the following: "an increased filing  
11 threshold,".

COWNIE of Polk

H-1380

1 Amend House File 807 as follows:

2 1. Page 7, by inserting after line 17 the  
3 following:

4 "Sec.\_\_\_\_. CONTINGENT EFFECTIVE DATE. The  
5 sections of this Act amending section 422.4,  
6 subsection 16, and section 422.9, subsection 2, take  
7 effect upon ratification of an amendment to the  
8 Constitution of the State of Iowa prohibiting the  
9 deduction of federal taxes when computing taxable  
10 income for state individual income tax purposes."

11 2. Page 7, line 18, by striking the word "This"  
12 and inserting the following: "Except for those  
13 sections of this Act that have contingent effective  
14 dates, this".

15 3. Title page, line 7, by inserting after the  
16 word "including" the following: "a contingent  
17 effective date provision and".

HAGENOW of Polk

H-1381

1 Amend House File 807 as follows:

2 1. Page 3, by inserting before line 16 the  
3 following:

4 "Sec.\_\_\_\_. Section 422.5, Code 2009, is amended by  
5 adding the following new subsection:

6 NEW SUBSECTION. 11. A bill enacted on or after  
7 January 1, 2010, containing provisions enacting,  
8 amending, or repealing the income tax or income tax  
9 rates imposed in this section, in which the aggregate  
10 fiscal impact of the provisions results in a net  
11 increase in state tax revenues, as determined by the  
12 general assembly, shall require the affirmative votes  
13 of at least two-thirds of the whole membership of each

14 house of the general assembly for passage and the  
15 signature of the governor. This subsection does not  
16 apply to income tax imposed at the option of a local  
17 government."

18 2. By renumbering as necessary.

GRASSLEY of Butler

H-1382

1 Amend House File 807 as follows:

2 1. Page 1, by striking lines 12 through 23.

3 2. By striking page 3, line 16, through page 4,  
4 line 1.

5 3. Title page, line 2, by striking the words "the  
6 elimination of federal deductibility,".

SANDS of Louisa

H-1383

1 Amend House File 807 as follows:

2 1. Page 3, by inserting before line 16 the  
3 following:

4 "Sec. \_\_\_\_\_. Section 422.5, Code 2009, is amended by  
5 adding the following new subsection:

6 NEW SUBSECTION. 11. For the tax year beginning  
7 January 1, 2009, and the tax year beginning January 1,  
8 2010, if an individual taxpayer's taxable income is  
9 forty thousand dollars or less, or if a married  
10 persons', filing jointly or filing separately on a  
11 combined return, head of household's, or surviving  
12 spouse's taxable income is eighty thousand dollars or  
13 less, the taxpayer's tax liability shall be the lesser  
14 of the following:

15 a. The tax liability computed under the tax rates  
16 that were in effect, including the deductions from net  
17 income and credits allowed, for the tax year beginning  
18 January 1, 2008.

19 b. The tax liability computed pursuant to the  
20 rates in effect in this section, including the  
21 deductions from net income and credits allowed in this  
22 division, for the appropriate tax year."

23 2. By renumbering as necessary.

L. MILLER of Scott

H-1384

1 Amend House File 807 as follows:

2 1. Page 3, by inserting before line 16 the  
3 following:

4 "Sec. \_\_\_\_ Section 422.7, Code 2009, is amended by  
 5 adding the following new subsection:  
 6 NEW SUBSECTION. 54. Subtract, to the extent  
 7 included, active duty pay received by a person as a  
 8 member on federal active duty of the armed forces or  
 9 as a member in the armed forces military reserve or  
 10 national guard serving on federal active duty other  
 11 than for training."  
 12 2. Title page, line 2, by inserting after the  
 13 word "rates," the following: "the exclusion of active  
 14 duty military pay,".

TYMESON of Madison

H-1385

1 Amend House File 807 as follows:  
 2 1. By striking everything after the enacting  
 3 clause and inserting the following:  
 4 "Section 1. Section 422.4, subsection 1,  
 5 paragraphs b and c, Code 2009, are amended to read as  
 6 follows:  
 7 b. "Cumulative inflation factor" means the product  
 8 of the annual inflation factor for the ~~1988~~ 2009  
 9 calendar year and all annual inflation factors for  
 10 subsequent calendar years as determined pursuant to  
 11 this subsection. The cumulative inflation factor  
 12 applies to all tax years beginning on or after January  
 13 1 of the calendar year for which the latest annual  
 14 inflation factor has been determined.  
 15 c. The annual inflation factor for the ~~1988~~ 2009  
 16 calendar year is one hundred percent.  
 17 Sec. 2. Section 422.5, subsection 1, paragraphs a  
 18 through i, Code 2009, are amended to read as follows:

For tax years beginning  
in the calendar year:  
2009 2010 and  
subsequent  
calendar years

24 a. On all taxable income from  
 25 zero through one thousand four  
 26 hundred seven dollars, ~~thirty six~~  
 27 hundredths of one percent: ..... 0.30% 0.31%  
 28 b. On all taxable income  
 29 exceeding one thousand four hundred  
 30 seven dollars but not exceeding two  
 31 thousand eight hundred fourteen  
 32 dollars, ~~seventy two hundredths of~~  
 33 one percent: ..... 0.59% 0.60%  
 34 c. On all taxable income  
 35 exceeding two thousand eight hundred  
 36 fourteen dollars but not exceeding



37 ~~four~~ five thousand six hundred  
 38 twenty-eight dollars;  
 39 ~~two and forty three hundredths~~  
 40 percent: ..... 1.95%  
 41 d. On all taxable income  
 42 exceeding ~~four~~ five thousand six  
 43 hundred twenty-eight dollars but  
 44 not exceeding ~~nine~~ twelve thousand  
 45 six hundred sixty-three dollars;  
 46 ~~four and one half percent~~: ..... 4.18%  
 47 e. On all taxable income  
 48 exceeding ~~nine~~ twelve thousand  
 49 six hundred sixty-three dollars but  
 50 not exceeding ~~fifteen~~ twenty-one

Page 2

1 thousand one hundred five dollars,  
 2 ~~six and twelve hundredths~~  
 3 percent: ..... 5.42%  
 4 f. On all taxable income  
 5 exceeding ~~fifteen~~ twenty-one  
 6 thousand one hundred five dollars  
 7 but not exceeding ~~twenty~~ twenty-eight  
 8 thousand one hundred forty dollars,  
 9 ~~six and forty eight hundredths~~  
 10 percent: ..... 5.42%  
 11 g. On all taxable income  
 12 exceeding ~~twenty~~ twenty-eight  
 13 thousand one hundred forty dollars  
 14 but not exceeding ~~thirty~~ forty-two  
 15 thousand two hundred ten dollars;  
 16 ~~six and eight tenths percent~~: ..... 5.73%  
 17 h. On all taxable income  
 18 exceeding ~~thirty~~ forty-two thousand  
 19 two hundred ten dollars but not  
 20 exceeding ~~forty five~~ sixty-three  
 21 thousand three hundred fifteen  
 22 dollars, ~~seven and ninety two~~  
 23 hundredths percent: ..... 6.16%  
 24 i. On all taxable income  
 25 exceeding ~~forty five~~ sixty-three  
 26 thousand three hundred fifteen  
 27 dollars, ~~eight and ninety eight~~  
 28 hundredths percent: ..... 6.98%

29 Sec. 3. Section 422.12, subsection 1, paragraphs d  
 30 and e, Code 2009, are amended to read as follows:  
 31 d. For a single individual, husband, wife, or head  
 32 of household, an additional exemption of ~~twenty~~ forty  
 33 dollars for each of said individuals who has attained  
 34 the age of sixty-five years before the close of the  
 35 tax year or on the first day following the end of the

36 tax year.

37 e. For a single individual, husband, wife, or head  
 38 of household, an additional exemption of ~~twenty~~ forty  
 39 dollars for each of said individuals who is blind at  
 40 the close of the tax year. For the purposes of this  
 41 paragraph, an individual is blind only if the  
 42 individual's central visual acuity does not exceed  
 43 twenty-two hundredths in the better eye with  
 44 correcting lenses, or if the individual's visual  
 45 acuity is greater than twenty-two hundredths but is  
 46 accompanied by a limitation in the fields of vision  
 47 such that the widest diameter of the visual field  
 48 subtends an angle no greater than twenty degrees.  
 49 Sec. 4. Section 422.12B, subsection 1, Code 2009,  
 50 is amended to read as follows:

Page 3

1 1. The taxes imposed under this division less the  
 2 credits allowed under section 422.12 shall be reduced  
 3 by an earned income credit equal to ~~seven~~ eight  
 4 percent of the federal earned income credit provided  
 5 in section 32 of the Internal Revenue Code. Any  
 6 credit in excess of the tax liability is refundable.  
 7 Sec. 5. Section 422.12C, subsection 1, Code 2009,  
 8 is amended to read as follows:

9 1. a. The taxes imposed under this division, less  
 10 the amounts of nonrefundable credits allowed under  
 11 this division, shall be reduced by a child and  
 12 dependent care credit equal to the following  
 13 percentages of the federal child and dependent care  
 14 credit provided in section 21 of the Internal Revenue  
 15 Code:

16 ~~a.~~ (1) For a taxpayer with net income of less  
 17 than ten thousand dollars, ~~seventy-five~~ eighty  
 18 percent.

19 ~~b.~~ (2) For a taxpayer with net income of ten  
 20 thousand dollars or more but less than twenty thousand  
 21 dollars, ~~sixty-five~~ seventy percent.

22 ~~c.~~ (3) For a taxpayer with net income of twenty  
 23 thousand dollars or more but less than twenty-five  
 24 thousand dollars, ~~fifty-five~~ sixty percent.

25 ~~d.~~ (4) For a taxpayer with net income of  
 26 twenty-five thousand dollars or more but less than  
 27 thirty-five thousand dollars, ~~fifty~~ fifty-five  
 28 percent.

29 ~~e.~~ (5) For a taxpayer with net income of  
 30 thirty-five thousand dollars or more but less than  
 31 forty thousand dollars, ~~forty~~ forty-five percent.

32 ~~f.~~ (6) For a taxpayer with net income of forty  
 33 thousand dollars or more but less than forty-five  
 34 thousand dollars, ~~thirty~~ thirty-five percent.

35 ~~§. (7)~~ For a taxpayer with net income of  
 36 forty-five thousand dollars or more, ~~zero~~ but less  
 37 than fifty thousand dollars, thirty percent.  
 38 (8) For a taxpayer with net income of fifty  
 39 thousand dollars or more, zero percent.  
 40 b. (1) For the tax year beginning in the 2010  
 41 calendar year and for each subsequent tax year, the  
 42 dollar amounts set forth in paragraph "a",  
 43 subparagraphs (1) through (8), shall be multiplied by  
 44 the cumulative adjustment factor for that tax year.  
 45 "Cumulative adjustment factor" means the product of  
 46 the annual adjustment factor for the 2009 tax year and  
 47 all annual adjustment factors for subsequent tax  
 48 years. The cumulative adjustment factor applies to  
 49 the tax year beginning in the calendar year for which  
 50 the latest annual adjustment factor has been

Page 4

1 determined.  
 2 (2) The annual adjustment factor for the 2009 tax  
 3 year is one hundred percent. For each subsequent tax  
 4 year, the annual adjustment factor equals the annual  
 5 inflation factor for the calendar year, in which the  
 6 tax year begins, as computed in section 422.4 for  
 7 purposes of the individual income tax.  
 8 (3) The director shall determine for the 2010 tax  
 9 year and each subsequent tax year the annual and  
 10 cumulative adjustment factor for that tax year. The  
 11 annual and cumulative adjustment factors determined by  
 12 the director are not rules as defined in section  
 13 17A.2, subsection 11.  
 14 Sec. 6. Section 422.12C, subsection 2, unnumbered  
 15 paragraph 1, Code 2009, is amended to read as follows:  
 16 The taxes imposed under this division, less the  
 17 amounts of nonrefundable credits allowed under this  
 18 division, may be reduced by an early childhood  
 19 development tax credit equal to twenty-five percent of  
 20 the first one thousand dollars which the taxpayer has  
 21 paid to others for each dependent, as defined in the  
 22 Internal Revenue Code, ages three through five for  
 23 early childhood development expenses. In determining  
 24 the amount of early childhood development expenses for  
 25 the tax year beginning in the 2006 calendar year only,  
 26 such expenses paid during November and December of the  
 27 previous tax year shall be considered paid in the tax  
 28 year for which the tax credit is claimed. This credit  
 29 is available to a taxpayer whose net income is less  
 30 than ~~forty five thousand dollars~~ the dollar amount  
 31 specified in subsection 1, paragraph "a", subparagraph  
 32 (8), as adjusted for inflation pursuant to subsection  
 33 1, paragraph "b". If the early childhood development

34 tax credit is claimed for a tax year, the taxpayer and  
 35 the taxpayer's spouse shall not claim the child and  
 36 dependent care credit under subsection 1. As used in  
 37 this subsection, "early childhood development  
 38 expenses" means services provided to the dependent by  
 39 a preschool, as defined in section 237A.1, materials,  
 40 and other activities as follows:

41 Sec. 7. Section 422.21, unnumbered paragraph 5,  
 42 Code 2009, is amended to read as follows:

43 The director shall determine for the ~~1989~~ 2010 and  
 44 each subsequent calendar year the annual and  
 45 cumulative inflation factors for each calendar year to  
 46 be applied to tax years beginning on or after January  
 47 1 of that calendar year. The director shall compute  
 48 the new dollar amounts as specified to be adjusted in  
 49 section 422.5 by the latest cumulative inflation  
 50 factor and round off the result to the nearest one

Page 5

1 dollar. The annual and cumulative inflation factors  
 2 determined by the director are not rules as defined in  
 3 section 17A.2, subsection 11. The director shall  
 4 determine for the 1990 calendar year and each  
 5 subsequent calendar year the annual and cumulative  
 6 standard deduction factors to be applied to tax years  
 7 beginning on or after January 1 of that calendar year.  
 8 The director shall compute the new dollar amounts of  
 9 the standard deductions specified in section 422.9,  
 10 subsection 1, by the latest cumulative standard  
 11 deduction factor and round off the result to the  
 12 nearest ten dollars. The annual and cumulative  
 13 standard deduction factors determined by the director  
 14 are not rules as defined in section 17A.2, subsection  
 15 11.

16 Sec. 8. RETROACTIVE APPLICABILITY. This Act  
 17 applies retroactively to January 1, 2009, for tax  
 18 years beginning on or after that date."

19 2. Title page, line 2, by striking the words "the  
 20 elimination of federal deductibility,".

21 3. By renumbering as necessary.

SANDS of Louisa

H-1386

1 Amend House File 807 as follows:

2 1. Page 4, by inserting before line 2 the  
 3 following:

4 "Sec. \_\_\_\_ NEW SECTION. 422.11X TEACHER EXPENSE  
 5 TAX CREDIT.

6 1. The taxes imposed under this division, less the

7 credits allowed under section 422.12, shall be reduced  
 8 by a teacher expense credit equal to the first two  
 9 hundred fifty dollars of the cost incurred to purchase  
 10 supplies by the taxpayer to assist the taxpayer in  
 11 teaching at an elementary or secondary school situated  
 12 in Iowa, which school is accredited under section  
 13 256.11. To qualify for the credit, the costs must be  
 14 nonreimbursable from any source. If the cost incurred  
 15 has been deducted in computing federal adjusted gross  
 16 income, the amount of such deduction shall be added in  
 17 determining net income under section 422.7. Any  
 18 credit in excess of the tax liability is  
 19 nonrefundable.

20 2. As used in this section, "supplies" includes  
 21 but is not limited to paper supplies, bulletin boards,  
 22 books, maps, charts, computer software but not  
 23 hardware, and other items directly used by the  
 24 taxpayer as a teacher. The cost incurred to purchase  
 25 supplies for which a tax credit may be received under  
 26 this section shall not be used by a school district to  
 27 supplement its costs of instructional materials."

28 2. Title page, line 2, by inserting after the  
 29 word "rates," the following: "a teacher expense tax  
 30 credit,".

TYMESON of Madison

H-1387

1 Amend Senate File 224, as amended, passed, and  
 2 reprinted by the Senate, as follows:

3 1. Page 1, line 31, by inserting after the word  
 4 "made." the following: "Fixtures or parts do not  
 5 include smoke and fire dampers, or water, gas, or  
 6 steam piping permanent repairs except for traps or  
 7 strainers. "Routine maintenance" includes emergency  
 8 repairs as may be defined by the board."

9 2. Page 4, line 28, by striking the words "state  
 10 or" and inserting the following: "~~state or~~".

11 3. Page 5, by inserting after line 21 the  
 12 following:

13 "NEW SUBSECTION. 14. Apply to an employee of  
 14 state government while the employee serves a  
 15 state-owned or state-leased facility while acting  
 16 within the scope of the state government employee's  
 17 employment."

18 4. Page 9, by striking lines 27 through 32 and  
 19 inserting the following: "of the license that the  
 20 individual holds. Special plumbing and mechanical  
 21 professional licenses shall be issued to employees of  
 22 a rate-regulated gas or electric public utility who  
 23 conduct repair of appliances. "Repair of appliances"

24 means the repair or replacement of mechanical  
 25 connections between the appliance shutoff valve and  
 26 the appliance and repair of or replacement of parts to  
 27 the appliance. Such special, restricted license shall  
 28 require certification pursuant to industry accredited  
 29 certification standards."

30 5. Page 15, by inserting after line 19 the  
 31 following:

32 "Sec. \_\_\_. STUDY OF STATEWIDE INSPECTION PROGRAM  
 33 IMPLEMENTATION. The plumbing and mechanical systems  
 34 board, in conjunction with the electrical examining  
 35 board, shall conduct a study to determine the most  
 36 appropriate and feasible manner to implement a  
 37 statewide inspection program for work performed by the  
 38 respective licensees of both boards. By January 1,  
 39 2011, the boards shall submit a recommendation to the  
 40 general assembly for the implementation of a statewide  
 41 inspection program."

42 6. By renumbering as necessary.

QUIRK of Chickasaw  
 STRUYK of Pottawattamie

H-1388

1 Amend House File 807 as follows:

2 1. Page 3, by inserting before line 16 the  
 3 following:

4 "Sec. \_\_\_. Section 422.7, Code 2009, is amended by  
 5 adding the following new subsection:

6 NEW SUBSECTION. 54. a. Subtract, to the extent  
 7 included, the income from a partnership, limited  
 8 liability company, or S corporation electing to have  
 9 the income taxed directly to the individual that is  
 10 not distributed to the taxpayer during the tax year.

11 b. Add the amount of income received as  
 12 distributions from a partnership, limited liability  
 13 company, or S corporation electing to have the income  
 14 taxed directly to the individual to the extent the  
 15 distributions are in excess of the income of the  
 16 partnership, limited liability company, or S  
 17 corporation for the tax year to the extent that such  
 18 distributions do not exceed the aggregate amount  
 19 subtracted pursuant to paragraph "a" for prior tax  
 20 years. The amount added under this paragraph shall  
 21 reduce the aggregate amount subtracted pursuant to  
 22 paragraph "a" for subsequent tax years."

23 2. By renumbering as necessary.

QUIRK of Chickasaw  
 HUSER of Polk

H-1391

1 Amend House File 807 as follows:

2 1. Page 7, by inserting before line 18 the  
3 following:

4 "Sec.\_\_\_\_. Section 425.1, subsection 2, Code 2009,  
5 is amended to read as follows:

6 2. The homestead credit fund shall be apportioned  
7 each year so as to give a credit against the tax on  
8 each eligible homestead in the state in an amount  
9 equal to the actual levy on the first four thousand  
10 eight hundred fifty dollars of actual value for each  
11 homestead. If any moneys are appropriated to the fund  
12 in addition to the moneys appropriated pursuant to the  
13 subsection 1, those moneys shall be prorated based  
14 upon the actual levy to each eligible homestead.

15 Sec.\_\_\_\_. HOMESTEAD CREDIT FUND. There is  
16 appropriated from the federal economic stimulus and  
17 jobs holding account to the homestead credit fund for  
18 the fiscal year beginning July 1, 2009, and ending  
19 June 30, 2010, the following amount, or so much  
20 thereof as is necessary, to be used for the purposes  
21 designated:

22 For purposes of providing an additional homestead  
23 property tax credit to homestead owners:

24 ..... \$ 86,000,000"

25 2. Page 7, line 18, by striking the word "This"  
26 and inserting the following:

27 "1. Except as provided in subsection 2, this".

28 3. Page 7, by inserting after line 20 the  
29 following:

30 "2. The sections of this Act amending section  
31 425.1 and making the appropriation to the homestead  
32 credit fund, being deemed of immediate importance,  
33 take effect upon enactment and apply to homestead  
34 property tax credits granted for property taxes  
35 payable in the fiscal year beginning July 1, 2009."

36 4. Title page, by striking lines 1 and 2 and  
37 inserting the following: "An Act relating to taxes by  
38 providing for reduced income tax rates, the  
39 elimination of federal deductibility,".

40 5. Title page, line 6, by striking the words "tax  
41 credit and" and inserting the following: "tax credit,  
42 providing for additional homestead credits, making an  
43 appropriation, and".

44 6. By renumbering as necessary.

STRUYK of Pottawattamie

H-1392

1 Amend House File 807 as follows:

2 1. Page 3, by inserting before line 16 the

3 following:

4 "Sec.\_\_\_\_. Section 422.7, Code 2009, is amended by  
5 adding the following new subsection:  
6 NEW SUBSECTION. 54. A taxpayer is allowed to take  
7 the additional first year depreciation allowance under  
8 section 168(k)(4) of the Internal Revenue Code, as  
9 amended by Pub. L. No. 110-185, in computing state tax  
10 purposes."

11 2. Page 7, by inserting before line 18 the  
12 following:

13 "Sec.\_\_\_\_. Section 422.35, Code 2009, is amended  
14 by adding the following new subsection:  
15 NEW SUBSECTION. 25. A taxpayer is allowed to take  
16 the additional first year depreciation allowance under  
17 section 168(k)(4) of the Internal Revenue Code, as  
18 amended by Pub. L. No. 110-185, in computing state tax  
19 purposes."

20 3. Title page, line 2, by inserting after the  
21 word "rates," the following: "coupling with federal  
22 bonus depreciation,".

SANDS of Louisa

H-1393

1 Amend House File 807 as follows:

2 1. Page 3, by inserting before line 16 the  
3 following:

4 "Sec.\_\_\_\_. Section 422.5, Code 2009, is amended by  
5 adding the following new subsection:  
6 NEW SUBSECTION. 11. For the tax year beginning  
7 January 1, 2009, and the tax year beginning January 1,  
8 2010, if an individual taxpayer's taxable income is  
9 twenty thousand dollars or less, or if a married  
10 persons', filing jointly or filing separately on a  
11 combined return, head of household's, or surviving  
12 spouse's taxable income is forty thousand dollars or  
13 less, the taxpayer's tax liability shall be the lesser  
14 of the following:

15 a. The tax liability computed under the tax rates  
16 that were in effect, including the deductions from net  
17 income and credits allowed, for the tax year beginning  
18 January 1, 2008.

19 b. The tax liability computed pursuant to the  
20 rates in effect in this section, including the  
21 deductions from net income and credits allowed in this  
22 division, for the appropriate tax year."

23 2. By renumbering as necessary.

PETTENGILL of Benton



H-1394

1 Amend House File 807 as follows:

2 1. By striking page 1, line 1, through page 4,  
3 line 1, and inserting the following:

4 "Section 1. Section 422.5, subsection 1,  
5 paragraphs a through i, Code 2009, are amended to read  
6 as follows:

7 a. On all taxable income from zero through one  
8 thousand dollars, ~~thirty-six~~ thirty-two hundredths of  
9 one percent.

10 b. On all taxable income exceeding one thousand  
11 dollars but not exceeding two thousand dollars,  
12 ~~seventy-two~~ sixty-five hundredths of one percent.

13 c. On all taxable income exceeding two thousand  
14 dollars but not exceeding four thousand dollars, two  
15 and ~~forty-three~~ nineteen hundredths percent.

16 d. On all taxable income exceeding four thousand  
17 dollars but not exceeding nine thousand dollars, four  
18 and ~~one-half~~ five hundredths percent.

19 e. On all taxable income exceeding nine thousand  
20 dollars but not exceeding fifteen thousand dollars,  
21 ~~six five~~ and ~~twelve~~ fifty-one hundredths percent.

22 f. On all taxable income exceeding fifteen  
23 thousand dollars but not exceeding twenty thousand  
24 dollars, ~~six five~~ and ~~forty-eight~~ eighty-three  
25 hundredths percent.

26 g. On all taxable income exceeding twenty thousand  
27 dollars but not exceeding thirty thousand dollars, six  
28 and ~~eight-tenths~~ twelve hundredths percent.

29 h. On all taxable income exceeding thirty thousand  
30 dollars but not exceeding forty-five thousand dollars,  
31 seven and ~~ninety-two~~ thirteen hundredths percent.

32 i. On all taxable income exceeding forty-five  
33 thousand dollars, eight and ~~ninety-eight~~ eight  
34 hundredths percent."

35 2. By striking page 6, line 31, through page 7,  
36 line 17, and inserting the following:

37 "Sec.\_\_\_\_. Section 422.33, subsection 1, Code  
38 2009, is amended to read as follows:

39 1. a. A tax is imposed annually upon each  
40 corporation doing business in this state, or deriving  
41 income from sources within this state, in an amount  
42 computed by applying the following rates of taxation  
43 to the net income received by the corporation during  
44 the income year:

45 ~~a.~~ (1) On the first twenty-five thousand dollars  
46 of taxable income, or any part thereof, the rate of  
47 ~~six five and four-tenths~~ percent.

48 ~~b.~~ (2) On taxable income between twenty-five  
49 thousand dollars and one hundred thousand dollars or  
50 any part thereof, the rate of ~~eight~~ seven and

Page 2

1 ~~two-tenths~~ percent.

2 ~~e.~~ (3) On taxable income between one hundred  
3 thousand dollars and two hundred fifty thousand  
4 dollars or any part thereof, the rate of ~~ten~~ nine  
5 percent.

6 ~~d.~~ (4) On taxable income of two hundred fifty  
7 thousand dollars or more, the rate of ~~twelve~~ ten and  
8 eight-tenths percent.

9 b. ~~Income~~ For purposes of this section, "income"  
10 from sources within this state" means income from  
11 real, tangible, or intangible property located or  
12 having a situs in this state."

13 3. Title page, by striking lines 1 and 2 and  
14 inserting the following: "An Act relating to the  
15 individual and corporate income taxes by providing for  
16 reduced tax rates,".

WAGNER of Linn

H-1400

1 Amend Senate File 404, as amended, passed, and  
2 reprinted by the Senate, as follows:

3 1. By striking page 1, line 1, through page 2,  
4 line 30, and inserting the following:

5 "Section 1. LOCAL FOOD AND FARM PLAN.

6 1. Iowa state university, Iowa cooperative  
7 extension service in agriculture and home economics,  
8 in consultation with the Leopold center for  
9 sustainable agriculture, shall prepare a".

10 2. Page 3, by striking line 31 and inserting the  
11 following:

12 "2. Iowa state university, Iowa cooperative  
13 extension service in agriculture and home economics  
14 shall submit a local".

15 3. Title page, by striking line 1 and inserting  
16 the following: "An Act providing".

17 4. By renumbering as necessary.

THOMAS of Clayton  
BEARD of Winneshiek  
KRESSIG of Black Hawk

H-1401

1 Amend Senate File 404, as amended, passed, and  
2 reprinted by the Senate, as follows:

3 1. Page 1, line 28, by striking the word "Two"  
4 and inserting the following: "Three".

5 2. Page 1, line 29, by inserting after the word

6 "including" the following: "one individual actively  
 7 engaged in the student demonstration garden at the  
 8 university of Iowa,"  
 9 3. By renumbering as necessary.

KUHN of Floyd  
 JACOBY of Johnson  
 LENSING of Johnson

H-1405

1 Amend Senate File 437, as passed by the Senate, as  
 2 follows:  
 3 1. Page 1, by inserting after line 23 the  
 4 following:  
 5 "Sec.\_\_\_\_. NEW SECTION. 468.4A ESTABLISHMENT OF  
 6 LEVEE OR DRAINAGE DISTRICT – MINIMUM SIZE.  
 7 A levee or drainage district shall not be  
 8 established in an area which includes less than  
 9 one-third of a watershed, unless all owners of land  
 10 which would be included in the watershed sign a  
 11 petition for the establishment of the levee or  
 12 drainage district as provided in section 468.6.  
 13 Sec.\_\_\_\_. Section 468.6, Code 2009, is amended to  
 14 read as follows:  
 15 468.6 NUMBER OF PETITIONERS REQUIRED.  
 16 1. Two Except as provided in subsection 2, two or  
 17 more owners of lands named in the petition described  
 18 in section 468.8, may file in the office of the county  
 19 auditor a petition for the establishment of a levee or  
 20 drainage district, including a district which involves  
 21 only the straightening of a creek or river. If the  
 22 district described in the petition is a subdistrict,  
 23 one or more owners of land affected by the proposed  
 24 improvement may petition for such district.  
 25 2. If a levee or drainage district is established  
 26 in an area which includes less than one-third of a  
 27 watershed, all owners of land which would be included  
 28 in the levee or drainage district must sign the  
 29 petition described in subsection 1."

KAUFMANN of Cedar

H-1406

1 Amend Senate File 437, as passed by the Senate, as  
 2 follows:  
 3 1. Page 1, by inserting after line 23 the  
 4 following:  
 5 "Sec.\_\_\_\_. Section 468.510, Code 2009, is amended  
 6 to read as follows:  
 7 468.510 QUALIFICATIONS OF VOTERS.

8 Each landowner eighteen years of age or over  
 9 without regard to sex and any railway or other  
 10 corporation owning land in said district assessed for  
 11 benefits shall be entitled to one vote only, ~~except as~~  
 12 ~~provided in section 468.511.~~

13 Sec. \_\_\_\_ Section 468.511, subsection 1, Code  
 14 2009, is amended to read as follows:

15 1. ~~When a petition asking for the right to vote in~~  
 16 ~~proportion to assessment of benefits at all elections~~  
 17 ~~for any purpose thereafter to be held within said~~  
 18 ~~district, signed by a majority of the landowners~~  
 19 ~~owning land within said district assessed for~~  
 20 ~~benefits, is filed with the board of trustees, then,~~  
 21 ~~in all elections of trustees thereafter held within~~  
 22 ~~said district, any person whose land is assessed for~~  
 23 ~~benefits without regard to age, sex, or condition~~  
 24 ~~shall be entitled to one vote for each ten dollars or~~  
 25 ~~fraction thereof of the original assessment under the~~  
 26 ~~current classification against the land actually owned~~  
 27 ~~by the person in said district at the time of the~~  
 28 ~~election, but in order to have such ballot counted for~~  
 29 ~~more than one vote the voter shall write the voter's~~  
 30 ~~name upon the ballot.~~ The vote of any landowner of  
 31 the district may be cast by absent voters ballot as  
 32 provided in chapter 53 except that the form of the  
 33 applications for ballots, the voters' affidavits on  
 34 the envelopes, and the endorsement of the carrier  
 35 envelope for preserving the ballot shall be  
 36 substantially in the form provided in subsections 2, 3  
 37 and 4, below. Application blanks, envelopes and  
 38 ballots shall be provided by and submitted to the  
 39 office of the county auditor in which the election is  
 40 held. The cost of such blanks, envelopes, ballots and  
 41 postage shall be paid by the district. For the  
 42 purpose of this subchapter all landowners of the  
 43 district shall be considered qualified voters,  
 44 regardless of their place of residence.

45 Sec. \_\_\_\_ Section 468.512, Code 2009, is amended  
 46 to read as follows:

47 468.512 VOTE BY AGENT.

48 ~~Except where the provisions of section 468.511,~~  
 49 ~~providing for vote in proportion to assessment are~~  
 50 ~~invoked, any A person or corporation owning land or~~

Page 2

1 right of way within the district and assessed for  
 2 benefits may have the person's or the corporation's  
 3 vote cast by the person's or the corporation's agent  
 4 or proxy authorized to cast such vote by a power of  
 5 attorney signed and acknowledged by such person or  
 6 corporation, and filed before such vote is cast in the

7 auditor's office of the county in which such election  
 8 is held. Every such power of attorney shall specify  
 9 the particular election for which it is to be used,  
 10 indicating the day, month, and year of such election,  
 11 and shall be void for all elections subsequently held.  
 12 ~~The vote of the owner of any land in a drainage or~~  
 13 ~~levee district in any election, where the vote is not~~  
 14 ~~determined by assessment, may be cast by absent voters~~  
 15 ~~ballot in the same manner and form and subject to the~~  
 16 ~~same rights and restrictions as is provided in section~~  
 17 ~~468.511 relating to vote by absentee ballot when votes~~  
 18 ~~are determined by assessment.~~

19 Sec.\_\_\_\_. AMENDMENT OF ORGANIC DOCUMENTS. A  
 20 drainage or levee district organized as a private  
 21 entity and under the control and management of a board  
 22 of trustees as provided in chapter 468, subchapter  
 23 III, shall amend the district's organic documents,  
 24 including its articles of incorporation and bylaws, in  
 25 order to comply with this Act.

26 Sec.\_\_\_\_. TRANSITION AND ELECTION PROVISIONS. The  
 27 term of office for those trustees of a levee or  
 28 drainage district in which the vote of qualified  
 29 electors for office of trustee was in proportion to  
 30 assessment of benefits as provided in section 468.511  
 31 shall terminate on the fourth Saturday in January  
 32 2010. Successors to the office of trustee in such  
 33 districts shall be elected at the election held on the  
 34 third Saturday of January 2010, as if it were an  
 35 original election under section 468.518, and the  
 36 tenure of office and election of successors shall be  
 37 as provided in that section."

REICHERT of Muscatine

H-1407

1 Amend the amendment, H-1335, to Senate File 283, as  
 2 passed by the Senate, as follows:  
 3 1. By striking page 4, line 35, through page 5,  
 4 line 4, and inserting the following:  
 5 "Sec.\_\_\_\_. JUDICIAL OFFICER – UNPAID LEAVE.  
 6 Notwithstanding the annual salary rates for judicial  
 7 officers established by 2008 Iowa Acts, chapter 1191,  
 8 section 11, for the fiscal period beginning July 1,  
 9 2008, and ending June 30, 2010, the supreme court may  
 10 by order place all judicial officers on unpaid leave  
 11 status on any day employees of the judicial branch are  
 12 placed on temporary layoff status. The biweekly pay  
 13 of the judicial officers shall be reduced accordingly  
 14 for the pay period in which the unpaid leave date  
 15 occurred in the same manner as for noncontract  
 16 employees of the judicial branch. Through the course

17 of the fiscal period, the judicial branch may use an  
 18 amount equal to the aggregate amount of salary  
 19 reductions due to the judicial officer unpaid leave  
 20 days for any purpose other than for judicial  
 21 salaries."  
 22 2. Page 5, line 6, by striking the words  
 23 "voluntary judicial officer furlough" and inserting  
 24 the following: "unpaid leave for judicial officers".  
 25 3. Page 5, line 11, by inserting after the word  
 26 "appointment" the following: "and compensation".

HUSER of Polk  
 R. OLSON of Polk

H-1411

1 Amend Senate File 432, as amended, passed, and  
 2 reprinted by the Senate, as follows:  
 3 1. Page 1, lines 2 and 3, by striking the words  
 4 "FROZEN GROUND AND".  
 5 2. Page 1, by striking lines 6 through 8.  
 6 3. Page 1 line 31, by inserting before the word  
 7 "MANURE" the following: "LIQUID".  
 8 4. Page 1, line 32, by striking the words "FROZEN  
 9 GROUND AND".  
 10 5. By striking page 1, line 33, through page 2,  
 11 line 6, and inserting the following:  
 12 "1. A person shall not apply liquid manure  
 13 originating from a confinement feeding operation on  
 14 snow-covered ground except in an emergency as provided  
 15 in this section. An emergency occurs only".  
 16 6. Page 2, by striking line 9, and inserting the  
 17 following: "that pose an immediate threat to human  
 18 health, animal health, or the environment. The  
 19 unforeseen".  
 20 7. Page 2, by striking lines 11 and 12, and  
 21 inserting the following: "confinement feeding  
 22 operation, including natural disaster, unusual weather  
 23 conditions as identified by the department, or  
 24 equipment or".  
 25 8. Page 2, line 14, by striking the words "frozen  
 26 ground or".  
 27 9. Page 2, by striking lines 17 through 21, and  
 28 inserting the following: "prior to the application."  
 29 10. By renumbering as necessary.

D. OLSON of Boone  
 GASKILL of Wapello

H-1418

1 Amend House File 809 as follows:  
 2 1. Page 19, by inserting after line 11 the

3 following:  
 4 "Sec.\_\_\_\_. VEHICLE PURCHASES DEFERRED.  
 5 Notwithstanding any provision to the contrary, except  
 6 as otherwise provided by this section, the department  
 7 of administrative services shall defer the purchase of  
 8 replacement motor vehicles paid for from the general  
 9 fund of the state or from such moneys credited to the  
 10 depreciation fund maintained pursuant to section  
 11 8A.365. The purchase deferral is applicable to the  
 12 remainder of the fiscal year beginning July 1, 2008,  
 13 commencing on the effective date of this section and  
 14 to the succeeding fiscal year. However, the executive  
 15 council may authorize an exception to allow purchase  
 16 of a replacement vehicle when the purchase is less  
 17 costly than all other alternatives.  
 18 Sec.\_\_\_\_. EFFECTIVE DATE. The section of this  
 19 division of this Act providing for vehicle purchases  
 20 to be deferred, being deemed of immediate importance,  
 21 takes effect upon enactment."  
 22 2. By renumbering as necessary.

RAECKER of Polk  
 ALONS of Sioux  
 WAGNER of Linn

H-1421

1 Amend House File 809 as follows:  
 2 1. Page 4, by striking line 7 and inserting the  
 3 following:  
 4 "..... \$ 1,205,468"  
 5 2. Page 12, by striking line 8 and inserting the  
 6 following:  
 7 "..... \$ 1,705,011"

ALONS of Sioux  
 DRAKE of Cass

H-1425

1 Amend the amendment, H-1308, to Senate File 3, as  
 2 amended, passed, and reprinted by the Senate, as  
 3 follows:  
 4 1. Page 1, by inserting after line 22 the  
 5 following:  
 6 "Sec.\_\_\_\_. Section 707.6A, subsection 1,  
 7 unnumbered paragraph 1, Code 2009, is amended to read  
 8 as follows:  
 9 A person commits a class "B" felony when the person  
 10 unintentionally causes the death of another by  
 11 operating a motor vehicle while intoxicated, as  
 12 prohibited by section 321J.2, and notwithstanding

13 section 902.9, subsection 2, shall be punished by  
 14 confinement for no more than fifty years. A person  
 15 sentenced for a violation of this subsection shall not  
 16 be eligible for parole until the person has served a  
 17 minimum period of confinement of twenty-five years.

18 Upon a plea or verdict of guilty of a violation of  
 19 this subsection, the court shall do the following:

20 Sec. \_\_\_\_\_. Section 707.8, subsection 4, Code 2009,  
 21 is amended to read as follows:

22 4. A person who unintentionally terminates a human  
 23 pregnancy by any of the means provided pursuant to  
 24 section 707.6A, subsection 1, is guilty of a class "C"  
 25 "B" felony.

26 Sec. \_\_\_\_\_. Section 902.12, Code 2009, is amended by  
 27 adding the following new subsection:

28 NEW SUBSECTION. 7. Unintentional termination of a  
 29 human pregnancy in violation of section 707.8,  
 30 subsection 4."

31 \_\_\_\_\_. Title page, by striking lines 1 and 2 and  
 32 inserting the following: "An Act relating to  
 33 motorboat, sailboat, and motor vehicle operating while  
 34 intoxicated offenses.""

ALONS of Sioux  
 DOLECHECK of Ringgold  
 RAYHONS of Hancock  
 SWEENEY of Cass  
 WINDSCHITL of Harrison

KOESTER of Polk  
 DE BOEF of Keokuk  
 DRAKE of Cass  
 HUSEMAN of Cherokee  
 SORENSON of Warren

H-1426

1 Amend Senate File 432, as amended, passed, and  
 2 reprinted by the Senate, as follows:

- 3 1. By striking page 1, line 1, through page 3,
- 4 line 21.
- 5 2. By renumbering as necessary.

WHITAKER of Van Buren  
 KUHN of Floyd

H-1427

1 Amend Senate File 451, as passed by the Senate, as  
 2 follows:

- 3 1. Page 2, line 8, by inserting after the word
- 4 "of" the following: "undergraduate".
- 5 2. Title page, line 2, by inserting before the
- 6 word "tuition" the following: "undergraduate".

MASCHER of Johnson



H-1433

1 Amend the amendment, H-1335, to Senate File 283, as  
2 passed by the Senate, as follows:

3 1. Page 1, line 5, by striking the word and  
4 figure ""Section 1." and inserting the following:

5 ""Section 1. Section 46.3, Code 2009, is amended  
6 to read as follows:

7 46.3 APPOINTMENT OF DISTRICT JUDICIAL NOMINATING  
8 COMMISSIONERS.

9 1. The governor shall appoint five eligible  
10 electors of each judicial election district to the  
11 district judicial nominating commission.

12 2. Appointments ~~The appointments made by the~~  
13 ~~governor~~ shall be to staggered terms of six years each  
14 and shall be made in the month of January for terms  
15 commencing February 1 of even-numbered years.

16 3. No more than a ~~A~~ simple majority of the  
17 commissioners appointed by the governor shall be of  
18 the same gender.

19 4. Beginning with terms commencing February 1,  
20 2010, there shall not be more than one appointed  
21 commissioner from a county within a judicial election  
22 district unless each county within the judicial  
23 election district has an appointed commissioner and  
24 the number of appointed commissioners exceeds the  
25 number of counties within the judicial election  
26 district. This subsection shall not be used to remove  
27 an appointed commissioner from office prior to the  
28 expiration of the commissioner's term.

29 Sec. 2. Section 46.4, Code 2009, is amended to  
30 read as follows:

31 46.4 ELECTION OF DISTRICT JUDICIAL NOMINATING  
32 COMMISSIONERS.

33 1. The resident members of the bar of each  
34 judicial election district shall elect five eligible  
35 electors of the district to the district judicial  
36 nominating commission. Commissioners shall be elected  
37 to staggered terms of six years each. The elections  
38 shall be held in the month of January for terms  
39 commencing February 1 of even-numbered years.

40 2. For terms commencing February 1, 1988, and  
41 every six years thereafter, one elected commissioner  
42 in each district shall be a woman and one shall be a  
43 man. For terms commencing February 1, 1990, and every  
44 six years thereafter, one elected commissioner in each  
45 district shall be a woman and one shall be a man. For  
46 the term commencing February 1, 1992, in the  
47 odd-numbered districts the elected commissioner shall  
48 be a woman and in the even-numbered districts the  
49 elected commissioner shall be a man. For the terms  
50 commencing every six years thereafter, the districts

Page 2

1 shall alternate between women and men elected  
 2 commissioners.  
 3 3. Beginning with the terms commencing February 1,  
 4 2010, there shall not be more than one commissioner  
 5 from a county within a judicial election district  
 6 unless each county within the judicial election  
 7 district has an elected commissioner and the number of  
 8 elected commissioners exceeds the number of counties  
 9 within the judicial election district. This  
 10 subsection shall not be used to remove an elected  
 11 commissioner from office prior to the expiration of  
 12 the commissioner's term.

13 Sec.\_\_\_\_."

14 2. Page 4, by inserting after line 34 the  
 15 following:

16 "Sec.\_\_\_\_. TRAVEL REIMBURSEMENT. For the fiscal  
 17 period beginning July 1, 2008, and ending June 30,  
 18 2010, a judicial officer may waive travel  
 19 reimbursement for any travel outside the judicial  
 20 officer's county of residence to conduct official  
 21 judicial business.

22 Sec.\_\_\_\_. CIVIL TRIALS – LOCATION.  
 23 Notwithstanding any provision to the contrary, for the  
 24 fiscal period beginning July 1, 2008, and ending June  
 25 30, 2010, if all parties in a case agree, a civil  
 26 trial, including a jury trial may take place in a  
 27 county contiguous to the county with proper  
 28 jurisdiction, even if the contiguous county is located  
 29 in an adjacent judicial district or judicial election  
 30 district. If the trial is moved pursuant to this  
 31 section, court personnel shall treat the case as if a  
 32 change of venue occurred. However, if a trial is  
 33 moved to an adjacent judicial district or judicial  
 34 election district, the judicial officers serving in  
 35 the judicial district or judicial election district  
 36 receiving the case shall preside over the case."

37 3. Page 5, line 5, by striking the word "section"  
 38 and inserting the following: "sections".

39 4. Page 5, line 6, by inserting before the word  
 40 "being" the following: "travel reimbursement waivers,  
 41 and moving civil trials,".

42 5. Page 5, line 7, by striking the word "takes"  
 43 and inserting the following: "take".

44 6. Page 5, line 11, by inserting after the word  
 45 "appointment" the following: "and compensation".

46 7. By renumbering as necessary.

KAUFMANN of Cedar  
 SCHULTZ of Crawford  
 SANDS of Louisa

SWAIM of Davis  
 PALMER of Mahaska  
 BAUDLER of Adair

REICHERT of Muscatine  
 ANDERSON of Page  
 R. OLSON of Polk

SCHUELLER of Jackson  
 T. TAYLOR of Linn

H-1435

- 1 Amend House File 809 as follows:
- 2 1. By striking page 19, line 35, through page 21,
- 3 line 25.
- 4 2. By renumbering as necessary.

HUNTER of Polk

H-1436

- 1 Amend the amendment, H-1410, to House File 809, as
- 2 follows:
- 3 1. Page 1, line 26, by inserting after the word
- 4 "county." the following: "Notwithstanding the
- 5 provisions of section 8A.364 to the contrary, proceeds
- 6 from the sale of motor vehicles as provided by this
- 7 subsection shall be deposited in the general fund of
- 8 the state."
- 9 2. Page 1, line 31, by striking the word
- 10 "entity." and inserting the following: "entity."
- 11 3. Page 1, by inserting after line 31 the
- 12 following:
- 13 "4. For purposes of this section, "passenger
- 14 vehicles" means United States environmental protection
- 15 agency designated compact sedans, compact wagons,
- 16 midsize sedans, midsize wagons, full-size sedans, and
- 17 passenger minivans. "Passenger vehicles" does not
- 18 mean utility vehicles, vans other than passenger
- 19 minivans, fire trucks, ambulances, motor homes, buses,
- 20 medium-duty and heavy-duty trucks, heavy construction
- 21 equipment, and other highway maintenance vehicles,
- 22 vehicles assigned for law enforcement purposes, and
- 23 any other classes of vehicles of limited application
- 24 approved by the director of the department of
- 25 administrative services."
- 26 4. By renumbering as necessary.

RAECKER of Polk

H-1438

- 1 Amend Senate File 432, as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 1, lines 2 and 3, by striking the words
- 4 "FROZEN GROUND AND SNOW COVERED GROUND" and inserting
- 5 the following: "SNOW COVERED GROUND AND FROZEN
- 6 GROUND".

- 7 2. Page 1, line 32, by striking the words "FROZEN  
8 GROUND AND SNOW COVERED GROUND" and inserting the  
9 following: "SNOW COVERED GROUND AND FROZEN GROUND".  
10 3. Page 1, line 34, by striking the words "frozen  
11 ground or snow covered ground" and inserting the  
12 following: "snow covered ground or frozen ground".  
13 4. By striking page 1, line 35, through page 2,  
14 line 1, and inserting the following: ", except to the  
15 extent otherwise provided by applicable requirements  
16 in this section, this chapter, or the national  
17 pollutant discharge elimination system pursuant to the  
18 federal Water Pollution Control Act, 33 U.S.C. ch. 26,  
19 as amended, and 40 C.F.R. pts. 122 and 412."  
20 5. Page 2, line 2, by inserting before the word  
21 "During" the following: "During the period beginning  
22 January 1 and ending April 1, the person may apply  
23 liquid manure originating from a manure storage  
24 structure, that is part of a confinement feeding  
25 operation, on snow covered ground only when there is  
26 an emergency."  
27 6. Page 2, line 5, by striking the words "or snow  
28 covered ground".  
29 7. Page 2, line 14, by striking the words "frozen  
30 ground or snow covered ground" and inserting the  
31 following: "snow covered ground or frozen ground".  
32 8. Page 2, line 25, by striking the word "person"  
33 and inserting the following: "owner of the  
34 confinement feeding operation".  
35 9. Page 10, by inserting after line 1 the  
36 following:  
37 "Sec.\_\_\_\_. NEW SECTION. 459B.305 DRY BEDDED  
38 MANURE CONTROL – WATER QUALITY.  
39 A dry bedded confinement feeding operation shall  
40 retain all dry bedded manure produced by the operation  
41 between periods of dry bedded manure application. For  
42 purposes of this section, dry bedded manure may be  
43 retained by stockpiling as provided in this chapter.  
44 A dry bedded confinement feeding operation shall not  
45 discharge dry bedded manure directly into water of the  
46 state or into a tile line that discharges directly  
47 into water of the state.  
48 Sec.\_\_\_\_. NEW SECTION. 459B.306 STOCKPILING –  
49 NPDES REQUIREMENTS – WATER QUALITY.  
50 A person stockpiling dry bedded manure shall comply

Page 2

- 1 with applicable requirements of the national pollutant  
2 discharge elimination system pursuant to the federal  
3 Water Pollution Control Act, 33 U.S.C. ch. 26, as  
4 amended, and 40 C.F.R. pts. 122 and 412."  
5 10. Page 10, by striking line 2 and inserting the

- 6 following:
- 7 "Sec. \_\_\_\_\_. NEW SECTION. 459B.307 STOCKPILING –
- 8 STATE REQUIREMENTS – WATER".
- 9 11. Page 11, line 12, by striking the figure
- 10 "459B.303" and inserting the following: "459B.308".
- 11 12. By renumbering as necessary.

WENTHE of Fayette  
 ZIRKELBACH of Jones  
 S. OLSON of Clinton

H-1444

- 1 Amend Senate File 469, as passed by the Senate, as
- 2 follows:
- 3 1. Page 15, by inserting before line 18 the
- 4 following:
- 5 "Sec.\_\_\_\_. Section 15.335, subsection 1,
- 6 unnumbered paragraph 1, Code 2009, is amended to read
- 7 as follows:
- 8 An eligible business may claim a corporate tax
- 9 credit for increasing research activities in this
- 10 state during the period the eligible business is
- 11 participating in the program. For purposes of this
- 12 section, "research activities" includes the
- 13 development and deployment of innovative renewable
- 14 energy generation components manufactured or assembled
- 15 in this state. For purposes of this section,
- 16 "innovative renewable energy generation components"
- 17 does not include a component with more than two
- 18 hundred megawatts of installed effective nameplate
- 19 capacity. The tax credits for innovative renewable
- 20 energy generation components shall not exceed one
- 21 million dollars in any one fiscal year.
- 22 Sec.\_\_\_\_. Section 15G.110, Code 2009, is amended
- 23 to read as follows:
- 24 15G.110 APPROPRIATION.
- 25 1. For ~~the fiscal period beginning July 1, 2005,~~
- 26 ~~and ending June 30, 2008, and for the fiscal period~~
- 27 ~~beginning July 1, 2010, and ending June 30, 2015,~~
- 28 there is appropriated to the department of economic
- 29 development each fiscal year ~~fifty~~ forty-nine million
- 30 dollars from the general fund of the state for deposit
- 31 in the grow Iowa values fund.
- 32 2. For the fiscal period beginning July 1, ~~2008~~
- 33 2009, and ending June 30, 2010, there is appropriated
- 34 to the department of economic development each fiscal
- 35 year ~~fifty~~ forty-nine million dollars from the rebuild
- 36 Iowa infrastructure fund for deposit in the grow Iowa
- 37 values fund, notwithstanding section 8.57, subsection
- 38 6, paragraph "c".
- 39 Sec.\_\_\_\_. Section 15G.111, subsection 1, paragraph

40 a, subparagraph (2), unnumbered paragraph 1, Code  
 41 2009, is amended to read as follows:  
 42 For each fiscal year of the fiscal period beginning  
 43 July 1, 2009, and ending June 30, 2015, to the  
 44 department of economic development ~~thirty-two~~  
 45 thirty-one million dollars for the following programs  
 46 administered by the department:  
 47 Sec. \_\_\_\_\_. Section 15G.111, subsections 3 and 4, if  
 48 enacted by 2009 Iowa Acts, House File 656, are amended  
 49 to read as follows:  
 50 3. APPROPRIATION. For each fiscal year of the

Page 2

1 fiscal period beginning July 1, 2009, and ending June  
 2 30, 2015, there is appropriated from the fund to the  
 3 department of economic development for purposes of  
 4 making expenditures pursuant to this chapter  ~~fifty~~  
 5 forty-nine million dollars.  
 6 4. DEPARTMENTAL PURPOSES. Of the moneys  
 7 appropriated to the department pursuant to subsection  
 8 3, the department shall allocate ~~thirty-two~~ thirty-one  
 9 million dollars each fiscal year as follows:  
 10 a. For administrative costs, an amount not more  
 11 than two and one-half percent of the moneys subject to  
 12 allocation under this subsection.  
 13 b. For awards of financial assistance pursuant to  
 14 section 15G.112, an amount approved by the board.  
 15 c. For marketing proposals pursuant to section  
 16 15G.109, an amount approved by the board.  
 17 d. For a statewide labor shed study conducted in  
 18 coordination with the department of workforce  
 19 development, an amount approved by the board.  
 20 e. For responding to opportunities and threats, as  
 21 described in section 15G.113, an amount approved by  
 22 the board.  
 23 f. For procuring technical assistance from either  
 24 the public or private sector and for information  
 25 technology purposes, an amount approved by the board.  
 26 g. For covering existing guarantees made under the  
 27 loan and credit guarantee program established pursuant  
 28 to section 15E.224, Code 2009, an amount approved by  
 29 the board.  
 30 h. During the fiscal year beginning July 1, 2009,  
 31 and ending June 30, 2010, for deposit in the renewable  
 32 fuel infrastructure fund as provided in section  
 33 15G.205, two million dollars. This paragraph is  
 34 repealed on July 1, 2010.  
 35 Sec. \_\_\_\_\_. CONDITIONAL REPEAL. If 2009 Iowa Acts,  
 36 House File 656, is enacted, the section of this Act

37 amending section 15G.111 is repealed."  
38 2. By renumbering as necessary.

RANTS of Woodbury

H-1445

1 Amend the amendment, H-1375, to House File 712 as  
2 follows:  
3 1. Page 1, line 8, by striking the word  
4 "economic" and inserting the following:  
5 "compensatory".  
6 2. Page 1, line 10, by inserting after the word  
7 "amount." the following: ""Actual damages" does not  
8 include damages for bodily injury, pain and suffering,  
9 mental distress, loss of consortium, loss of life, or  
10 loss of enjoyment of life."  
11 3. Page 1, by striking lines 31 and 32 and  
12 inserting the following:  
13 "1. A person shall not engage in an".  
14 4. Page 2, by striking lines 36 through 38 and  
15 inserting the following: "association, savings bank,  
16 or credit union."  
17 5. Page 3, by striking lines 1 through 35 and  
18 inserting the following:  
19 "c. In connection with an advertisement that  
20 violates this chapter, the newspaper, magazine,  
21 publication, or other print media in which the  
22 advertisement appears, including the publisher of the  
23 newspaper, magazine, publication, or other print media  
24 in which the advertisement appears, or the radio  
25 station, television station, or other electronic media  
26 which disseminates the advertisement, including an  
27 employee, agent, or representative of the publisher,  
28 newspaper, magazine, publication or other print media,  
29 or the radio station, television station, or other  
30 electronic media.  
31 d. The provision of local exchange carrier  
32 telephone service pursuant to a certificate issued  
33 under section 476.29.  
34 e. Public utilities as defined in section 476.1  
35 that furnish gas by a piped distribution system or  
36 electricity to the public for compensation when  
37 engaged in activities subject to regulation by the  
38 utilities board pursuant to chapter 476.  
39 f. Any advertisement that complies with the  
40 statutes, rules, and regulations of the federal trade  
41 commission.  
42 g. Conduct that is required or permitted by the  
43 orders or rules of, or a statute administered by, a  
44 federal, state, or local governmental agency.  
45 h. An affirmative act that violates this chapter

46 but is specifically required by other applicable law,  
 47 to the extent that the actor could not reasonably  
 48 avoid a violation of this chapter.  
 49 i. In any action relating to a charitable  
 50 solicitation, an individual who has engaged in the

Page 2

1 charitable solicitation as an unpaid, uncompensated  
 2 volunteer and who does not receive monetary gain of  
 3 any sort from engaging in the solicitation."  
 4 6. Page 5, by inserting after line 9 the  
 5 following:  
 6 "7. A person shall not be held liable in any  
 7 action brought under this section for a violation of  
 8 this chapter if the person shows by a preponderance of  
 9 the evidence that the violation was not intentional  
 10 and resulted from a bona fide error notwithstanding  
 11 the maintenance of procedures reasonably adopted to  
 12 avoid the error."  
 13 7. Page 6, by striking lines 3 through 9.  
 14 8. Page 6, line 10, by striking the figure  
 15 "714H.8" and inserting the following: "714H.7".  
 16 9. By renumbering as necessary.

SWAIM of Davis  
 PALMER of Mahaska  
 R. OLSON of Polk

H-1446

1 Amend House File 712 as follows:  
 2 1. By striking everything after the enacting  
 3 clause and inserting the following:  
 4 "Section 1. NEW SECTION. 714H.1 TITLE.  
 5 This chapter shall be known and may be cited as the  
 6 "Private Right of Action for Consumer Frauds Act".  
 7 Sec. 2. NEW SECTION. 714H.2 DEFINITIONS.  
 8 1. "Actual damages" means all compensatory damages  
 9 proximately caused by the prohibited practice or act  
 10 that are reasonably ascertainable in amount. "Actual  
 11 damages" does not include damages for bodily injury,  
 12 pain and suffering, mental distress, loss of  
 13 consortium, loss of life, or loss of enjoyment of  
 14 life.  
 15 2. "Advertisement" means the same as defined in  
 16 section 714.16.  
 17 3. "Consumer" means a natural person or the  
 18 person's legal representative.  
 19 4. "Consumer merchandise" means merchandise  
 20 offered for sale or lease, or sold or leased,  
 21 primarily for personal, family, or household purposes.



22 5. "Deception" means an act or practice that is  
 23 likely to mislead a substantial number of consumers as  
 24 to a material fact or facts.

25 6. "Merchandise" means the same as defined in  
 26 section 714.16.

27 7. "Person" means the same as defined in section  
 28 714.16.

29 8. "Sale" means any sale or offer for sale of  
 30 consumer merchandise for cash or credit.

31 9. "Unfair practice" means the same as defined in  
 32 section 714.16.

33 Sec. 3. NEW SECTION. 714H.3 PROHIBITED PRACTICES  
 34 AND ACTS.

35 1. A person shall not engage in an unfair  
 36 practice, deception, fraud, false pretense, or false  
 37 promise, or the misrepresentation, concealment,  
 38 suppression, or omission of a material fact, with the  
 39 intent that others rely upon the unfair practice,  
 40 deception, fraud, false pretense, false promise,  
 41 misrepresentation, concealment, suppression, or  
 42 omission in connection with the advertisement, sale,  
 43 or lease of consumer merchandise, or the solicitation  
 44 of contributions for charitable purposes. For the  
 45 purposes of this chapter, a claimant alleging an  
 46 unfair practice, deception, fraud, false pretense,  
 47 false promise, or misrepresentation must prove that  
 48 the prohibited practice related to a material fact or  
 49 facts. "Solicitations of contributions for charitable  
 50 purposes" does not include solicitations made on

Page 2

1 behalf of a political organization as defined in  
 2 section 13C.1, solicitations made on behalf of a  
 3 religious organization as defined in section 13C.1,  
 4 solicitations made on behalf of a state, regionally,  
 5 or nationally accredited college or university, or  
 6 solicitations made on behalf of a nonprofit foundation  
 7 benefiting a state, regionally, or nationally  
 8 accredited college or university subject to section  
 9 509(a)(1) or 509(a)(3) of the Internal Revenue Code of  
 10 1986.

11 2. A person shall not engage in any practice or  
 12 act that is in violation of any of the following:

- 13 a. Section 321.69.
- 14 b. Chapter 516D.
- 15 c. Section 516E.5, 516E.9, or 516E.10.
- 16 d. Chapter 555A.
- 17 e. Section 714.16, subsection 2, paragraphs "b"  
 18 through "n".
- 19 f. Chapter 714A.

20 Sec. 4. NEW SECTION. 714H.4 EXCLUSIONS.

21 1. This chapter shall not apply to any of the  
22 following:  
23 a. Services offered or provided by any of the  
24 following persons, including business entities  
25 organized under Title XII by those persons and the  
26 officers, directors, employees, and agents of those  
27 persons or business entities, pursuant to a profession  
28 or business for which they are licensed or registered:  
29 (1) Insurance companies subject to Title XIII.  
30 (2) Attorneys licensed to practice law in this  
31 state.  
32 (3) Financial institutions which includes any bank  
33 incorporated under the provisions of any state or  
34 federal law, any savings and loan association or  
35 savings bank incorporated under the provisions of any  
36 state or federal law, and any credit union organized  
37 under the provisions of any state or federal law, and  
38 any affiliate or subsidiary of a bank, savings and  
39 loan association, savings bank, or credit union.  
40 (4) Persons or facilities licensed, certified, or  
41 registered under chapters 135B, 135C, 135J, 148, 148A,  
42 148B, 148C, 149, 151, 152, 152A, 152B, 153, 154, 154B,  
43 154C, 154D, 155A, 156, 169, 522B, 542, 542B, 543B,  
44 544A, or 544B.  
45 b. Advertising by a retailer for a product, other  
46 than a drug or other product claiming to have a  
47 health-related benefit or use, if the advertising is  
48 prepared by a supplier, unless the retailer  
49 participated in the preparation of the advertisement  
50 or knew or should have known that the advertisement

Page 3

1 was deceptive, false, or misleading.  
2 c. In connection with an advertisement that  
3 violates this chapter, the newspaper, magazine,  
4 publication, or other print media in which the  
5 advertisement appears, including the publisher of the  
6 newspaper, magazine, publication, or other print media  
7 in which the advertisement appears, or the radio  
8 station, television station, or other electronic media  
9 which disseminates the advertisement, including an  
10 employee, agent, or representative of the publisher,  
11 newspaper, magazine, publication or other print media,  
12 or the radio station, television station, or other  
13 electronic media.  
14 d. The provision of local exchange carrier  
15 telephone service pursuant to a certificate issued  
16 under section 476.29.  
17 e. Public utilities as defined in section 476.1  
18 that furnish gas by a piped distribution system or  
19 electricity to the public for compensation when

20 engaged in activities subject to regulation by the  
 21 utilities board pursuant to chapter 476.  
 22 f. Any advertisement that complies with the  
 23 statutes, rules, and regulations of the federal trade  
 24 commission.  
 25 g. Conduct that is required or permitted by the  
 26 orders or rules of, or a statute administered by, a  
 27 federal, state, or local governmental agency.  
 28 h. An affirmative act that violates this chapter  
 29 but is specifically required by other applicable law,  
 30 to the extent that the actor could not reasonably  
 31 avoid a violation of this chapter.  
 32 i. In any action relating to a charitable  
 33 solicitation, an individual who has engaged in the  
 34 charitable solicitation as an unpaid, uncompensated  
 35 volunteer and who does not receive monetary gain of  
 36 any sort from engaging in the solicitation.  
 37 2. "Material fact" as used in this chapter does  
 38 not include repairs of damage to, adjustments on, or  
 39 replacements of parts with new parts of otherwise new  
 40 merchandise if the repairs, adjustments, or  
 41 replacements are made to achieve compliance with  
 42 factory specifications and are made before sale of the  
 43 merchandise at retail and the actual cost of any labor  
 44 and parts charged to or performed by a retailer for  
 45 any such repairs, adjustments, and parts does not  
 46 exceed three hundred dollars or ten percent of the  
 47 actual cost to a retailer including freight of the  
 48 merchandise, whichever is less, provided that the  
 49 seller posts in a conspicuous place notice that  
 50 repairs, adjustments, or replacements will be

Page 4

1 disclosed upon request. The exclusion provided in  
 2 this subsection does not apply to the concealment,  
 3 suppression, or omission of a material fact if the  
 4 purchaser requests disclosure of any repair,  
 5 adjustment, or replacement.  
 6 Sec. 5. NEW SECTION. 714H.5 PRIVATE RIGHT OF  
 7 ACTION.  
 8 1. A consumer who suffers an ascertainable loss of  
 9 money or property as the result of such prohibited  
 10 practice or act may bring an action at law to recover  
 11 actual damages. The court may order such equitable  
 12 relief as it deems necessary to protect the public  
 13 from further violations, including temporary and  
 14 permanent injunctive relief.  
 15 2. If the court finds that a person has violated  
 16 this chapter and the consumer is awarded actual  
 17 damages, the court shall award to the consumer the  
 18 costs of the action and to the consumer's attorney

19 reasonable fees. Reasonable attorney fees shall be  
20 determined by the value of the time reasonably  
21 expended by the attorney including but not limited to  
22 consideration of the following factors:  
23 a. The time and labor required.  
24 b. The novelty and difficulty of the issues in the  
25 case.  
26 c. The skills required to perform the legal  
27 services properly.  
28 d. The preclusion of other employment by the  
29 attorney due to the attorney's acceptance of the case.  
30 e. The customary fee.  
31 f. Whether the fee is fixed or contingent.  
32 g. The time limitations imposed by the client or  
33 the circumstances of the case.  
34 h. The amount of money involved in the case and  
35 the results obtained.  
36 i. The experience, reputation, and ability of the  
37 attorney.  
38 j. The undesirability of the case.  
39 k. The nature and length of the professional  
40 relationship between the attorney and the client.  
41 l. Attorney fee awards in similar cases.  
42 3. In order to recover damages, a claim under this  
43 section shall be proved by a preponderance of the  
44 evidence.  
45 4. If the finder of fact finds by a preponderance  
46 of clear, convincing, and satisfactory evidence that a  
47 prohibited practice or act in violation of this  
48 chapter constitutes willful and wanton disregard for  
49 the rights or safety of another, in addition to an  
50 award of actual damages, statutory damages up to three

Page 5

1 times the amount of actual damages may be awarded to a  
2 prevailing consumer.  
3 5. An action pursuant to this chapter must be  
4 brought within two years of the occurrence of the last  
5 event giving rise to the cause of action under this  
6 chapter or within two years of the discovery of the  
7 violation of this chapter by the person bringing the  
8 action, whichever is later.  
9 6. This section shall not affect a consumer's  
10 right to seek relief under any other theory of law.  
11 7. A person shall not be held liable in any action  
12 brought under this section for a violation of this  
13 chapter if the person shows by a preponderance of the  
14 evidence that the violation was not intentional and  
15 resulted from a bona fide error notwithstanding the  
16 maintenance of procedures reasonably adopted to avoid  
17 the error.

18 Sec. 6. NEW SECTION. 714H.6 ATTORNEY GENERAL  
19 NOTIFICATION.

20 1. A party filing a petition, counterclaim,  
21 cross-petition, or pleading, or any count thereof, in  
22 intervention alleging a violation under this chapter,  
23 within seven days following the date of filing such  
24 pleading, shall provide a copy to the attorney general  
25 and, within seven days following entry of any final  
26 judgment in the action, shall provide a copy of the  
27 judgment to the attorney general.

28 2. A party appealing to district court a small  
29 claims order or judgment involving an issue raised  
30 under this chapter, within seven days of providing  
31 notice of the appeal, shall notify the attorney  
32 general in writing and provide a copy of the pleading  
33 raising the issue and a copy of the small claims court  
34 order or judgment.

35 3. A party appealing an order or judgment  
36 involving an issue raised under this chapter, within  
37 seven days following the date such notice of appeal is  
38 filed with the court, shall notify the attorney  
39 general in writing and provide a copy of the pleading  
40 raising the issue and a copy of the court order or  
41 judgment being appealed.

42 4. Upon timely application to the court in which  
43 an action involving an issue raised under this chapter  
44 is pending, the attorney general may intervene as a  
45 party at any time or may be heard at any time. The  
46 attorney general's failure to intervene shall not  
47 preclude the attorney general from bringing a separate  
48 enforcement action.

49 5. All copies of pleadings, orders, judgments, and  
50 notices required by this section to be sent to the

Page 6

1 attorney general shall be sent by certified mail  
2 unless the attorney general has previously been  
3 provided such copies of pleadings, orders, judgments,  
4 or notices in the same action by certified mail, in  
5 which case subsequent mailings may be made by regular  
6 mail. Failure to provide the required mailings to the  
7 attorney general shall not be grounds for dismissal of  
8 an action under this chapter, but shall be grounds for  
9 a subsequent action by the attorney general to vacate  
10 or modify the judgment.

11 Sec. 7. NEW SECTION. 714H.7 SEVERABILITY CLAUSE.

12 If any provision of this chapter or its application  
13 to any person or circumstances is held invalid, the  
14 invalidity does not affect other provisions or  
15 applications of this chapter that can be given effect  
16 without the invalid provision or application, and to

17 this end the provisions of this chapter are severable.  
 18 Sec. 8. APPLICABILITY. This Act applies to causes  
 19 of actions accruing on or after the effective date of  
 20 this Act."  
 21 2. Title page, line 1, by striking the word  
 22 "cause" and inserting the following: "right".  
 23 3. Title page, line 2, by striking the word  
 24 "providing" and inserting the following: "including".

SWAIM of Davis  
 PALMER of Mahaska  
 R. OLSON of Polk

H-1447

1 Amend Senate File 452, as passed by the Senate, as  
 2 follows:  
 3 1. Page 1, by inserting before line 1 the  
 4 following:  
 5 "Section 1. Section 15.335, subsection 1,  
 6 unnumbered paragraph 1, Code 2009, is amended to read  
 7 as follows:  
 8 An eligible business may claim a corporate tax  
 9 credit for increasing research activities in this  
 10 state during the period the eligible business is  
 11 participating in the program. For purposes of this  
 12 section, "research activities" includes the  
 13 development and deployment of innovative renewable  
 14 energy generation components manufactured or assembled  
 15 in this state. For purposes of this section,  
 16 "innovative renewable energy generation components"  
 17 does not include a component with more than two  
 18 hundred megawatts of installed effective nameplate  
 19 capacity. The tax credits for innovative renewable  
 20 energy generation components shall not exceed one  
 21 million dollars in any one fiscal year.  
 22 Sec. 2. Section 469.10, subsection 1, Code 2009,  
 23 is amended to read as follows:  
 24 1. There is appropriated from the general fund of  
 25 the state to the office of energy independence for  
 26 each fiscal year of the fiscal period beginning July  
 27 1, ~~2008~~ 2009, and ending June 30, 2011, the sum of  
 28 ~~twenty five~~ twenty-four million dollars to be used for  
 29 awarding grants and making loans from the Iowa power  
 30 fund, and for all other purposes specified in and  
 31 consistent with this subchapter."  
 32 2. Title page, line 1, by inserting after the  
 33 word "Act" the following: "relating to energy  
 34 efficiency and renewable energy, including specifying  
 35 the amount of tax credits available in a fiscal year  
 36 for innovative renewable energy generation components,  
 37 reducing an appropriation to the Iowa power fund in an

38 amount equivalent to the amount of the tax credits,".  
39 3. By renumbering as necessary.

RANTS of Woodbury

H-1452

1 Amend the amendment, H-1412, to House File 809, as  
2 follows:  
3 1. Page 1, line 10, by striking the words "or  
4 running boards".  
5 2. Page 1, by striking line 20.

HUNTER of Polk

H-1454

1 Amend House File 807 as follows:  
2 1. Page 7, by inserting before line 18 the  
3 following:  
4 "Sec. \_\_\_\_ ALTERNATE 2009 TAX LIABILITY  
5 CALCULATION.  
6 1. For tax year 2009, a taxpayer may elect to  
7 calculate and pay the amount of 2009 income taxes due  
8 without applying all of the changes made in this Act.  
9 A taxpayer making such an election shall calculate tax  
10 liability under the income tax laws in effect as of  
11 December 31, 2008, as amended by any 2009 Iowa Act  
12 enacted during the 2009 session except for the  
13 provisions of this Act.  
14 2. If a married person elects to calculate and pay  
15 the amount of income taxes due without applying the  
16 provisions of this Act, both married persons must so  
17 elect."  
18 2. By renumbering as necessary.

FORRISTALL of Pottawattamie

H-1461

1 Amend the House Amendment, H-1308, to Senate File  
2 3, as amended, passed, and reprinted by the Senate, as  
3 follows:  
4 1. Page 1, by striking line 12 and inserting the  
5 following: "occurred must occur prior".

MAY of Dickinson

H-1466

1 Amend Senate File 469, as passed by the Senate, as  
2 follows:

- 3 1. Page 15, by inserting before line 18 the  
 4 following:  
 5 "Sec. \_\_\_\_\_. Section 8.62, Code 2009, is amended by  
 6 adding the following new subsection:  
 7 NEW SUBSECTION. 4. Notwithstanding any provision  
 8 of this section and section 8.39 to the contrary, if a  
 9 full-time equivalent position funded with an  
 10 appropriation from the general fund of the state  
 11 remains vacant for a period of at least six months,  
 12 the agency to which the appropriation was made shall  
 13 revert to the general fund of the state at the close  
 14 of the fiscal year the salary and benefits cost of  
 15 that position for the period of the vacancy."  
 16 2. By renumbering as necessary.

COWNIE of Polk

H-1468

- 1 Amend the amendment, H-1145, to House File 712, as  
 2 follows:  
 3 1. By striking page 1, line 1, through page 3,  
 4 line 18, and inserting the following:  
 5 "Amend House File 712 as follows:  
 6 \_\_\_\_\_. By striking everything after the enacting  
 7 clause and inserting the following:  
 8 "Section 1. NEW SECTION. 714H.1 TITLE.  
 9 This chapter shall be known and may be cited as the  
 10 "Private Right of Action for Consumer Frauds Act".  
 11 Sec. 2. NEW SECTION. 714H.2 DEFINITIONS.  
 12 1. "Actual damages" means all economic damages  
 13 proximately caused by the prohibited practice or act  
 14 that are reasonably ascertainable in amount.  
 15 2. "Advertisement" means the same as defined in  
 16 section 714.16.  
 17 3. "Consumer" means a natural person or the  
 18 person's legal representative.  
 19 4. "Consumer merchandise" means merchandise  
 20 offered for sale or lease, or sold or leased,  
 21 primarily for personal, family, or household purposes.  
 22 5. "Deception" means an act or practice that is  
 23 likely to mislead a substantial number of consumers as  
 24 to a material fact or facts.  
 25 6. "Merchandise" means the same as defined in  
 26 section 714.16.  
 27 7. "Person" means the same as defined in section  
 28 714.16.  
 29 8. "Sale" means any sale or offer for sale of  
 30 consumer merchandise for cash or credit.  
 31 9. "Unfair practice" means the same as defined in  
 32 section 714.16.  
 33 Sec. 3. NEW SECTION. 714H.3 PROHIBITED PRACTICES



34 AND ACTS.

35 1. A person shall not engage in a practice or act  
 36 the person knows or reasonably should know is an  
 37 unfair practice, deception, fraud, false pretense, or  
 38 false promise, or the misrepresentation, concealment,  
 39 suppression, or omission of a material fact, with the  
 40 intent that others rely upon the unfair practice,  
 41 deception, fraud, false pretense, false promise,  
 42 misrepresentation, concealment, suppression, or  
 43 omission in connection with the advertisement, sale,  
 44 or lease of consumer merchandise, or the solicitation  
 45 of contributions for charitable purposes. For the  
 46 purposes of this chapter, a claimant alleging an  
 47 unfair practice, deception, fraud, false pretense,  
 48 false promise, or misrepresentation must prove that  
 49 the prohibited practice related to a material fact or  
 50 facts. "Solicitations of contributions for charitable

Page 2

1 purposes" does not include solicitations made on  
 2 behalf of a political organization as defined in  
 3 section 13C.1, solicitations made on behalf of a  
 4 religious organization as defined in section 13C.1,  
 5 solicitations made on behalf of a state, regionally,  
 6 or nationally accredited college or university, or  
 7 solicitations made on behalf of a nonprofit foundation  
 8 benefiting a state, regionally, or nationally  
 9 accredited college or university subject to section  
 10 509(a)(1) or 509(a)(3) of the Internal Revenue Code of  
 11 1986.

12 2. A person shall not engage in any practice or  
 13 act that is in violation of any of the following:

- 14 a. Section 321.69.
- 15 b. Chapter 516D.
- 16 c. Section 516E.5, 516E.9, or 516E.10.
- 17 d. Chapter 555A.
- 18 e. Section 714.16, subsection 2, paragraphs "b"  
 19 through "n".
- 20 f. Chapter 714A.

21 Sec. 4. NEW SECTION. 714H.4 EXCLUSIONS.

22 1. This chapter shall not apply to any of the  
 23 following:

- 24 a. Merchandise offered or provided by any of the  
 25 following persons, including business entities  
 26 organized under Title XII by those persons and the  
 27 officers, directors, employees, and agents of those  
 28 persons or business entities, pursuant to a profession  
 29 or business for which they are licensed or registered:  
 30 (1) Insurance companies subject to Title XIII.  
 31 (2) Attorneys licensed to practice law in this  
 32 state.

33 (3) Financial institutions which includes any bank  
34 incorporated under the provisions of any state or  
35 federal law, any savings and loan association or  
36 savings bank incorporated under the provisions of any  
37 state or federal law, any credit union organized under  
38 the provisions of any state or federal law, and any  
39 affiliate or subsidiary of a bank, savings and loan  
40 association, savings bank, or credit union, and any  
41 industrial loan licensee under chapter 536A or  
42 regulated loan licensee under chapter 536.

43 (4) Persons or facilities licensed, certified, or  
44 registered under chapters 135B, 135C, 135J, 148, 148A,  
45 148B, 148C, 149, 151, 152, 152A, 152B, 153, 154, 154B,  
46 154C, 154D, 155A, 156, 169, 522B, 542, 542B, 543B,  
47 544A, or 544B.

48 b. Advertising by a retailer for a product, other  
49 than a drug or other product claiming to have a  
50 health-related benefit or use, if the advertising is

Page 3

1 prepared by a supplier, unless the retailer  
2 participated in the preparation of the advertisement  
3 or knew or should have known that the advertisement  
4 was deceptive, false, or misleading.

5 c. In connection with an advertisement that  
6 violates this chapter, the newspaper, magazine,  
7 publication, or other print media in which the  
8 advertisement appears, including the publisher of the  
9 newspaper, magazine, publication, or other print media  
10 in which the advertisement appears, or the radio  
11 station, television station, or other electronic media  
12 which disseminates the advertisement, including an  
13 employee, agent, or representative of the publisher,  
14 newspaper, magazine, publication or other print media,  
15 or the radio station, television station, or other  
16 electronic media.

17 d. Any advertisement that complies with the  
18 statutes, rules, and regulations of the federal trade  
19 commission.

20 e. The provision of local exchange carrier  
21 telephone service pursuant to a certificate issued  
22 under section 476.29.

23 f. Public utilities as defined in section 476.1  
24 that furnish gas by a piped distribution system or  
25 electricity to the public for compensation.

26 g. The provision of cable television service or  
27 video service pursuant to a franchise under section  
28 364.2 or 477A.2.

29 h. Conduct in compliance with the orders or rules  
30 of, or a statute administered by, a federal, state, or  
31 local governmental agency.

- 32 i. Actions alleging bodily injury.
- 33 j. In any action relating to a charitable
- 34 solicitation, an individual who has engaged in the
- 35 charitable solicitation as an unpaid, uncompensated
- 36 volunteer and who does not receive monetary gain of
- 37 any sort from engaging in the solicitation.
- 38 k. An affirmative act that violates this chapter
- 39 but is specifically required by other applicable law,
- 40 to the extent that the actor could not reasonably
- 41 avoid a violation of this chapter.
- 42 2. "Material fact" as used in this chapter does
- 43 not include repairs of damage to, adjustments on, or
- 44 replacements of parts with new parts of otherwise new
- 45 merchandise if the repairs, adjustments, or
- 46 replacements are made to achieve compliance with
- 47 factory specifications and are made before sale of the
- 48 merchandise at retail and the actual cost of any labor
- 49 and parts charged to or performed by a retailer for
- 50 any such repairs, adjustments, and parts does not

Page 4

- 1 exceed three hundred dollars or ten percent of the
- 2 actual cost to a retailer including freight of the
- 3 merchandise, whichever is less, provided that the
- 4 seller posts in a conspicuous place notice that
- 5 repairs, adjustments, or replacements will be
- 6 disclosed upon request. The exclusion provided in
- 7 this subsection does not apply to the concealment,
- 8 suppression, or omission of a material fact if the
- 9 purchaser requests disclosure of any repair,
- 10 adjustment, or replacement.
- 11 Sec. 5. NEW SECTION. 714H.5 PRIVATE RIGHT OF
- 12 ACTION.
- 13 1. A consumer who suffers an ascertainable loss of
- 14 money or property as the result of such prohibited
- 15 practice or act may bring an action at law to recover
- 16 actual damages. The court may order such equitable
- 17 relief as it deems necessary to protect the public
- 18 from further violations, including temporary and
- 19 permanent injunctive relief.
- 20 2. If the court finds that a person has violated
- 21 this chapter and the consumer is awarded actual
- 22 damages, the court shall award to the consumer the
- 23 costs of the action and to the consumer's attorney
- 24 reasonable fees. Reasonable attorney fees shall be
- 25 determined by the value of the time reasonably
- 26 expended by the attorney including but not limited to
- 27 consideration of the following factors:
- 28 a. The time and labor required.
- 29 b. The novelty and difficulty of the issues in the
- 30 case.

- 31 c. The skills required to perform the legal  
 32 services properly.
- 33 d. The preclusion of other employment by the  
 34 attorney due to the attorney's acceptance of the case.
- 35 e. The customary fee.
- 36 f. Whether the fee is fixed or contingent.
- 37 g. The time limitations imposed by the client or  
 38 the circumstances of the case.
- 39 h. The amount of money involved in the case and  
 40 the results obtained.
- 41 i. The experience, reputation, and ability of the  
 42 attorney.
- 43 j. The undesirability of the case.
- 44 k. The nature and length of the professional  
 45 relationship between the attorney and the client.
- 46 l. Attorney fee awards in similar cases.
- 47 3. In order to recover damages, a claim under this  
 48 section shall be proved by a preponderance of the  
 49 evidence.
- 50 4. If the finder of fact finds by a preponderance

Page 5

1 of clear, convincing, and satisfactory evidence that a  
 2 prohibited practice or act in violation of this  
 3 chapter constitutes willful and wanton disregard for  
 4 the rights or safety of another, in addition to an  
 5 award of actual damages, statutory damages up to three  
 6 times the amount of actual damages may be awarded to a  
 7 prevailing consumer.

8 5. An action pursuant to this chapter must be  
 9 brought within two years of the occurrence of the last  
 10 event giving rise to the cause of action under this  
 11 chapter or within two years of the discovery of the  
 12 violation of this chapter by the person bringing the  
 13 action, whichever is later.

14 6. This section shall not affect a consumer's  
 15 right to seek relief under any other theory of law.

16 Sec. 6. NEW SECTION. 714H.6 ATTORNEY GENERAL  
 17 NOTIFICATION.

18 1. A party filing a petition, counterclaim,  
 19 cross-petition, or pleading, or any count thereof, in  
 20 intervention alleging a violation under this chapter,  
 21 within seven days following the date of filing such  
 22 pleading, shall provide a copy to the attorney general  
 23 and, within seven days following entry of any final  
 24 judgment in the action, shall provide a copy of the  
 25 judgment to the attorney general.

26 2. A party appealing to district court a small  
 27 claims order or judgment involving an issue raised  
 28 under this chapter, within seven days of providing  
 29 notice of the appeal, shall notify the attorney

30 general in writing and provide a copy of the pleading  
 31 raising the issue and a copy of the small claims court  
 32 order or judgment.

33 3. A party appealing an order or judgment  
 34 involving an issue raised under this chapter, within  
 35 seven days following the date such notice of appeal is  
 36 filed with the court, shall notify the attorney  
 37 general in writing and provide a copy of the pleading  
 38 raising the issue and a copy of the court order or  
 39 judgment being appealed.

40 4. Upon timely application to the court in which  
 41 an action involving an issue raised under this chapter  
 42 is pending, the attorney general may intervene as a  
 43 party at any time or may be heard at any time. The  
 44 attorney general's failure to intervene shall not  
 45 preclude the attorney general from bringing a separate  
 46 enforcement action.

47 5. All copies of pleadings, orders, judgments, and  
 48 notices required by this section to be sent to the  
 49 attorney general shall be sent by certified mail  
 50 unless the attorney general has previously been

Page 6

1 provided such copies of pleadings, orders, judgments,  
 2 or notices in the same action by certified mail, in  
 3 which case subsequent mailings may be made by regular  
 4 mail. Failure to provide the required mailings to the  
 5 attorney general shall not be grounds for dismissal of  
 6 an action under this chapter, but shall be grounds for  
 7 a subsequent action by the attorney general to vacate  
 8 or modify the judgment.

9 Sec. 7. NEW SECTION. 714H.7 CLASS ACTIONS  
 10 BARRED.

11 A class action lawsuit alleging violations of this  
 12 chapter shall not be available. Nothing in this  
 13 chapter shall be construed to limit the attorney  
 14 general from bringing a class action lawsuit pursuant  
 15 to section 714.16.

16 Sec. 8. NEW SECTION. 714H.8 SEVERABILITY CLAUSE.

17 If any provision of this chapter or its application  
 18 to any person or circumstances is held invalid, the  
 19 invalidity does not affect other provisions or  
 20 applications of this chapter that can be given effect  
 21 without the invalid provision or application, and to  
 22 this end the provisions of this chapter are severable.

23 Sec. 9. APPLICABILITY. This Act applies to causes  
 24 of actions accruing on or after the effective date of  
 25 this Act."

26 \_\_\_\_\_. Title page, line 1, by striking the word  
 27 "cause" and inserting the following: "right".

28 \_\_\_\_\_. Title page, line 2, by striking the word

29 "providing" and inserting the following:  
 30 "including"."

HUSER of Polk

H-1471

1 Amend Senate File 467, as amended, passed, and  
 2 reprinted by the Senate, as follows:

3 1. Page 15, by inserting after line 33 the  
 4 following:

5 "DIVISION \_\_\_\_\_  
 6 APPLICATION OF MANURE ON FROZEN  
 7 GROUND AND SNOW COVERED GROUND

8 Sec. \_\_\_\_ Section 459.102, Code 2009, is amended  
 9 by adding the following new subsections:

10 NEW SUBSECTION. 28A. "Frozen ground" means soil  
 11 that is impenetrable due to frozen soil moisture but  
 12 does not include soil that is only frozen to a depth  
 13 of two inches or less.

14 NEW SUBSECTION. 31A. "Liquid manure" means manure  
 15 that meets all of the following requirements:

- 16 a. It flows perceptibly under pressure.
- 17 b. It is capable of being transported through a  
 18 mechanical pumping device designated to move a liquid.
- 19 c. Its constituent molecules flow freely among  
 20 themselves and show the tendency to separate under  
 21 stress.

22 NEW SUBSECTION. 44A. "Snow covered ground" means  
 23 soil covered by one inch or more of snow or soil  
 24 covered by one-half inch or more of ice.

25 NEW SUBSECTION. 45A. "Surface water drain tile  
 26 intake" means an opening to a drain tile which allows  
 27 surface water to enter the drain tile without  
 28 filtration through the soil profile.

29 Sec. \_\_\_\_ Section 459.312, subsection 10, Code  
 30 2009, is amended by adding the following new  
 31 paragraph:

32 NEW PARAGRAPH. h. A description of land  
 33 identified for the application of liquid manure due to  
 34 an emergency if allowed pursuant to section 459.313A.  
 35 The owner must identify the land in the original  
 36 manure management plan or in the next updated manure  
 37 management plan required to be submitted to the  
 38 department following the application.

39 Sec. \_\_\_\_ NEW SECTION. 459.313A APPLICATION OF  
 40 MANURE ON LAND – FROZEN GROUND AND SNOW COVERED  
 41 GROUND.

42 A person may apply manure originating from an  
 43 animal feeding operation on frozen ground or snow  
 44 covered ground except as provided in this section or  
 45 except as otherwise provided in this chapter.

46 1. During the period beginning February 1 and  
47 ending April 1, the person may apply liquid manure  
48 originating from a manure storage structure, that is  
49 part of a confinement feeding operation, on frozen  
50 ground or snow covered ground only when there is an

Page 2

1 emergency. An emergency occurs only when there is an  
2 immediate need to comply with section 459.311,  
3 subsection 1, due to unforeseen circumstances  
4 affecting the storage of the liquid manure. The  
5 unforeseen circumstances must be beyond the control of  
6 the owner of the confinement feeding operation,  
7 including but not limited to natural disaster, unusual  
8 weather conditions, or equipment or structural  
9 failure. A person who is authorized to apply liquid  
10 manure on frozen ground or snow covered ground when  
11 there is an emergency shall comply with all of the  
12 following:

13 a. The person must contact the department by  
14 telephone prior to the application. The department's  
15 telephone number shall be the same telephone number  
16 available on a twenty-four-hour-per-day,  
17 seven-days-per-week basis for notifying the department  
18 of other types of emergency conditions.

19 b. The person must apply the liquid manure on land  
20 identified for such application in a manure management  
21 plan submitted by the owner of the confinement feeding  
22 operation to the department as provided in section  
23 459.312. The owner must identify the land in the  
24 manure management plan prior to the application. The  
25 owner must identify the land in the original manure  
26 management plan or in the next updated manure  
27 management plan required to be submitted to the  
28 department following the application.

29 c. The liquid manure must be applied on a field  
30 with a phosphorus index rating of two or less.

31 d. Any surface water drain tile intake that is on  
32 land in the owner's manure management plan and located  
33 down gradient of the application must be temporarily  
34 blocked beginning not later than the time that the  
35 liquid manure is first applied and ending not earlier  
36 than two weeks after the completion of the  
37 application.

38 2. The authorization to apply liquid manure in  
39 subsection 1 does not apply to any of the following:

40 a. An immediate need to comply with section  
41 459.311, subsection 1, caused by the improper design  
42 or management of the manure storage structure,  
43 including but not limited to a failure to properly  
44 account for the volume of the manure to be stored.

- 45 b. Liquid manure originating from a manure storage  
 46 structure constructed or expanded on or after the  
 47 effective date of this Act, if the manure storage  
 48 structure has a capacity to store manure for less than  
 49 one hundred eighty days.  
 50 3. Subsections 1 and 2 do not apply to any of the

Page 3

1 following:

- 2 a. The application of liquid manure originating  
 3 from a small animal feeding operation.  
 4 b. The application of liquid manure and injection  
 5 into the soil or incorporation within the soil on the  
 6 same date.

7 DIVISION \_\_\_\_\_

8 DRY BEDDED CONFINEMENT FEEDING OPERATIONS

9 SUBCHAPTER I

10 GENERAL PROVISIONS

11 Sec. \_\_\_\_ NEW SECTION. 459B.101 TITLE.

12 This chapter shall be known and may be cited as the  
 13 "Animal Agriculture Compliance Act for Dry Bedded  
 14 Confinement Feeding Operations".

15 Sec. \_\_\_\_ NEW SECTION. 459B.102 DEFINITIONS.

16 As used in this chapter, unless the context  
 17 otherwise requires:

- 18 1. "Alluvial aquifer area" means an area underlaid  
 19 by sand or gravel aquifers situated beneath  
 20 floodplains along stream valleys and includes alluvial  
 21 deposits associated with stream terraces and benches,  
 22 contiguous wind-blown sand deposits, and glacial  
 23 outwash deposits.  
 24 2. "Animal" means cattle or swine.  
 25 3. "Animal unit" means the same as defined in  
 26 section 459.102.  
 27 4. "Animal unit capacity" means the maximum number  
 28 of animal units which the owner or operator confines  
 29 in a dry bedded confinement feeding operation at any  
 30 one time.  
 31 5. "Bedding" means crop, vegetation, or forage  
 32 residue or similar materials placed in a dry bedded  
 33 confinement building for the care of animals.  
 34 6. "Commercial enterprise" means the same as  
 35 defined in section 459.102.  
 36 7. "Confinement feeding operation" means the same  
 37 as defined in section 459.102.  
 38 8. "Department" means the department of natural  
 39 resources.  
 40 9. "Designated area" means the same as defined in  
 41 section 459A.102.  
 42 10. "Designated wetland" means the same as defined  
 43 in section 459.102.



- 44 11. "Dry bedded confinement feeding operation"  
45 means a confinement feeding operation in which animals  
46 are confined to areas which are totally roofed and in  
47 which all manure is stored as dry bedded manure.  
48 12. "Dry bedded confinement feeding operation  
49 structure" means a dry bedded confinement feeding  
50 operation building or a dry bedded manure storage

Page 4

- 1 structure.  
2 13. "Dry bedded manure" means manure from animals  
3 that meets all of the following requirements:  
4 a. The manure does not flow perceptibly under  
5 pressure.  
6 b. The manure is not capable of being transported  
7 through a mechanical pumping device designed to move a  
8 liquid.  
9 c. The manure contains bedding.  
10 14. "Dry bedded manure confinement feeding  
11 operation building" or "building" means a building  
12 used in conjunction with a confinement feeding  
13 operation to house animals and in which any manure  
14 from the animals is stored as dry bedded manure.  
15 15. "Dry bedded manure storage structure" means a  
16 covered or uncovered structure, other than a building,  
17 used to store dry bedded manure originating from a  
18 confinement feeding operation.  
19 16. "Educational institution" means the same as  
20 defined in section 459.102.  
21 17. "Grassed waterway" means the same as defined  
22 in section 459A.102.  
23 18. "High-quality water resource" means the same  
24 as defined in section 459.102.  
25 19. "Karst terrain" means the same as defined in  
26 section 459.102.  
27 20. "Major water source" means the same as defined  
28 in section 459.102.  
29 21. "Manure" means the same as defined in section  
30 459.102.  
31 22. "One hundred year floodplain" means the same  
32 as defined in section 459.102.  
33 23. "Public use area" means the same as defined in  
34 section 459.102.  
35 24. "Stockpile" means to store dry bedded manure  
36 outside of a dry bedded manure confinement feeding  
37 operation building or a dry bedded manure storage  
38 structure.  
39 25. "Water source" means the same as defined in  
40 section 459.102.  
41 Sec.     . NEW SECTION. 459B.103 SPECIAL TERMS.  
42 For purposes of this chapter, all of the following

43 shall apply:

- 44 1. Two or more dry bedded confinement feeding  
45 operations under common ownership or common management  
46 are deemed to be a single dry bedded confinement  
47 feeding operation if they are adjacent or utilize a  
48 common area or system for dry bedded manure disposal.  
49 2. For purposes of determining whether two or more  
50 dry bedded confinement feeding operations are

Page 5

1 adjacent, all of the following shall apply:

- 2 a. At least one dry bedded confinement feeding  
3 operation structure must be constructed on or after  
4 March 21, 1996.
- 5 b. A dry bedded confinement feeding operation  
6 structure which is part of one dry bedded confinement  
7 feeding operation is separated by less than one  
8 thousand two hundred fifty feet from a dry bedded  
9 confinement feeding operation structure which is part  
10 of the other dry bedded confinement feeding operation.
- 11 3. a. For purposes of determining whether two or  
12 more dry bedded confinement feeding operations are  
13 under common ownership, a person must hold an interest  
14 in each of the dry bedded confinement feeding  
15 operations as any of the following:
- 16 (1) A sole proprietor.  
17 (2) A joint tenant or tenant in common.  
18 (3) A holder of a majority equity interest in a  
19 business association as defined in section 202B.102,  
20 including but not limited to as a shareholder,  
21 partner, member, or beneficiary.
- 22 b. An interest in the dry bedded confinement  
23 feeding operation under paragraph "a", subparagraph  
24 (1) or (2) which is held directly or indirectly by the  
25 person's spouse or dependent child shall be attributed  
26 to the person.
- 27 4. For purposes of determining whether two or more  
28 dry bedded confinement feeding operations are under  
29 common management, a person must have significant  
30 control of the management of the day-to-day operations  
31 of each of the dry bedded confinement feeding  
32 operations. Common management does not include  
33 control over a contract livestock facility by a  
34 contractor, as defined in section 202.1.
- 35 5. In calculating the animal unit capacity of a  
36 dry bedded confinement feeding operation, the animal  
37 unit capacity shall include the animal unit capacity  
38 of all dry bedded confinement feeding operation  
39 buildings that are used to house animals in the dry  
40 bedded confinement feeding operation.
- 41 Sec.     . NEW SECTION. 459B.104 GENERAL

42 AUTHORITY – COMMISSION AND DEPARTMENT – PURPOSE –  
 43 COMPLIANCE.

44 1. The environmental protection commission shall  
 45 establish by rule adopted pursuant to chapter 17A,  
 46 requirements relating to the construction, including  
 47 expansion, or operation of dry bedded confinement  
 48 feeding operations, including related dry bedded  
 49 manure confinement feeding operation buildings and  
 50 stockpiles.

Page 6

1 2. Any provision referring generally to compliance  
 2 with the requirements of this chapter as applied to  
 3 dry bedded confinement feeding operations also  
 4 includes compliance with requirements in rules adopted  
 5 by the environmental protection commission pursuant to  
 6 this section, orders issued by the department as  
 7 authorized under this chapter, and the terms and  
 8 conditions applicable to manure management plans  
 9 required under this chapter.

10 3. The purpose of this chapter is to provide  
 11 requirements relating to the construction, including  
 12 the expansion, and operation of dry bedded confinement  
 13 feeding operations, and the control of dry bedded  
 14 manure which shall be construed to supplement  
 15 applicable provisions of chapter 459. If there is a  
 16 conflict between the provisions of this chapter and  
 17 chapter 459, the provisions of this chapter shall  
 18 prevail.

19 SUBCHAPTER II

20 DRY BEDDED MANURE STRUCTURES –  
 21 CONSTRUCTION REQUIREMENTS

22 Sec. \_\_. NEW SECTION. 459B.201 CONSTRUCTION  
 23 DESIGN STANDARDS.

24 A person constructing a dry bedded confinement  
 25 feeding operation structure on karst terrain or in an  
 26 alluvial aquifer area shall comply with all of the  
 27 following:

28 1. The person must construct the dry bedded  
 29 confinement feeding operation structure at a location  
 30 where there is a vertical separation distance of at  
 31 least five feet between the bottom of the floor of the  
 32 dry bedded confinement feeding operation structure and  
 33 the underlying limestone, dolomite, or other soluble  
 34 rock in karst terrain or the underlying sand and  
 35 gravel aquifer in an alluvial aquifer area.

36 2. The person must construct the dry bedded  
 37 confinement feeding operation structure with a floor  
 38 consisting of reinforced concrete at least five inches  
 39 thick.

40 Sec. \_\_. NEW SECTION. 459B.202 DISTANCE

## 41 REQUIREMENTS.

42 1. Except as provided in subsection 3, the  
43 following shall apply:  
44 a. A dry bedded confinement feeding operation  
45 structure shall not be constructed closer than five  
46 hundred feet away from the surface intake of an  
47 agricultural drainage well. A dry bedded confinement  
48 feeding operation structure shall not be constructed  
49 closer than one thousand feet from a wellhead, cistern  
50 of an agricultural drainage well, or known sinkhole.

Page 7

1 b. A dry bedded confinement feeding operation  
2 structure shall not be constructed if the dry bedded  
3 confinement feeding operation structure as constructed  
4 is closer than any of the following:  
5 (1) Two hundred feet away from a water source  
6 other than a major water source.  
7 (2) One thousand feet away from a major water  
8 source.  
9 (3) Two thousand five hundred feet away from a  
10 designated wetland.  
11 c. (1) A water source, other than a major water  
12 source, shall not be constructed, expanded, or  
13 diverted, if the water source as constructed,  
14 expanded, or diverted is closer than two hundred feet  
15 away from a dry bedded confinement feeding operation  
16 structure.  
17 (2) A major water source shall not be constructed,  
18 expanded, or diverted, if the major water source as  
19 constructed, expanded, or diverted is closer than one  
20 thousand feet from a dry bedded confinement feeding  
21 operation structure.  
22 (3) A designated wetland shall not be established,  
23 if the designated wetland is closer than two thousand  
24 five hundred feet away from a dry bedded confinement  
25 feeding operation structure.  
26 2. A dry bedded confinement feeding operation  
27 structure shall not be constructed on land that is  
28 part of a one hundred year floodplain.  
29 3. A separation distance required in subsection 1  
30 shall not apply to any of the following:  
31 a. A location or object and a farm pond or  
32 privately owned lake, as defined in section 462A.2.  
33 b. A dry bedded confinement feeding operation  
34 structure constructed with a secondary containment  
35 barrier. The department shall adopt rules providing  
36 for the construction and use of a secondary  
37 containment barrier.

38

SUBCHAPTER III

39

DRY BEDED MANURE CONTROL

40 Sec.\_\_\_\_. NEW SECTION. 459B.301 STOCKPILING –  
 41 AIR QUALITY.

42 A person may stockpile dry bedded manure, subject  
 43 to this section.

44 1. Except as provided in subsection 2, a person  
 45 shall not stockpile dry bedded manure within one  
 46 thousand two hundred fifty feet from a residence not  
 47 owned by the titleholder of the land, a commercial  
 48 enterprise, a bona fide religious institution, an  
 49 educational institution, or a public use area.

50 2. A person may stockpile dry bedded manure within

Page 8

1 a separation distance required between the stockpiled  
 2 dry bedded manure and an object or location for which  
 3 separation is required under subsection 1, if any of  
 4 the following apply:

5 a. The titleholder of the land benefiting from the  
 6 separation distance requirement executes a written  
 7 waiver with the titleholder of the land where the dry  
 8 bedded manure is stockpiled.

9 b. The stockpiled dry bedded manure originates  
 10 from a small animal feeding operation.

11 Sec.\_\_\_\_. NEW SECTION. 459B.302 STOCKPILING –  
 12 WATER QUALITY.

13 A person may stockpile dry bedded manure, subject  
 14 to all of the following:

15 1. a. The person shall not stockpile the dry  
 16 bedded manure within the following distances to a  
 17 designated area unless the dry manure is maintained in  
 18 a manner that will not allow precipitation-induced  
 19 runoff to drain from the dry bedded manure to the  
 20 designated area:

21 (1) Four hundred feet from a designated area other  
 22 than a high-quality water resource.

23 (2) Eight hundred feet from a high-quality water  
 24 resource.

25 b. The person shall not stockpile dry bedded  
 26 manure within two hundred feet from a terrace tile  
 27 inlet or surface tile inlet unless the dry bedded  
 28 manure is maintained in a manner that will not allow  
 29 precipitation-induced runoff to drain from the dry  
 30 bedded manure to the terrace tile inlet or surface  
 31 tile inlet.

32 c. The person shall not stockpile dry bedded  
 33 manure in a grassed waterway, where water pools on the  
 34 soil surface, or in any location where surface water  
 35 will enter the stockpiled dry bedded manure.

36 d. The person shall not stockpile dry bedded  
 37 manure on land having a slope of more than three  
 38 percent unless methods, structures, or practices are

39 implemented to contain the stockpiled dry bedded  
 40 manure, including but not limited to using hay bales,  
 41 silt fences, temporary earthen berms, or other  
 42 effective measures, and to prevent or diminish  
 43 precipitation-induced runoff from the stockpiled dry  
 44 bedded manure.

45 e. The person shall not stockpile dry bedded  
 46 manure on karst terrain or in an alluvial aquifer area  
 47 unless the person complies with all of the following:

48 (1) The person must stockpile the dry bedded  
 49 manure at a location where there is a vertical  
 50 separation distance of at least five feet between the

Page 9

1 bottom of the stockpiled dry manure and the underlying  
 2 limestone, dolomite, or other soluble rock in karst  
 3 terrain or the underlying sand and gravel aquifer in  
 4 an alluvial aquifer area.

5 (2) The dry bedded manure must be stockpiled on  
 6 reinforced concrete at least five inches thick.

7 2. The person shall remove the stockpiled dry  
 8 bedded manure and apply it in accordance with the  
 9 provisions of chapter 459, including but not limited  
 10 to section 459.311, within six months after the dry  
 11 bedded manure is stockpiled.

12 Sec.\_\_\_\_. NEW SECTION. 459B.303 MANURE  
 13 MANAGEMENT PLAN FOR A DRY BEDDED CONFINEMENT  
 14 OPERATION.

15 For purposes of a manure management plan for a dry  
 16 bedded confinement operation, if the application of  
 17 dry bedded manure is on land other than land owned or  
 18 rented for crop production by the owner of the dry  
 19 bedded confinement feeding operation, the plan shall  
 20 include a copy of each written agreement executed by  
 21 the owner of the dry bedded confinement feeding  
 22 operation and the landowner or the person renting the  
 23 land for crop production where the dry bedded manure  
 24 may be applied.

25 SUBCHAPTER IV  
 26 ENFORCEMENT

27 Sec.\_\_\_\_. NEW SECTION. 459B.401 GENERAL.

28 The department and the attorney general shall  
 29 enforce the provisions of this chapter in the same  
 30 manner as provided in chapter 459, subchapter VI.

31 Sec.\_\_\_\_. NEW SECTION. 459B.402 VIOLATIONS –  
 32 CIVIL PENALTY.

33 A person who violates section 459B.301, shall be  
 34 subject to the same penalty as provided in section  
 35 459.602 and a person who violates any other provision  
 36 of this chapter shall be subject to the same penalty  
 37 as provided in section 459.603. Any civil penalty

38 collected shall be deposited in the animal agriculture  
 39 compliance fund created in section 459.401.  
 40 Sec.\_\_\_\_. EFFECTIVE DATE. This division of this  
 41 Act, being deemed of immediate importance, takes  
 42 effect upon enactment.

43 DIVISION\_\_\_\_

44 CONFORMING CHANGES

45 Sec.\_\_\_\_. Section 455A.4, subsection 1, paragraph  
 46 b, Code 2009, is amended to read as follows:  
 47 b. Provide overall supervision, direction, and  
 48 coordination of functions to be administered by the  
 49 administrators under chapters 321G, 321I, 455B, 455C,  
 50 456, 456A, 456B, 457A, 458A, 459, 459A, 459B, 461A,

Page 10

1 462A, 462B, 464A, 465C, 473, 481A, 481B, 483A, 484A,  
 2 and 484B.

3 Sec.\_\_\_\_. Section 455B.103, subsection 4,  
 4 unnumbered paragraph 1, Code 2009, is amended to read  
 5 as follows:

6 Conduct investigations of complaints received  
 7 directly or referred by the commission created in  
 8 section 455A.6 or other investigations deemed  
 9 necessary. While conducting an investigation, the  
 10 director may enter at any reasonable time in and upon  
 11 any private or public property to investigate any  
 12 actual or possible violation of this chapter, chapter  
 13 459, chapter 459A, or the rules or standards adopted  
 14 under this chapter, chapter 459, ~~or~~ chapter 459A, or  
 15 chapter 459B. However, the owner or person in charge  
 16 shall be notified.

17 Sec.\_\_\_\_. Section 455B.103A, subsection 1,  
 18 unnumbered paragraph 1, Code 2009, is amended to read  
 19 as follows:

20 If a permit is required pursuant to this chapter,  
 21 or chapter 459, ~~or~~ chapter 459A, or 459B for storm  
 22 water discharge or an air contaminant source and a  
 23 facility to be permitted is representative of a class  
 24 of facilities which could be described and conditioned  
 25 by a single permit, the director may issue, modify,  
 26 deny, or revoke a general permit for all of the  
 27 following conditions:

28 Sec.\_\_\_\_. Section 455B.105, subsections 3, 6, and  
 29 8, Code 2009, are amended to read as follows:

30 3. Adopt, modify, or repeal rules necessary to  
 31 implement this chapter, chapter 459, ~~and~~ chapter 459A,  
 32 and chapter 459B, and the rules deemed necessary for  
 33 the effective administration of the department. When  
 34 the commission proposes or adopts rules to implement a  
 35 specific federal environmental program and the rules  
 36 impose requirements more restrictive than the federal

37 program being implemented requires, the commission  
38 shall identify in its notice of intended action or  
39 adopted rule preamble each rule that is more  
40 restrictive than the federal program requires and  
41 shall state the reasons for proposing or adopting the  
42 more restrictive requirement. In addition, the  
43 commission shall include with its reasoning a  
44 financial impact statement detailing the general  
45 impact upon the affected parties. It is the intent of  
46 the general assembly that the commission exercise  
47 strict oversight of the operations of the department.  
48 The rules shall include departmental policy relating  
49 to the disclosure of information on a violation or  
50 alleged violation of the rules, standards, permits or

Page 11

1 orders issued by the department and keeping of  
2 confidential information obtained by the department in  
3 the administration and enforcement of this chapter,  
4 chapter 459, ~~and~~ chapter 459A, and chapter 459B.  
5 Rules adopted by the executive committee before  
6 January 1, 1981, shall remain effective until modified  
7 or rescinded by action of the commission.

8 6. Approve all contracts and agreements under this  
9 chapter, chapter 459, ~~and~~ chapter 459A, and chapter  
10 459B between the department and other public or  
11 private persons or agencies.

12 8. Hold public hearings, except when the evidence  
13 to be received is confidential pursuant to this  
14 chapter, chapter 22, chapter 459, ~~or~~ chapter 459A, or  
15 chapter 459B, necessary to carry out its powers and  
16 duties. The commission may issue subpoenas requiring  
17 the attendance of witnesses and the production of  
18 evidence pertinent to the hearings. A subpoena shall  
19 be issued and enforced in the same manner as provided  
20 in civil actions.

21 Sec.\_\_\_\_. Section 455B.105, subsection 11,  
22 paragraph a, unnumbered paragraph 1, Code 2009, is  
23 amended to read as follows:

24 Adopt, by rule, procedures and forms necessary to  
25 implement the provisions of this chapter, ~~chapter and~~  
26 chapters 459, ~~and~~ chapter 459A, and 459B relating to  
27 permits, conditional permits, and general permits.  
28 The commission may also adopt, by rule, a schedule of  
29 fees for permit and conditional permit applications  
30 and a schedule of fees which may be periodically  
31 assessed for administration of permits and conditional  
32 permits. In determining the fee schedules, the  
33 commission shall consider:

34 Sec.\_\_\_\_. Section 455B.109, subsection 5,  
35 paragraph b, Code 2009, is amended by adding the



36 following new subparagraph:  
 37 NEW SUBPARAGRAPH. (4) Civil penalties assessed by  
 38 the department and interest on the civil penalties,  
 39 arising out of violations involving dry bedded  
 40 confinement feeding operations under chapter 459B,  
 41 shall be deposited in the animal agriculture  
 42 compliance fund as created in section 459.401.  
 43 Sec.\_\_\_\_. Section 455B.111, subsection 1,  
 44 paragraphs a and b, Code 2009, are amended to read as  
 45 follows:  
 46 a. A person, including the state of Iowa, for  
 47 violating any provision of this chapter; chapter 459,  
 48 subchapters I, II, III, IV, and VI; chapter 459A;  
 49 chapter 459B; or a rule adopted pursuant to this  
 50 chapter; chapter 459, subchapters I, II, III, IV, and

Page 12

1 VI; ~~or~~ chapter 459A; or chapter 459B.  
 2 b. The director, the commission, or any official  
 3 or employee of the department where there is an  
 4 alleged failure to perform any act or duty under this  
 5 chapter; chapter 459, subchapters I, II, III, IV, and  
 6 VI; chapter 459A; chapter 459B; or a rule adopted  
 7 pursuant to this chapter; chapter 459, subchapters I,  
 8 II, III, IV, and VI; ~~or~~ chapter 459A; or chapter  
 9 459B, which is not a discretionary act or duty.  
 10 Sec.\_\_\_\_. Section 455B.111, subsection 5, Code  
 11 2009, is amended to read as follows:  
 12 5. This section does not restrict any right under  
 13 statutory or common law of a person or class of person  
 14 to seek enforcement of provisions of this chapter;  
 15 chapter 459, subchapters I, II, III, IV, and VI;  
 16 chapter 459A; chapter 459B; or a rule adopted pursuant  
 17 to this chapter; chapter 459, subchapters I, II, III,  
 18 IV, and VI; or chapter 459A; chapter 459B; or seek  
 19 other relief permitted under the law.  
 20 Sec.\_\_\_\_. Section 455B.112, Code 2009, is amended  
 21 to read as follows:  
 22 455B.112 ACTIONS BY ATTORNEY GENERAL.  
 23 In addition to the duty to commence legal  
 24 proceedings at the request of the director or  
 25 commission under this chapter; chapter 459,  
 26 subchapters I, II, III, IV, and VI; ~~or~~ chapter 459A;  
 27 or chapter 459B, the attorney general may institute  
 28 civil or criminal proceedings, including an action for  
 29 injunction, to enforce the provisions of this chapter;  
 30 chapter 459, subchapters I, II, III, IV, and VI; ~~or~~  
 31 chapter 459A; or chapter 459B, including orders or  
 32 permits issued or rules adopted under this chapter;  
 33 chapter 459, subchapters I, II, III, IV, and VI; ~~or~~  
 34 chapter 459A; or chapter 459B.

35 Sec.\_\_\_\_. Section 455B.174, subsection 1, Code  
 36 2009, is amended to read as follows:  
 37 1. Conduct investigations of alleged water  
 38 pollution or of alleged violations of this part of  
 39 this division, ~~or~~ chapter 459, subchapter III, chapter  
 40 459A, chapter 459B, or any rule adopted or any permit  
 41 issued pursuant thereto upon written request of any  
 42 state agency, political subdivision, local board of  
 43 health, twenty-five residents of the state, as  
 44 directed by the department, or as may be necessary to  
 45 accomplish the purposes of this part of this division,  
 46 ~~or~~ chapter 459, subchapter III, chapter 459A, or  
 47 chapter 459B.  
 48 Sec.\_\_\_\_. Section 455B.175, unnumbered paragraph  
 49 1, Code 2009, is amended to read as follows:  
 50 If there is substantial evidence that any person

Page 13

1 has violated or is violating any provision of this  
 2 part of this division, chapter 459, subchapter III, ~~or~~  
 3 chapter 459A, or chapter 459B, or of any rule or  
 4 standard established or permit issued pursuant  
 5 thereto; then:  
 6 Sec.\_\_\_\_. Section 455B.182, Code 2009, is amended  
 7 to read as follows:  
 8 455B.182 FAILURE CONSTITUTES CONTEMPT.  
 9 Failure to obey any order issued by the department  
 10 with reference to a violation of this part of this  
 11 division; chapter 459, subchapter III; ~~or~~ chapter  
 12 459A; chapter 459B; or any rule promulgated or permit  
 13 issued pursuant thereto shall constitute prima facie  
 14 evidence of contempt. In such event the department  
 15 may certify to the district court of the county in  
 16 which such alleged disobedience occurred the fact of  
 17 such failure. The district court after notice, as  
 18 prescribed by the court, to the parties in interest  
 19 shall then proceed to hear the matter and if it finds  
 20 that the order was lawful and reasonable it shall  
 21 order the party to comply with the order. If the  
 22 person fails to comply with the court order, that  
 23 person shall be guilty of contempt and shall be fined  
 24 not to exceed five hundred dollars for each day that  
 25 the person fails to comply with the court order. The  
 26 penalties provided in this section shall be considered  
 27 as additional to any penalty which may be imposed  
 28 under the law relative to nuisances or any other  
 29 statute relating to the pollution of any waters of the  
 30 state or related to public water supply systems and a  
 31 conviction under this section shall not be a bar to  
 32 prosecution under any other penal statute.  
 33 Sec.\_\_\_\_. Section 455B.185, Code 2009, is amended

34 to read as follows:

35 455B.185 DATA FROM DEPARTMENTS.

36 The commission and the director may request and  
 37 receive from any department, division, board, bureau,  
 38 commission, public body, or agency of the state, or of  
 39 any political subdivision thereof, or from any  
 40 organization, incorporated or unincorporated, which  
 41 has for its object the control or use of any of the  
 42 water resources of the state, such assistance and data  
 43 as will enable the commission or the director to  
 44 properly carry out their activities and effectuate the  
 45 purposes of this part 1 of division III; chapter 459,  
 46 subchapter III; ~~or chapter 459A;~~ or chapter 459B. The  
 47 department shall reimburse such agencies for special  
 48 expense resulting from expenditures not normally a  
 49 part of the operating expenses of any such agency.

50 Sec. \_\_. Section 459.102, subsections 5 and 35,

Page 14

1 Code 2009, are amended to read as follows:

2 5. "Animal feeding operation structure" means a  
 3 confinement building, manure storage structure, dry  
 4 bedded confinement feeding operation structure as  
 5 defined in section 459B.102, or egg washwater storage  
 6 structure.

7 35. "Manure storage structure" means a formed  
 8 manure storage structure or an unformed manure storage  
 9 structure.

10 a. A manure storage structure includes a dry  
 11 bedded manure storage structure as defined in section  
 12 459B.102.

13 b. A manure storage structure does not include an  
 14 egg washwater storage structure.

15 Sec. \_\_. Section 459.401, subsection 2, paragraph  
 16 a, subparagraph (5), Code 2009, is amended to read as  
 17 follows:

18 (5) The collection of civil penalties assessed by  
 19 the department and interest on civil penalties,  
 20 arising out of violations involving animal feeding  
 21 operations as provided in sections 459.602, 459.603,  
 22 ~~and 459A.502, and 459B.402.~~

23 Sec. \_\_. EFFECTIVE DATE. This division of this  
 24 Act, being deemed of immediate importance, takes  
 25 effect upon enactment."

26 2. Title page, line 3, by inserting before the  
 27 word "effective" the following: "penalties and".

28 3. By renumbering as necessary.

H-1481

1 Amend Senate File 467, as amended, passed, and  
2 reprinted by the Senate, as follows:

3 1. Page 13, by inserting after line 16 the  
4 following:

5 "DIVISION \_\_\_\_  
6 LANDFILL CLOSING

7 Sec. \_\_\_\_ LANDFILL CLOSING. The department of  
8 natural resources' permit amendment No. 3 extending  
9 the approval to place flood debris in the unlined  
10 areas of a sanitary landfill in Des Moines county  
11 through March 30, 2009, shall be extended by the  
12 department to September 30, 2009.

13 Sec. \_\_\_\_ EFFECTIVE DATE. The provisions of this  
14 division extending the approval to place flood debris  
15 in the unlined areas of a sanitary landfill in Des  
16 Moines county, being deemed of immediate importance,  
17 take effect upon enactment."

18 2. By renumbering as necessary.

SCHUELLER of Jackson

H-1482

1 Amend the amendment, H-1387, to Senate File 224, as  
2 amended, passed, and reprinted by the Senate, as  
3 follows:

4 1. Page 1, by striking lines 3 through 8.

5 2. By renumbering as necessary.

WINDSCHITL of Harrison

H-1483

1 Amend the amendment, H-1150, to House File 712, as  
2 follows:

3 1. By striking page 1, line 1, through page 6,  
4 line 16, and inserting the following:

5 "Amend House File 712 as follows:

6 \_\_\_\_\_. By striking everything after the enacting  
7 clause and inserting the following:

8 "Section 1. NEW SECTION. 714H.1 TITLE.

9 This chapter shall be known and may be cited as the  
10 "Private Right of Action for Consumer Frauds Act".

11 Sec. 2. NEW SECTION. 714H.2 DEFINITIONS.

12 1. "Actual damages" means all economic damages  
13 proximately caused by the prohibited practice or act  
14 that are reasonably ascertainable in amount.

15 2. "Advertisement" means the same as defined in  
16 section 714.16.

17 3. "Consumer" means a natural person or the

18 person's legal representative.

19 4. "Consumer merchandise" means merchandise  
20 offered for sale or lease, or sold or leased,  
21 primarily for personal, family, or household purposes.

22 5. "Deception" means an act or practice that is  
23 likely to mislead a substantial number of consumers as  
24 to a material fact or facts.

25 6. "Merchandise" means the same as defined in  
26 section 714.16.

27 7. "Person" means the same as defined in section  
28 714.16.

29 8. "Sale" means any sale or offer for sale of  
30 consumer merchandise for cash or credit.

31 9. "Unfair practice" means the same as defined in  
32 section 714.16.

33 Sec. 3. NEW SECTION. 714H.3 PROHIBITED PRACTICES  
34 AND ACTS.

35 1. A person shall not engage in a practice or act  
36 the person knows or reasonably should know is an  
37 unfair practice, deception, fraud, false pretense, or  
38 false promise, or the misrepresentation, concealment,  
39 suppression, or omission of a material fact, with the  
40 intent that others rely upon the unfair practice,  
41 deception, fraud, false pretense, false promise,  
42 misrepresentation, concealment, suppression, or  
43 omission in connection with the advertisement, sale,  
44 or lease of consumer merchandise, or the solicitation  
45 of contributions for charitable purposes. For the  
46 purposes of this chapter, a claimant alleging an  
47 unfair practice, deception, fraud, false pretense,  
48 false promise, or misrepresentation must prove that  
49 the prohibited practice related to a material fact or  
50 facts. "Solicitations of contributions for charitable

Page 2

1 purposes" does not include solicitations made on  
2 behalf of a political organization as defined in  
3 section 13C.1, solicitations made on behalf of a  
4 religious organization as defined in section 13C.1,  
5 solicitations made on behalf of a state, regionally,  
6 or nationally accredited college or university, or  
7 solicitations made on behalf of a nonprofit foundation  
8 benefiting a state, regionally, or nationally  
9 accredited college or university subject to section  
10 509(a)(1) or 509(a)(3) of the Internal Revenue Code of  
11 1986.

12 2. A person shall not engage in any practice or  
13 act that is in violation of any of the following:

- 14 a. Section 321.69.
- 15 b. Chapter 516D.
- 16 c. Section 516E.5, 516E.9, or 516E.10.

17 d. Chapter 555A.

18 e. Section 714.16, subsection 2, paragraphs "b"  
19 through "n".

20 f. Chapter 714A.

21 Sec. 4. NEW SECTION. 714H.4 EXCLUSIONS.

22 1. This chapter shall not apply to any of the  
23 following:

24 a. Merchandise offered or provided by any of the  
25 following persons, including business entities  
26 organized under Title XII by those persons and the  
27 officers, directors, employees, and agents of those  
28 persons or business entities, pursuant to a profession  
29 or business for which they are licensed or registered:

30 (1) Insurance companies subject to Title XIII.

31 (2) Attorneys licensed to practice law in this  
32 state.

33 (3) Financial institutions which includes any bank  
34 incorporated under the provisions of any state or  
35 federal law, any savings and loan association or  
36 savings bank incorporated under the provisions of any  
37 state or federal law, any credit union organized under  
38 the provisions of any state or federal law, and any  
39 affiliate or subsidiary of a bank, savings and loan  
40 association, savings bank, or credit union, and any  
41 industrial loan licensee under chapter 536A or  
42 regulated loan licensee under chapter 536.

43 (4) Persons or facilities licensed, certified, or  
44 registered under chapters 135B, 135C, 135J, 148, 148A,  
45 148B, 148C, 149, 151, 152, 152A, 152B, 153, 154, 154B,  
46 154C, 154D, 155A, 156, 169, 522B, 542, 542B, 543B,  
47 544A, or 544B.

48 b. Advertising by a retailer for a product, other  
49 than a drug or other product claiming to have a  
50 health-related benefit or use, if the advertising is

Page 3

1 prepared by a supplier, unless the retailer  
2 participated in the preparation of the advertisement  
3 or knew or should have known that the advertisement  
4 was deceptive, false, or misleading.

5 c. In connection with an advertisement that  
6 violates this chapter, the newspaper, magazine,  
7 publication, or other print media in which the  
8 advertisement appears, including the publisher of the  
9 newspaper, magazine, publication, or other print media  
10 in which the advertisement appears, or the radio  
11 station, television station, or other electronic media  
12 which disseminates the advertisement, including an  
13 employee, agent, or representative of the publisher,  
14 newspaper, magazine, publication or other print media,  
15 or the radio station, television station, or other

16 electronic media.  
 17 d. Any advertisement that complies with the  
 18 statutes, rules, and regulations of the federal trade  
 19 commission.  
 20 e. The provision of local exchange carrier  
 21 telephone service pursuant to a certificate issued  
 22 under section 476.29.  
 23 f. Public utilities as defined in section 476.1  
 24 that furnish gas by a piped distribution system or  
 25 electricity to the public for compensation.  
 26 g. The provision of cable television service or  
 27 video service pursuant to a franchise under section  
 28 364.2 or 477A.2.  
 29 h. Conduct in compliance with the orders or rules  
 30 of, or a statute administered by, a federal, state, or  
 31 local governmental agency.  
 32 i. Actions alleging bodily injury.  
 33 j. In any action relating to a charitable  
 34 solicitation, an individual who has engaged in the  
 35 charitable solicitation as an unpaid, uncompensated  
 36 volunteer and who does not receive monetary gain of  
 37 any sort from engaging in the solicitation.  
 38 k. An affirmative act that violates this chapter  
 39 but is specifically required by other applicable law,  
 40 to the extent that the actor could not reasonably  
 41 avoid a violation of this chapter.  
 42 2. "Material fact" as used in this chapter does  
 43 not include repairs of damage to, adjustments on, or  
 44 replacements of parts with new parts of otherwise new  
 45 merchandise if the repairs, adjustments, or  
 46 replacements are made to achieve compliance with  
 47 factory specifications and are made before sale of the  
 48 merchandise at retail and the actual cost of any labor  
 49 and parts charged to or performed by a retailer for  
 50 any such repairs, adjustments, and parts does not

Page 4

1 exceed three hundred dollars or ten percent of the  
 2 actual cost to a retailer including freight of the  
 3 merchandise, whichever is less, provided that the  
 4 seller posts in a conspicuous place notice that  
 5 repairs, adjustments, or replacements will be  
 6 disclosed upon request. The exclusion provided in  
 7 this subsection does not apply to the concealment,  
 8 suppression, or omission of a material fact if the  
 9 purchaser requests disclosure of any repair,  
 10 adjustment, or replacement.  
 11 Sec. 5. NEW SECTION. 714H.5 PRIVATE RIGHT OF  
 12 ACTION.  
 13 1. A consumer who suffers an ascertainable loss of  
 14 money or property as the result of such prohibited

15 practice or act may bring an action at law to recover  
16 actual damages. The court may order such equitable  
17 relief as it deems necessary to protect the public  
18 from further violations, including temporary and  
19 permanent injunctive relief.

20 2. If the court finds that a person has violated  
21 this chapter and the consumer is awarded actual  
22 damages, the court shall award to the consumer the  
23 costs of the action and to the consumer's attorney  
24 reasonable fees. Reasonable attorney fees shall be  
25 determined by the value of the time reasonably  
26 expended by the attorney including but not limited to  
27 consideration of the following factors:

28 a. The time and labor required.

29 b. The novelty and difficulty of the issues in the  
30 case.

31 c. The skills required to perform the legal  
32 services properly.

33 d. The preclusion of other employment by the  
34 attorney due to the attorney's acceptance of the case.

35 e. The customary fee.

36 f. Whether the fee is fixed or contingent.

37 g. The time limitations imposed by the client or  
38 the circumstances of the case.

39 h. The amount of money involved in the case and  
40 the results obtained.

41 i. The experience, reputation, and ability of the  
42 attorney.

43 j. The undesirability of the case.

44 k. The nature and length of the professional  
45 relationship between the attorney and the client.

46 l. Attorney fee awards in similar cases.

47 3. In order to recover damages, a claim under this  
48 section shall be proved by a preponderance of the  
49 evidence.

50 4. If the finder of fact finds by a preponderance

Page 5

1 of clear, convincing, and satisfactory evidence that a  
2 prohibited practice or act in violation of this  
3 chapter constitutes willful and wanton disregard for  
4 the rights or safety of another, in addition to an  
5 award of actual damages, statutory damages up to three  
6 times the amount of actual damages may be awarded to a  
7 prevailing consumer.

8 5. An action pursuant to this chapter must be  
9 brought within two years of the occurrence of the last  
10 event giving rise to the cause of action under this  
11 chapter or within two years of the discovery of the  
12 violation of this chapter by the person bringing the  
13 action, whichever is later.



14 6. This section shall not affect a consumer's  
15 right to seek relief under any other theory of law.  
16 Sec. 6. NEW SECTION. 714H.6 ATTORNEY GENERAL  
17 NOTIFICATION.

18 1. A party filing a petition, counterclaim,  
19 cross-petition, or pleading, or any count thereof, in  
20 intervention alleging a violation under this chapter,  
21 within seven days following the date of filing such  
22 pleading, shall provide a copy to the attorney general  
23 and, within seven days following entry of any final  
24 judgment in the action, shall provide a copy of the  
25 judgment to the attorney general.

26 2. A party appealing to district court a small  
27 claims order or judgment involving an issue raised  
28 under this chapter, within seven days of providing  
29 notice of the appeal, shall notify the attorney  
30 general in writing and provide a copy of the pleading  
31 raising the issue and a copy of the small claims court  
32 order or judgment.

33 3. A party appealing an order or judgment  
34 involving an issue raised under this chapter, within  
35 seven days following the date such notice of appeal is  
36 filed with the court, shall notify the attorney  
37 general in writing and provide a copy of the pleading  
38 raising the issue and a copy of the court order or  
39 judgment being appealed.

40 4. Upon timely application to the court in which  
41 an action involving an issue raised under this chapter  
42 is pending, the attorney general may intervene as a  
43 party at any time or may be heard at any time. The  
44 attorney general's failure to intervene shall not  
45 preclude the attorney general from bringing a separate  
46 enforcement action.

47 5. All copies of pleadings, orders, judgments, and  
48 notices required by this section to be sent to the  
49 attorney general shall be sent by certified mail  
50 unless the attorney general has previously been

Page 6

1 provided such copies of pleadings, orders, judgments,  
2 or notices in the same action by certified mail, in  
3 which case subsequent mailings may be made by regular  
4 mail. Failure to provide the required mailings to the  
5 attorney general shall not be grounds for dismissal of  
6 an action under this chapter, but shall be grounds for  
7 a subsequent action by the attorney general to vacate  
8 or modify the judgment.

9 Sec. 7. NEW SECTION. 714H.7 CLASS ACTIONS  
10 BARRED.

11 A class action lawsuit alleging violations of this  
12 chapter shall not be available. Nothing in this

13 chapter shall be construed to limit the attorney  
 14 general from bringing a class action lawsuit pursuant  
 15 to section 714.16.

16 Sec. 8. NEW SECTION. 714H.8 SEVERABILITY CLAUSE.

17 If any provision of this chapter or its application  
 18 to any person or circumstances is held invalid, the  
 19 invalidity does not affect other provisions or  
 20 applications of this chapter that can be given effect  
 21 without the invalid provision or application, and to  
 22 this end the provisions of this chapter are severable.

23 Sec. 9. APPLICABILITY. This Act applies to causes  
 24 of actions accruing on or after the effective date of  
 25 this Act."

26 \_\_\_\_\_. Title page, line 1, by striking the word  
 27 "cause" and inserting the following: "right".

28 \_\_\_\_\_. Title page, line 2, by striking the word  
 29 "providing" and inserting the following:  
 30 "including"."

HUSER of Polk

H-1484

1 Amend House File 807 as follows:

2 1. Page 1, by inserting before line 12 the  
 3 following:

4 "Sec.\_\_\_\_. Section 422.4, subsection 2, paragraph  
 5 b, Code 2009, is amended to read as follows:

6 b. "Cumulative standard deduction factor" means  
 7 the product of the annual standard deduction factor  
 8 for the ~~1989~~ 2009 calendar year and all annual  
 9 standard deduction factors for subsequent calendar  
 10 years as determined pursuant to this subsection. The  
 11 cumulative standard deduction factor applies to all  
 12 tax years beginning on or after January 1 of the  
 13 calendar year for which the latest annual standard  
 14 deduction factor has been determined.

15 c. The annual standard deduction factor for the  
 16 2009 calendar year is one hundred percent."

17 2. Page 2, line 18, by striking the figure  
 18 "4.18%" and inserting the following: "4.20%".

19 3. Page 2, line 25, by striking the figure  
 20 "5.42%" and inserting the following: "5.46%".

21 4. Page 2, line 32, by striking the figure  
 22 "5.42%" and inserting the following: "5.46%".

23 5. Page 3, line 3, by striking the figure "5.73%"  
 24 and inserting the following: "5.76%".

25 6. Page 3, line 10, by striking the figure  
 26 "6.16%" and inserting the following: "6.20%".

27 7. Page 3, by inserting before line 16 the  
 28 following:

29 "Sec.\_\_\_\_. Section 422.9, subsection 1, Code 2009,

30 is amended to read as follows:

31 1. An optional standard deduction, after deduction  
 32 of federal income tax, equal to ~~one two~~ thousand ~~two~~  
 33 ~~seven hundred thirty ten~~ dollars for a married person  
 34 who files separately or a single person or equal to  
 35 ~~three five~~ thousand ~~thirty four hundred twenty~~ dollars  
 36 for a husband and wife who file a joint return, a  
 37 surviving spouse, or a head of household. The  
 38 optional standard deduction shall not exceed the  
 39 amount remaining after deduction of the federal income  
 40 tax. The amount of federal income tax deducted shall  
 41 be computed as provided in subsection 2, paragraph  
 42 "b".

43 8. Page 4, by inserting before line 2 the  
 44 following:

45 "Sec.     . NEW SECTION. 422.11X IOWA COLLEGE  
 46 STUDENT TAX CREDIT.

47 1. The taxes imposed under this division, less the  
 48 credits allowed under section 422.12, shall be reduced  
 49 by an Iowa college student tax credit in an amount  
 50 equal to one hundred dollars. Any credit in excess of

Page 2

1 the tax liability is refundable.

2 2. A taxpayer is entitled to claim the credit if  
 3 the taxpayer meets all of the following requirements  
 4 during the tax year:

5 a. The taxpayer is an Iowa resident.

6 b. The taxpayer is an undergraduate student  
 7 enrolled at an institution of higher education. For  
 8 purposes of this section, "institution of higher  
 9 education" has the same meaning as defined in section  
 10 12D.1.

11 c. The taxpayer is carrying at least one-half the  
 12 normal full-time workload for the course of study the  
 13 student is pursuing.

14 3. The tax credit is only available under this  
 15 subsection for the year beginning with the tax year in  
 16 which the taxpayer is enrolled or the following year  
 17 and is then available for the ensuing three tax years  
 18 if the requirements of subsection 2 are met."

19 9. Page 7, line 8, by striking the figure "1990"  
 20 and inserting the following: "~~1990~~ 2010".

21 10. Page 7, by inserting before line 18 the  
 22 following:

23 "Sec.     . Section 422.21, unnumbered paragraph 6,  
 24 Code 2009, is amended to read as follows:

25 The department shall provide on income tax forms or  
 26 in the instruction booklets in a manner that will be  
 27 noticeable to the taxpayers a statement that, even  
 28 though the taxpayer may not have any federal or state

29 income tax liability, the taxpayer may be eligible for  
 30 the federal earned income tax credit, the Iowa college  
 31 student tax credit, or the state child and dependent  
 32 care credit. The statement shall also contain notice  
 33 of where the taxpayer may check on the taxpayer's  
 34 eligibility for these credits."

35 11. Title page, line 2, by inserting after the  
 36 word "rates," the following: "an increased standard  
 37 deduction, a college student tax credit,".

38 12. By renumbering as necessary.

SHOMSHOR of Pottawattamie

H-1485

1 Amend Senate File 434, as amended, passed, and  
 2 reprinted by the Senate, as follows:

3 1. Page 1, by inserting before line 1 the  
 4 following:

5 "Section 1. Section 364.22, subsection 4, Code  
 6 2009, is amended by adding the following new  
 7 paragraph:

8 NEW PARAGRAPH. h. The legal description of the  
 9 affected real property, if applicable."

10 2. Page 1, line 4, by inserting after the word  
 11 "property" the following: "and that charges a  
 12 violation relating to the condition of the property,  
 13 including a building code violation, a local housing  
 14 regulation violation, a housing code violation, or a  
 15 public health or safety violation".

16 3. Page 1, by inserting after line 13 the  
 17 following:

18 "Sec. \_\_\_\_\_. Section 446.15, Code 2009, is amended  
 19 to read as follows:

20 446.15 OFFER FOR SALE – NOTICE OF PENDENCY OF  
 21 ACTIONS.

22 1. The county treasurer shall offer for sale, on  
 23 the day of the sale, each parcel separately for the  
 24 total amount due against each parcel advertised for  
 25 sale.

26 2. On the day a parcel is offered for sale, the  
 27 county treasurer shall notify prospective bidders of  
 28 the pendency of any action relating to the parcel that  
 29 is recorded in the county system as defined in section  
 30 445.1. The county treasurer's failure to notify  
 31 prospective bidders at tax sale shall not affect the  
 32 validity of the tax sale and shall not be grounds for  
 33 a claim against the county treasurer for damages."

34 4. By renumbering as necessary.

HUSER of Polk

H-1489

1 Amend House File 811 as follows:

2 1. Page 58, by inserting after line 27 the  
3 following:

4 "Sec.\_\_\_\_. INTRADEPARTMENTAL TRANSFERS – REPORTS.

5 In addition to any other requirements, a department or  
6 state agency to which appropriations are made pursuant  
7 to this division of this Act, shall report any  
8 intradepartmental transfers of state or federal funds  
9 during the fiscal year beginning July 1, 2009, to the  
10 persons designated by this division of this Act for  
11 submission of reports on a quarterly basis."

12 2. By renumbering as necessary.

SCHULTE of Linn

H-1490

1 Amend House File 811 as follows:

2 1. By striking page 66, line 35, through page 67,  
3 line 11, and inserting the following:

4 "Sec.\_\_\_\_. IOWACARE RENEWAL – REIMBURSEMENT FOR  
5 ELIGIBLE SERVICES PROVIDED TO A MEMBER. Beginning

6 July 1, 2010, the department of human services shall  
7 include in any medical assistance program waiver  
8 relating to the continuation of the IowaCare program  
9 pursuant to chapter 249J, provisions for reimbursement  
10 of eligible services provided to an expansion  
11 population member by a nonparticipating provider if  
12 the nonparticipating provider does all of the  
13 following:

14 1. Contacts the appropriate participating provider  
15 prior to providing eligible services to verify  
16 consensus regarding one of the following courses of  
17 action:

18 a. If the nonparticipating provider and the  
19 participating provider agree that the medical status  
20 of the expansion population member indicates it is  
21 medically possible to postpone provision of services,  
22 the nonparticipating provider shall direct the  
23 expansion population member to the appropriate  
24 participating provider for services.

25 b. If the nonparticipating provider and the  
26 participating provider agree that the medical status  
27 of the expansion population member indicates it is not  
28 medically possible to postpone provision of services,  
29 the nonparticipating provider shall provide medically  
30 necessary services.

31 2. Notwithstanding subsection 1, if the medical  
32 status of the expansion population member indicates a  
33 medical emergency and the nonparticipating provider is  
34 not able to contact the appropriate participating

35 provider prior to providing medically necessary  
 36 services, the nonparticipating provider shall document  
 37 the medical emergency and inform the appropriate  
 38 participating provider immediately after the member  
 39 has been stabilized of any eligible services  
 40 provided."  
 41 2. By renumbering as necessary.

UPMEYER of Hancock

H-1492

1 Amend the amendment, H-1150, to House File 712, as  
 2 follows:  
 3 1. By striking page 1, line 1, through page 6,  
 4 line 16, and inserting the following:  
 5 "Amend House File 712 as follows:  
 6 \_\_\_\_\_. By striking everything after the enacting  
 7 clause and inserting the following:  
 8 "Section 1. NEW SECTION. 714H.1 TITLE.  
 9 This chapter shall be known and may be cited as the  
 10 "Private Right of Action for Consumer Frauds Act".  
 11 Sec. 2. NEW SECTION. 714H.2 DEFINITIONS.  
 12 1. "Actual damages" means all economic damages  
 13 proximately caused by the prohibited practice or act  
 14 that are reasonably ascertainable in amount.  
 15 2. "Advertisement" means the same as defined in  
 16 section 714.16.  
 17 3. "Consumer" means a natural person or the  
 18 person's legal representative.  
 19 4. "Consumer merchandise" means merchandise  
 20 offered for sale or lease, or sold or leased,  
 21 primarily for personal, family, or household purposes.  
 22 5. "Deception" means an act or practice that is  
 23 likely to mislead a substantial number of consumers as  
 24 to a material fact or facts.  
 25 6. "Merchandise" means the same as defined in  
 26 section 714.16.  
 27 7. "Person" means the same as defined in section  
 28 714.16.  
 29 8. "Sale" means any sale or offer for sale of  
 30 consumer merchandise for cash or credit.  
 31 9. "Unfair practice" means the same as defined in  
 32 section 714.16.  
 33 Sec. 3. NEW SECTION. 714H.3 PROHIBITED PRACTICES  
 34 AND ACTS.  
 35 1. A person shall not engage in a practice or act  
 36 the person knows or reasonably should know is an  
 37 unfair practice, deception, fraud, false pretense, or  
 38 false promise, or the misrepresentation, concealment,  
 39 suppression, or omission of a material fact, with the  
 40 intent that others rely upon the unfair practice,

41 deception, fraud, false pretense, false promise,  
 42 misrepresentation, concealment, suppression, or  
 43 omission in connection with the advertisement, sale,  
 44 or lease of consumer merchandise, or the solicitation  
 45 of contributions for charitable purposes. For the  
 46 purposes of this chapter, a claimant alleging an  
 47 unfair practice, deception, fraud, false pretense,  
 48 false promise, or misrepresentation must prove that  
 49 the prohibited practice related to a material fact or  
 50 facts. "Solicitations of contributions for charitable

Page 2

1 purposes" does not include solicitations made on  
 2 behalf of a political organization as defined in  
 3 section 13C.1, solicitations made on behalf of a  
 4 religious organization as defined in section 13C.1,  
 5 solicitations made on behalf of a state, regionally,  
 6 or nationally accredited college or university, or  
 7 solicitations made on behalf of a nonprofit foundation  
 8 benefiting a state, regionally, or nationally  
 9 accredited college or university subject to section  
 10 509(a)(1) or 509(a)(3) of the Internal Revenue Code of  
 11 1986.

12 2. A person shall not engage in any practice or  
 13 act that is in violation of any of the following:

- 14 a. Section 321.69.
- 15 b. Chapter 516D.
- 16 c. Section 516E.5, 516E.9, or 516E.10.
- 17 d. Chapter 555A.
- 18 e. Section 714.16, subsection 2, paragraphs "b"
- 19 through "n".
- 20 f. Chapter 714A.

21 Sec. 4. NEW SECTION. 714H.4 EXCLUSIONS.

22 1. This chapter shall not apply to any of the  
 23 following:

24 a. Merchandise offered or provided by any of the  
 25 following persons, including business entities  
 26 organized under Title XII by those persons and the  
 27 officers, directors, employees, and agents of those  
 28 persons or business entities, pursuant to a profession  
 29 or business for which they are licensed or registered:

- 30 (1) Insurance companies subject to Title XIII.
- 31 (2) Attorneys licensed to practice law in this  
 32 state.
- 33 (3) Financial institutions which includes any bank  
 34 incorporated under the provisions of any state or  
 35 federal law, any savings and loan association or  
 36 savings bank incorporated under the provisions of any  
 37 state or federal law, any credit union organized under  
 38 the provisions of any state or federal law, and any  
 39 affiliate or subsidiary of a bank, savings and loan

40 association, savings bank, or credit union, and any  
41 industrial loan licensee under chapter 536A or  
42 regulated loan licensee under chapter 536.  
43 (4) Persons or facilities licensed, certified, or  
44 registered under chapters 135B, 135C, 135J, 148, 148A,  
45 148B, 148C, 149, 151, 152, 152A, 152B, 153, 154, 154B,  
46 154C, 154D, 155A, 156, 169, 522B, 542, 542B, 543B,  
47 544A, or 544B.  
48 b. Advertising by a retailer for a product, other  
49 than a drug or other product claiming to have a  
50 health-related benefit or use, if the advertising is

Page 3

1 prepared by a supplier, unless the retailer  
2 participated in the preparation of the advertisement  
3 or knew or should have known that the advertisement  
4 was deceptive, false, or misleading.  
5 c. In connection with an advertisement that  
6 violates this chapter, the newspaper, magazine,  
7 publication, or other print media in which the  
8 advertisement appears, including the publisher of the  
9 newspaper, magazine, publication, or other print media  
10 in which the advertisement appears, or the radio  
11 station, television station, or other electronic media  
12 which disseminates the advertisement, including an  
13 employee, agent, or representative of the publisher,  
14 newspaper, magazine, publication or other print media,  
15 or the radio station, television station, or other  
16 electronic media.  
17 d. Any advertisement that complies with the  
18 statutes, rules, and regulations of the federal trade  
19 commission.  
20 e. The provision of local exchange carrier  
21 telephone service pursuant to a certificate issued  
22 under section 476.29.  
23 f. Public utilities as defined in section 476.1  
24 that furnish gas by a piped distribution system or  
25 electricity to the public for compensation.  
26 g. The provision of cable television service or  
27 video service pursuant to a franchise under section  
28 364.2 or 477A.2.  
29 h. Conduct in compliance with the orders or rules  
30 of, or a statute administered by, a federal, state, or  
31 local governmental agency.  
32 i. Actions alleging bodily injury.  
33 j. In any action relating to a charitable  
34 solicitation, an individual who has engaged in the  
35 charitable solicitation as an unpaid, uncompensated  
36 volunteer and who does not receive monetary gain of  
37 any sort from engaging in the solicitation.  
38 k. An affirmative act that violates this chapter



39 but is specifically required by other applicable law,  
40 to the extent that the actor could not reasonably  
41 avoid a violation of this chapter.  
42 2. "Material fact" as used in this chapter does  
43 not include repairs of damage to, adjustments on, or  
44 replacements of parts with new parts of otherwise new  
45 merchandise if the repairs, adjustments, or  
46 replacements are made to achieve compliance with  
47 factory specifications and are made before sale of the  
48 merchandise at retail and the actual cost of any labor  
49 and parts charged to or performed by a retailer for  
50 any such repairs, adjustments, and parts does not

Page 4

1 exceed three hundred dollars or ten percent of the  
2 actual cost to a retailer including freight of the  
3 merchandise, whichever is less, provided that the  
4 seller posts in a conspicuous place notice that  
5 repairs, adjustments, or replacements will be  
6 disclosed upon request. The exclusion provided in  
7 this subsection does not apply to the concealment,  
8 suppression, or omission of a material fact if the  
9 purchaser requests disclosure of any repair,  
10 adjustment, or replacement.  
11 Sec. 5. NEW SECTION. 714H.5 PRIVATE RIGHT OF  
12 ACTION.  
13 1. A consumer who suffers an ascertainable loss of  
14 money or property as the result of such prohibited  
15 practice or act may bring an action at law to recover  
16 actual damages. The court may order such equitable  
17 relief as it deems necessary to protect the public  
18 from further violations, including temporary and  
19 permanent injunctive relief.  
20 2. If the court finds that a person has violated  
21 this chapter and the consumer is awarded actual  
22 damages, the court shall award to the consumer the  
23 costs of the action and to the consumer's attorney  
24 reasonable fees. Reasonable attorney fees shall be  
25 determined by the value of the time reasonably  
26 expended by the attorney including but not limited to  
27 consideration of the following factors:  
28 a. The time and labor required.  
29 b. The novelty and difficulty of the issues in the  
30 case.  
31 c. The skills required to perform the legal  
32 services properly.  
33 d. The preclusion of other employment by the  
34 attorney due to the attorney's acceptance of the case.  
35 e. The customary fee.  
36 f. Whether the fee is fixed or contingent.  
37 g. The time limitations imposed by the client or

- 38 the circumstances of the case.  
39 h. The amount of money involved in the case and  
40 the results obtained.  
41 i. The experience, reputation, and ability of the  
42 attorney.  
43 j. The undesirability of the case.  
44 k. The nature and length of the professional  
45 relationship between the attorney and the client.  
46 l. Attorney fee awards in similar cases.  
47 3. In order to recover damages, a claim under this  
48 section shall be proved by a preponderance of the  
49 evidence.  
50 4. If the finder of fact finds by a preponderance

Page 5

- 1 of clear, convincing, and satisfactory evidence that a  
2 prohibited practice or act in violation of this  
3 chapter constitutes willful and wanton disregard for  
4 the rights or safety of another, in addition to an  
5 award of actual damages, statutory damages up to three  
6 times the amount of actual damages may be awarded to a  
7 prevailing consumer.  
8 5. An action pursuant to this chapter must be  
9 brought within two years of the occurrence of the last  
10 event giving rise to the cause of action under this  
11 chapter or within two years of the discovery of the  
12 violation of this chapter by the person bringing the  
13 action, whichever is later.  
14 6. This section shall not affect a consumer's  
15 right to seek relief under any other theory of law.  
16 Sec. 6. NEW SECTION. 714H.6 ATTORNEY GENERAL  
17 NOTIFICATION.  
18 1. A party filing a petition, counterclaim,  
19 cross-petition, or pleading, or any count thereof, in  
20 intervention alleging a violation under this chapter,  
21 within seven days following the date of filing such  
22 pleading, shall provide a copy to the attorney general  
23 and, within seven days following entry of any final  
24 judgment in the action, shall provide a copy of the  
25 judgment to the attorney general.  
26 2. A party appealing to district court a small  
27 claims order or judgment involving an issue raised  
28 under this chapter, within seven days of providing  
29 notice of the appeal, shall notify the attorney  
30 general in writing and provide a copy of the pleading  
31 raising the issue and a copy of the small claims court  
32 order or judgment.  
33 3. A party appealing an order or judgment  
34 involving an issue raised under this chapter, within  
35 seven days following the date such notice of appeal is  
36 filed with the court, shall notify the attorney

37 general in writing and provide a copy of the pleading  
38 raising the issue and a copy of the court order or  
39 judgment being appealed.  
40 4. Upon timely application to the court in which  
41 an action involving an issue raised under this chapter  
42 is pending, the attorney general may intervene as a  
43 party at any time or may be heard at any time. The  
44 attorney general's failure to intervene shall not  
45 preclude the attorney general from bringing a separate  
46 enforcement action.  
47 5. All copies of pleadings, orders, judgments, and  
48 notices required by this section to be sent to the  
49 attorney general shall be sent by certified mail  
50 unless the attorney general has previously been

Page 6

1 provided such copies of pleadings, orders, judgments,  
2 or notices in the same action by certified mail, in  
3 which case subsequent mailings may be made by regular  
4 mail. Failure to provide the required mailings to the  
5 attorney general shall not be grounds for dismissal of  
6 an action under this chapter, but shall be grounds for  
7 a subsequent action by the attorney general to vacate  
8 or modify the judgment.

9 Sec. 7. NEW SECTION. 714H.7 CLASS ACTIONS  
10 BARRED.

11 A class action lawsuit alleging violations of this  
12 chapter shall not be available. Nothing in this  
13 chapter shall be construed to limit the attorney  
14 general from bringing a class action lawsuit pursuant  
15 to section 714.16.

16 Sec. 8. NEW SECTION. 714H.8 SEVERABILITY CLAUSE.

17 If any provision of this chapter or its application  
18 to any person or circumstances is held invalid, the  
19 invalidity does not affect other provisions or  
20 applications of this chapter that can be given effect  
21 without the invalid provision or application, and to  
22 this end the provisions of this chapter are severable.

23 Sec. 9. APPLICABILITY. This Act applies to causes  
24 of actions accruing on or after the effective date of  
25 this Act."

26 \_\_\_\_\_. Title page, line 1, by striking the word  
27 "cause" and inserting the following: "right".

28 \_\_\_\_\_. Title page, line 2, by striking the word  
29 "providing" and inserting the following:  
30 "including"."

H-1493

1 Amend House File 811 as follows:

2 1. Page 58, by inserting after line 27 the  
3 following:

4 "Sec.\_\_\_\_. LEAN GOVERNMENT EXCHANGE. Beginning  
5 July 1, 2009, the department of human services shall  
6 participate in the lean government exchange through  
7 consultation with the department of management, office  
8 of lean enterprise, to improve the speed and  
9 efficiency of departmental and program processes by  
10 eliminating waste. The department shall submit  
11 periodic progress reports regarding such  
12 implementation to the persons designated by this  
13 division of this Act for submission of reports."

14 2. By renumbering as necessary.

SCHULTE of Linn

H-1503

1 Amend House File 811 as follows:

2 1. Page 41, by striking lines 3 through 8.  
3 2. By renumbering as necessary.

HUSEMAN of Cherokee  
ANDERSON of Page  
HEATON of Henry

H-1509

1 Amend House File 811 as follows:

2 1. Page 58, by inserting after line 27 the  
3 following:

4 "Sec.\_\_\_\_. OFFICE EXPENSES – MANDATORY REDUCTION.  
5 For the fiscal year beginning July 1, 2009, and ending  
6 June 30, 2010, the appropriations from the general  
7 fund of the state to a state department or state  
8 agency to which appropriations are made pursuant to  
9 this Act are reduced by such amount, as necessary to  
10 effect a 50 percent reduction in the amount  
11 appropriated for expenditures for office supplies,  
12 service contracts, and equipment purchases. The  
13 reduction of the individual appropriations shall be  
14 determined by the department of management in  
15 consultation with the affected departments and  
16 agencies on the basis of the expected expenditures for  
17 such items by the affected state department or agency  
18 for the fiscal year without the reduction required by  
19 this section. The specific amount that each  
20 individual appropriation is reduced shall be outlined  
21 in a memorandum prepared by the department of  
22 management which shall be submitted to the general

23 assembly and legislative services agency within 30  
24 days of the effective date of this section of this  
25 Act. The reduction of an individual appropriation  
26 pursuant to this section shall be applied prior to any  
27 reductions in full-time equivalent positions. The  
28 reduction of an individual appropriation pursuant to  
29 this section shall be in addition to any other  
30 reduction required by law and general fund  
31 appropriations reduced pursuant to this section shall  
32 not be expended for any other purposes but shall be  
33 retained in the general fund of the state."  
34 2. By renumbering as necessary.

RAECKER of Polk

H-1514

1 Amend House File 580, as passed by the House, as  
2 follows:  
3 1. Page 1, by inserting after line 31 the  
4 following:  
5 "Sec. \_\_\_\_\_. CONTINGENCY. Notwithstanding the  
6 requirement of this Act directing the department of  
7 human services to include provisions for reimbursement  
8 of eligible services provided to an expansion  
9 population member by a nonparticipating provider under  
10 any medical assistance program waiver relating to the  
11 continuation of the IowaCare program, if the  
12 department of human services in consultation with the  
13 governor determines that such requirement would  
14 adversely affect continuation of the IowaCare waiver,  
15 the department shall not include such provisions in  
16 the IowaCare waiver."  
17 2. Title page, line 2, by inserting after the  
18 word "members" the following: ", and providing a  
19 contingency".  
20 3. By renumbering as necessary.

SENATE AMENDMENT

H-1518

1 Amend House File 811 as follows:  
2 1. By striking page 95, line 25, through page 96,  
3 line 10.  
4 2. By renumbering as necessary.

DOLECHECK of Ringgold  
HEATON of Henry

H-1522

1 Amend House File 811 as follows:

2 1. By striking the enacting clause and inserting  
3 the following: "BE IT RESOLVED BY THE GENERAL  
4 ASSEMBLY OF THE STATE OF IOWA."

5 2. By striking page 1, line 1, through page 96,  
6 line 28, and inserting the following:

7 "Section 1. The following amendment to the  
8 Constitution of the State of Iowa is proposed:

9 Article I of the Constitution of the State of Iowa

10 is amended by adding the following new section:

11 MARRIAGE. SEC. 26. Marriage between one man and  
12 one woman shall be the only legal union valid or  
13 recognized in this state.

14 Sec. 2. REFERRAL AND PUBLICATION. The foregoing  
15 amendment to the Constitution of the State of Iowa is  
16 referred to the General Assembly to be chosen at the  
17 next general election for members of the General  
18 Assembly and the Secretary of State is directed to  
19 cause the same to be published for three consecutive  
20 months previous to the date of that election as  
21 provided by law."

22 3. Title page, the House enactment identifier, by  
23 striking the words "HOUSE FILE" and inserting the  
24 following: "HOUSE JOINT RESOLUTION".

25 4. Title page, the enactment type identifier, by  
26 striking the words "A BILL FOR" and inserting the  
27 following: "HOUSE JOINT RESOLUTION".

28 5. Title page, by striking lines 1 through 5 and  
29 inserting the following: "A Joint Resolution  
30 proposing an amendment to the Constitution of the  
31 State of Iowa specifying marriage between one man and  
32 one woman as the only legal union that is valid or  
33 recognized in the state."

RANTS of Woodbury

H-1523

1 Amend House File 811 as follows:

2 1. Page 71, by inserting after line 29 the  
3 following:

4 "Sec.     . Section 331.424A, subsection 4, Code  
5 2009, is amended to read as follows:

6 4. a. For the fiscal year beginning July 1, ~~1996~~  
7 2010, and for each subsequent fiscal year, the county  
8 shall certify a levy for payment of services.

9 b. For each fiscal year, ~~county revenues from th~~  
10 levy rate per thousand dollars of assessed value of  
11 taxable property for taxes imposed by the county  
12 credited to the services fund shall not exceed an  
13 amount equal to the amount of base year expenditures

14 ~~for services as defined in section 331.438, less the~~  
 15 ~~amount of property tax relief to be received pursuant~~  
 16 ~~to section 426B.2, in the fiscal year for which the~~  
 17 ~~budget is certified the highest rate authorized to be~~  
 18 ~~imposed by the county for the services fund for a~~  
 19 ~~fiscal year beginning on or after July 1, 1997, prior~~  
 20 ~~to adjustment of the rate pursuant to paragraph "c".~~

21 c. The county auditor and the board of supervisors  
 22 shall reduce the amount of the levy certified for the  
 23 services fund by the amount of property tax relief to  
 24 be received pursuant to section 426B.2. A levy  
 25 certified under this section is not subject to the  
 26 appeal provisions of section 331.426 or to any other  
 27 provision in law authorizing a county to exceed,  
 28 increase, or appeal a property tax levy limit."

29 2. Page 72, by inserting after line 16 the  
 30 following:

31 "Sec. \_\_\_\_\_. APPLICABILITY. This section of this  
 32 division of this Act amending section 331.424A, is  
 33 applicable for fiscal years beginning on or after July  
 34 1, 2010."

35 3. By renumbering as necessary.

FORD of Polk

H-1524

1 Amend House File 811 as follows:

2 1. Page 58, by inserting after line 27 the  
 3 following:

4 "Sec. \_\_\_\_\_. MISCELLANEOUS DEPARTMENT EXPENSES –  
 5 MANDATORY REDUCTION. For the fiscal year beginning  
 6 July 1, 2009, and ending June 30, 2010, the  
 7 appropriations from the general fund of the state to a  
 8 state department or state agency to which  
 9 appropriations are made pursuant to this division of  
 10 this Act are reduced by such amount, as necessary to  
 11 effect a 20 percent reduction in the amount  
 12 appropriated for expenditures for printing, binding,  
 13 and communications, and a 50 percent reduction in the  
 14 amount appropriated for expenditures for advertising  
 15 and publicity. The reduction of the individual  
 16 appropriations shall be determined by the department  
 17 of management in consultation with the affected  
 18 departments and agencies on the basis of the expected  
 19 expenditures for such items by the affected state  
 20 department or agency for the fiscal year without the  
 21 reductions required by this section. The specific  
 22 amount that each individual appropriation is reduced  
 23 shall be outlined in a memorandum prepared by the  
 24 department of management which shall be submitted to  
 25 the general assembly and legislative services agency  
 26 within 30 days of the effective date of this section

27 of this Act. The reduction of an individual  
 28 appropriation pursuant to this section shall be in  
 29 addition to any other reduction required by law and  
 30 general fund appropriations reduced pursuant to this  
 31 section shall not be expended for any other purposes  
 32 but shall be retained in the general fund of the  
 33 state."  
 34 2. By renumbering as necessary.

RAECKER of Polk

H-1525

1 Amend House File 811 as follows:  
 2 1. Page 58, by inserting after line 27 the  
 3 following:  
 4 "Sec.\_\_\_\_. TELECONFERENCING PREFERENCE. For the  
 5 fiscal year beginning July 1, 2009, and ending June  
 6 30, 2010, each state department or agency to which  
 7 appropriations are made in this division of this Act  
 8 shall utilize, to the greatest extent possible,  
 9 teleconferencing for any meetings of boards,  
 10 committees, commissions, councils, workgroups, or  
 11 other bodies under the purview of the state department  
 12 or agency."

L. MILLER of Scott

H-1529

1 Amend House File 812 as follows:  
 2 1. Page 4, line 6, by striking the words  
 3 "twenty-five" and inserting the following:  
 4 "twenty-four".  
 5 2. Page 5, by striking lines 8 and 9 and  
 6 inserting the following:  
 7 "1. Except as provided in subsection 2, this Act,  
 8 being deemed of immediate importance, takes effect  
 9 upon enactment."

THOMAS of Clayton

H-1530

1 Amend House File 816 as follows:  
 2 1. Page 1, by striking lines 3 through 15 and  
 3 inserting the following:  
 4 "NEW SUBSECTION. 31. a. To the extent  
 5 permissible by federal law, to subpoena certain  
 6 records held by a public or private utility company  
 7 with respect to an individual who has a debt or  
 8 obligation placed with the centralized collection unit  
 9 of the department. The subpoena authority granted in



10 this subsection may be used only after reasonable  
11 efforts have been made by the centralized collection  
12 unit to identify and locate the individual.

13 b. The department may subpoena customer records,  
14 but shall not request or require the disclosure of  
15 transaction information, account activity, or  
16 proprietary information."

17 2. Page 1, by striking lines 18 through 20 and  
18 inserting the following: "frequently than quarterly."

19 3. Page 1, line 24, by inserting after the word  
20 "director." the following: "In administering this  
21 subsection, the director and the department shall  
22 comply with all applicable state and federal laws  
23 pertaining to the confidentiality or privacy of  
24 individuals or public or private utility companies.  
25 The information and customer records obtained by the  
26 department pursuant to this subsection are  
27 confidential records and are not subject to requests  
28 for examination pursuant to chapter 22."

29 4. Page 1, by inserting before line 34 the  
30 following:

31 "g. The department may adopt rules for the  
32 administration of this subsection."

33 5. Title page, by striking lines 2 and 3, and  
34 inserting the following: "customer records of  
35 individuals with a debt placed with the centralized  
36 collection unit of the department of revenue and  
37 including an effective date provision."

38 6. By renumbering as necessary.

PETERSEN of Polk  
STRUYK of Pottawattamie

H-1531

1 Amend the amendment, H-1335, to Senate File 283, as  
2 passed by the Senate, as follows:

3 1. Page 1, by inserting after line 18 the  
4 following:

5 "Sec. \_\_\_\_\_. Section 46.20, Code 2009, is amended to  
6 read as follows:

7 46.20 DECLARATION OF CANDIDACY.

8 At least one hundred four days before the judicial  
9 election preceding expiration of the initial or  
10 regular term of office, a judge of the supreme court,  
11 court of appeals, or district court including district  
12 associate judges, full-time associate juvenile judges,  
13 or full-time associate probate judges, or a clerk of  
14 the district court who is required to stand for  
15 retention under section 602.1216 may file a  
16 declaration of candidacy with the state commissioner  
17 of elections to stand for retention or rejection at

18 that election. If a judge or clerk fails to file the  
 19 declaration, the office shall be vacant at the end of  
 20 the term. District associate judges, full-time  
 21 associate juvenile judges, and full-time associate  
 22 probate judges filing the declaration shall stand for  
 23 retention in the judicial election district of their  
 24 ~~residence~~ appointment."

25 2. Page 1, by inserting after line 20 the  
 26 following:

27 ""Sec.\_\_\_\_. Section 602.6302, subsection 1,  
 28 paragraph b, Code 2009, is amended to read as follows:

29 b. The substitution must not result in a lack of a  
 30 ~~resident~~ district associate judge or magistrate in one  
 31 or more of the counties."

32 3. Page 2, by inserting after line 24 the  
 33 following:

34 "Sec.\_\_\_\_. Section 602.6305, Code 2009, is amended  
 35 to read as follows:

36 602.6305 TERM, RETENTION, QUALIFICATIONS.

37 1. District associate judges shall serve initial  
 38 terms and shall stand for retention in office within  
 39 the judicial election districts of their ~~residences~~  
 40 appointments at the judicial election under sections  
 41 46.16 through 46.24.

42 2. A person does not qualify for appointment to  
 43 the office of district associate judge unless the  
 44 person is at the time of appointment a resident of the  
 45 ~~county judicial district~~ in which the vacancy exists,  
 46 licensed to practice law in Iowa, and will be able,  
 47 measured by the person's age at the time of  
 48 appointment, to complete the initial term of office  
 49 prior to reaching age seventy-two. An applicant for  
 50 district associate judge shall file a certified

Page 2

1 application form, to be provided by the supreme court,  
 2 with the chairperson of the county magistrate  
 3 appointing commission.

4 3. A district associate judge must be a resident  
 5 of ~~a county~~ the judicial district in which the office  
 6 is held during the entire term of office. A district  
 7 associate judge shall serve within the judicial  
 8 district in which appointed, as directed by the chief  
 9 judge, and is subject to reassignment under section  
 10 602.6108.

11 4. District associate judges shall qualify for  
 12 office as provided in chapter 63 for district  
 13 judges.""

14 4. By renumbering as necessary.

H-1533

1 Amend House File 234 as follows:

2 1. Page 1, line 34, by inserting after the word  
3 "or" the following: "for diagnosis, treatment, or  
4 care".

5 2. Page 1, line 35, by striking the words  
6 "licensed hospital or health facility" and inserting  
7 the following: "~~licensed hospital or~~ licensed under  
8 chapter 135B, a health facility licensed under chapter '  
9 135C, or a psychiatric medical institution for  
10 children licensed under chapter 135H".

SMITH of Marshall

H-1534

1 Amend the amendment, H-1484, to House File 807, as  
2 follows:

3 1. Page 1, line 37, by inserting after the word  
4 "household." the following: "For purposes of this  
5 subsection, "husband and wife" means one man married  
6 to one woman."

RANTS of Woodbury

H-1539

1 Amend Senate File 452, as passed by the Senate, as  
2 follows:

3 1. Page 1, line 25, by inserting after the word  
4 "groups." the following: "An applicant shall not be  
5 eligible, however, if the applicant is a client of and  
6 represented by a person registered to lobby before the  
7 general assembly pursuant to the provisions of chapter  
8 68B."

9 2. By renumbering as necessary.

WATTS of Dallas

H-1542

1 Amend the amendment, H-1484, to House File 807, as  
2 follows:

3 1. Page 1, line 37, by inserting after the word  
4 "household." the following: "For purposes of this  
5 subsection, "married person" means a person in a  
6 marriage that consists of one man married to one  
7 woman."

RANTS of Woodbury

H-1543

1 Amend House File 807 as follows:

2 1. Page 4, by inserting after line 18 the  
3 following:

4 "Sec.\_\_\_\_. Section 422.12, subsection 1, Code  
5 2009, is amended by adding the following new  
6 unnumbered paragraph:

7 NEW UNNUMBERED PARAGRAPH. For purposes of this  
8 subsection, "husband" means one man married to one  
9 woman, "wife" means one woman married to one man, and  
10 "married person" means a person in a marriage that  
11 consists of one man married to one woman."

12 2. By renumbering as necessary.

RANTS of Woodbury

H-1544

1 Amend House File 807 as follows:

2 1. Page 4, line 1, by inserting after the word  
3 "subtracted." the following: "For purposes of this  
4 paragraph "b", "married person" means a person in a  
5 marriage that consists of one man married to one  
6 woman."

7 2. By renumbering as necessary.

RANTS of Woodbury

H-1551

1 Amend Senate File 470, as amended, passed, and  
2 reprinted by the Senate, as follows:

3 1. Page 19, line 5, by inserting before the word  
4 "If" the following: "Revenues received by a school  
5 district attributed to a school district's weighted  
6 enrollment pursuant to this paragraph shall be  
7 expended on home school assistance programming and  
8 shall not be used to administer a home school  
9 assistance program."

10 2. By renumbering as necessary.

HEATON of Henry

H-1557

1 Amend Senate File 470, as amended, passed, and  
2 reprinted by the Senate, as follows:

3 1. Page 18, by inserting after line 11 the  
4 following:

5 "Sec.\_\_\_\_. EXPENSE REIMBURSEMENT – REQUIREMENTS.

6 Notwithstanding any provision to the contrary, for the

7 fiscal year beginning July 1, 2009, and ending June  
8 30, 2010, the director of a department or state agency  
9 to which appropriations are made pursuant to the  
10 provisions of this Act shall require employees, in  
11 order to receive reimbursement for expenses, to submit  
12 actual receipts for meals and other costs. The  
13 director may require electronic submission of the  
14 receipts. Reimbursement up to the maximum amount  
15 shall only be allowed in an amount equal to the sum of  
16 the actual receipts submitted."  
17 2. By renumbering as necessary.

KOESTER of Polk

H-1561

1 Amend House File 791 as follows:  
2 1. By striking the enacting clause and inserting  
3 the following: "BE IT RESOLVED BY THE GENERAL  
4 ASSEMBLY OF THE STATE OF IOWA:"  
5 2. By striking page 1, line 1, through page 2,  
6 line 20, and inserting the following:  
7 "Section 1. The following amendment to the  
8 Constitution of the State of Iowa is proposed:  
9 Article I of the Constitution of the State of Iowa  
10 is amended by adding the following new section:  
11 MARRIAGE. SEC. 26. Marriage between one man and  
12 one woman shall be the only legal union valid or  
13 recognized in this state.  
14 Sec. 2. REFERRAL AND PUBLICATION. The foregoing  
15 amendment to the Constitution of the State of Iowa is  
16 referred to the General Assembly to be chosen at the  
17 next general election for members of the General  
18 Assembly and the Secretary of State is directed to  
19 cause the same to be published for three consecutive  
20 months previous to the date of that election as  
21 provided by law."  
22 3. Title page, the House enactment identifier, by  
23 striking the words "HOUSE FILE" and inserting the  
24 following: "HOUSE JOINT RESOLUTION".  
25 4. Title page, the enactment type identifier, by  
26 striking the words "A BILL FOR" and inserting the  
27 following: "HOUSE JOINT RESOLUTION".  
28 5. Title page, by striking lines 1 and 2 and  
29 inserting the following: "A Joint Resolution  
30 proposing an amendment to the Constitution of the  
31 State of Iowa specifying marriage between one man and  
32 one woman as the only legal union that is valid or  
33 recognized in the state."

RANTS of Woodbury

H-1566

1 Amend Senate File 470, as amended, passed, and  
 2 reprinted by the Senate, as follows:  
 3 1. Page 33, by striking line 6 and inserting the  
 4 following:  
 5 "Sec. \_\_\_\_\_. Chapter 7K, Code 2009, is repealed."

TYMESON of Madison

H-1567

1 Amend House File 777 as follows:  
 2 1. Page 2, line 10, by striking the word  
 3 "paragraph" and inserting the following:  
 4 "paragraphs".  
 5 2. Page 2, by inserting after line 17 the  
 6 following:  
 7 "NEW PARAGRAPH. j. An advisory board, advisory  
 8 commission, advisory committee, task force, or other  
 9 body created by an entity organized under chapter 28E,  
 10 or by the administrator or joint board specified in a  
 11 chapter 28E agreement, to develop and make  
 12 recommendations on public policy issues."  
 13 3. By renumbering as necessary.

TYMESON of Madison

H-1568

1 Amend House File 807 as follows:  
 2 1. Page 3, by inserting before line 16 the  
 3 following:  
 4 "Sec. \_\_\_\_\_. Section 422.9, subsection 1, Code 2009,  
 5 is amended to read as follows:  
 6 1. An optional standard deduction, after deduction  
 7 of federal income tax, equal to ~~one two~~ thousand ~~tw~~  
 8 ~~seven~~ hundred ~~thirty ten~~ dollars for a married peson  
 9 who files separately or a single person or equal to  
 10 ~~three five~~ thousand ~~thirty four hundred twenty~~ dollars  
 11 for a husband and wife who file a joint return, a  
 12 surviving spouse, or a head of household. The  
 13 optional standard deduction for a married person who  
 14 files separately or for a husband and wife who file a  
 15 joint return is available only to persons  
 16 physiologically capable of natural procreation  
 17 together. For purposes of this subsection, a man and  
 18 a woman who are married but infertile shall be  
 19 considered capable of natural procreation. The  
 20 optional standard deduction shall not exceed the  
 21 amount remaining after deduction of the federal income  
 22 tax. The amount of federal income tax deducted shall  
 23 be computed as provided in subsection 2, paragraph

24 "b". The general assembly finds that promoting  
 25 increased population is a legitimate and important  
 26 purpose of the state and that limiting the optional  
 27 standard deduction to certain married persons  
 28 naturally capable of producing children furthers such  
 29 a purpose."

30 2. By renumbering as necessary.

RANTS of Woodbury

H-1570

1 Amend the amendment, H-1484, to House File 807, as  
 2 follows:

3 1. Page 1, line 37, by inserting after the word  
 4 "household." the following: "The optional standard  
 5 deduction for a married person who files separately or  
 6 for a husband and wife who file a joint return is  
 7 available only to persons physiologically capable of  
 8 natural procreation together. For purposes of this  
 9 subsection, a man and a woman who are married but  
 10 infertile shall be considered capable of natural  
 11 procreation."

12 2. Page 1, line 42, by inserting after the word  
 13 ""b."" the following: "The general assembly finds  
 14 that promoting increased population is a legitimate  
 15 and important purpose of the state and that limiting  
 16 the optional standard deduction to certain married  
 17 persons naturally capable of producing children  
 18 furthers such a purpose."

RANTS of Woodbury

H-1575

1 Amend the amendment, H-1337, to House File 777 as  
 2 follows:

3 1. Page 1, by inserting after line 1 the  
 4 following:

5 "\_\_\_\_. Page 2, line 10, by striking the word  
 6 "paragraph" and inserting the following:  
 7 "paragraphs".

8 \_\_\_\_\_. Page 2, by inserting after line 17 the  
 9 following:

10 "NEW PARAGRAPH. j. An advisory board, advisory  
 11 commission, advisory committee, task force, or other  
 12 body created by an entity organized under chapter 28E,  
 13 or by the administrator or joint board specified in a  
 14 chapter 28E agreement, to develop and make  
 15 recommendations on public policy issues.""

16 2. By renumbering as necessary.

TYMESON of Madison

H-1576

1 Amend the amendment H-1484, to House File 807 as  
2 follows:

3 1. Page 1, by striking lines 2 through 42 and  
4 inserting the following:

5 "\_\_\_\_. By striking page 1, line 1, through page 4,  
6 line 1, and inserting the following:

7 Section 1. Section 422.4, subsection 2, paragraph  
8 b, Code 2009, is amended to read as follows:

9 b. "Cumulative standard deduction factor" means  
10 the product of the annual standard deduction factor  
11 for the ~~1989~~ 2009 calendar year and all annual  
12 standard deduction factors for subsequent calendar  
13 years as determined pursuant to this subsection. The  
14 cumulative standard deduction factor applies to all  
15 tax years beginning on or after January 1 of the  
16 calendar year for which the latest annual standard  
17 deduction factor has been determined.

18 c. The annual standard deduction factor for the  
19 2009 calendar years is one hundred percent.

20 Sec.\_\_\_\_. Section 422.5, subsection 1, paragraphs  
21 a through i, Code 2009, are amended to read as  
22 follows:

23 a. On all taxable income from zero through one  
24 thousand dollars, ~~thirty-six~~ thirty-two hundredths of  
25 one percent.

26 b. On all taxable income exceeding one thousand  
27 dollars but not exceeding two thousand dollars,  
28 ~~seventy-two~~ sixty-five hundredths of one percent.

29 c. On all taxable income exceeding two thousand  
30 dollars but not exceeding four thousand dollars, two  
31 and ~~forty-three~~ nineteen hundredths percent.

32 d. On all taxable income exceeding four thousand  
33 dollars but not exceeding nine thousand dollars, four  
34 and ~~one-half~~ five hundredths percent.

35 e. On all taxable income exceeding nine thousand  
36 dollars but not exceeding fifteen thousand dollars,  
37 ~~six five~~ and ~~twelve~~ fifty-one hundredths percent.

38 f. On all taxable income exceeding fifteen  
39 thousand dollars but not exceeding twenty thousand  
40 dollars, ~~six five~~ and ~~forty-eight~~ eighty-three  
41 hundredths percent.

42 g. On all taxable income exceeding twenty thousand  
43 dollars but not exceeding thirty thousand dollars, six  
44 and ~~eight-tenths~~ twelve hundredths percent.

45 h. On all taxable income exceeding thirty thousand  
46 dollars but not exceeding forty-five thousand dollars,  
47 seven and ~~ninety-two~~ thirteen hundredths percent.

48 i. On all taxable income exceeding forty-five  
49 thousand dollars, eight and ~~ninety-eight~~ eight  
50 hundredths percent.



Page 2

1 Sec. \_\_\_\_\_. Section 422.9, subsection 1, Code 2009,  
2 is amended to read as follows:

3 1. An optional standard deduction, after deduction  
4 of federal income tax, equal to ~~one two thousand tw~~  
5 ~~seven hundred thirty ten~~ dollars for a married person  
6 who files separately or a single person or equal to  
7 ~~three five thousand thirty four hundred twenty dollars~~  
8 for a husband and wife who file a joint return, a  
9 surviving spouse, or a head of household. The  
10 optional standard deduction shall not exceed the  
11 amount remaining after deduction of the federal income  
12 tax. The amount of federal income tax deducted shall  
13 be computed as provided in subsection 2, paragraph  
14 "b"."

15 2. Page 2, by inserting before line 19 the  
16 following:

17 "\_\_\_\_. Page 6, line 33, by striking the figures  
18 "1980 2010" and inserting the following: "1989"."

19 3. Page 2, by inserting after line 34 the  
20 following:

21 "\_\_\_\_. Page 7, by inserting before line 18 the  
22 following:

23 "Sec. \_\_\_\_\_. Section 422.33, subsection 1, Code  
24 2009, is amended to read as follows:

25 1. a. A tax is imposed annually upon each  
26 corporation doing business in this state, or deriving  
27 income from sources within this state, in an amount  
28 computed by applying the following rates of taxation  
29 to the net income received by the corporation during  
30 the income year:

31 ~~a.~~ (1) On the first twenty-five thousand dollars  
32 of taxable income, or any part thereof, the rate of  
33 ~~six five and four-tenths~~ percent.

34 ~~b.~~ (2) On taxable income between twenty-five  
35 thousand dollars and one hundred thousand dollars or  
36 any part thereof, the rate of ~~eight seven and~~  
37 ~~two-tenths~~ percent.

38 ~~c.~~ (3) On taxable income between one hundred  
39 thousand dollars and two hundred fifty thousand  
40 dollars or any part thereof, the rate of ~~ten nine~~  
41 percent.

42 ~~d.~~ (4) On taxable income of two hundred fifty  
43 thousand dollars or more, the rate of ~~twelve ten and~~  
44 ~~eight-tenths~~ percent.

45 b. "Income For purposes of this section, "income  
46 from sources within this state" means income from  
47 real, tangible, or intangible property located or  
48 having a situs in this state."

49 4. Page 2, by striking lines 35 through 37 and  
50 inserting the following:

Page 3

1 "\_\_\_\_. Title page, by striking lines 1 and 2 and  
 2 inserting the following: "An Act relating to the  
 3 individual and corporate income taxes by providing for  
 4 reduced tax rates, an increased standard deduction, a  
 5 college student tax credit,."

WAGNER of Linn

H-1577

1 Amend Senate File 404, as amended, passed, and  
 2 reprinted by the Senate, as follows:  
 3 1. By striking page 1, line 1, through page 3,  
 4 line 33, and inserting the following:  
 5 "Section 1. LOCAL FOOD AND FARM PLAN. To the  
 6 extent feasible, the Leopold center for sustainable  
 7 agriculture established pursuant to section 266.39  
 8 shall prepare a local food and farm plan containing  
 9 policy and funding recommendations for supporting and  
 10 expanding local food systems and for assessing and  
 11 overcoming obstacles necessary to increase locally  
 12 grown food production. The Leopold center for  
 13 sustainable agriculture shall submit the plan to the  
 14 general assembly by January 10, 2010. The plan shall  
 15 include recommendations for short-term and long-term  
 16 solutions, including but not limited to the enactment  
 17 of legislation."  
 18 2. Title page, line 1, by striking the words  
 19 "establishing a local food and farm task force,".  
 20 3. By renumbering as necessary.

THOMAS of Clayton  
 BEARD of Winneshiek  
 KRESSIG of Black Hawk

H-1578

1 Amend the amendment, H-1438, to Senate File 432, as  
 2 amended, passed, and reprinted by the Senate, as  
 3 follows:  
 4 1. Page 1, line 22, by striking the word and  
 5 figure "January 1" and inserting the following:  
 6 "December 21".  
 7 2. Page 1, by inserting after line 31 the  
 8 following:  
 9 "\_\_\_\_. Page 2, by striking lines 17 through 21 and  
 10 inserting the following: "prior to the application."  
 11 3. Page 1, by inserting after line 34 the  
 12 following:

- 13 "\_\_\_\_. Page 3, by inserting after line 21 the  
 14 following:  
 15 "Sec.\_\_\_\_. NEW SECTION. 459.313B APPLICATION OF  
 16 LIQUID MANURE ON SNOW COVERED GROUND OR FROZEN GROUND  
 17 – ANNUAL REPORT.  
 18 1. On or before February 15 of each year, the  
 19 director of the department, or the department's  
 20 designee, shall appear before and present a report to  
 21 the standing committees of the senate and house of  
 22 representatives having jurisdiction over agriculture  
 23 and environmental protection. The report shall  
 24 include all instances in which persons have applied  
 25 liquid manure originating from a manure storage  
 26 structure, that is part of a confinement feeding  
 27 operation, on snow covered ground or frozen ground  
 28 because of an emergency as provided in section  
 29 459.313A. The report shall include an assessment of  
 30 the application's impact on water quality, including  
 31 the success of actions taken to prevent or remediate  
 32 such impact.  
 33 2. This section is repealed on July 1, 2014."  
 34 4. By renumbering as necessary.

WHITAKER of Van Buren  
 WENTHE of Fayette  
 ZIRKELBACH of Jones

REICHERT of Muscatine  
 S. OLSON of Clinton

H-1579

- 1 Amend Senate File 413, as amended, passed, and  
 2 reprinted by the Senate, as follows:  
 3 1. Page 1, by striking lines 1 through 12.  
 4 2. Page 3, by striking lines 11 through 25.  
 5 3. Page 5, by striking lines 5 through 29.  
 6 4. By renumbering as necessary.

COWNIE of Polk

H-1581

- 1 Amend Senate File 483, as passed by the Senate, as  
 2 follows:  
 3 1. Page 1, line 10, by striking the word  
 4 "seventy-five" and inserting the following:  
 5 "eighty-five".  
 6 2. By renumbering as necessary.

THOMAS of Clayton

H-1583

- 1 Amend House File 807 as follows:

- 2 1. Page 4, line 23, by striking the word "eight"  
 3 and inserting the following: "ten".

HELLAND of Polk

H-1584

- 1 Amend the amendment, H-1484, to House File 807 as  
 2 follows:  
 3 1. Page 1, line 32, by striking the word "two"  
 4 and inserting the following: "five".  
 5 2. Page 1, by striking line 33 and inserting the  
 6 following: "four hundred ~~thirty fifty~~ dollars for a  
 7 married person".  
 8 3. Page 1, by striking line 35 and inserting the  
 9 following: "three ~~ten~~ thousand ~~thirty nine hundred~~  
 10 dollars".  
 11 4. By renumbering as necessary.

HELLAND of Polk

H-1585

- 1 Amend the amendment, H-1484, to House File 807 as  
 2 follows:  
 3 1. Page 1, by striking lines 29 through 42 and  
 4 inserting the following:  
 5 "Sec. \_\_\_\_. Section 422.9, subsections 1, 6, 7, and  
 6 8, Code 2009, are amended to read as follows:  
 7 1. a. An optional standard deduction, after  
 8 deduction of federal income tax, equal to ~~one two~~  
 9 thousand ~~two seven~~ hundred ~~thirty ten~~ dollars for a  
 10 married person who files separately or a single person  
 11 or equal to ~~three five~~ thousand ~~thirty four hundred~~  
 12 ~~twenty~~ dollars for a husband and wife who file a joint  
 13 return, a surviving spouse, or a head of household.  
 14 The optional standard deduction shall not exceed the  
 15 amount remaining after deduction of the federal income  
 16 tax. The amount of federal income tax deducted shall  
 17 be computed as provided in subsection 2, paragraph  
 18 "b".  
 19 b. An individual taking an optional standard  
 20 deduction may deduct, in addition to the deductions  
 21 under paragraph "a", an amount equal to the amount of  
 22 property taxes paid on the individual's primary  
 23 residence. The additional deduction shall not exceed  
 24 five hundred dollars for a married person filing  
 25 separately or a single person and shall not exceed one  
 26 thousand dollars for a husband and wife who file a  
 27 joint return, a surviving spouse, or a head of  
 28 household.  
 29 6. In determining the amount of deduction for

30 federal income tax under subsection 1, paragraph "a",  
 31 or subsection 2, paragraph "b", for tax years  
 32 beginning in the 2001 calendar year, the amount of the  
 33 deduction shall not be adjusted by the amount received  
 34 during the tax year of the advanced refund of the rate  
 35 reduction tax credit provided pursuant to the federal  
 36 Economic Growth and Tax Relief Reconciliation Act of  
 37 2001, Pub. L. No. 107-16, and the advanced refund of  
 38 such credit shall not be subject to taxation under  
 39 this division.

40 7. In determining the amount of deduction for  
 41 federal income tax under subsection 1, paragraph "a",  
 42 or subsection 2, paragraph "b", for tax years  
 43 beginning in the 2002 calendar year, the amount of the  
 44 deduction for the tax year shall not be adjusted by  
 45 the amount of the rate reduction credit received in  
 46 the tax year to the extent that the credit is  
 47 attributable to the rate reduction credit provided  
 48 pursuant to the federal Economic Growth and Tax Relief  
 49 Reconciliation Act of 2001, Pub. L. No. 107-16, and  
 50 the amount of such credit shall not be taxable under

Page 2

1 this division.

2 8. In determining the amount of deduction for  
 3 federal income tax under subsection 1, paragraph "a",  
 4 or subsection 2, paragraph "b", for tax years  
 5 beginning in the 2008 calendar year, the amount of the  
 6 deduction for the tax year shall not be adjusted by  
 7 the amount received during the tax year of the income  
 8 tax rebate provided pursuant to the federal Recovery  
 9 Rebates and Economic Stimulus for the American People  
 10 Act of 2008, Pub. L. No. 110-185, and the amount of  
 11 such income tax rebate shall not be subject to  
 12 taxation under this division."

13 2. Page 2, by inserting before line 21 the  
 14 following:

15 "\_\_\_\_. Page 7, line 13, by inserting before the  
 16 word "by" the following: "paragraph "a"."

17 3. By renumbering as necessary.

ALONS of Sioux

H-1586

1 Amend House File 807 as follows:

2 1. Page 1, by inserting before line 1 the  
 3 following:

4 "DIVISION I  
 5 RATE CHANGES AND FEDERAL DEDUCTIBILITY"

6 2. Page 7, line 18, by inserting after the word

7 "this" the following: "division of this".

8 3. Page 7, by inserting before line 21 the  
9 following:

10 "DIVISION II  
11 CAPITAL GRAIN DEDUCTION

12 Sec. \_\_\_\_\_. Section 422.7, Code 2009, is amended by  
13 adding the following new subsection:

14 NEW SUBSECTION. 49A. Subtract the capital gain  
15 from the following:

16 a. The sale of an equity investment in a business  
17 if all of the following requirements are met:

18 (1) The equity investment is held for a period of  
19 thirty-six months or more from the date of  
20 acquisition.

21 (2) A credit is not claimed on the investment  
22 under section 15E.66, 422.11F, or 422.11G.

23 (3) The deduction under this paragraph "a" is in  
24 lieu of any deduction under section 1202 of the  
25 Internal Revenue Code.

26 b. If the adjusted gross income computed for  
27 federal income tax purposes includes income or loss  
28 from a business operated by the taxpayer, the sale of  
29 a building, land, or machinery and equipment used in  
30 the operation of the business if the building, land,  
31 or machinery and equipment are held for a period of  
32 thirty-six months or more from the date of  
33 acquisition.

34 c. An individual may claim the capital gain  
35 deduction under paragraphs "a" and "b" of a  
36 partnership, S corporation, limited liability company,  
37 estate, or trust electing to have the income taxed  
38 directly to the individual. The amount claimed by the  
39 individual shall be based upon the pro rata share of  
40 the individual's earnings of a partnership, S  
41 corporation, limited liability company, estate, or  
42 trust.

43 Sec. \_\_\_\_\_. Section 422.35, Code 2009, is amended by  
44 adding the following new subsection:

45 NEW SUBSECTION. 22A. Subtract the capital gain  
46 from the following:

47 a. The sale of an equity investment in a business  
48 if all of the following requirements are met:

49 (1) The equity investment is held for a period of  
50 thirty-six months or more from the date of

Page 2

1 acquisition.

2 (2) A credit is not claimed on the investment  
3 under section 15E.66 or section 422.33, subsection 12  
4 or 13.

5 b. The sale of a building, land, or machinery and

6 equipment used in the operation of the business if the  
 7 building, land, or machinery and equipment are held  
 8 for a period of thirty-six months or more from the  
 9 date of acquisition.

10 Sec.\_\_\_\_. APPLICABILITY DATE. This division of  
 11 this Act applies to capital investments made in or by  
 12 businesses on or after January 1, 2009, for tax years  
 13 ending after that date."

14 4. Title page, by striking lines 1 through 7 and  
 15 inserting the following: "An Act relating to the  
 16 individual and corporate income taxes by providing for  
 17 reduced tax rates, the elimination of federal  
 18 deductibility, increasing the credits for elderly and  
 19 blind individuals, increasing the amount of the earned  
 20 income tax credit, and adjusting the eligibility for  
 21 the child and dependent care tax credit and early  
 22 childhood development tax credit and by providing for  
 23 a deduction of the capital gain from the sale of  
 24 capital investments made in or by certain businesses  
 25 and including a retroactive and other applicability  
 26 date provisions."

27 5. By renumbering as necessary.

ALONS of Sioux

H-1587

1 Amend House File 807 as follows:

2 1. Page 4, by inserting before line 19 the  
 3 following:

4 "Sec.\_\_\_\_. Section 422.12, Code 2009, is amended  
 5 by adding the following new subsection:

6 NEW SUBSECTION. 2A. a. A volunteer fire fighter  
 7 and volunteer emergency medical services personnel  
 8 credit equal to the amount specified in paragraph "b"  
 9 to compensate the taxpayer for the voluntary services.

10 b. The amount of the credit is equal to two  
 11 hundred fifty dollars. However, if the taxpayer is  
 12 not a volunteer fire fighter or volunteer emergency  
 13 medical services personnel for the entire tax year,  
 14 the amount of the dollar credit shall be prorated and  
 15 the amount of credit shall equal the maximum amount of  
 16 credit for the tax year, divided by twelve, multiplied  
 17 by the number of months in the tax year the taxpayer  
 18 was a volunteer. The credit shall be rounded to the  
 19 nearest five dollars. If the taxpayer is a volunteer  
 20 during any part of a month, the taxpayer shall be  
 21 considered a volunteer for the entire month. If the  
 22 taxpayer is a volunteer fire fighter and a volunteer  
 23 emergency medical services personnel during the same  
 24 month, a credit may be claimed for only one volunteer  
 25 position for that month.

- 26 c. The taxpayer is required to have a written  
 27 statement from the fire chief or other appropriate  
 28 supervisor verifying that the taxpayer was a volunteer  
 29 fire fighter or volunteer emergency medical services  
 30 personnel for the months for which the credit under  
 31 this subsection is claimed.
- 32 d. For purposes of this subsection:
- 33 (1) "Emergency medical services personnel" means  
 34 an emergency medical care provider who is certified as  
 35 a first responder pursuant to chapter 147A.
- 36 (2) "Volunteer fire fighter" means a volunteer  
 37 fire fighter as defined in section 85.61 who has met  
 38 the minimum training standards established by the fire  
 39 service training bureau pursuant to chapter 100B.
- 40 Sec. \_\_\_\_\_. RETROACTIVE APPLICABILITY DATE. This  
 41 Act applies retroactively to January 1, 2009, for tax  
 42 years beginning on or after that date."
- 43 2. Title page, line 2, by inserting after the  
 44 word "rates," the following: "a volunteer fire  
 45 fighter and emergency medical services personnel tax  
 46 credit,".
- 47 3. By renumbering as necessary.

LUKAN of Dubuque

H-1588

- 1 Amend House File 712 as follows:
- 2 1. By striking everything after the enacting  
 3 clause and inserting the following:
- 4 "Section 1. NEW SECTION. 714H.1 TITLE.  
 5 This chapter shall be known and may be cited as the  
 6 "Private Right of Action for Consumer Frauds Act".
- 7 Sec. 2. NEW SECTION. 714H.2 DEFINITIONS.
- 8 1. "Actual damages" means all compensatory damages  
 9 proximately caused by the prohibited practice or act  
 10 that are reasonably ascertainable in amount. "Actual  
 11 damages" does not include damages for bodily injury,  
 12 pain and suffering, mental distress, or loss of  
 13 consortium.
- 14 2. "Advertisement" means the same as defined in  
 15 section 714.16.
- 16 3. "Consumer" means a natural person or the  
 17 person's legal representative.
- 18 4. "Consumer merchandise" means merchandise  
 19 offered for sale or lease, or sold or leased,  
 20 primarily for personal, family, or household purposes.
- 21 5. "Deception" means an act or practice that is  
 22 likely to mislead a substantial number of consumers as  
 23 to a material fact or facts.
- 24 6. "Merchandise" means the same as defined in  
 25 section 714.16.



26 7. "Person" means the same as defined in section  
 27 714.16.  
 28 8. "Sale" means any sale or offer for sale of  
 29 consumer merchandise for cash or credit.  
 30 9. "Unfair practice" means the same as defined in  
 31 section 714.16.  
 32 Sec. 3. NEW SECTION. 714H.3 PROHIBITED PRACTICES  
 33 AND ACTS.  
 34 1. A person shall not engage in an unfair  
 35 practice, deception, fraud, false pretense, or false  
 36 promise, or the misrepresentation, concealment,  
 37 suppression, or omission of a material fact, with the  
 38 intent that others rely upon the unfair practice,  
 39 deception, fraud, false pretense, false promise,  
 40 misrepresentation, concealment, suppression, or  
 41 omission in connection with the advertisement, sale,  
 42 or lease of consumer merchandise, or the solicitation  
 43 of contributions for charitable purposes. For the  
 44 purposes of this chapter, a claimant alleging an  
 45 unfair practice, deception, fraud, false pretense,  
 46 false promise, or misrepresentation must prove that  
 47 the prohibited practice related to a material fact or  
 48 facts. "Solicitations of contributions for charitable  
 49 purposes" does not include solicitations made on  
 50 behalf of a political organization as defined in

Page 2

1 section 13C.1, solicitations made on behalf of a  
 2 religious organization as defined in section 13C.1,  
 3 solicitations made on behalf of a state, regionally,  
 4 or nationally accredited college or university, or  
 5 solicitations made on behalf of a nonprofit foundation  
 6 benefiting a state, regionally, or nationally  
 7 accredited college or university subject to section  
 8 509(a)(1) or 509(a)(3) of the Internal Revenue Code of  
 9 1986.  
 10 2. A person shall not engage in any practice or  
 11 act that is in violation of any of the following:  
 12 a. Section 321.69.  
 13 b. Chapter 516D.  
 14 c. Section 516E.5, 516E.9, or 516E.10.  
 15 d. Chapter 555A.  
 16 e. Section 714.16, subsection 2, paragraphs "b"  
 17 through "n".  
 18 f. Chapter 714A.  
 19 Sec. 4. NEW SECTION. 714H.4 EXCLUSIONS.  
 20 1. This chapter shall not apply to any of the  
 21 following:  
 22 a. Services offered or provided by any of the  
 23 following persons, including business entities  
 24 organized under Title XII by those persons and the

25 officers, directors, employees, and agents of those  
 26 persons or business entities, pursuant to a profession  
 27 or business for which they are licensed or registered:  
 28 (1) Insurance companies subject to Title XIII.  
 29 (2) Attorneys licensed to practice law in this  
 30 state.  
 31 (3) Financial institutions which includes any bank  
 32 incorporated under the provisions of any state or  
 33 federal law, any savings and loan association or  
 34 savings bank incorporated under the provisions of any  
 35 state or federal law, and any credit union organized  
 36 under the provisions of any state or federal law, and  
 37 any affiliate or subsidiary of a bank, savings and  
 38 loan association, savings bank, or credit union.  
 39 (4) Persons or facilities licensed, certified, or  
 40 registered under chapters 135B, 135C, 135J, 148, 148A,  
 41 148B, 148C, 149, 151, 152, 152A, 152B, 153, 154, 154B,  
 42 154C, 154D, 155A, 156, 169, 522B, 542, 542B, 543B,  
 43 544A, or 544B.  
 44 b. Advertising by a retailer for a product, other  
 45 than a drug or other product claiming to have a  
 46 health-related benefit or use, if the advertising is  
 47 prepared by a supplier, unless the retailer  
 48 participated in the preparation of the advertisement  
 49 or knew or should have known that the advertisement  
 50 was deceptive, false, or misleading.

Page 3

1 c. In connection with an advertisement that  
 2 violates this chapter, the newspaper, magazine,  
 3 publication, or other print media in which the  
 4 advertisement appears, including the publisher of the  
 5 newspaper, magazine, publication, or other print media  
 6 in which the advertisement appears, or the radio  
 7 station, television station, or other electronic media  
 8 which disseminates the advertisement, including an  
 9 employee, agent, or representative of the publisher,  
 10 newspaper, magazine, publication or other print media,  
 11 or the radio station, television station, or other  
 12 electronic media.  
 13 d. The provision of local exchange carrier  
 14 telephone service pursuant to a certificate issued  
 15 under section 476.29.  
 16 e. Public utilities as defined in section 476.1  
 17 that furnish gas by a piped distribution system or  
 18 electricity to the public for compensation when  
 19 engaged in activities subject to regulation by the  
 20 utilities board pursuant to chapter 476.  
 21 f. Any advertisement that complies with the  
 22 statutes, rules, and regulations of the federal trade  
 23 commission.

24 g. Conduct that is required or permitted by the  
25 orders or rules of, or a statute administered by, a  
26 federal, state, or local governmental agency.  
27 h. An affirmative act that violates this chapter  
28 but is specifically required by other applicable law,  
29 to the extent that the actor could not reasonably  
30 avoid a violation of this chapter.  
31 i. In any action relating to a charitable  
32 solicitation, an individual who has engaged in the  
33 charitable solicitation as an unpaid, uncompensated  
34 volunteer and who does not receive monetary gain of  
35 any sort from engaging in the solicitation.  
36 2. "Material fact" as used in this chapter does  
37 not include repairs of damage to, adjustments on, or  
38 replacements of parts with new parts of otherwise new  
39 merchandise if the repairs, adjustments, or  
40 replacements are made to achieve compliance with  
41 factory specifications and are made before sale of the  
42 merchandise at retail and the actual cost of any labor  
43 and parts charged to or performed by a retailer for  
44 any such repairs, adjustments, and parts does not  
45 exceed three hundred dollars or ten percent of the  
46 actual cost to a retailer including freight of the  
47 merchandise, whichever is less, provided that the  
48 seller posts in a conspicuous place notice that  
49 repairs, adjustments, or replacements will be  
50 disclosed upon request. The exclusion provided in

Page 4

1 this subsection does not apply to the concealment,  
2 suppression, or omission of a material fact if the  
3 purchaser requests disclosure of any repair,  
4 adjustment, or replacement.  
5 Sec. 5. NEW SECTION. 714H.5 PRIVATE RIGHT OF  
6 ACTION.  
7 1. A consumer who suffers an ascertainable loss of  
8 money or property as the result of such prohibited  
9 practice or act may bring an action at law to recover  
10 actual damages. The court may order such equitable  
11 relief as it deems necessary to protect the public  
12 from further violations, including temporary and  
13 permanent injunctive relief.  
14 2. If the court finds that a person has violated  
15 this chapter and the consumer is awarded actual  
16 damages, the court shall award to the consumer the  
17 costs of the action and to the consumer's attorney  
18 reasonable fees. Reasonable attorney fees shall be  
19 determined by the value of the time reasonably  
20 expended by the attorney including but not limited to  
21 consideration of the following factors:  
22 a. The time and labor required.

- 23 b. The novelty and difficulty of the issues in the  
 24 case.  
 25 c. The skills required to perform the legal  
 26 services properly.  
 27 d. The preclusion of other employment by the  
 28 attorney due to the attorney's acceptance of the case.  
 29 e. The customary fee.  
 30 f. Whether the fee is fixed or contingent.  
 31 g. The time limitations imposed by the client or  
 32 the circumstances of the case.  
 33 h. The amount of money involved in the case and  
 34 the results obtained.  
 35 i. The experience, reputation, and ability of the  
 36 attorney.  
 37 j. The undesirability of the case.  
 38 k. The nature and length of the professional  
 39 relationship between the attorney and the client.  
 40 l. Attorney fee awards in similar cases.
- 41 3. In order to recover damages, a claim under this  
 42 section shall be proved by a preponderance of the  
 43 evidence.  
 44 4. If the finder of fact finds by a preponderance  
 45 of clear, convincing, and satisfactory evidence that a  
 46 prohibited practice or act in violation of this  
 47 chapter constitutes willful and wanton disregard for  
 48 the rights or safety of another, in addition to an  
 49 award of actual damages, statutory damages up to three  
 50 times the amount of actual damages may be awarded to a

Page 5

- 1 prevailing consumer.  
 2 5. An action pursuant to this chapter must be  
 3 brought within two years of the occurrence of the last  
 4 event giving rise to the cause of action under this  
 5 chapter or within two years of the discovery of the  
 6 violation of this chapter by the person bringing the  
 7 action, whichever is later.  
 8 6. This section shall not affect a consumer's  
 9 right to seek relief under any other theory of law.  
 10 7. A person shall not be held liable in any action  
 11 brought under this section for a violation of this  
 12 chapter if the person shows by a preponderance of the  
 13 evidence that the violation was not intentional and  
 14 resulted from a bona fide error notwithstanding the  
 15 maintenance of procedures reasonably adopted to avoid  
 16 the error.  
 17 Sec. 6. NEW SECTION. 714H.6 ATTORNEY GENERAL  
 18 NOTIFICATION.  
 19 1. A party filing a petition, counterclaim,  
 20 cross-petition, or pleading, or any count thereof, in  
 21 intervention alleging a violation under this chapter,

22 within seven days following the date of filing such  
23 pleading, shall provide a copy to the attorney general  
24 and, within seven days following entry of any final  
25 judgment in the action, shall provide a copy of the  
26 judgment to the attorney general.

27 2. A party appealing to district court a small  
28 claims order or judgment involving an issue raised  
29 under this chapter, within seven days of providing  
30 notice of the appeal, shall notify the attorney  
31 general in writing and provide a copy of the pleading  
32 raising the issue and a copy of the small claims court  
33 order or judgment.

34 3. A party appealing an order or judgment  
35 involving an issue raised under this chapter, within  
36 seven days following the date such notice of appeal is  
37 filed with the court, shall notify the attorney  
38 general in writing and provide a copy of the pleading  
39 raising the issue and a copy of the court order or  
40 judgment being appealed.

41 4. Upon timely application to the court in which  
42 an action involving an issue raised under this chapter  
43 is pending, the attorney general may intervene as a  
44 party at any time or may be heard at any time. The  
45 attorney general's failure to intervene shall not  
46 preclude the attorney general from bringing a separate  
47 enforcement action.

48 5. All copies of pleadings, orders, judgments, and  
49 notices required by this section to be sent to the  
50 attorney general shall be sent by certified mail

Page 6

1 unless the attorney general has previously been  
2 provided such copies of pleadings, orders, judgments,  
3 or notices in the same action by certified mail, in  
4 which case subsequent mailings may be made by regular  
5 mail. Failure to provide the required mailings to the  
6 attorney general shall not be grounds for dismissal of  
7 an action under this chapter, but shall be grounds for  
8 a subsequent action by the attorney general to vacate  
9 or modify the judgment.

10 Sec. 7. NEW SECTION. 714H.7 SEVERABILITY CLAUSE.

11 If any provision of this chapter or its application  
12 to any person or circumstances is held invalid, the  
13 invalidity does not affect other provisions or  
14 applications of this chapter that can be given effect  
15 without the invalid provision or application, and to  
16 this end the provisions of this chapter are severable.  
17 Sec. 8. APPLICABILITY. This Act applies to causes  
18 of actions accruing on or after the effective date of  
19 this Act."

20 2. Title page, line 1, by striking the word

- 21 "cause" and inserting the following: "right".  
 22 3. Title page, line 2, by striking the word  
 23 "providing" and inserting the following: "including".

SWAIM of Davis  
 PALMER of Mahaska  
 R. OLSON of Polk

H-1589

- 1 Amend the amendment, H-1375, to House File 712 as  
 2 follows:  
 3 1. Page 1, line 8, by striking the word  
 4 "economic" and inserting the following:  
 5 "compensatory".  
 6 2. Page 1, line 10, by inserting after the word  
 7 "amount." the following: "'Actual damages" does not  
 8 include damages for bodily injury, pain and suffering,  
 9 mental distress, or loss of consortium."  
 10 3. Page 1, by striking lines 31 and 32 and  
 11 inserting the following:  
 12 "1. A person shall not engage in an".  
 13 4. Page 2, by striking lines 36 through 38 and  
 14 inserting the following: "association, savings bank,  
 15 or credit union."  
 16 5. Page 3, by striking lines 1 through 35 and  
 17 inserting the following:  
 18 "c. In connection with an advertisement that  
 19 violates this chapter, the newspaper, magazine,  
 20 publication, or other print media in which the  
 21 advertisement appears, including the publisher of the  
 22 newspaper, magazine, publication, or other print media  
 23 in which the advertisement appears, or the radio  
 24 station, television station, or other electronic media  
 25 which disseminates the advertisement, including an  
 26 employee, agent, or representative of the publisher,  
 27 newspaper, magazine, publication or other print media,  
 28 or the radio station, television station, or other  
 29 electronic media.  
 30 d. The provision of local exchange carrier  
 31 telephone service pursuant to a certificate issued  
 32 under section 476.29.  
 33 e. Public utilities as defined in section 476.1  
 34 that furnish gas by a piped distribution system or  
 35 electricity to the public for compensation when  
 36 engaged in activities subject to regulation by the  
 37 utilities board pursuant to chapter 476.  
 38 f. Any advertisement that complies with the  
 39 statutes, rules, and regulations of the federal trade  
 40 commission.  
 41 g. Conduct that is required or permitted by the  
 42 orders or rules of, or a statute administered by, a

43 federal, state, or local governmental agency.  
 44 h. An affirmative act that violates this chapter  
 45 but is specifically required by other applicable law,  
 46 to the extent that the actor could not reasonably  
 47 avoid a violation of this chapter.  
 48 i. In any action relating to a charitable  
 49 solicitation, an individual who has engaged in the  
 50 charitable solicitation as an unpaid, uncompensated

Page 2

1 volunteer and who does not receive monetary gain of  
 2 any sort from engaging in the solicitation."  
 3 6. Page 5, by inserting after line 9 the  
 4 following:  
 5 "7. A person shall not be held liable in any  
 6 action brought under this section for a violation of  
 7 this chapter if the person shows by a preponderance of  
 8 the evidence that the violation was not intentional  
 9 and resulted from a bona fide error notwithstanding  
 10 the maintenance of procedures reasonably adopted to  
 11 avoid the error."  
 12 7. Page 6, by striking lines 3 through 9.  
 13 8. Page 6, line 10, by striking the figure  
 14 "714H.8" and inserting the following: "714H.7".  
 15 9. By renumbering as necessary.

SWAIM of Davis  
 PALMER of Mahaska  
 R. OLSON of Polk

H-1590

1 Amend the amendment, H-1533, to House File 234, as  
 2 follows:  
 3 1. Page 1, by inserting after line 1 the  
 4 following:  
 5 "\_\_\_\_. Page 1, line 29, by inserting after the  
 6 word "plan." the following: "However, coverage  
 7 benefits for diagnosis, treatment, or care services  
 8 provided at a psychiatric medical institution for  
 9 children licensed under chapter 135H may be limited to  
 10 thirty days annually."  
 11 2. By renumbering as necessary.

SMITH of Marshall

H-1591

1 Amend House File 807 as follows:  
 2 1. Page 1, by inserting before line 1 the  
 3 following:

4 "DIVISION I  
 5 INCOME TAX CHANGES"  
 6 2. Page 7, line 18, by inserting after the word  
 7 "This" the following: "division of this".  
 8 3. Page 7, by inserting after line 20 the  
 9 following:

10 "DIVISION II  
 11 SALES AND USE TAX  
 12 Sec. \_\_\_\_\_. Section 423.2, subsection 6, unnumbered  
 13 paragraph 1, Code 2009, is amended to read as follows:  
 14 The sales price of any of the following enumerated  
 15 services is subject to the tax imposed by subsection  
 16 5: alteration and garment repair; armored car;  
 17 vehicle repair; battery, tire, and allied; ~~investment~~  
 18 ~~counseling~~; service charges of all financial  
 19 institutions, excluding service charges for investment  
 20 counseling; barber and beauty; boat repair; vehicle  
 21 wash and wax; campgrounds; carpentry; roof, shingle,  
 22 and glass repair; dance schools and dance studios;  
 23 dating services; dry cleaning, pressing, dyeing, and  
 24 laundering; electrical and electronic repair and  
 25 installation; excavating and grading; farm implement  
 26 repair of all kinds; flying service; furniture, rug,  
 27 carpet, and upholstery repair and cleaning; fur  
 28 storage and repair; golf and country clubs and all  
 29 commercial recreation; gun and camera repair; house  
 30 and building moving; household appliance, television,  
 31 and radio repair; janitorial and building maintenance  
 32 or cleaning; jewelry and watch repair; lawn care,  
 33 landscaping, and tree trimming and removal; limousine  
 34 service, including driver; machine operator; machine  
 35 repair of all kinds; motor repair; motorcycle,  
 36 scooter, and bicycle repair; oilers and lubricators;  
 37 office and business machine repair; painting,  
 38 papering, and interior decorating; parking facilities;  
 39 pay television; pet grooming; pipe fitting and  
 40 plumbing; wood preparation; executive search agencies;  
 41 private employment agencies, excluding services for  
 42 placing a person in employment where the principal  
 43 place of employment of that person is to be located  
 44 outside of the state; reflexology; security and  
 45 detective services; sewage services for nonresidential  
 46 commercial operations; sewing and stitching; shoe  
 47 repair and shoeshine; sign construction and  
 48 installation; storage of household goods,  
 49 mini-storage, and warehousing of raw agricultural  
 50 products; swimming pool cleaning and maintenance;

Page 2

1 tanning beds or salons; taxidermy services; telephone  
 2 answering service; test laboratories, including mobile



3 testing laboratories and field testing by testing  
 4 laboratories, and excluding tests on humans or  
 5 animals; termite, bug, roach, and pest eradicators;  
 6 tin and sheet metal repair; transportation service  
 7 consisting of the rental of recreational vehicles or  
 8 recreational boats, or the rental of motor vehicles  
 9 subject to registration which are registered for a  
 10 gross weight of thirteen tons or less for a period of  
 11 sixty days or less, or the rental of aircraft for a  
 12 period of sixty days or less; Turkish baths, massage,  
 13 and reducing salons, excluding services provided by  
 14 massage therapists licensed under chapter 152C; water  
 15 conditioning and softening; weighing; welding; well  
 16 drilling; wrapping, packing, and packaging of  
 17 merchandise other than processed meat, fish, fowl, and  
 18 vegetables; wrecking service; wrecker and towing."  
 19 4. Title page, by striking lines 1 through 7 and  
 20 inserting the following: "An Act relating to taxes by  
 21 providing for changes to the individual income tax  
 22 rates, deductions, and credits and by exempting  
 23 investment counseling services from the sales and use  
 24 tax, and including a retroactive applicability date  
 25 provision."

PETTENGILL of Benton

H-1592

1 Amend House File 807 as follows:  
 2 1. Page 1, by inserting before line 1 the  
 3 following:  
 4 "DIVISION I  
 5 INCOME TAX CHANGES"  
 6 2. Page 7, line 18, by inserting after the word  
 7 "This" the following: "division of this".  
 8 3. Page 7, by inserting before line 21 the  
 9 following:  
 10 "DIVISION II  
 11 SALES TAXES  
 12 Sec.\_\_\_\_. Section 423.3, Code 2009, is amended by  
 13 adding the following new subsection:  
 14 NEW SUBSECTION. 95. a. The sales price from the  
 15 sale of new and used textbooks for use in attending a  
 16 postsecondary educational institution.  
 17 b. For purposes of this subsection:  
 18 (1) "Textbooks" means books and other  
 19 instructional materials and equipment used in  
 20 attending a postsecondary educational institution in  
 21 this state, including books and materials for  
 22 extracurricular activities, which include sporting  
 23 events, musical or dramatic events, speech activities,  
 24 or programs of a similar nature. "Textbooks" does not

25 include instructional books and materials used in the  
 26 teaching of religious tenets, doctrines, or worship,  
 27 the purpose of which is to inculcate those tenets,  
 28 doctrines, or worship.  
 29 (2) "Postsecondary educational institution" means  
 30 an accredited higher education institution, as defined  
 31 in section 261.92, an Iowa community college, or a  
 32 postsecondary educational institution under the  
 33 control of the state board of regents.  
 34 c. Postsecondary educational institutions are  
 35 required to provide a list of required and suggested  
 36 textbooks for all courses and the corresponding  
 37 international standard book numbers for such textbooks  
 38 at least fourteen days, or as soon as practicable,  
 39 before the start of each semester or term, at the  
 40 locations where textbooks are sold on campus and on  
 41 the internet website for the respective postsecondary  
 42 educational institution.  
 43 d. In order to receive the sales tax exemption, a  
 44 person is required to show a current official  
 45 identification card from a postsecondary educational  
 46 institution and show that the textbooks intended to be  
 47 purchased are on the list of textbooks provided by the  
 48 postsecondary educational institution under paragraph  
 49 "c".  
 50 4. Title page, by striking lines 1 through 7 and

Page 2

1 inserting the following: "An Act relating to taxes by  
 2 providing for changes to the individual income tax  
 3 rates, deductions, and credits and by providing for a  
 4 sales tax exemption for textbooks and including a  
 5 retroactive applicability date provision."  
 6 5. By renumbering as necessary.

PETTENGILL of Benton

H-1593

1 Amend House File 807 as follows:  
 2 1. Page 1, by inserting before line 1 the  
 3 following:  
 4 "DIVISION I  
 5 INCOME TAX CHANGES"  
 6 2. Page 7, line 18, by inserting after the word  
 7 "This" the following: "division of this".  
 8 3. Page 7, by inserting before line 21 the  
 9 following:  
 10 "DIVISION II  
 11 PROPERTY TAXES  
 12 Sec. \_\_\_\_\_. NEW SECTION. 425B.1 HOMESTEAD PROPERTY  
 13 TAX ADJUSTMENT.

14 Persons who own their homesteads and who meet the  
 15 qualifications provided in this chapter are eligible  
 16 for an adjustment in the amount of property taxes due  
 17 and payable on their homesteads, as provided in this  
 18 chapter.

19 Sec. \_\_\_\_ NEW SECTION. 425B.2 DEFINITIONS.

20 As used in this chapter, unless the context  
 21 otherwise requires:

22 1. "Base year" means the calendar year last ending  
 23 before the claim for adjustment is filed.

24 2. "Claimant" means a person filing a claim for  
 25 adjustment under this chapter who has attained the age  
 26 of sixty-five years on or before December 31 of the  
 27 base year and is domiciled in this state at the time  
 28 the claim is filed or at the time of the person's  
 29 death in the case of a claim filed by the executor or  
 30 administrator of the claimant's estate.

31 3. "Homestead" means the dwelling owned and  
 32 actually used as a home by the claimant during any  
 33 part of the fiscal year beginning July 1 of the base  
 34 year, and so much of the land surrounding it including  
 35 one or more contiguous lots or tracts of land, as is  
 36 reasonably necessary for use of the dwelling as a  
 37 home, and may consist of a part of a multidwelling or  
 38 multipurpose building and a part of the land upon  
 39 which it is built. It does not include personal  
 40 property except that a manufactured or mobile home may  
 41 be a homestead. Any dwelling or a part of a  
 42 multidwelling or multipurpose building which is exempt  
 43 from taxation does not qualify as a homestead under  
 44 this chapter. A homestead must be located in this  
 45 state. When a person is confined in a nursing home,  
 46 extended-care facility, or hospital, the person shall  
 47 be considered as occupying or living in the person's  
 48 homestead if the person is the owner of the homestead  
 49 and the person maintains the homestead and does not  
 50 lease, rent, or otherwise receive profits from other

Page 2

1 persons for the use of the homestead.

2 4. "Owned" means owned by an owner as defined in  
 3 section 425.11.

4 Sec. \_\_\_\_ NEW SECTION. 425B.3 QUALIFYING FOR  
 5 ADJUSTMENT – FILING OF CLAIM.

6 1. A person who wishes to qualify for the property  
 7 tax adjustment allowed under this chapter shall obtain  
 8 the appropriate forms for filing for the adjustment  
 9 from the county auditor or county treasurer. The  
 10 person claiming the adjustment shall file a verified  
 11 statement and designation of homestead with the county  
 12 auditor for the year for which the person is first

13 claiming the adjustment. The claim shall be filed not  
14 later than July 1 of the year for which the person is  
15 claiming the adjustment. A claim filed after July 1  
16 of the year for which the person is claiming the  
17 adjustment shall be considered as a claim filed for  
18 the following year.

19 2. Upon the filing and allowance of the claim, the  
20 claim shall be allowed on that homestead for  
21 successive years without further filing as long as the  
22 property is legally or equitably owned and used as a  
23 homestead by that person or that person's spouse on  
24 July 1 of each of those successive years, and the  
25 owner of the property being claimed as a homestead  
26 declares residency in Iowa for purposes of income  
27 taxation, and the property is occupied by that person  
28 or that person's spouse for at least six months in  
29 each of those calendar years in which the fiscal year  
30 begins. When the property is sold or transferred, the  
31 buyer or transferee who wishes to qualify shall refile  
32 for the adjustment. An owner who ceases to use a  
33 property for a homestead or intends not to use it as a  
34 homestead for at least six months in a calendar year  
35 shall provide written notice to the county assessor by  
36 July 1 following the date on which the use is changed.  
37 A person who sells or transfers a homestead or the  
38 personal representative of a deceased person who had a  
39 homestead at the time of death, shall provide written  
40 notice to the county auditor that the property is no  
41 longer the homestead of the former claimant.

42 3. The right to file a claim for a property tax  
43 adjustment under this chapter may be exercised by the  
44 claimant or on behalf of a claimant by the claimant's  
45 legal guardian, spouse, or attorney, or by the  
46 executor or administrator of the claimant's estate.  
47 If a claimant dies after having filed a claim for  
48 adjustment, the amount of any adjustment shall be made  
49 as if the claimant had not died.

50 4. A person shall not make a claim for adjustment

Page 3

1 in more than one county or for more than one dwelling  
2 in the same county.

3 Sec.\_\_\_\_. **NEW SECTION.** 425B.4 VERIFICATION OF  
4 CLAIMS.

5 The county auditor shall retain a permanent file of  
6 current property tax adjustment claims filed in the  
7 auditor's office. The county auditor shall file a  
8 notice of transfer of property for which a claim is  
9 filed when notice is received from the office of the  
10 county recorder.

11 The county recorder shall give notice to the county

12 auditor of each transfer of title filed in the county  
 13 recorder's office. The notice shall describe the  
 14 property transferred, the name of the person  
 15 transferring the title to the property, and the name  
 16 of the person to whom title to the property has been  
 17 transferred.

18 Not later than July 6 of each year, the county  
 19 auditor shall remit the statements and designation of  
 20 homesteads to the board of supervisors with the county  
 21 auditor's recommendation for allowance or  
 22 disallowance. If the county auditor recommends  
 23 disallowance of a claim, the county auditor shall  
 24 submit the reasons for the recommendation, in writing,  
 25 to the board of supervisors.

26 The board shall allow or disallow the claims. If  
 27 the board disallows a claim, the board shall send  
 28 written notice, by mail, to the claimant at the  
 29 claimant's last known address. The notice shall state  
 30 the reasons for disallowing the claim for the property  
 31 tax adjustment. The board is not required to send  
 32 notice that a claim is disallowed if the claimant  
 33 voluntarily withdraws the claim.

34 Sec.\_\_\_\_. NEW SECTION. 425B.5 ADJUSTMENT OF TAX  
 35 DOLLARS LEVIED – CREDIT ALLOWED.

36 1. a. The adjustment allowed under this chapter  
 37 shall be the amount computed in this section.

38 b. The county auditor shall determine the lesser  
 39 of the following:

40 (1) The product of the taxes due and payable on  
 41 the homestead in the previous fiscal year, excluding  
 42 any adjustment made under paragraph "c" for the  
 43 previous fiscal year, times one and two hundredths.

44 (2) The taxes due and payable by the claimant in  
 45 the current fiscal year.

46 c. If the lesser amount is the amount computed in  
 47 paragraph "b", subparagraph (1), the difference  
 48 between the amount in paragraph "b", subparagraph (2)  
 49 and the amount in paragraph "b", subparagraph (1),  
 50 shall be the amount of the property tax adjustment for

Page 4

1 the current fiscal year.

2 2. The amount of the property tax adjustment shall  
 3 appear as a credit on the claimant's property tax  
 4 statement for the current fiscal year.

5 Sec.\_\_\_\_. NEW SECTION. 425B.6 ADMINISTRATION.

6 The director of revenue shall make available  
 7 suitable forms for claiming property tax adjustments  
 8 with instructions for claimants. Each county auditor  
 9 and county treasurer shall make available the forms  
 10 and instructions. The claim shall be in a form as the

11 director may prescribe.

12 Sec.\_\_\_\_. NEW SECTION. 425B.7 PROOF OF CLAIM.

13 1. In addition to the filing requirements in  
14 section 425B.3, subsection 1, every claimant shall  
15 give the county auditor, in support of the claim,  
16 reasonable proof of:

17 a. Age.

18 b. Changes of homestead.

19 c. Household membership.

20 d. Size and nature of the property claimed as the  
21 homestead.

22 2. The county auditor may require any additional  
23 proof necessary to support a claim.

24 Sec.\_\_\_\_. NEW SECTION. 425B.8 AUDIT – DENIAL.

25 If on the audit of a claim for adjustment under  
26 this chapter, the director of revenue determines the  
27 claim is not allowable, the director shall notify the  
28 claimant of the denial and the reasons for it. The  
29 director shall not deny a claim after three years from  
30 October 31 of the year in which the claim was filed.  
31 The director shall give notification to the county  
32 auditor of the denial of the claim and the county  
33 auditor shall instruct the county treasurer to proceed  
34 to collect the tax that would have been levied in the  
35 same manner as other property taxes due and payable  
36 are collected, if the property on which the adjustment  
37 was granted is still owned by the claimant.

38 Sec.\_\_\_\_. NEW SECTION. 425B.9 FALSE CLAIM –  
39 PENALTY.

40 A person who makes a false affidavit for the  
41 purpose of obtaining an adjustment in property taxes  
42 provided for in this chapter or who knowingly receives  
43 the adjustment without being legally entitled to it or  
44 makes claim for the adjustment in more than one county  
45 in the state without being legally entitled to it is  
46 guilty of a fraudulent practice. The claim for  
47 adjustment shall be disallowed in full and property  
48 tax shall be levied in the amount that would have been  
49 levied but for the adjustment. The director of  
50 revenue shall send a notice of disallowance of the

Page 5

1 claim.

2 Sec.\_\_\_\_. NEW SECTION. 425B.10 STATUTES  
3 APPLICABLE.

4 To the extent not otherwise contrary, the  
5 provisions of sections 425.30, 425.31, 425.32, and  
6 425.37 apply to this chapter.

7 Sec.\_\_\_\_. STATE FUNDING OF TAX CREDITS AND  
8 EXEMPTIONS – INAPPLICABILITY. The provisions in  
9 section 25B.7, relating to the obligation of the state

10 to reimburse local jurisdictions for property tax  
 11 credits and exemptions, do not apply to chapter 425B,  
 12 as enacted in this division of this Act.  
 13 Sec.\_\_\_\_. APPLICABILITY. This division of this  
 14 Act applies to property taxes due and payable in the  
 15 fiscal year beginning July 1, 2010, and all subsequent  
 16 fiscal years."  
 17 4. Title page, by striking lines 1 through 7 and  
 18 inserting the following: "An Act relating to taxes by  
 19 providing for changes to the individual income tax  
 20 rates, deductions, and credits and by providing for  
 21 property tax limitations for certain elderly persons,  
 22 providing a penalty, and including retroactive date  
 23 and other applicability date provisions."  
 24 5. By renumbering as necessary.

MAY of Dickinson

H-1594

1 Amend House File 807 as follows:  
 2 1. Page 1, by inserting before line 1 the  
 3 following:  
 4 "DIVISION I  
 5 INCOME TAX CHANGES"  
 6 2. Page 7, line 18, by inserting after the word  
 7 "This" the following: "division of this".  
 8 3. Page 7, by inserting before line 21 the  
 9 following:  
 10 "DIVISION II  
 11 VETERANS PROPERTY TAX EXEMPTION  
 12 Sec.\_\_\_\_. Section 425.15, Code 2009, is amended to  
 13 read as follows:  
 14 425.15 DISABLED VETERAN TAX CREDIT.  
 15 If the owner of a homestead allowed a credit under  
 16 this chapter is a veteran of any of the military  
 17 forces of the United States, who acquired the  
 18 homestead under 38 U.S.C. 21.801, 21.802, prior to  
 19 August 6, 1991, or 38 U.S.C. 2101, 2102, the credit  
 20 allowed on the homestead from the homestead credit  
 21 fund shall be the entire amount of the tax levied on  
 22 the homestead. The credit allowed shall be continued  
 23 to the estate of a veteran who is deceased or the  
 24 surviving spouse and any child, as defined in section  
 25 234.1, who are the beneficiaries of a deceased  
 26 veteran, so long as the surviving spouse remains  
 27 unmarried. This section is not applicable to the  
 28 holder of title to any homestead whose annual income,  
 29 together with that of the titleholder's spouse, if  
 30 any, for the last preceding twelve-month income tax  
 31 accounting period exceeds thirty-five thousand  
 32 dollars. For the purpose of this section "income"  
 33 means taxable income for federal income tax purposes

34 plus income from securities of state and other  
35 political subdivisions exempt from federal income tax.  
36 A veteran or a beneficiary of a veteran who elects to  
37 secure the credit provided in this section is not  
38 eligible for any other real property tax exemption  
39 provided by law for veterans of military service. If  
40 a veteran acquires a different homestead, the credit  
41 allowed under this section may be claimed on the new  
42 homestead unless the veteran fails to meet the other  
43 requirements of this section.  
44 Sec. \_\_\_\_ Section 427.1, Code 2009, is amended by  
45 adding the following new subsection:  
46 NEW SUBSECTION. 37. HOMESTEAD OF A DISABLED  
47 VETERAN. A homestead, as defined in section 425.11,  
48 subsection 3, owned by a disabled veteran or the  
49 disabled veteran's spouse, subject to the requirements  
50 of this subsection.

Page 2

1 a. (1) If the veteran has a disability rating of  
2 at least seventy percent and less than one hundred  
3 percent, as certified by the United States veterans  
4 administration, the first one hundred and fifty  
5 thousand dollars of the homestead's assessed value  
6 shall be exempt from taxation.  
7 (2) If the veteran has a disability rating of one  
8 hundred percent, as certified by the United States  
9 veterans administration, the first three hundred  
10 thousand dollars of the homestead's assessed value  
11 shall be exempt from taxation.  
12 b. To qualify for the exemption under this  
13 subsection, all of the following conditions must be  
14 met:  
15 (1) The veteran was honorably discharged from the  
16 United States armed forces.  
17 (2) The veteran is certified by the United States  
18 veterans administration as having a service-connected  
19 disability. The certification shall specify the  
20 disability rating of the veteran.  
21 c. The veteran shall file with the county assessor  
22 not later than February 1 of the year for which the  
23 exemption is requested, a statement upon forms to be  
24 prescribed by the director of revenue. Upon the  
25 filing and allowance of the claim, the exemption shall  
26 be allowed on the disabled veteran's homestead for  
27 successive years without further filing as long as the  
28 property is legally and equitably owned and used as a  
29 homestead by the disabled veteran on July 1 of each of  
30 those successive years. The exemption allowed under  
31 this subsection shall be continued to the estate of a  
32 disabled veteran who is deceased or the surviving



33 spouse and any child, as defined in section 234.1, who  
 34 are the beneficiaries of the deceased veteran, so long  
 35 as the surviving spouse remains unmarried.  
 36 d. A property qualifying for an exemption under  
 37 this subsection is not eligible for the credit under  
 38 section 425.15.  
 39 Sec.\_\_\_\_. IMPLEMENTATION. Section 25B.7 does not  
 40 apply to the property tax exemption enacted in this  
 41 division of this Act.  
 42 Sec.\_\_\_\_. DEADLINE EXTENSION. Notwithstanding the  
 43 filing deadline in section 427.1, subsection 37, as  
 44 enacted by this division of this Act, a statement that  
 45 is requesting an exemption for property taxes due and  
 46 payable in the fiscal year beginning July 1, 2010,  
 47 shall be filed not later than October 1, 2009.  
 48 Sec.\_\_\_\_. EFFECTIVE AND APPLICABILITY DATES. This  
 49 division of this Act, being deemed of immediate  
 50 importance, takes effect upon enactment and applies to

Page 3

1 property taxes due and payable in fiscal years  
 2 beginning on or after July 1, 2010."  
 3 4. Title page, by striking lines 1 through 7 and  
 4 inserting the following: "An Act relating to taxes by  
 5 providing for changes to the individual income tax  
 6 rates, deductions, and credits and by providing a  
 7 property tax exemption for certain veterans and  
 8 including effective date, retroactive applicability  
 9 date, and other applicability date provisions."  
 10 5. By renumbering as necessary.

MAY of Dickinson

H-1595

1 Amend House File 807 as follows:  
 2 1. Page 3, by inserting before line 16 the  
 3 following:  
 4 "Sec.\_\_\_\_. Section 422.7, Code 2009, is amended by  
 5 adding the following new subsection:  
 6 NEW SUBSECTION. 23. a. Subject to paragraph "b",  
 7 subtract, to the extent included, retirement pay  
 8 received from the federal government for military  
 9 service performed in the armed forces, armed forces  
 10 military reserve, or national guard.  
 11 b. The amount subtracted pursuant to paragraph "a"  
 12 is either of the following:  
 13 (1) One-half the amount of retirement pay if the  
 14 taxpayer has been honorably discharged and currently  
 15 resides in the state.  
 16 (2) The full amount of retirement pay if the

17 taxpayer has been honorably discharged, currently  
 18 resides in the state, and was employed at any time  
 19 during the tax year as a teacher in a geographic area  
 20 or subject area currently designated as experiencing  
 21 teacher shortages by the department of education  
 22 pursuant to section 261.112, subsection 2, or was  
 23 employed at any time during the tax year in a position  
 24 determined by the department of economic development  
 25 to meet the needs of Iowa employers pursuant to  
 26 section 15.108, subsection 6.  
 27 c. The exclusion of retirement pay under this  
 28 subsection is in addition to any exclusion provided  
 29 under subsection 31."  
 30 2. Title page, line 2, by inserting after the  
 31 word "rates," the following: "a deduction for the  
 32 retirement pay of certain veterans,".  
 33 3. By renumbering as necessary.

MAY of Dickinson

H-1599

1 Amend House File 819 as follows:  
 2 1. Page 1, by inserting before line 1 the  
 3 following:  
 4 "DIVISION I  
 5 HISTORIC TAX CREDITS"  
 6 2. Page 9, by inserting after line 8 the  
 7 following:  
 8 "DIVISION II  
 9 DATA CENTERS  
 10 Sec. \_\_\_\_\_. Section 423.3, subsection 93, Code 2009,  
 11 is amended to read as follows:  
 12 93. a. (1) The sales price from the sale or  
 13 rental of computers and equipment that are necessary  
 14 for the maintenance and operation of a web search  
 15 portal business or data center and property whether  
 16 directly or indirectly connected to the computers,  
 17 including but not limited to cooling systems, cooling  
 18 owners, and other temperature control infrastructure;  
 19 power infrastructure for transformation, distribution,  
 20 or management of electricity used for the maintenance  
 21 and operation of the web search portal business or  
 22 data center, including but not limited to exterior  
 23 dedicated business-owned substations, back-up power  
 24 generation systems, battery systems, and related  
 25 infrastructure; and racking systems, cabling, and  
 26 trays, which are necessary for the maintenance and  
 27 operation of the web search portal business or data  
 28 center.  
 29 (2) The sales price of back-up power generation  
 30 fuel, that is purchased by a web search portal  
 31 business or data center for use in the items listed in

32 subparagraph (1).

33 (3) The sales price of electricity purchased for  
34 use by a web search portal business or data center.

35 b. For the purpose of claiming this exemption, all  
36 of the following requirements shall be met:

37 (1) The purchaser or renter shall be a web search  
38 portal business or data center.

39 (2) The web search portal business or data center  
40 shall have a physical location in the state that is  
41 used for the operations and maintenance of the web  
42 search portal business or data center.

43 (3) (a) The web search portal business shall make  
44 a minimum investment in an Iowa physical location of  
45 two hundred million dollars within the first six years  
46 of operation in Iowa beginning with the date the web  
47 search portal business initiates site preparation  
48 activities. The minimum investment includes the  
49 initial investment, including land and subsequent  
50 acquisition of additional adjacent land and subsequent

Page 2

1 investment at the Iowa location.

2 (b) The data center shall make a minimum  
3 investment in an Iowa physical location of one million  
4 dollars within the first six years of operation in  
5 Iowa beginning with the date the data center initiates  
6 site preparation activities. The minimum investment  
7 includes the initial investment, including land and  
8 subsequent acquisition of additional adjacent land and  
9 subsequent investment at the Iowa location.

10 (4) (a) The web search portal business shall  
11 purchase, option, or lease Iowa land not later than  
12 December 31, 2008, for any initial investment.  
13 However, the December 31, 2008, date shall not affect  
14 the future purchases of adjacent land and additional  
15 investment in the initial or adjacent land to qualify  
16 as part of the minimum investment for purposes of this  
17 exemption.

18 (b) The data center shall purchase, option, or  
19 lease Iowa land not later than December 31, 2009, for  
20 any initial investment. However, the December 31,  
21 2009, date shall not affect the future purchases of  
22 adjacent land and additional investment in the initial  
23 or adjacent land to qualify as part of the minimum  
24 investment for purposes of this exemption.

25 c. This exemption applies from the date of the  
26 initial investment in or the initiation of site  
27 preparation activities for the web search portal  
28 facility or data center as described in paragraph "b".  
29 For purposes of claiming this exemption, the  
30 requirements may be met by aggregating the various

31 Iowa investments and other requirements of the web  
 32 search portal business's affiliates or data center's  
 33 affiliates. This exemption applies to affiliates of  
 34 the web search portal business or data center.  
 35 d. Failure to meet eighty percent of the minimum  
 36 investment amount requirement specified in paragraph  
 37 "b" within the first six years of operation from the  
 38 date the web search portal business or data center  
 39 initiates site preparation activities will result in  
 40 the web search portal business or data center losing  
 41 the right to claim this ~~web search portal business~~  
 42 exemption and the web search portal business or data  
 43 center shall pay all sales or use tax that would have  
 44 been due on the purchase or rental or use of the items  
 45 listed in this exemption, plus any applicable penalty  
 46 and interest imposed by statute.  
 47 e. For purposes of this subsection:  
 48 (1) "Affiliate" means an entity that directly or  
 49 indirectly controls, is controlled with or by, or is  
 50 under common control with another entity.

Page 3

1 (2) "Control" means any of the following:  
 2 (a) In the case of a United States corporation,  
 3 the ownership, directly or indirectly, of fifty  
 4 percent or more of the voting power to elect  
 5 directors.  
 6 (b) In the case of a foreign corporation, if the  
 7 voting power to elect the directors is less than fifty  
 8 percent, the maximum amount allowed by applicable law.  
 9 (c) In the case of an entity other than a  
 10 corporation, fifty percent or more ownership interest  
 11 in the entity, or the power to direct the management  
 12 of the entity.  
 13 (3) "Data center" means a facility, or portion of  
 14 a facility, that is predominately used for the housing  
 15 and operation of computer data processing hardware and  
 16 associated equipment directly in support thereof.  
 17 ~~(2)~~ (4) "Web search portal business" means an  
 18 entity whose business among other businesses is to  
 19 provide a search portal to organize information; to  
 20 access, search, and navigate the internet, including  
 21 research and development to support capabilities to  
 22 organize information; or to provide internet access,  
 23 navigation, or search functionalities.  
 24 Sec.\_\_\_\_. Section 427.1, subsection 36, Code 2009,  
 25 is amended to read as follows:  
 26 36. WEB SEARCH AND DATA CENTER PROPERTY.  
 27 a. Property, other than land and buildings and  
 28 other improvements, that is utilized by a web search  
 29 portal business or data center as defined in and

30 meeting the requirements of section 423.3, subsection  
 31 93, including computers and equipment that are  
 32 necessary for the maintenance and operation of a web  
 33 search portal business or data center and other  
 34 property whether directly or indirectly connected to  
 35 the computers, including but not limited to cooling  
 36 systems, cooling towers, and other temperature control  
 37 infrastructure; power infrastructure for  
 38 transformation, distribution, or management of  
 39 electricity, including but not limited to exterior  
 40 dedicated business-owned substations, and power  
 41 distribution systems which are not subject to  
 42 assessment under chapter 437A; racking systems,  
 43 cabling, and trays; and back-up power generation  
 44 systems, battery systems, and related infrastructure  
 45 all of which are necessary for the maintenance and  
 46 operation of the web search portal business or data  
 47 center.  
 48 b. This ~~web search portal business~~ exemption  
 49 applies beginning with the assessment year the  
 50 investment in or construction of the facility

Page 4

1 utilizing the materials, equipment, and systems set  
 2 forth in paragraph "a" are first assessed. For  
 3 purposes of claiming this ~~web search portal business~~  
 4 exemption, the requirements may be met by aggregating  
 5 the various Iowa investments and other requirements of  
 6 the web search portal business's affiliates or data  
 7 center's affiliates as allowed under section 423.3,  
 8 subsection 93. This exemption applies to affiliates  
 9 of the web search portal business or data center.  
 10 Sec.\_\_\_\_. IMPLEMENTATION. Section 25B.7 does not  
 11 apply to the property tax exemption enacted in this  
 12 division of this Act."  
 13 3. Title page, line 1, by inserting after the  
 14 words "relating to" the following: "taxes by  
 15 providing for".  
 16 4. Title page, line 5, by inserting after the  
 17 word "affairs" the following: "and providing for  
 18 sales, use, and property tax exemptions for certain  
 19 data centers".  
 20 5. By renumbering as necessary.

RANTS of Woodbury

H-1600

1 Amend House File 807 as follows:  
 2 1. Page 1, by inserting before line 1 the  
 3 following:

4 "DIVISION I  
5 DISASTER RECOVERY TAX CREDITS  
6 Section 1. NEW SECTION. 15.231 DISASTER RECOVERY  
7 TAX CREDITS.  
8 1. a. A tax credit shall be allowed against the  
9 taxes imposed in chapter 422, divisions II, III, and  
10 V, and in chapter 432, and against the moneys and  
11 credits tax imposed in section 533.329, for a portion  
12 of a taxpayer's payment of disaster recovery project  
13 costs incurred as a result of a natural disaster.  
14 b. To qualify as a disaster recovery project, a  
15 property, and the activities affecting the property,  
16 shall meet all of the following conditions:  
17 (1) The property is owned by a taxpayer who is an  
18 individual or business subject to taxation under one  
19 of the taxes described in paragraph "a".  
20 (2) The taxpayer employs at least one person.  
21 (3) The property is uninsured or underinsured.  
22 (4) The property is located in an area declared a  
23 disaster area by the governor or by a federal  
24 official.  
25 (5) The property has been damaged by the natural  
26 disaster and is being cleaned up or redeveloped.  
27 c. An individual may claim a tax credit under this  
28 section of a partnership, limited liability company, S  
29 corporation, estate, or trust electing to have income  
30 taxed directly to the individual. The amount claimed  
31 by the individual shall be based upon the pro rata  
32 share of the individual's earnings from the  
33 partnership, limited liability company, S corporation,  
34 estate, or trust.  
35 d. Any tax credit in excess of the taxpayer's  
36 liability for the tax year is refundable, or the  
37 taxpayer may elect to have the excess credited to the  
38 tax liability for the following five years or until  
39 depleted, whichever is earlier. A tax credit shall  
40 not be carried back to a tax year prior to the tax  
41 year in which the taxpayer first receives the tax  
42 credit.  
43 2. a. To claim a disaster recovery tax credit  
44 under this section, a taxpayer must attach one or more  
45 tax credit certificates to the taxpayer's tax return.  
46 A tax credit certificate attached to the taxpayer's  
47 tax return shall be issued in the taxpayer's name,  
48 expire on or after the last day of the taxable year  
49 for which the taxpayer is claiming the tax credit, and  
50 show a tax credit amount equal to or greater than the

Page 2

1 tax credit claimed on the taxpayer's tax return.  
2 b. After verifying the eligibility of a taxpayer

3 for a tax credit pursuant to this section, the  
 4 department shall issue a disaster recovery tax credit  
 5 certificate to be attached to the taxpayer's tax  
 6 return. The tax credit certificate shall contain the  
 7 taxpayer's name, address, tax identification number,  
 8 the amount of the credit, and any other information  
 9 required by the department of revenue.  
 10 c. The tax credit certificate, unless otherwise  
 11 void, shall be accepted by the department of revenue  
 12 as payment for taxes imposed pursuant to chapter 422,  
 13 divisions II, III, and V, and chapter 432, and for the  
 14 moneys and credits tax imposed pursuant to section  
 15 533.329, subject to any conditions or restrictions  
 16 placed by the department upon the face of the tax  
 17 credit certificate and subject to the limitations of  
 18 this section.  
 19 d. Tax credit certificates issued under this  
 20 section are not transferable to any person or entity.  
 21 3. The amount of the tax credit shall be  
 22 determined as follows:  
 23 a. Twenty percent of the first one hundred  
 24 thousand dollars of the costs incurred in a disaster  
 25 recovery project.  
 26 b. Ten percent of any amount greater than one  
 27 hundred thousand dollars but no greater than one  
 28 million dollars of the costs incurred in a disaster  
 29 recovery project.  
 30 4. For purposes of the individual and corporate  
 31 income taxes, the insurance premiums tax, the moneys  
 32 and credits tax, and the franchise tax, the increase  
 33 in the basis of the property that would otherwise  
 34 result from the qualified disaster recovery costs  
 35 shall be reduced by the amount of the credit allowed  
 36 under this part.  
 37 5. The maximum amount of tax credits issued by the  
 38 department under this part shall not exceed thirty  
 39 million dollars.  
 40 6. A payment shall be deemed to have been made on  
 41 the date the qualifying disaster recovery project is  
 42 completed. A payment made prior to July 1, 2008, or  
 43 after June 30, 2010, shall not qualify for a tax  
 44 credit under this part.  
 45 Sec. 2. NEW SECTION. 15.232 APPROVAL –  
 46 REQUIREMENTS – REPAYMENT.  
 47 1. A taxpayer seeking to claim a tax credit  
 48 pursuant to section 15.231 shall apply to the  
 49 department which shall have the power to approve the  
 50 amount of tax credit available for each disaster

1 recovery project. The department shall not approve a

2 tax credit for a taxpayer unless the taxpayer agrees  
 3 to compensate employees at the same wage and benefit  
 4 levels after completion of the disaster recovery  
 5 project as the taxpayer compensated employees before  
 6 the natural disaster occurs.

7 2. A taxpayer applying for a tax credit shall  
 8 provide the department with all of the following:  
 9 a. Information showing the total amount invested  
 10 in the disaster recovery project.  
 11 b. Information about the financing sources of the  
 12 costs that are directly related to the disaster  
 13 recovery project for which the taxpayer is seeking the  
 14 tax credit.

15 c. Information about the compensation of  
 16 employees, including pre-disaster wages and benefits.  
 17 3. If a taxpayer receives a tax credit pursuant to  
 18 section 15.231, but fails to comply with any of the  
 19 requirements, the tax credit is void, and the  
 20 department of revenue shall seek recovery of the value  
 21 of the credit received.

22 Sec. 3. NEW SECTION. 422.11X DISASTER RECOVERY  
 23 PROJECT TAX CREDIT.

24 The taxes imposed under this division, less the  
 25 credits allowed under section 422.12, shall be reduced  
 26 by a disaster recovery project tax credit allowed  
 27 under chapter 15, part 3.

28 Sec. 4. Section 422.33, Code 2009, is amended by  
 29 adding the following new subsection:

30 NEW SUBSECTION. 27. The taxes imposed under this  
 31 division shall be reduced by a disaster recovery  
 32 project tax credit allowed under chapter 15, part 3.

33 Sec. 5. Section 422.60, Code 2009, is amended by  
 34 adding the following new subsection:

35 NEW SUBSECTION. 15. The taxes imposed under this  
 36 division shall be reduced by a disaster recovery  
 37 project tax credit allowed under chapter 15, part 3.

38 Sec. 6. NEW SECTION. 432.12M DISASTER RECOVERY  
 39 PROJECT TAX CREDIT.

40 The taxes imposed under this chapter shall be  
 41 reduced by a disaster recovery project tax credit  
 42 allowed under chapter 15, part 3.

43 Sec. 7. Section 533.329, subsection 2, Code 2009,  
 44 is amended by adding the following new paragraph:

45 NEW PARAGRAPH. n. The moneys and credits tax  
 46 imposed under this section shall be reduced by a  
 47 disaster recovery project tax credit authorized  
 48 pursuant to chapter 15, part 3.

49 Sec. 8. EFFECTIVE AND RETROACTIVE APPLICABILITY  
 50 DATES. This division of this Act, being deemed of



Page 4

1 immediate importance, takes effect upon enactment and  
 2 applies retroactively to January 1, 2008, for tax  
 3 years beginning on or after that date.

4 DIVISION II  
 5 INCOME TAX CHANGES"

6 2. Page 7, line 18, by inserting after the word  
 7 "This" the following: "division of this".

8 3. Title page, line 1, by inserting after the  
 9 words "relating to" the following: "disaster recovery  
 10 tax credits and relating to".

PAULSEN of Linn

H-1601

1 Amend House File 807 as follows:

2 1. Page 1, by inserting before line 1 the  
 3 following:

4 "DIVISION I  
 5 INCOME TAX CHANGES"

6 2. Page 7, line 18, by inserting after the word  
 7 "This" the following: "division of this".

8 3. Page 7, by inserting after line 20 the  
 9 following:

10 "DIVISION II  
 11 REPEAL OF GRAIN HANDLING TAX

12 Sec.\_\_\_\_. Section 445.3, unnumbered paragraph 2,  
 13 Code 2009, is amended to read as follows:

14 The commencement of actions for ad valorem taxes  
 15 authorized under this section shall not begin until  
 16 the issuance of a tax sale certificate under the  
 17 requirements of section 446.19. The commencement of  
 18 actions for all other taxes authorized under this  
 19 section shall not begin until ten days after the  
 20 publication of tax sale under the requirements of  
 21 section 446.9, subsection 2. This paragraph does not  
 22 apply to the collection of ad valorem taxes under  
 23 section 445.32, ~~and grain handling taxes under section~~  
 24 ~~428.35.~~

25 Sec.\_\_\_\_. Section 428.35, Code 2009, is repealed.

26 Sec.\_\_\_\_. Section 25B.7 does not apply to the  
 27 provisions of this division of this Act."

28 4. Title page, line 6, by inserting after the  
 29 words "tax credit" the following: ", and related to  
 30 the repeal of the grain handling tax,".

DEYOE of Story

H-1602

- 1 Amend House File 807 as follows:  
2 1. Page 7, by inserting before line 18 the  
3 following:  
4 "Sec.\_\_\_\_. TAX RATE PUBLICATION. The department  
5 of revenue shall annually publish on the department's  
6 website and on the state income tax forms the income  
7 tax rates in effect for the year. The rates shall be  
8 clearly and prominently displayed."  
9 2. By renumbering as necessary.

UPMEYER of Hancock

H-1607

- 1 Amend Senate File 475, as passed by the Senate, as  
2 follows:  
3 1. Page 21, by inserting after line 1 the  
4 following:  
5 "Sec.\_\_\_\_. MISCELLANEOUS DEPARTMENT EXPENSES –  
6 MANDATORY REDUCTION. For the fiscal year beginning  
7 July 1, 2009, and ending June 30, 2010, the  
8 appropriations from the general fund of the state to a  
9 state department or state agency to which  
10 appropriations are made pursuant to this Act are  
11 reduced by such amount, as necessary to effect a 20  
12 percent reduction in the amount appropriated for  
13 expenditures for printing, binding, and  
14 communications, and a 50 percent reduction in the  
15 amount appropriated for expenditures for advertising  
16 and publicity. The reduction of the individual  
17 appropriations shall be determined by the department  
18 of management in consultation with the affected  
19 departments and agencies on the basis of the expected  
20 expenditures for such items by the affected state  
21 department or agency for the fiscal year without the  
22 reductions required by this section. The specific  
23 amount that each individual appropriation is reduced  
24 shall be outlined in a memorandum prepared by the  
25 department of management which shall be submitted to  
26 the general assembly and legislative services agency  
27 within 30 days of the effective date of this section  
28 of this Act. The reduction of an individual  
29 appropriation pursuant to this section shall be in  
30 addition to any other reduction required by law and  
31 general fund appropriations reduced pursuant to this  
32 section shall not be expended for any other purposes  
33 but shall be retained in the general fund of the  
34 state."  
35 2. By renumbering as necessary.

TJEPKES of Webster

H-1608

- 1 Amend Senate File 475, as passed by the Senate, as  
2 follows:  
3 1. Page 21, by inserting after line 1 the  
4 following:  
5 "Sec.\_\_\_\_. VACANT, FUNDED FULL-TIME EQUIVALENT  
6 POSITIONS. Notwithstanding any provision to the  
7 contrary, for the fiscal year beginning July 1, 2009,  
8 and ending June 30, 2010, the director of a department  
9 or state agency to which appropriations are made  
10 pursuant to this Act shall revert to the general fund  
11 of the state at the close of the fiscal year an amount  
12 equal to the salary and benefits cost of each  
13 full-time equivalent position funded with an  
14 appropriation made in this Act that remains vacant for  
15 a period of six months or more."  
16 2. By renumbering as necessary.

ANDERSON of Page

H-1611

- 1 Amend Senate File 475, as passed by the Senate, as  
2 follows:  
3 1. Page 21, by inserting after line 1 the  
4 following:  
5 "Sec.\_\_\_\_. OUT-OF-STATE TRAVEL – RESTRICTIONS.  
6 Notwithstanding any provision to the contrary, for the  
7 fiscal year beginning July 1, 2009, and ending June  
8 30, 2010, out-of-state travel by an employee of a  
9 department or state agency to which appropriations are  
10 made pursuant to this Act shall not be authorized  
11 unless the executive council authorizes the travel as  
12 necessary for the performance of official state  
13 business."  
14 2. By renumbering as necessary.

TJEPKES of Webster

H-1614

- 1 Amend House File 791 as follows:  
2 1. Page 1, by inserting before line 1 the  
3 following:  
4 "Section 1. Section 85B.4, subsection 3, Code  
5 2009, is amended to read as follows:  
6 3. "Occupational hearing loss" means that portion  
7 of a permanent sensorineural loss of hearing in one or  
8 both ears that exceeds an average hearing level of  
9 twenty-five decibels for the frequencies five hundred,  
10 one thousand, two thousand, and three thousand Hertz,

11 arising out of and in the course of employment caused  
 12 by excessive noise exposure. "Occupational hearing  
 13 loss" includes all injury, hearing loss, and  
 14 disability caused by tinnitus. "Occupational hearing  
 15 loss" does not include loss of hearing attributable to  
 16 age or any other condition or exposure not arising out  
 17 of and in the course of employment.

18 Sec. 2. Section 85B.6, Code 2009, is amended to  
 19 read as follows:

20 85B.6 MAXIMUM COMPENSATION.

21 Compensation is payable for a maximum of one  
 22 hundred seventy-five weeks for total occupational  
 23 hearing loss. For partial occupational hearing loss  
 24 compensation is payable for a period proportionate to  
 25 the relation which the calculated binaural, both ears,  
 26 hearing loss bears to one hundred percent, or total  
 27 loss of hearing. An occupational hearing loss that is  
 28 accompanied by tinnitus may be assessed at an  
 29 additional percentage hearing loss of up to and  
 30 including five percent, upon a showing that the  
 31 tinnitus substantially limits the employees' ability  
 32 to perform one or more major life activities."

33 2. Title page, line 1, by inserting after the  
 34 word "to" the following: "workers' compensation laws  
 35 including workers' compensation disability coverage  
 36 for occupational hearing loss and".

37 3. By renumbering as necessary.

HORBACH of Tama

H-1615

1 Amend House File 791 as follows:

2 1. Page 2, by inserting after line 20 the  
 3 following:

4 "Sec.\_\_\_\_. Section 535.3, subsection 1, Code 2009,  
 5 is amended to read as follows:

6 1. Interest shall be allowed on all money due on  
 7 judgments and decrees of courts at a rate calculated  
 8 according to section 668.13, ~~except for.~~ However,  
 9 interest due pursuant to section 85.30 for which the  
 10 rate shall be ten percent per year shall accrue from  
 11 the date each compensation payment is due at a yearly  
 12 rate equal to the one-year treasury constant maturity  
 13 published by the federal reserve in the H15 report  
 14 settled immediately prior to or on July 1 plus two  
 15 percent. This rate is applicable to all such  
 16 compensation payments due during each fiscal year  
 17 beginning on July 1 and ending the following June 30.

18 Sec.\_\_\_\_. APPLICABILITY DATE. The section of this  
 19 Act amending section 535.3, subsection 1, is  
 20 applicable to compensation payments due for personal

- 21 injuries arising out of and in the course of  
 22 employment under chapters 85, 85A, and 85B that occur  
 23 on or after July 1, 2009."  
 24 2. Title page, line 1, by inserting after the  
 25 word "to" the following: "workers' compensation laws  
 26 including".  
 27 3. Title page, line 2, by inserting after the  
 28 word "cases" the following ", the payment of interest  
 29 on certain workers' compensation benefits payments,  
 30 and providing an applicability date".  
 31 4. By renumbering as necessary.

HORBACH of Tama

H-1616

- 1 Amend Senate File 475, as passed by the Senate, as  
 2 follows:  
 3 1. Page 10, by inserting after line 17 the  
 4 following:  
 5 "The fifth judicial district department of  
 6 correctional services shall not use beds located at  
 7 the fort Des Moines facility to house a person  
 8 required to register as a sex offender under chapter  
 9 692A."

HUNTER of Polk

H-1618

- 1 Amend House File 791 as follows:  
 2 1. Page 1, by inserting before line 1 the  
 3 following:  
 4 "Section 1. Section 85.3, subsection 1, Code 2009,  
 5 is amended to read as follows:  
 6 1. Every employer, not specifically excepted by  
 7 the provisions of this chapter, shall provide, secure,  
 8 and pay compensation according to the provisions of  
 9 this chapter for any and all personal injuries  
 10 sustained by an employee arising out of and in the  
 11 course of the employment, and in such cases, the  
 12 employer shall be relieved from other liability for  
 13 recovery of damages or other compensation for such  
 14 personal injury. For the purposes of this chapter, a  
 15 personal injury sustained by an employee shall be  
 16 characterized as either a traumatic injury or a  
 17 cumulative injury.  
 18 a. A traumatic injury does not arise out of the  
 19 course of employment for the purposes of this chapter  
 20 unless the traumatic injury is a natural incident of  
 21 an employment activity of the employee or a reasonable  
 22 consequence of a hazard associated with an employment

23 activity of the employee. The trauma must be one that  
 24 would be considered to be more than slight by the  
 25 average person.

26 b. A cumulative injury does not arise out of the  
 27 course of employment for the purposes of this chapter  
 28 unless all of the following are shown:

29 (1) The employment activity that is alleged to be  
 30 the cause of the cumulative injury or to have  
 31 significantly aggravated a preexisting condition is  
 32 the single most substantial factor contributing to the  
 33 cumulative injury.

34 (2) The cumulative injury, at the time of its  
 35 occurrence, would not be expected to occur as the  
 36 result of the normal aging process absent an  
 37 employment activity of the employee.

38 (3) The employment activity that is alleged to be  
 39 the single most substantial factor contributing to the  
 40 cumulative injury is not an activity commonly engaged  
 41 in by the employee in the normal nonemployment life of  
 42 the employee."

43 2. Title page, line 1, by inserting after the  
 44 word "to" the following: "workers compensation laws,  
 45 including the characterization of work-related  
 46 injuries and".

47 3. By renumbering as necessary.

HORBACH of Tama

H-1619

1 Amend House File 791 as follows:

2 1. Page 2, by inserting after line 20 the  
 3 following:

4 "Sec. \_\_\_\_ Section 86.39, Code 2009, is amended to  
 5 read as follows:

6 86.39 FEES – APPROVAL.

7 1. All fees or claims for legal, medical,  
 8 hospital, and burial services rendered under this  
 9 chapter and chapters 85, 85A, 85B, and 87 are subject  
 10 to the approval of the workers' compensation  
 11 commissioner. For services rendered in the district  
 12 court and appellate courts, ~~the attorney's fee is~~  
 13 attorney fees are subject to the approval of a judge  
 14 of the district or appellate court.

15 2. Attorney fees for services rendered under this  
 16 chapter and chapters 85, 85A, 85B, and 87 on behalf of  
 17 an employee shall be limited to the maximum amounts of  
 18 twenty-five percent of an award or settlement.  
 19 Attorney fees shall be paid by the employee from the  
 20 proceeds of an award or settlement. All  
 21 attorney-client employment contracts for services  
 22 rendered under this chapter and chapters 85, 85A, 85B,

- 23 and 87 that are entered into and signed on or after  
24 January 1, 2006, shall be subject to the conditions of  
25 this subsection."
- 26 2. Title page, line 1, by inserting after the  
27 word "to" the following: "workers' compensation laws,  
28 including".
- 29 3. Title page, line 1, by inserting after the  
30 word "benefits" the following: "and regulation of  
31 attorney fees".
- 32 4. By renumbering as necessary.

HORBACH of Tama

H-1623

- 1 Amend House File 813 as follows:
- 2 1. Page 2, by inserting after line 2 the  
3 following:
- 4 "Sec. \_\_\_\_ Section 331.604, subsection 3, Code  
5 2009, as amended by 2009 Iowa Acts, Senate File 288,  
6 section 6, is amended to read as follows:
- 7 3. a. ~~The~~ Each county shall participate in the  
8 county land record information system and shall comply  
9 with the policies and procedures established by the  
10 governing board of the county land record information  
11 system.
- 12 b. (1) For the period beginning July 1, 2004, and  
13 ending June 30, 2009, the county recorder shall also  
14 collect a fee of one dollar for each recorded  
15 transaction, regardless of the number of pages, for  
16 which a fee is paid pursuant to subsection 1 to be  
17 used for the purpose set forth in paragraph "e" "d".
- 18 (2) For the period beginning July 1, 2009, and  
19 ending June 30, 2011, the recorder shall also collect  
20 a fee of three dollars for each recorded transaction,  
21 regardless of the number of pages, for which a fee is  
22 paid pursuant to subsection 1 to be used for the  
23 following purposes:
- 24 (a) Maintaining the statewide internet website and  
25 the county land record information system.
- 26 (b) Integrating information contained in documents  
27 and records maintained by the recorder and other land  
28 record information from other sources with the county  
29 land record information system.
- 30 (c) Implementing and maintaining a process for  
31 redacting personally identifiable information  
32 contained in electronic documents that are displayed  
33 for public access through an internet website or that  
34 are transferred to another person.
- 35 (3) Beginning July 1, 2011, the recorder shall  
36 also collect a fee of one dollar for each recorded  
37 transaction, regardless of the number of pages, for

38 which a fee is paid pursuant to subsection 1 to be  
 39 used for the purposes in subparagraph (2) and for the  
 40 following purposes:  
 41 (a) Establishing and implementing standards for  
 42 recording, processing, and archiving electronic  
 43 documents and records.  
 44 (b) Expanding access to records by encouraging  
 45 electronic indexing and scanning of documents and  
 46 instruments recorded in prior years.  
 47 (4) Notwithstanding subparagraph (2), the fee  
 48 collected by the recorder under this subsection for  
 49 recording a plat of survey is one dollar, regardless  
 50 of the number of pages. For purposes of this

Page 2

1 subparagraph, "plat of survey" means the same as  
 2 defined in section 355.1, subsection 9.  
 3 (5) Fees collected in excess of the amount needed  
 4 for the purposes specified in this subsection shall be  
 5 used by the county land record information system to  
 6 reduce or eliminate service fees for electronic  
 7 submission of documents and instruments.  
 8 ~~b.~~ c. The county treasurer, on behalf of the  
 9 recorder, shall establish and maintain a county  
 10 recorder's electronic transaction fund into which all  
 11 moneys collected pursuant to paragraph "~~a~~" "b" shall  
 12 be deposited. Interest earned on moneys deposited in  
 13 this fund shall be computed based on the average  
 14 monthly balance in the fund and shall be credited to  
 15 the county recorder's electronic transaction fund.  
 16 ~~e.~~ d. The local government electronic transaction  
 17 fund is established in the office of the treasurer of  
 18 state under the control of the treasurer of state.  
 19 Moneys deposited into the fund are not subject to  
 20 section 8.33. Notwithstanding section 12C.7, interest  
 21 or earnings on moneys in the local government  
 22 electronic transaction fund shall be credited to the  
 23 fund. Moneys in the local government electronic  
 24 transaction fund are not subject to transfer,  
 25 appropriation, or reversion to any other fund, or any  
 26 other use except as provided in this ~~paragraph "c"~~  
 27 subsection. On a monthly basis, the county treasurer  
 28 shall pay ~~each fee collected pursuant to paragraph "a"~~  
 29 the fees deposited into the county recorder's  
 30 electronic transaction fund to the treasurer of state  
 31 for deposit into the local government electronic  
 32 transaction fund. Moneys credited to the local  
 33 government electronic transaction fund are  
 34 appropriated to the treasurer of state for the payment  
 35 of claims approved by the governing board of the  
 36 county land record information system. ~~Expenditures~~



37 Except as otherwise provided in this subsection,  
 38 expenditures from the fund shall be for the purpose of  
 39 planning and implementing electronic recording and  
 40 electronic transactions in each county, ~~and~~ developing  
 41 county and statewide internet websites to provide  
 42 electronic access to records and information, and to  
 43 pay the ongoing costs of integrating and maintaining  
 44 the statewide internet website.  
 45 ~~d. e.~~ The recorder shall make available any  
 46 information required by the county auditor or auditor  
 47 of state concerning the fees collected under this  
 48 subsection for the purposes of determining the amount  
 49 of fees collected and the uses for which such fees are  
 50 expended."

Page 3

1 2. By striking page 2, line 21, through page 5,  
 2 line 1.  
 3 3. Page 6, by inserting after line 10 the  
 4 following:  
 5 "Sec.\_\_\_\_. Section 331.606A, Code 2009, is amended  
 6 by adding the following new subsection:  
 7 NEW SUBSECTION. 3A. DISSEMINATION OF DOCUMENTS.  
 8 Persons who have contracted with a county recorder or  
 9 the governing board of the county land record  
 10 information system to redact personally identifiable  
 11 information from electronic documents pursuant to  
 12 subsection 3 shall not sell, transfer, or otherwise  
 13 disseminate the electronic documents in an unaltered  
 14 or redacted form, except as provided for in the  
 15 contract."  
 16 4. Page 7, line 21, by striking the words and  
 17 figures "331.605C, subsection 2" and inserting the  
 18 following: "331.604, subsection 3".  
 19 5. Page 7, by inserting after line 21 the  
 20 following:  
 21 "Sec.\_\_\_\_. Section 598.21, subsection 2, Code  
 22 2009, as amended by 2009 Iowa Acts, Senate File 288,  
 23 section 36, is amended to read as follows:  
 24 2. DUTIES OF COUNTY RECORDER. The county recorder  
 25 shall record each quitclaim deed or change of title  
 26 and shall collect the ~~fees fee~~ specified in section  
 27 331.507, subsection 2, paragraph "a", and the ~~fee fees~~  
 28 specified in section 331.604."  
 29 6. By renumbering, redesignating, and correcting  
 30 internal references as necessary.

H-1625

1 Amend the amendment, H-1599, to House File 819 as  
2 follows:

- 3 1. By striking page 1, line 10, through page 4,  
4 line 12, and inserting the following:  
5 "Sec. \_\_\_\_ Section 423.3, Code 2009, is amended by  
6 adding the following new subsection:  
7 NEW SUBSECTION. 95. a. (1) The sales price from  
8 the sale or rental of computers and equipment that are  
9 necessary for the maintenance and operation of a data  
10 center business and property whether directly or  
11 indirectly connected to the computers, including but  
12 not limited to cooling systems, cooling towers, and  
13 other temperature control infrastructure; power  
14 infrastructure for transformation, distribution, or  
15 management of electricity used for the maintenance and  
16 operation of the data center business, including but  
17 not limited to exterior dedicated business-owned  
18 substations, backup power generation systems, battery  
19 systems, and related infrastructure; and racking  
20 systems, cabling, and trays, which are necessary for  
21 the maintenance and operation of the data center  
22 business.  
23 (2) The sales price of backup power generation  
24 fuel that is purchased by a data center business for  
25 use in the items listed in subparagraph (1).  
26 (3) The sales price of electricity purchased for  
27 use by a data center business.  
28 b. For the purpose of claiming this exemption, all  
29 of the following requirements shall be met:  
30 (1) The purchaser or renter shall be a data center  
31 business.  
32 (2) The data center business shall have a physical  
33 location in the state that is, in the aggregate, at  
34 least five thousand square feet in size that is used  
35 for the operations and maintenance of the data center  
36 business.  
37 (3) The data center business shall make a minimum  
38 investment in an Iowa physical location of two hundred  
39 million dollars within the first six years of  
40 operation in Iowa beginning with the date the data  
41 center business initiates site preparation activities.  
42 The minimum investment includes the initial  
43 investment, including land and subsequent acquisition  
44 of additional adjacent land and subsequent investment  
45 at the Iowa location.  
46 (4) The data center business shall comply with the  
47 sustainable design and construction standards  
48 established by the state building code commissioner  
49 pursuant to section 103A.8B.  
50 c. This exemption applies from the date of the

Page 2

1 initial investment in or the initiation of site  
2 preparation activities for the data center business  
3 facility as described in paragraph "b".  
4 d. Failure to meet eighty percent of the minimum  
5 investment amount requirement specified in paragraph  
6 "b" within the first six years of operation from the  
7 date the data center business initiates site  
8 preparation activities will result in the data center  
9 business losing the right to claim this data center  
10 business exemption and the data center business shall  
11 pay all sales or use tax that would have been due on  
12 the purchase or rental or use of the items listed in  
13 this exemption, plus any applicable penalty and  
14 interest imposed by statute.  
15 e. For purposes of this subsection:  
16 (1) "Data center" means a building rehabilitated  
17 or constructed to house a group of networked server  
18 computers in one physical location in order to  
19 centralize the storage, management, and dissemination  
20 of data and information pertaining to a particular  
21 business, taxonomy, or body of knowledge. A data  
22 center business's facility typically includes the  
23 mechanical and electrical systems, redundant or backup  
24 power supplies, redundant data communications  
25 connections, environmental controls, and fire  
26 suppression systems. A data center business's  
27 facility also includes a restricted access area  
28 employing advanced physical security measures such as  
29 video surveillance systems and card-based security or  
30 biometric security access systems.  
31 (2) "Data center business" means an entity whose  
32 business among other businesses, is to operate a data  
33 center.  
34 Sec. \_\_\_\_\_. Section 423.4, subsection 8, Code 2009,  
35 is amended to read as follows:  
36 8. a. The owner of ~~an information technology~~  
37 ~~facility a data center business, as defined in section~~  
38 ~~423.3, subsection 95, located in this state on July 1,~~  
39 ~~2007, and having a primary business with a North~~  
40 ~~American industry classification system number 518210~~  
41 ~~or 541510 as verified by the department of economic~~  
42 ~~development using nationally recognized third party~~  
43 ~~sources such as Hoovers, Harris Directory or others~~  
44 ~~designated by the department of economic development,~~  
45 may make an annual application for up to five  
46 consecutive years to the department for the refund of  
47 fifty percent of the sales or use tax upon the sales  
48 price of all sales of fuel used in creating heat,  
49 power, and steam for processing or generating  
50 electrical current, or from the sale of electricity

Page 3

1 consumed by computers, machinery, or other equipment  
2 for operation of the ~~technology~~ data center business  
3 facility.

4 b. ~~An information technology facility~~ A data  
5 center business shall qualify for the refund in this  
6 subsection if all of the following criteria are met:

7 (1) ~~The facility's six digit North American~~  
8 ~~industry classification system number 518210 or 541510~~  
9 ~~indicates that the facility is primarily engaged in~~  
10 ~~providing computer related services~~ data center  
11 business shall make an investment in an Iowa physical  
12 location within the first three years of operation in  
13 Iowa beginning with the date on which the data center  
14 business initiates site preparation activities.

15 (2) ~~The amount of the investment in an Iowa~~  
16 ~~physical location, including the value of a lease~~  
17 ~~agreement, or an investment in land or buildings, and~~  
18 ~~the capital expenditures for computers, machinery, and~~  
19 ~~other equipment used in the operation of the facility~~  
20 ~~equals data center business shall equal~~ at least one  
21 million dollars, but shall not exceed ten million  
22 dollars for a newly constructed building or five  
23 million dollars for a rehabilitated building.

24 (3) If the data center business is leasing a  
25 building to house operations, the data center business  
26 shall enter into a lease that is at least five years  
27 in duration.

28 ~~(4) The facility is certified as meet the~~  
29 ~~Leadership in Energy and Environmental Design (LEED)~~  
30 ~~standards data center business shall comply with the~~  
31 ~~sustainable design and construction standards~~  
32 ~~established by the state building code commissioner~~  
33 ~~pursuant to section 103A.8B.~~

34 c. The refund may be obtained only in the  
35 following manner and under the following conditions:

36 (1) The applicant shall use forms furnished by the  
37 department.

38 (2) The applicant shall separately list the  
39 amounts of sales and use tax paid during the reporting  
40 period.

41 (3) The applicant may request when the refund  
42 begins, but it must start on the first day of a month  
43 and proceed for a continuous twelve-month period.

44 d. In determining the amount to be refunded, if  
45 the dates of the utility billing or meter reading  
46 cycle for the sale or furnishing of metered gas and  
47 electricity are on or after the first day of the first  
48 month through the last day of the last month of the  
49 refund year, ~~the full~~ fifty percent of the amount of  
50 tax charged in the billings shall be refunded. In

Page 4

1 determining the amount to be refunded, if the dates of  
2 the sale or furnishing of fuel for purposes of  
3 commercial energy and the delivery of the fuel are on  
4 or after the first day of the first month through the  
5 last day of the last month of the refund year, ~~the~~  
6 full fifty percent of the amount of tax charged in th  
7 billings shall be refunded.

8 e. To receive refunds during the five-year period,  
9 the applicant shall file a refund claim within three  
10 months after the end of each refund year.

11 f. The refund in this subsection applies only to  
12 state sales and use tax paid and does not apply to  
13 local option sales and services taxes imposed pursuant  
14 to ~~chapter~~ chapter 423B and 423E. Notwithstanding  
15 the state sales tax imposed in section 423.2, a refund  
16 issued pursuant to this section shall not exceed an  
17 amount equal to five percent of the sales price of the  
18 fuel used to create heat, power, and steam for  
19 processing or generating electrical current or from  
20 the sale price of electricity consumed by computers,  
21 machinery, or other equipment for operation of the  
22 data center business facility.

23 Sec. \_\_\_\_\_. Section 423.4, Code 2009, is amended by  
24 adding the following new subsection:

25 **NEW SUBSECTION.** 9. a. The owner of a data center  
26 business, as defined in section 423.3, subsection 95,  
27 paragraph "e", located in this state that is not  
28 eligible for the exemption under section 423.3,  
29 subsection 95, may make an annual application to the  
30 department for the refund of fifty percent of the  
31 sales or use tax upon all of the following:

32 (1) The sales price from the sale or rental of  
33 computers and equipment that are necessary for the  
34 maintenance and operation of a data center business  
35 and property whether directly or indirectly connected  
36 to the computers, including but not limited to cooling  
37 systems, cooling towers, and other temperature control  
38 infrastructure; power infrastructure for  
39 transformation, distribution, or management of  
40 electricity used for the maintenance and operation of  
41 the data center business including but not limited to  
42 exterior dedicated business-owned substations, backup  
43 power generation systems, battery systems, and related  
44 infrastructure; and racking systems, cabling, and  
45 trays, which are necessary for the maintenance and  
46 operation of the data center business.

47 (2) The sales price of backup power generation  
48 fuel that is purchased by a data center business for  
49 use in the items listed in subparagraph (1).

50 (3) The sales price of electricity purchased for

Page 5

- 1 use in providing data center services.
- 2 b. A data center business shall qualify for the
- 3 partial refund in this subsection if all of the
- 4 following criteria are met:
  - 5 (1) The data center business shall have a physical
  - 6 location in the state which is at least five thousand
  - 7 square feet in size.
  - 8 (2) The data center business shall make a minimum
  - 9 investment of at least ten million dollars, in the
  - 10 case of new construction, or at least five million
  - 11 dollars in the case of a rehabilitated building, in an
  - 12 Iowa physical location within the first six years of
  - 13 operation in Iowa, beginning with the date on which
  - 14 the data center business initiates site preparation
  - 15 activities. The minimum investment includes the
  - 16 initial investment, including the value of a lease
  - 17 agreement or the amount invested in land and
  - 18 subsequent acquisition of additional adjacent land and
  - 19 subsequent investment at the Iowa location.
  - 20 (3) If the data center business is leasing a
  - 21 building to house operations, the data center business
  - 22 shall enter into a lease that is at least five years
  - 23 in duration.
  - 24 (4) The data center business shall comply with the
  - 25 sustainable design and construction standards
  - 26 established by the state building code commissioner
  - 27 pursuant to section 103A.8B.
- 28 c. The refund allowed under this subsection shall
- 29 be available for the following periods of time:
  - 30 (1) For an investment of at least ten million
  - 31 dollars, in the case of new construction, or at least
  - 32 five million dollars, in the case of a rehabilitated
  - 33 building, but less than seventy-three million dollars,
  - 34 fifteen years.
  - 35 (2) For an investment of at least seventy-three
  - 36 million dollars but less than one hundred thirty-six
  - 37 million dollars, ten years.
  - 38 (3) For an investment of at least one hundred
  - 39 thirty-six million dollars, but less than two hundred
  - 40 million dollars, seven years.
- 41 d. The refund may be obtained only in the
- 42 following manner and under the following conditions:
  - 43 (1) The applicant shall use forms furnished by the
  - 44 department.
  - 45 (2) The applicant shall separately list the
  - 46 amounts of sales and use tax paid during the reporting
  - 47 period.
  - 48 (3) The applicant may request when the refund
  - 49 begins, but it must start on the first day of a month
  - 50 and proceed for a continuous twelve-month period.

Page 6

1 e. In determining the amount to be refunded, if  
2 the dates of the utility billing or meter reading  
3 cycle for the sale or furnishing of metered gas and  
4 electricity are on or after the first day of the first  
5 month through the last day of the last month of the  
6 refund year, fifty percent of the amount of tax  
7 charged in the billings shall be refunded. In  
8 determining the amount to be refunded, if the dates of  
9 the sale or furnishing of fuel for purposes of  
10 commercial energy and the delivery of the fuel are on  
11 or after the first day of the first month through the  
12 last day of the last month of the refund year, fifty  
13 percent of the amount of tax charged in the billings  
14 shall be refunded.

15 f. To receive refunds during the applicable refund  
16 period, the applicant shall file a refund claim within  
17 three months after the end of each refund year.

18 g. The refund in this subsection applies only to  
19 state sales and use tax paid and does not apply to  
20 local option sales and services taxes imposed pursuant  
21 to chapter 423B. Notwithstanding the state sales tax  
22 imposed in section 423.2, a refund issued pursuant to  
23 this section shall not exceed an amount equal to five  
24 percent of the sales price of the items listed in  
25 paragraph "a", subparagraphs (1), (2), and (3).  
26 Sec. \_\_\_\_\_. Section 427.1, Code 2009, is amended by  
27 adding the following new subsection:

28 NEW SUBSECTION. 37. DATA CENTER BUSINESS  
29 PROPERTY.

30 a. Property, other than land and buildings and  
31 other improvements, that is utilized by a data center  
32 business as defined in and meeting the requirements of  
33 section 423.3, subsection 95, including computers and  
34 equipment that are necessary for the maintenance and  
35 operation of a data center business and other property  
36 whether directly or indirectly connected to the  
37 computers, including but not limited to cooling  
38 systems, cooling towers, and other temperature control  
39 infrastructure; power infrastructure for  
40 transformation, distribution, or management of  
41 electricity, including but not limited to exterior  
42 dedicated business-owned substations, and power  
43 distribution systems which are not subject to  
44 assessment under chapter 437A; racking systems,  
45 cabling, and trays; and backup power generation  
46 systems, battery systems, and related infrastructure  
47 all of which are necessary for the maintenance and  
48 operation of the data center business.

49 b. This data center business exemption applies  
50 beginning with the assessment year the investment in

Page 7

1 or construction of the facility utilizing the  
 2 materials, equipment, and systems set forth in  
 3 paragraph "a" are first assessed.  
 4 Sec.\_\_\_\_. IMPLEMENTATION. Section 25B.7 does not  
 5 apply to the property tax exemption enacted in this  
 6 Act.  
 7 Sec.\_\_\_\_. APPLICABILITY DATE PROVISION. The  
 8 sections of this division of this Act providing sales  
 9 and use tax refunds apply to sales and use tax paid on  
 10 or after July 1, 2009."

RANTS of Woodbury

H-1627

1 Amend Senate File 344, as amended, passed, and  
 2 reprinted by the Senate, as follows:  
 3 1. Page 24, by inserting before line 28 the  
 4 following:  
 5 "Sec.\_\_\_\_. SMALL BUSINESS DISASTER RECOVERY  
 6 ASSISTANCE – VALUES FUND ALLOCATION. Of the moneys  
 7 allocated by the department of economic development  
 8 for the fiscal year beginning July 1, 2009, and ending  
 9 June 30, 2010, pursuant to section 15G.111, subsection  
 10 4, as enacted in this Act, the department shall  
 11 allocate fifteen million dollars for purposes of small  
 12 business disaster recovery assistance."  
 13 2. By renumbering as necessary.

PAULSEN of Linn

H-1628

1 Amend Senate File 344, as amended, passed, and  
 2 reprinted by the Senate, as follows:  
 3 1. Page 48, by inserting after line 32 the  
 4 following:  
 5 "DIVISION \_\_\_\_  
 6 EMINENT DOMAIN  
 7 Sec.\_\_\_\_. Section 6A.22, subsection 2, Code 2009,  
 8 is amended by adding the following new paragraph:  
 9 NEW PARAGRAPH. d. Notwithstanding paragraphs "a",  
 10 "b", and "c", "public use", "public purpose", or  
 11 "public improvement" does not include any project that  
 12 receives a state appropriation or that receives or is  
 13 awarded state funds or other funding by means of  
 14 incentives, as authorized pursuant to chapter 12, 15,  
 15 15A, 15E, 15F, 15G, or 16.  
 16 Sec.\_\_\_\_. EFFECTIVE DATE. This division of this  
 17 Act, being deemed of immediate importance, takes



- 18 effect upon enactment."
- 19 2. Title page, line 5, by inserting after the
- 20 word "program" the following: "and affecting the use
- 21 of eminent domain when state financial assistance is
- 22 involved and including an effective date provision".
- 23 3. By renumbering as necessary.

KAUFMANN of Cedar

H-1633

1 Amend Senate File 344, as amended, passed, and  
 2 reprinted by the Senate, as follows:

3 1. Page 48, by inserting after line 32 the  
 4 following:

5 "DIVISION \_\_\_\_\_

6 TARGETED JOBS WITHHOLDING AGREEMENTS

7 Sec. \_\_\_\_ Section 403.19A, subsection 3, paragraph  
 8 c, Code 2009, is amended to read as follows:

9 c. (1) The pilot project city shall enter into a  
 10 withholding agreement with each employer concerning  
 11 the targeted jobs withholding credit. The withholding  
 12 agreement shall provide for the total amount of  
 13 withholding tax credits awarded. An agreement shall  
 14 not provide for an amount of withholding credits that  
 15 exceeds the amount of the qualifying investment made  
 16 in the project. ~~However, an~~ An agreement shall not be  
 17 entered into by a pilot project city with a business  
 18 currently located in this state unless the business  
 19 either creates ten new jobs or makes a qualifying  
 20 investment of at least five hundred thousand dollars  
 21 within the urban renewal area. The withholding  
 22 agreement may have a term of up to ten years. An  
 23 employer shall not be obligated to enter into a  
 24 withholding agreement.

25 (2) The pilot project city shall not enter into a  
 26 withholding agreement after June 30, ~~2010~~ 2013.

27 Sec. \_\_\_\_ Section 403.19A, subsection 3, paragraph  
 28 j, Code 2009, is amended by striking the paragraph and  
 29 inserting in lieu thereof the following:

30 j. (1) A pilot project city entering into a  
 31 withholding agreement shall arrange for matching local  
 32 financial support for the project. The local match  
 33 required under this paragraph "j" shall be in an  
 34 amount equal to one dollar for every dollar of  
 35 withholding credit received by the pilot project city.

36 (2) For purposes of this paragraph "j", "local  
 37 financial support" means cash or in-kind contributions  
 38 to the project from a private donor, a business, or  
 39 the pilot project city.

40 (3) If the project, when completed, will increase  
 41 the amount of property tax revenues collected by the

42 pilot project city by an amount equal to at least ten  
 43 percent of the amount of withholding credit dollars  
 44 received by the pilot project city, then the pilot  
 45 project city shall itself contribute at least ten  
 46 percent of the local match amount computed under  
 47 subparagraph (1).  
 48 (4) If the project, when completed, will not  
 49 increase the amount of property tax revenues collected  
 50 by an amount at least equal to ten percent of the

Page 2

1 amount of withholding credit dollars received by the  
 2 pilot project city, then the pilot project city shall  
 3 not be required to make a contribution to the local  
 4 match.  
 5 (5) A pilot project city's contribution, if any,  
 6 to the local match may include the dollar value of any  
 7 tax abatement provided by the city to the business for  
 8 new construction."  
 9 2. Title page, line 1, by inserting after the  
 10 word "to" the following: "economic development by  
 11 providing for additional local match requirements of  
 12 targeted jobs withholding tax credit agreements and by  
 13 changing".  
 14 3. By renumbering as necessary.

RANTS of Woodbury

H-1634

1 Amend Senate File 451, as passed by the Senate, as  
 2 follows:  
 3 1. Page 1, line 11, by inserting after the word  
 4 "college." the following: "However, a person shall  
 5 not be classified as a resident under this paragraph  
 6 "b" unless the person's prior home state provides  
 7 in-state tuition to residents of Iowa who are  
 8 veterans."  
 9 2. Page 2, line 11, by inserting after the word  
 10 "board." the following: "However, a person shall not  
 11 be classified as a resident under this paragraph "b"  
 12 unless the person's prior home state provides in-state  
 13 tuition to residents of Iowa who are veterans."

WATTS of Dallas

H-1635

1 Amend the amendment, H-1308, to Senate File 3, as  
 2 amended, passed, and reprinted by the Senate, as  
 3 follows:

4 1. Page 1, by inserting after line 2 the  
5 following:

6 "\_\_\_\_. Page 1, by inserting after line 11 the  
7 following:

8 "Sec.\_\_\_\_. Section 462A.14, subsection 2,  
9 paragraph e, Code 2009, is amended to read as follows:

10 e. A class "B" felony for any offense under this  
11 section resulting in the death of persons other than  
12 the defendant, if the court determines that the person  
13 who committed the offense caused the death, ~~and shall~~  
14 ~~be imprisoned for a determinate sentence of not more~~  
15 ~~than twenty five years, or committed to the custody of~~  
16 ~~the director of the department of corrections. A~~  
17 ~~person convicted of a felony offense may be committed~~  
18 ~~to the custody of the director of the department of~~  
19 ~~corrections, who shall assign the person to a facility~~  
20 ~~pursuant to section 904.513. However, a person~~  
21 sentenced for a violation classified as a class "B"  
22 felony pursuant to this paragraph shall not be  
23 eligible for parole until the person has served a  
24 minimum period of confinement of ten years. The court  
25 shall also order that the person not operate a  
26 motorboat or sailboat for six years. The court shall  
27 also assign the defendant to substance abuse  
28 evaluation and treatment pursuant to subsections 12  
29 and 13, and a course for drinking drivers.""

30 2. Page 1, by inserting after line 22 the  
31 following:

32 "Sec.\_\_\_\_. Section 707.6A, subsection 1,  
33 unnumbered paragraph 1, Code 2009, is amended to read  
34 as follows:

35 A person commits a class "B" felony when the person  
36 unintentionally causes the death of another by  
37 operating a motor vehicle while intoxicated, as  
38 prohibited by section 321J.2. A person sentenced for  
39 a violation of this subsection shall not be eligible  
40 for parole until the person has served a minimum  
41 period of confinement of ten years. Upon a plea or  
42 verdict of guilty of a violation of this subsection,  
43 the court shall do the following:

44 Sec.\_\_\_\_. Section 902.12, Code 2009, is amended by  
45 adding the following new subsection:

46 NEW SUBSECTION. 7. Operating a motorboat or  
47 sailboat while intoxicated in violation of section  
48 462A.14, subsection 2, paragraph "e", if the person  
49 was also convicted under section 462A.7, subsection 5,  
50 paragraph "d", or section 462A.34B, subsection 2 or 3,

Page 2

1 based on the same facts or event that resulted in the  
2 conviction under section 462A.14, subsection 2,

3 paragraph "e".

4 Sec.\_\_\_\_. Section 903A.5, subsection 1, Code 2009,  
5 is amended to read as follows:

6 1. An inmate shall not be discharged from the  
7 custody of the director of the Iowa department of  
8 corrections until the inmate has served the full term  
9 for which the inmate was sentenced, less earned time  
10 and other credits earned and not forfeited, unless the  
11 inmate is pardoned or otherwise legally released.  
12 Earned time accrued and not forfeited shall apply to  
13 reduce a mandatory minimum sentence being served  
14 pursuant to section 124.406; or 124.413, section  
15 462A.14, subsection 2, paragraph "e", section 707.6A,  
16 subsection 1, or section 902.7, 902.8, 902.8A, or  
17 902.11. An inmate shall be deemed to be serving the  
18 sentence from the day on which the inmate is received  
19 into the institution. If an inmate was confined to a  
20 county jail or other correctional or mental facility  
21 at any time prior to sentencing, or after sentencing  
22 but prior to the case having been decided on appeal,  
23 because of failure to furnish bail or because of being  
24 charged with a nonbailable offense, the inmate shall  
25 be given credit for the days already served upon the  
26 term of the sentence. However, if a person commits  
27 any offense while confined in a county jail or other  
28 correctional or mental health facility, the person  
29 shall not be granted jail credit for that offense.  
30 Unless the inmate was confined in a correctional  
31 facility, the sheriff of the county in which the  
32 inmate was confined shall certify to the clerk of the  
33 district court from which the inmate was sentenced and  
34 to the department of corrections' records  
35 administrator at the Iowa medical and classification  
36 center the number of days so served. The department  
37 of corrections' records administrator, or the  
38 administrator's designee, shall apply jail credit as  
39 ordered by the court of proper jurisdiction or as  
40 authorized by this section and section 907.3,  
41 subsection 3.""

42 3. Page 1, by inserting before line 23 the  
43 following:

44 \_\_\_\_\_. Title page, line 1, by striking the words "a  
45 .08 blood alcohol limit for".

46 \_\_\_\_\_. Title page, line 2, by inserting after the  
47 word "offenses" the following: "and modifying  
48 penalties"."

49 4. By renumbering as necessary.

H-1637

1 Amend Senate File 376, as amended, passed, and  
2 reprinted by the Senate, as follows:

3 1. By striking page 14, line 6, through page 21,  
4 line 9, and inserting the following:

5 "DIVISION

6 CHANGES TO PRIOR APPROPRIATIONS

7 Sec.\_\_\_\_. 2008 Iowa Acts, chapter 1179, section 7,  
8 is amended to read as follows:

9 SEC. 7. DEPARTMENT OF ECONOMIC DEVELOPMENT. There  
10 is appropriated from the rebuild Iowa infrastructure  
11 fund to the department of economic development for the  
12 designated fiscal years the following amounts, or so  
13 much thereof as is necessary, to be used for the  
14 purposes designated:

15 For deposit into the river enhancement community  
16 attraction and tourism fund created in 2008 Iowa Acts,  
17 Senate File 2430, if enacted:

18 FY 2009-2010 .....	\$ 10,000,000
19	<u>0</u>
20 FY 2010-2011 .....	\$ 10,000,000
21 FY 2011-2012 .....	\$ 10,000,000
22 FY 2012-2013 .....	\$ 10,000,000

23 ~~Notwithstanding section 8.33, moneys appropriated  
24 in this section for the fiscal year beginning July 1,  
25 2009, and ending June 30, 2010, shall not revert at  
26 the close of the fiscal year for which they are  
27 appropriated but shall remain available for the  
28 purpose designated until the close of the fiscal year  
29 that begins July 1, 2012, or until the project for  
30 which the appropriation was made is completed,  
31 whichever is earlier.~~

32 Notwithstanding section 8.33, moneys appropriated  
33 in this section for the fiscal year beginning July 1,  
34 2010, and ending June 30, 2011, shall not revert at  
35 the close of the fiscal year for which they are  
36 appropriated but shall remain available for the  
37 purpose designated until the close of the fiscal year  
38 that begins July 1, 2013, or until the project for  
39 which the appropriation was made is completed,  
40 whichever is earlier.

41 Notwithstanding section 8.33, moneys appropriated  
42 in this section for the fiscal year beginning July 1,  
43 2011, and ending June 30, 2012, shall not revert at  
44 the close of the fiscal year for which they are  
45 appropriated but shall remain available for the  
46 purpose designated until the close of the fiscal year  
47 that begins July 1, 2014, or until the project for  
48 which the appropriation was made is completed,  
49 whichever is earlier.

50 Notwithstanding section 8.33, moneys appropriated

Page 2

1 in this section for the fiscal year beginning July 1,  
 2 2012, and ending June 30, 2013, shall not revert at  
 3 the close of the fiscal year for which they are  
 4 appropriated but shall remain available for the  
 5 purpose designated until the close of the fiscal year  
 6 that begins July 1, 2015, or until the project for  
 7 which the appropriation was made is completed,  
 8 whichever is earlier.

9 Sec. \_\_\_\_\_. 2008 Iowa Acts, chapter 1179, section  
 10 18, unnumbered paragraph 1, is amended to read as  
 11 follows:

12 There is appropriated from the ~~FY 2009 tax exempt~~  
 13 ~~bond proceeds restricted capital funds account of the~~  
 14 ~~tobacco settlement trust fund revenue bonds capitals~~  
 15 ~~fund~~ pursuant to section ~~12E.12, subsection 1,~~  
 16 ~~paragraph "b", subparagraph (1A) 12.88, as if enacted~~  
 17 ~~in this Act by the Eighty-third General Assembly, 2009~~  
 18 ~~Session~~, to the following departments and agencies for  
 19 the fiscal year beginning July 1, 2008, and ending  
 20 June 30, 2009, the following amounts, or so much  
 21 thereof as is necessary, to be used for the purposes  
 22 designated:

23 Sec. \_\_\_\_\_. 2008 Iowa Acts, chapter 1179, section  
 24 18, subsection 1, paragraphs b through k, are amended  
 25 to read as follows:

- 26 b. For renovations to the capitol complex utility  
 27 tunnel system:  
 28 ..... \$ 4,763,078  
 29 ..... 0
- 30 c. For costs associated with capitol interior and  
 31 exterior restoration:  
 32 ..... \$ 6,900,000  
 33 ..... 0
- 34 d. For upgrades to the electrical distribution  
 35 system serving the capitol complex:  
 36 ..... \$ 4,470,000  
 37 ..... 0
- 38 e. For heating, ventilating, and air conditioning  
 39 improvements in the Hoover state office building:  
 40 ..... \$ 1,500,000  
 41 ..... 0
- 42 f. For costs associated with the central energy  
 43 plant addition and improvements:  
 44 ..... \$ 623,000  
 45 ..... 0
- 46 g. For building security and firewall protection  
 47 in the Hoover state office building:  
 48 ..... \$ 165,000  
 49 ..... 0
- 50 h. For projects related to major repairs and major

Page 3

1	maintenance for state buildings and facilities under	
2	the purview of the department:	
3	.....	\$ 15,000,000
4		<u>0</u>
5	Of the amount appropriated in this lettered	
6	paragraph, up to \$1,000,000 may be used for demolition	
7	purposes.	
8	i. For the purchase of Mercy capitol hospital:	
9	.....	\$ 3,400,000
10		<u>0</u>
11	It is the intent of the general assembly that the	
12	department will use other appropriations made or other	
13	funds available to the department for the acquisition	
14	of buildings to complete the purchase of this	
15	building.	
16	j. For capital improvements at the civil	
17	commitment unit for a sexual offenders facility at	
18	Cherokee:	
19	.....	\$ 829,000
20		<u>0</u>
21	k. For costs associated with the restoration and	
22	renovation, including major repairs and major	
23	maintenance, at the governor's mansion at Terrace	
24	Hill:	
25	.....	\$ 769,543
26		<u>0</u>
27	Sec. _____. 2008 Iowa Acts, chapter 1179, section	
28	18, subsections 2 through 9, are amended to read as	
29	follows:	
30	2. DEPARTMENT FOR THE BLIND	
31	For costs associated with the renovation of	
32	dormitory buildings:	
33	.....	\$ 869,748
34	3. DEPARTMENT OF CORRECTIONS	
35	a. For expansion of the community-based	
36	corrections facility at Sioux City:	
37	.....	\$ 5,300,000
38	b. For expansion of the community-based	
39	corrections facility at Ottumwa:	
40	.....	\$ 4,100,000
41	c. For expansion of the community-based	
42	corrections facility at Waterloo:	
43	.....	\$ 6,000,000
44	<u>d. For expansion of the community-based</u>	
45	<u>corrections facility at Davenport:</u>	
46	.....	<u>\$ 2,100,000</u>
47	<u>e. For expansion, including land acquisition, of</u>	
48	<u>the community-based corrections facility at Des</u>	
49	<u>Moines:</u>	
50	.....	<u>\$ 18,100,000</u>

1 The appropriation in this lettered paragraph is  
 2 contingent upon relocation of the sex offender  
 3 treatment program from the community-based corrections  
 4 facility at Des Moines to the property in northeast  
 5 Des Moines identified by the fifth judicial district  
 6 in the facility and site study final report submitted  
 7 December 12, 2008.

8 It is the intent of the general assembly that the  
 9 funds appropriated in paragraphs "a" through "e" ~~"e"~~ "e"  
 10 be used to expand the number of beds available through  
 11 new construction and remodeling and ~~not~~ for the  
 12 ~~replacement~~ expansion of existing facilities.

13 ~~d. f.~~ For expansion of the Iowa correctional  
 14 facility for women at Mitchellville:  
 15 ..... \$ 47,500,000

16 ~~e. g.~~ For the remodeling of kitchens at the  
 17 correctional facilities at Mount Pleasant and Rockwell  
 18 City:  
 19 ..... \$ 12,500,000

20 4. DEPARTMENT OF ECONOMIC DEVELOPMENT

21 a. For deposit into the community attraction and  
 22 tourism fund created in section 15F.204:  
 23 ..... \$ 12,000,000

24 b. For deposit into the river enhancement  
 25 community attraction and tourism fund created in  
 26 section 15F.205:  
 27 ..... \$ 10,000,000

28 Moneys appropriated for grants awarded in  
 29 paragraphs "a" and "b" shall be used to assist  
 30 communities in the development and creation of  
 31 multiple purpose attraction or community service  
 32 facilities for public use.

33 c. For accelerated career education program  
 34 capital projects at community colleges that are  
 35 authorized under chapter 260G and that meet the  
 36 definition of vertical infrastructure in section 8.57,  
 37 subsection 6, paragraph "c":  
 38 ..... \$ 5,500,000

39 ~~4.~~ 5. DEPARTMENT OF EDUCATION

40 For major renovation and major repair needs,  
 41 including health, life, and fire safety needs, and for  
 42 compliance with the federal Americans With  
 43 Disabilities Act, for state buildings and facilities  
 44 under the purview of the community colleges:  
 45 ..... \$ 2,000,000

46 The moneys appropriated in this subsection shall be  
 47 allocated to the community colleges based upon the  
 48 distribution formula established in section 260C.18C.

49 ~~5.~~ 6. DEPARTMENT OF NATURAL RESOURCES

50 a. For infrastructure improvements for a state



Page 5

1 river recreation area located in a county with a  
 2 population between 21,900 and 22,100:  
 3 ..... \$ 750,000

4 ~~b. For the construction and installation of an~~  
 5 ~~angled well, pumps, and piping to connect the existing~~  
 6 ~~infrastructure from the new well to a lake located in~~  
 7 ~~a county with a population between 87,500 and 88,000~~  
 8 ~~For the implementation of a water quality improvement~~  
 9 ~~project for the restoration of a lake located in a~~  
 10 ~~county with a population between 87,500 and 88,000:~~  
 11 ..... \$ 500,000

12 ~~Moneys appropriated in this lettered paragraph are~~  
 13 ~~contingent upon receipt of matching funds from a state~~  
 14 ~~taxing authority surrounding such lake.~~  
 15 ~~e. For the construction of the cabins, activity~~  
 16 ~~building, picnic shelters, and other costs associated~~  
 17 ~~with the opening of the Honey creek premier~~  
 18 ~~destination park:~~  
 19 ..... \$ 4,900,000

20 ~~The department shall not obligate any funding under~~  
 21 ~~this appropriation without approval from the~~  
 22 ~~department of management. The department shall~~  
 23 ~~provide quarterly updates to the Honey creek premier~~  
 24 ~~destination park authority and the legislative~~  
 25 ~~services agency on the obligation and spending of this~~  
 26 ~~appropriation.~~

27 ~~In light of this appropriation, the department~~  
 28 ~~shall not request additional appropriations for~~  
 29 ~~funding the construction of future additional~~  
 30 ~~amenities at the Honey creek destination park beyond~~  
 31 ~~the fiscal year ending June 30, 2009. In the event~~  
 32 ~~that the chairperson of the authority delivers a~~  
 33 ~~certificate to the governor, pursuant to section~~  
 34 ~~463C.13, stating the amounts necessary to restore bond~~  
 35 ~~reserve funds, it is the general assembly's intent~~  
 36 ~~upon consideration of the governor's request to first~~  
 37 ~~seek refunding from the department's budget.~~

38 ~~d. c. For implementation of lake projects that~~  
 39 ~~have established watershed improvement initiatives and~~  
 40 ~~community support in accordance with the department's~~  
 41 ~~annual lake restoration plan and report,~~  
 42 ~~notwithstanding section 8.57, subsection 6, paragraph~~  
 43 ~~"e":~~  
 44 ..... \$ 8,600,000  
 45 0

46 ~~(1) It is the intent of the general assembly that~~  
 47 ~~the department of natural resources shall implement~~  
 48 ~~the lake restoration annual report and plan submitted~~  
 49 ~~to the joint appropriations subcommittee on~~  
 50 ~~transportation, infrastructure, and capitals and the~~

1 ~~legislative services agency on December 26, 2006,~~  
 2 ~~pursuant to section 456A.33B. The lake restoration~~  
 3 ~~projects that are recommended by the department to~~  
 4 ~~receive funding for fiscal year 2007-2008 and that~~  
 5 ~~satisfy the criteria in section 456A.33B, including~~  
 6 ~~local commitment of funding for the projects, shall be~~  
 7 ~~funded in the amounts provided in the report.~~  
 8 ~~Of the amounts appropriated in this lettered~~  
 9 ~~paragraph, at least the following amounts shall be~~  
 10 ~~allocated as follows:~~

- 11 ~~(a) For clear lake in Cerro Gordo county:~~  
 12 ..... \$ 3,000,000
- 13 ~~(b) For storm lake in Buena Vista county:~~  
 14 ..... \$ 1,000,000
- 15 ~~(c) For carter lake in Pottawattamic county:~~  
 16 ..... \$ 200,000

17 ~~(2) Of the moneys appropriated in this lettered~~  
 18 ~~paragraph, \$200,000 shall be used for the purposes of~~  
 19 ~~supporting a low-head dam public hazard improvement~~  
 20 ~~program. The moneys shall be used to provide grants~~  
 21 ~~to local communities, including counties and cities,~~  
 22 ~~for projects approved by the department.~~

- 23 ~~(a) The department shall award grants to dam~~  
 24 ~~owners including counties, cities, state agencies,~~  
 25 ~~cooperatives, and individuals, to support projects~~  
 26 ~~approved by the department.~~
- 27 ~~(b) The department shall require each dam owner~~  
 28 ~~applying for a project grant to submit a project plan~~  
 29 ~~for the expenditure of the moneys, and file a report~~  
 30 ~~with the department regarding the project, as required~~  
 31 ~~by the department.~~
- 32 ~~(c) The funds can be used for signs, posts, and~~  
 33 ~~related cabling, and the department shall only award~~  
 34 ~~money on a matching basis, pursuant to the dam owner~~  
 35 ~~contributing at least 20 cents for every 80 cents~~  
 36 ~~awarded by the department, in order to finance the~~  
 37 ~~project. For the remainder of the funds, including~~  
 38 ~~any balance of money not awarded for signs, posts, and~~  
 39 ~~related cabling, the department shall only award~~  
 40 ~~moneys to a dam owner on a matching basis. A dam~~  
 41 ~~owner shall contribute one dollar for each dollar~~  
 42 ~~awarded by the department in order to finance a~~  
 43 ~~project.~~

44 ~~6. 7. STATE BOARD OF REGENTS~~

- 45 ~~a. For infrastructure, deferred maintenance, and~~  
 46 ~~equipment related to Iowa public radio:~~  
 47 ..... \$ 2,000,000  
 48 ..... 1,900,000
- 49 ~~b. For phase II of the construction and renovation~~  
 50 ~~of the veterinary medical facilities at Iowa state~~

Page 7

1 university of science and technology, specifically the  
 2 renovation and modernization of the area formerly  
 3 occupied by the large animal area of the teaching  
 4 hospital for expanded clinical services in a small  
 5 animal hospital:  
 6 ..... \$ 10,000,000

7 c. For planning, design, and construction costs  
 8 associated with the construction of a new renewable  
 9 fuels building at Iowa state university of science and  
 10 technology:  
 11 ..... \$ 11,597,000

12 ~~7.~~ 8. IOWA STATE FAIR  
 13 For infrastructure improvements to the Iowa state  
 14 fairgrounds including but not limited to the  
 15 construction of an agricultural exhibition center on  
 16 the Iowa state fairgrounds:  
 17 ..... \$ 5,000,000  
 18 ..... 0

19 ~~8.~~ 9. DEPARTMENT OF TRANSPORTATION  
 20 a. For deposit into the public transit  
 21 infrastructure grant fund created in section 324A.6A:  
 22 ..... \$ 2,200,000

23 b. For infrastructure improvements at the  
 24 commercial service airports within the state:  
 25 ..... \$ 1,500,000

26 Fifty percent of the funds appropriated in this  
 27 lettered paragraph shall be allocated equally between  
 28 each commercial air service airport, forty percent of  
 29 the funds shall be allocated based on the percentage  
 30 that the number of enplaned passengers at each  
 31 commercial air service airport bears to the total  
 32 number of enplaned passengers in the state during the  
 33 previous fiscal year, and ten percent of the funds  
 34 shall be allocated based on the percentage that the  
 35 air cargo tonnage at each commercial air service  
 36 airport bears to the total air cargo tonnage in the  
 37 state during the previous fiscal year. In order for a  
 38 commercial air service airport to receive funding  
 39 under this lettered paragraph, the airport shall be  
 40 required to submit applications for funding of  
 41 specific projects to the department for approval by  
 42 the state transportation commission.

43 ~~9.~~ 10. DEPARTMENT OF VETERANS AFFAIRS  
 44 ~~a.~~ For matching funds for the construction of  
 45 resident living areas at the Iowa veterans home and  
 46 related improvements associated with the Iowa veterans  
 47 home comprehensive plan:  
 48 ..... \$ 20,555,329

49 ~~b. To build a memorial plaza that honors veterans~~  
 50 ~~from the Dubuque area:~~

1 .....\$ 100,000  
2 Sec.\_\_\_\_. 2008 Iowa Acts, chapter 1179, sections  
3 19 and 20, are amended to read as follows:  
4 SEC. 19. TAX-EXEMPT STATUS – USE OF  
5 APPROPRIATIONS. Payment of moneys from the  
6 appropriations in this division of this Act shall be  
7 made in a manner that does not adversely affect the  
8 tax-exempt status of any outstanding bonds issued by  
9 the ~~tobacco settlement authority~~ treasurer of state.  
10 SEC. 20. REVERSION. Notwithstanding section 8.33,  
11 moneys appropriated in this division of this Act for  
12 the fiscal year beginning July 1, 2008, and ending  
13 June 30, 2009, shall not revert at the close of the  
14 fiscal year for which they are appropriated but shall  
15 remain available for the purposes designated until the  
16 close of the fiscal year that begins July 1, ~~2011~~  
17 2012, or until the project for which the appropriation  
18 was made is completed, whichever is earlier.  
19 Sec.\_\_\_\_. EFFECTIVE DATE. This division of this  
20 Act, being deemed of immediate importance, takes  
21 effect upon enactment."  
22 2. By renumbering as necessary.

COMMITTEE ON APPROPRIATIONS

H-1639

1 Amend House File 816 as follows:  
2 1. Page 1, by inserting before line 34 the  
3 following:  
4 "Sec.\_\_\_\_. NEW SECTION. 422.72A SUSPECTED MISUSE  
5 OF PERSONAL INFORMATION – NOTICE REQUIRED.  
6 1. For the purposes of this section, the following  
7 definitions apply:  
8 a. "Affected individual" means an individual who  
9 is identified by or connected with personal  
10 information contained in the department's records.  
11 b. "Personal information" means all of the  
12 following:  
13 (1) Social security number.  
14 (2) Tax identification number.  
15 (3) Driver's license number or other unique  
16 identification number created or collected by a  
17 government body.  
18 (4) Financial account number, credit card number,  
19 or debit card number in combination with any required  
20 security code, access code, or password that would  
21 permit access to an individual's financial account.  
22 (5) Unique electronic identifier or routing code,  
23 in combination with any required security code, access

24 code, or password.  
25 c. "Suspected misuse of personal information"  
26 means circumstances exist which would cause a  
27 reasonable person to believe that an individual's  
28 personal information is being used by an unauthorized  
29 individual. Such circumstances include but are not  
30 limited to either of the following:  
31 (1) A tax identification number under which wages  
32 are being reported by two or more individuals.  
33 (2) A tax identification number of an individual  
34 under the age of sixteen with reported wages exceeding  
35 one thousand dollars for a single quarterly period.  
36 2. a. Unless otherwise prohibited by state or  
37 federal law, the department shall provide notice to  
38 each affected individual if department records  
39 indicate a suspected misuse of personal information.  
40 Notice shall be made without unreasonable delay. If  
41 the affected individual is a minor, notice shall be  
42 provided to the minor's parent or guardian.  
43 b. If notice is provided to an affected individual  
44 under paragraph "a", notice of the suspected misuse of  
45 personal information shall also be provided to an  
46 appropriate law enforcement agency.  
47 3. Notice provided to an affected individual shall  
48 be clear and conspicuous and be provided by at least  
49 one of the following:  
50 a. Written notice to the affected individual's

Page 2

1 last address of record.  
2 b. Electronic mail notice, if the affected  
3 individual has agreed to receive communications  
4 electronically.  
5 c. Telephonic notice, if the communication is made  
6 directly with the affected individual."  
7 2. Title page, line 3, by inserting after the  
8 word "interest" the following: "and requiring the  
9 department to provide notice of suspected misuse of  
10 personal information".  
11 3. By renumbering as necessary.

PETTENGILL of Benton

H-1640

1 Amend House File 764 as follows:  
2 1. Page 2, by inserting after line 30 the  
3 following:  
4 "Sec. \_\_\_\_\_. 2008 Iowa Acts, chapter 1109, section  
5 11, subsection 3, paragraph b, is amended to read as  
6 follows:

- 7 b. Make recommendations for creating and enhancing  
 8 comprehensive sustainable recycling programs. Such  
 9 recommendations may include methods of collecting and  
 10 paying for the recycling of residential, industrial,  
 11 and commercial waste, mechanisms for increasing the  
 12 recycling of construction and demolition waste, and  
 13 incentives for increasing the recycling of yard waste,  
 14 food or other organic waste, hazardous household  
 15 waste, household-generated medical sharps, and  
 16 electronic waste."  
 17 2. By renumbering as necessary.

D. OLSON of Boone

H-1645

- 1 Amend Senate File 413, as amended, passed, and  
 2 reprinted by the Senate, as follows:  
 3 1. Page 5, by striking lines 5 through 29.  
 4 2. By renumbering as necessary.

ANDERSON of Page

H-1646

- 1 Amend Senate File 413, as amended, passed, and  
 2 reprinted by the Senate, as follows:  
 3 1. Page 5, by striking line 23 and inserting the  
 4 following:  
 5 "b. The person has more than fifty percent  
 6 controlling interest or ownership in".  
 7 2. Page 5, line 24, by striking the word  
 8 "knowingly" and inserting the following: "willfully".  
 9 3. Page 5, by inserting after line 25 the  
 10 following:  
 11 "c. The person engages in acts or omissions that  
 12 involve intentional misconduct or a knowing violation  
 13 of the law, or engages in a transaction from which the  
 14 person derives an improper personal benefit."  
 15 4. By renumbering as necessary.

ANDERSON of Page

H-1647

- 1 Amend the amendment, H-1308, to Senate File 3, as  
 2 amended, passed, and reprinted by the Senate, as  
 3 follows:  
 4 1. Page 1, by inserting after line 2 the  
 5 following:  
 6 "\_\_\_\_. Page 1, by inserting after line 11 the

7 following:

8 "Sec. \_\_\_\_\_. Section 462A.14, subsection 2,  
9 paragraph e, Code 2009, is amended to read as follows:  
10 e. A class "B" felony for any offense under this  
11 section resulting in the death of persons other than  
12 the defendant, if the court determines that the person  
13 who committed the offense caused the death, ~~and shall~~  
14 ~~be imprisoned for a determinate sentence of not more~~  
15 ~~than twenty five years, or committed to the custody of~~  
16 ~~the director of the department of corrections. A~~  
17 ~~person convicted of a felony offense may be committed~~  
18 ~~to the custody of the director of the department of~~  
19 ~~corrections, who shall assign the person to a facility~~  
20 ~~pursuant to section 904.513. However, a person~~  
21 sentenced for a violation classified as a class "B"  
22 felony pursuant to this paragraph shall not be  
23 eligible for parole until the person has served a  
24 minimum period of confinement of ten years. The court  
25 shall also order that the person not operate a  
26 motorboat or sailboat for six years beginning on the  
27 date the person is placed on parole or work release,  
28 or is otherwise released from a correctional facility.  
29 The court shall also assign the defendant to substance  
30 abuse evaluation and treatment pursuant to subsections  
31 12 and 13, and a course for drinking drivers.""

32 2. Page 1, by inserting after line 22 the  
33 following:

34 "Sec. \_\_\_\_\_. Section 707.6A, subsection 1,  
35 unnumbered paragraph 1, Code 2009, is amended to read  
36 as follows:

37 A person commits a class "B" felony when the person  
38 unintentionally causes the death of another by  
39 operating a motor vehicle while intoxicated, as  
40 prohibited by section 321J.2. A person sentenced for  
41 a violation of this subsection shall not be eligible  
42 for parole until the person has served a minimum  
43 period of confinement of ten years. Upon a plea or  
44 verdict of guilty of a violation of this subsection,  
45 the court shall do the following:

46 Sec. \_\_\_\_\_. Section 902.12, Code 2009, is amended by  
47 adding the following new subsection:

48 NEW SUBSECTION. 7. Operating a motorboat or  
49 sailboat while intoxicated in violation of section  
50 462A.14, subsection 2, paragraph "e", if the person

Page 2

1 was also convicted under section 462A.7, subsection 5,  
2 paragraph "d", or section 462A.34B, subsection 2 or 3,  
3 based on the same facts or event that resulted in the  
4 conviction under section 462A.14, subsection 2,  
5 paragraph "e".

6 Sec. \_\_\_\_\_. Section 903A.5, subsection 1, Code 2009,  
7 is amended to read as follows:

8 1. An inmate shall not be discharged from the  
9 custody of the director of the Iowa department of  
10 corrections until the inmate has served the full term  
11 for which the inmate was sentenced, less earned time  
12 and other credits earned and not forfeited, unless the  
13 inmate is pardoned or otherwise legally released.  
14 Earned time accrued and not forfeited shall apply to  
15 reduce a mandatory minimum sentence being served  
16 pursuant to section 124.406, or 124.413, section  
17 462A.14, subsection 2, paragraph "e", section 707.6A,  
18 subsection 1, or section 902.7, 902.8, 902.8A, or  
19 902.11. An inmate shall be deemed to be serving the  
20 sentence from the day on which the inmate is received  
21 into the institution. If an inmate was confined to a  
22 county jail or other correctional or mental facility  
23 at any time prior to sentencing, or after sentencing  
24 but prior to the case having been decided on appeal,  
25 because of failure to furnish bail or because of being  
26 charged with a nonbailable offense, the inmate shall  
27 be given credit for the days already served upon the  
28 term of the sentence. However, if a person commits  
29 any offense while confined in a county jail or other  
30 correctional or mental health facility, the person  
31 shall not be granted jail credit for that offense.  
32 Unless the inmate was confined in a correctional  
33 facility, the sheriff of the county in which the  
34 inmate was confined shall certify to the clerk of the  
35 district court from which the inmate was sentenced and  
36 to the department of corrections' records  
37 administrator at the Iowa medical and classification  
38 center the number of days so served. The department  
39 of corrections' records administrator, or the  
40 administrator's designee, shall apply jail credit as  
41 ordered by the court of proper jurisdiction or as  
42 authorized by this section and section 907.3,  
43 subsection 3.""

44 3. Page 1, by inserting before line 23 the  
45 following:

46 \_\_\_\_\_. Title page, line 1, by striking the words "a  
47 .08 blood alcohol limit for".

48 \_\_\_\_\_. Title page, line 2, by inserting after the  
49 word "offenses" the following: "and modifying  
50 penalties"."

Page 3

1 4. By renumbering as necessary.



H-1648

1 Amend the amendment, H-1308, to Senate File 3, as  
2 amended, passed, and reprinted by the Senate, as  
3 follows:

4 1. Page 1, line 20, by inserting after the word  
5 "more" the following: "and is moving at a speed great  
6 enough to cause a wake".

7 2. By renumbering as necessary.

HORBACH of Tama

H-1650

1 Amend House File 795 as follows:

2 1. By striking everything after the enacting  
3 clause and inserting in lieu thereof the following:

4 "Section 1. Section 85.27, subsection 4, Code  
5 2009, is amended by striking the subsection and  
6 inserting in lieu thereof the following:

7 4. a. For purposes of this section, the employer  
8 is obligated to furnish reasonable services and  
9 supplies to treat an injured employee, and has the  
10 right to choose the initial provider of medical care.  
11 When an injury occurs, the employer shall promptly  
12 provide medical care for the injury and designate a  
13 licensed physician to treat the injury and any  
14 condition that the physician believes is causally  
15 related to the injury. For the purposes of this  
16 section, "physician" means the same as defined in  
17 section 135.1.

18 (1) The designated treating physician shall be  
19 authorized by the employer to treat the injury at the  
20 employer's expense, in any manner deemed appropriate  
21 by the physician, without a requirement of approval at  
22 any time by a representative or agent of the employer  
23 or the employer's insurer for diagnostic testing or  
24 treatment modalities ordered by the designated  
25 treating physician.

26 (2) The designated treating physician shall also  
27 be authorized by the employer to refer the injured  
28 employee to other physicians, therapists, or medical  
29 providers of specialized services at the employer's  
30 expense without a requirement of approval at any time  
31 by a representative or agent of the employer or the  
32 employer's insurer.

33 (3) The physicians, therapists, or medical  
34 providers of specialized services to whom the injured  
35 employee is referred by the designated treating  
36 physician shall be authorized to treat the injury at  
37 the employer's expense, in any manner deemed  
38 appropriate by the physician, therapist, or medical

39 provider of specialized services without a requirement  
40 of approval at any time by a representative or agent  
41 of the employer or the employer's insurer for  
42 diagnostic testing or treatment modalities ordered by  
43 the physician, therapist, or medical provider.

44 b. (1) If at any time prior to an evaluation of  
45 permanent disability by the treating physician  
46 designated by the employer or by a physician to whom  
47 the injured employee has been referred by the  
48 designated treating physician, the employee has reason  
49 to be dissatisfied with the treatment options or  
50 medical opinions of such physicians, the employee may

Page 2

1 request that the employer pay the reasonable costs of  
2 an examination of the employee by a physician of the  
3 employee's choice for purposes of identifying further  
4 or other treatment options or medical opinions. The  
5 employer shall also reimburse the employee for the  
6 reasonably necessary transportation expenses incurred  
7 by the employee in traveling to and from the place of  
8 examination.

9 (2) If, after examination of the employee, the  
10 physician chosen by the employee recommends further or  
11 other treatment for the employee's injury or provides  
12 other medical opinions, the employee may discontinue  
13 treatment by the treating physician designated by the  
14 employer or by a physician, therapist, or medical  
15 provider of specialized services to whom the employee  
16 has been referred by the employer's designated  
17 treating physician, and may commence treatment of the  
18 injury with the physician chosen by the employee.

19 c. If the employer or employee has reason to be  
20 dissatisfied with any medical care or treatment  
21 ordered for or provided to the injured employee  
22 pursuant to this subsection, the employer and the  
23 employee may mutually agree upon alternate care.

24 (1) If the employer and employee cannot agree on  
25 alternate care, either the employer or the employee  
26 shall notify an insurance claims specialist with the  
27 division of workers' compensation who shall, within  
28 five working days of receiving such notification,  
29 schedule a conference between the employer and  
30 employee by any reasonable manner available to review  
31 the basis for dissatisfaction and at such conference  
32 provide an advisory opinion to resolve the medical  
33 care dispute.

34 (2) If, following the conference with the  
35 insurance claims specialist as provided in  
36 subparagraph (1), the employer and employee cannot  
37 agree on alternate care, the workers' compensation

38 commissioner may, upon application and reasonable  
39 proof of the necessity therefor, allow and order  
40 alternate care. The commissioner shall not be bound  
41 by the advisory opinion of the insurance claims  
42 specialist. Upon application by either the employer  
43 or employee, the commissioner shall conduct a hearing  
44 by any reasonable manner available to effectuate a  
45 prompt resolution of the alternate care dispute. The  
46 commissioner shall issue a decision within ten working  
47 days of receipt of an application for alternate care.  
48 d. The employer or its insurer is liable for the  
49 costs of all medical care provided to the employee by  
50 all physicians, therapists, or medical providers

Page 3

1 designated by the employer, employee, or commissioner  
2 pursuant to this section and shall hold the employee  
3 harmless for the cost of the medical care provided and  
4 reasonably necessary transportation expenses incurred.  
5 e. (1) The employer has the right to request, as  
6 often as is reasonable, that an injured employee  
7 submit, at a reasonable time and place, to an  
8 examination by a physician chosen by the employer and  
9 authorized to practice under the laws of this state or  
10 another state, for any purpose relevant to the  
11 employer's duties to provide benefits to the employee  
12 pursuant to this chapter or chapters 85A, 85B, and 86.  
13 If the employer requests in writing that the employee  
14 submit to such an examination and offers to advance or  
15 reimburse the employee's reasonably necessary  
16 transportation expenses incurred in traveling to and  
17 from the place of the examination, the employee shall  
18 submit to the examination.  
19 (2) Each time that an employee is requested to and  
20 submits to an examination requested by the employer as  
21 provided in subparagraph (1), the employee has the  
22 right to be examined by a physician chosen by the  
23 employee and authorized to practice under the laws of  
24 this state or another state, for any purpose relevant  
25 to the employer's duties to provide benefits to the  
26 employee as provided in subparagraph (1).  
27 (3) Each time that an employer obtains an  
28 evaluation of an employee's permanent disability by a  
29 physician chosen by the employer, if the injured  
30 employee believes that the evaluation of the extent of  
31 the employee's permanent disability is too low, the  
32 employee may obtain a subsequent examination and  
33 evaluation of the employee's permanent disability by a  
34 physician of the employee's choice. The physician  
35 chosen by the employee has the right to confer with  
36 and obtain sufficient medical history of the employee

37 from the physician who examined the employee on behalf  
 38 of the employer to make a proper evaluation of the  
 39 employee's permanent disability.

40 (4) The employer shall promptly pay the costs of  
 41 any examination obtained pursuant to this paragraph  
 42 "e", or if necessary to obtain the examination,  
 43 advance the costs of the examination, and pay the  
 44 employee's reasonably necessary transportation  
 45 expenses incurred in traveling to and from the place  
 46 of any examination, and shall hold the employee  
 47 harmless for the cost of all examinations and medical  
 48 care provided pursuant to this paragraph "e" as well  
 49 as the employee's reasonably necessary transportation  
 50 expenses.

Page 4

1 Sec. 2. Section 85.39, Code 2009, is repealed.  
 2 Sec. 3. EFFECTIVE AND APPLICABILITY DATE. This  
 3 Act takes effect January 1, 2010, and applies to  
 4 injuries occurring on or after that date."  
 5 2. Title page, by striking line 1, and inserting  
 6 the following: "An Act relating to furnishing  
 7 reasonable medical services and supplies to treat an  
 8 injured".

R. OLSON of Polk

H-1651

1 Amend Senate File 304, as passed by the Senate, as  
 2 follows:  
 3 1. By striking everything after the enacting  
 4 clause and inserting the following:  
 5 "Section 1. Section 15.104, subsection 9,  
 6 paragraph k, Code 2009, is amended to read as follows:  
 7 k. ~~PILOT PROJECT PARTICIPATING CITIES~~ –  
 8 WITHHOLDING AGREEMENT, TAX CREDITS. Data on the ~~pilot~~  
 9 ~~project~~ cities participating in the program  
 10 established pursuant to section 403.19A, including all  
 11 of the following:  
 12 (1) The amount each project received from each  
 13 state economic development and tax credit program.  
 14 (2) The number of new jobs created as a result of  
 15 the ~~pilot~~ program.  
 16 (3) The average wage of the jobs created as a  
 17 result of the ~~pilot~~ project.  
 18 (4) An evaluation of the investment made by the  
 19 state of Iowa in the ~~pilot project cities~~ program,  
 20 including but not limited to the items described in  
 21 subparagraphs (1) through (3).  
 22 Sec. 2. Section 403.19A, Code 2009, is amended to

23 read as follows:

24 403.19A WITHHOLDING AGREEMENT – TAX CREDIT.

- 25 1. For purposes of this section, unless the  
 26 context otherwise requires:
- 27 a. "Business" means any professional services, or  
 28 industrial enterprise, including medical treatment  
 29 facilities, manufacturing facilities, corporate  
 30 headquarters, and research facilities. "Business"  
 31 does not include a retail operation or a business  
 32 which closes or substantially reduces its operation in  
 33 one area of this state and relocates substantially the  
 34 same operation to another area of this state.
  - 35 b. "Employee" means the individual employed in a  
 36 targeted job that is subject to a withholding  
 37 agreement.
  - 38 c. "Employer" means a business creating targeted  
 39 jobs in an urban renewal area of a ~~pilot project~~  
 40 participating city pursuant to a withholding  
 41 agreement.
  - 42 d. ~~"Pilot project~~ "Participating city" means a  
 43 city that has applied and been approved ~~as a pilot~~  
 44 ~~project city~~ pursuant to subsection 2.
  - 45 e. "Qualifying investment" means a capital  
 46 investment in real property including the purchase  
 47 price of land and existing buildings, site  
 48 preparation, building construction, and long-term  
 49 lease costs. "Qualifying investment" also means a  
 50 capital investment in depreciable assets.

Page 2

- 1 f. "Targeted job" means a job in a business which  
 2 is or will be located in an urban renewal area of a  
 3 ~~pilot project~~ participating city that pays a wage at  
 4 least equal to the countywide average wage. "Targeted  
 5 job" includes new jobs from Iowa business expansions  
 6 or retentions within the city limits of the ~~pilot~~  
 7 ~~project~~ participating city and those jobs resulting  
 8 from established out-of-state businesses, as defined  
 9 by the department of economic development, moving to  
 10 or expanding in Iowa.
  - 11 g. "Withholding agreement" means the agreement  
 12 between a ~~pilot project~~ participating city and an  
 13 employer concerning the targeted jobs withholding  
 14 credit authorized in subsection 3.
- 15 2. ~~a.~~ An eligible city may apply to the  
 16 department of economic development to be designated as  
 17 a ~~pilot project~~ participating city. An eligible city  
 18 is a city that contains three or more census tracts,  
 19 ~~and is located in a county meeting one of the~~  
 20 ~~following requirements:~~  
 21 (1) ~~A county that borders Nebraska.~~

~~22 (2) A county that borders South Dakota.~~  
~~23 (3) A county that borders a state other than~~  
~~24 Nebraska or South Dakota.~~  
 25 b. (1) The department of economic development  
 26 shall approve four eligible cities as pilot project  
 27 cities, one pursuant to paragraph "a", subparagraph  
 28 (1), one pursuant to paragraph "a", subparagraph (2),  
 29 and two pursuant to paragraph "a", subparagraph (3).  
 30 If two eligible cities are approved which are located  
 31 in the same county and the county has a population of  
 32 less than forty five thousand, the two approved  
 33 eligible cities shall be considered one pilot project  
 34 city. If more than two cities meeting the  
 35 requirements of paragraph "a", subparagraph (3), apply  
 36 to be designated as a pilot project city, the  
 37 department of economic development shall determine  
 38 which two cities hold the most potential to create new  
 39 jobs or generate the greatest capital within their  
 40 areas. Applications from eligible cities filed on or  
 41 after October 1, 2006, shall not be considered.  
~~42 (2) If a pilot project city does not enter into a~~  
~~43 withholding agreement within one year of its approval~~  
~~44 as a pilot project city, the city shall lose its~~  
~~45 status as a pilot project city. If two pilot project~~  
~~46 cities are located in the same county, the loss of~~  
~~47 status by one pilot project city shall not cause the~~  
~~48 second pilot project city in the county to lose its~~  
~~49 status as a pilot project city. Upon such occurrence,~~  
~~50 the department of economic development shall take~~

Page 3

~~1 applications from other eligible cities to replace~~  
~~2 that city. Another city shall be designated within~~  
~~3 six months.~~  
 4 3. a. A pilot project participating city may  
 5 provide by ordinance for the deposit into a designated  
 6 account in the special fund described in section  
 7 403.19, subsection 2, of the targeted jobs withholding  
 8 credit described in this section. The targeted jobs  
 9 withholding credit shall be based upon the wages paid  
 10 to employees pursuant to a withholding agreement.  
 11 b. An amount equal to three percent of the gross  
 12 wages paid by an employer to each employee under a  
 13 withholding agreement shall be credited from the  
 14 payment made by the employer pursuant to section  
 15 422.16. If the amount of the withholding by the  
 16 employer is less than three percent of the gross wages  
 17 paid to the employees covered by the withholding  
 18 agreement, the employer shall receive a credit against  
 19 other withholding taxes due by the employer or may  
 20 carry the credit forward for up to ten years or until

21 depleted, whichever is the earlier. The employer  
22 shall remit the amount of the credit quarterly, in the  
23 same manner as withholding payments are reported to  
24 the department of revenue, to the ~~pilot project~~  
25 participating city to be allocated to and when  
26 collected paid into a designated account in the  
27 special fund for the urban renewal area in which the  
28 targeted jobs are located. All amounts so deposited  
29 shall be used or pledged by the ~~pilot project~~  
30 participating city for an urban renewal project  
31 related to the employer pursuant to the withholding  
32 agreement.

33 c. (1) The ~~pilot project~~ participating city shall  
34 enter into a withholding agreement with each employer  
35 concerning the targeted jobs withholding credit.  
36 However, an agreement shall not be entered into by a  
37 ~~pilot project~~ participating city with a business  
38 currently located in this state unless the business  
39 either creates ten new jobs or makes a qualifying  
40 investment of at least five hundred thousand dollars  
41 within the urban renewal area. The withholding  
42 agreement may have a term of up to ten years. An  
43 employer shall not be obligated to enter into a  
44 withholding agreement.

45 (2) The ~~pilot project~~ participating city shall not  
46 enter into a withholding agreement after June 30,  
47 2010.

48 d. A withholding agreement shall be disclosed to  
49 the public and shall contain but is not limited to all  
50 of the following:

Page 4

1 (1) A copy of the adopted development agreement  
2 plan of the employer.

3 (2) A list of any other amounts of incentives or  
4 assistance the employer may be receiving from other  
5 economic development programs, including grants,  
6 loans, forgivable loans, and tax credits.

7 (3) The approval of local participating  
8 authorities.

9 (4) The amount of local incentives or assistance  
10 received for each project of the employer.

11 e. (1) The employer shall certify to the  
12 department of revenue that the targeted jobs  
13 withholding credit is in accordance with the  
14 withholding agreement and shall provide other  
15 information the department may require. Notice of any  
16 withholding agreement shall be provided promptly to  
17 the department of revenue following execution of the  
18 agreement by the ~~pilot project~~ participating city and  
19 the employer.

20 (2) Following termination of the withholding  
 21 agreement, the employer credits shall cease and any  
 22 money received by the ~~pilot project~~ participating city  
 23 after termination shall be remitted to the treasurer  
 24 of state to be deposited into the general fund of the  
 25 state. Notice shall be provided promptly to the  
 26 department of revenue following termination.

27 f. If the employer ceases to meet the requirements  
 28 of the withholding agreement, the agreement shall be  
 29 terminated and any withholding tax credits for the  
 30 benefit of the employer shall cease. However, in  
 31 regard to the number of new jobs that are to be  
 32 created, if the employer has met the number of new  
 33 jobs to be created pursuant to the withholding  
 34 agreement and subsequently the number of new jobs  
 35 falls below the required level, the employer shall not  
 36 be considered as not meeting the new job requirement  
 37 until eighteen months after the date of the decrease  
 38 in the number of new jobs created.

39 g. A ~~pilot project~~ participating city shall  
 40 certify to the department of revenue the amount of the  
 41 targeted jobs withholding credit an employer has  
 42 remitted to the city and shall provide other  
 43 information the department may require.

44 h. An employee whose wages are subject to a  
 45 withholding agreement shall receive full credit for  
 46 the amount withheld as provided in section 422.16.

47 i. An employer may participate in a new jobs  
 48 credit from withholding under section 260E.5, or a  
 49 supplemental new jobs credit from withholding under  
 50 section 15E.197 or under section 15.331, Code 2005, at

Page 5

1 the same time as the employer is participating in the  
 2 withholding credit under this section.

3 Notwithstanding any other provision in this section,  
 4 the new jobs credit from withholding under section  
 5 260E.5, and the supplemental new jobs credit from  
 6 withholding under section 15E.197 or under section  
 7 15.331, Code 2005, shall be collected and disbursed  
 8 prior to the withholding credit under this section.

9 ~~j. A pilot project city that enters into a~~  
 10 ~~withholding agreement shall arrange for a match of at~~  
 11 ~~least one dollar for each withholding credit dollar~~  
 12 ~~received by the city. The local match may come from~~  
 13 ~~the pilot project city, a private donor, or the~~  
 14 ~~business, or a combination of all three. The local~~  
 15 ~~match may be in cash or in kind to be used for the~~  
 16 ~~business project.~~

17 j. (1) A participating city entering into a  
 18 withholding agreement shall arrange for matching local



19 financial support for the project. The local match  
 20 required under this paragraph "j" shall be in an  
 21 amount equal to one dollar for every dollar of  
 22 withholding credit received by the participating city.  
 23 (2) For purposes of this paragraph "j", "local  
 24 financial support" means cash or in-kind contributions  
 25 to the project from a private donor, a business, or  
 26 the participating city.

27 (3) If the project, when completed, will increase  
 28 the amount of property tax revenues collected by the  
 29 participating city by an amount equal to at least ten  
 30 percent of the amount of withholding credit dollars  
 31 received by the participating city, then the  
 32 participating city shall itself contribute at least  
 33 ten percent of the local match amount computed under  
 34 subparagraph (1).

35 (4) If the project, when completed, will not  
 36 increase the amount of property tax revenues collected  
 37 by an amount at least equal to ten percent of the  
 38 amount of withholding credit dollars received by the  
 39 participating city, then the participating city shall  
 40 not be required to make a contribution to the local  
 41 match.

42 (5) A participating city's contribution, if any,  
 43 to the local match may include the dollar value of any  
 44 tax abatement provided by the city to the business for  
 45 new construction.

46 k. At the time of submitting its budget to the  
 47 department of management, the ~~pilot project~~  
 48 participating city shall submit to the department of  
 49 management and the department of economic development  
 50 a description of the activities involving the use of

Page 6

1 withholding agreements. The description shall include  
 2 but is not limited to the following:

3 (1) The total number of targeted jobs and a  
 4 breakdown as to those that are Iowa business  
 5 expansions or retentions within the city limits of the  
 6 ~~pilot project~~ participating city and those that are  
 7 jobs resulting from established out-of-state  
 8 businesses moving to or expanding in Iowa.

9 (2) The number of withholding agreements and the  
 10 amount of withholding credits involved.

11 (3) The types of businesses that entered into  
 12 agreements, and the types of businesses that declined  
 13 the city's proposal to enter into an agreement.

14 l. The department of economic development in  
 15 consultation with the department of revenue shall  
 16 coordinate the ~~pilot project~~ program with the ~~pilot~~  
 17 ~~project~~ participating cities under this section. The

18 department of economic development ~~is authorized to~~  
 19 ~~shall~~ adopt, amend, and repeal rules to implement the  
 20 ~~pilot project~~ program under this section.

21 Sec. 3. EFFECTIVE AND APPLICABILITY DATES.

22 1. This Act, being deemed of immediate importance,  
 23 takes effect upon enactment.

24 2. This Act applies to withholding agreements  
 25 entered into on or after the effective date of the  
 26 Act."

27 2. Title page, line 3, by inserting after the  
 28 word "program" the following: "and including  
 29 effective date and applicability date provisions".

30 3. By renumbering as necessary.

D. OLSON of Boone

H-1652

1 Amend Senate File 484, as amended, passed, and  
 2 reprinted by the Senate, as follows:

3 1. Page 3, line 29, by inserting after the word  
 4 "chapter." the following: "The information made  
 5 available to the public pursuant to this section shall  
 6 not include information which is kept confidential  
 7 under section 22.7."

8 2. Page 7, line 14, by inserting after the word  
 9 "expenditures." the following: "This unnumbered  
 10 paragraph is repealed on July 1, 2012."

JACOBY of Johnson

H-1653

1 Amend House File 807 as follows:

2 1. Page 3, by inserting before line 16 the  
 3 following:

4 "Sec. \_\_\_\_ Section 422.7, Code 2009, is amended by  
 5 adding the following new subsection:

6 NEW SUBSECTION. 54. a. Subtract, to the extent  
 7 included, the income from a partnership, limited  
 8 liability company, or S corporation electing to have  
 9 the income taxed directly to the individual that is  
 10 not distributed to the taxpayer during the tax year.

11 b. Add the amount of income received as  
 12 distributions from a partnership, limited liability  
 13 company, or S corporation electing to have the income  
 14 taxed directly to the individual to the extent the  
 15 distributions are in excess of the income of the  
 16 partnership, limited liability company, or S  
 17 corporation for the tax year to the extent that such  
 18 distributions do not exceed the aggregate amount  
 19 subtracted pursuant to paragraph "a" for prior tax  
 20 years. The amount added under this paragraph shall

21 reduce the aggregate amount subtracted pursuant to  
22 paragraph "a" for subsequent tax years."  
23 2. By renumbering as necessary.

JACOBY of Johnson

H-1656

1 Amend Senate File 479, as passed by the Senate, as  
2 follows:

3 1. Page 1, line 9, by inserting after the word  
4 "~~landfill~~" the following: "to decompose waste and  
5 convert the waste to gas.".

6 2. Page 1, by striking lines 14 through 16 and  
7 inserting the following: "gas or other gases and to  
8 convert the gas to energy. ~~However, property used to~~  
9 ~~decompose the waste and convert the waste to gas is~~  
10 ~~not eligible for this exemption."~~

11 3. Page 1, by inserting before line 17 the  
12 following:

13 "Sec. \_\_\_\_ Section 427.1, subsection 29, Code  
14 2009, is amended by adding the following new  
15 paragraph:

16 NEW PARAGRAPH. d. With respect to methane gas  
17 conversion property other than that used in an  
18 operation connected with, or in conjunction with, a  
19 publicly owned sanitary landfill, the exemption  
20 pursuant to this subsection shall be subject to the  
21 approval of the county board of supervisors pursuant  
22 to guidelines established by the board, shall be  
23 limited to property originally placed in operation on  
24 or after January 1, 2008, and on or before December  
25 31, 2012, and shall be available for the ten-year  
26 period following the date the property was originally  
27 placed in operation."

28 4. Page 1, by striking lines 28 through 31 and  
29 inserting the following: "This Act, being deemed of  
30 immediate importance, takes effect upon enactment and  
31 applies retroactively to assessment years beginning on  
32 or after January 1, 2008. Notwithstanding section  
33 427.1, subsection 29, paragraph "c", claims for  
34 exemption for the 2008 and 2009 assessment years shall  
35 be filed with the appropriate assessing authority on  
36 or before June 30, 2009."

37 5. Title page, by striking lines 2 and 3 and  
38 inserting the following: "gas conversion property and  
39 including effective and retroactive applicability date  
40 provisions."

COMMITTEE ON WAYS AND MEANS

H-1658

1 Amend Senate File 459, as amended, passed, and  
2 reprinted by the Senate, as follows:

3 1. Page 1, line 6, by striking the figure "2009"  
4 and inserting the following: "2010, and before July  
5 1, 2020".

6 2. Page 1, line 6, by inserting after the word  
7 "residential" the following: "or commercial".

8 3. Page 1, line 23, by inserting after the word  
9 "residential" the following: "or commercial  
10 property".

11 4. Page 1, by striking lines 28 and 29.

12 5. Title page, by striking lines 2 and 3 and  
13 inserting the following: "installation of a  
14 geothermal heating or cooling system."

COMMITTEE ON WAYS AND MEANS

H-1663

1 Amend Senate File 304, as passed by the Senate, as  
2 follows:

3 1. By striking everything after the enacting  
4 clause and inserting the following:

5 "Section 1. Section 403.19A, subsection 1,  
6 paragraph g, Code 2009, is amended to read as follows:

7 g. "Withholding agreement" means the agreement  
8 between a pilot project city, the department of  
9 economic development, and an employer concerning the  
10 targeted jobs withholding credit authorized in  
11 subsection 3.

12 Sec. 2. Section 403.19A, subsection 3, paragraph  
13 c, Code 2009, is amended to read as follows:

14 c. (1) The pilot project city shall enter into a  
15 withholding agreement with the department of economic  
16 development and each employer concerning the targeted  
17 jobs withholding credit. ~~However, an~~ The economic  
18 development board may approve, deny, or modify the  
19 terms of the withholding agreement. The withholding  
20 agreement shall provide for the total amount of  
21 withholding tax credits awarded. The agreement shall  
22 not provide for an amount of withholding credits that  
23 exceeds the amount of the qualifying investment made  
24 in the project. The agreement shall provide for a  
25 local matching contribution from the pilot project  
26 city. The amount of the contribution shall be  
27 determined by the economic development board. An  
28 agreement shall not be entered into by a pilot project  
29 city and the department of economic development with a  
30 business currently located in this state unless the  
31 business either creates ten new jobs or makes a

32 qualifying investment of at least five hundred  
33 thousand dollars within the urban renewal area. An  
34 agreement shall not be entered into with an employer  
35 for purposes of gaining a competitive advantage  
36 against another community in this state. The  
37 withholding agreement may have a term of up to ten  
38 years. An employer shall not be obligated to enter  
39 into a withholding agreement.

40 (2) The pilot project city shall not enter into a  
41 withholding agreement after June 30, ~~2010~~ 2013.

42 (3) An employer entering into a withholding  
43 agreement shall provide to the pilot project city and  
44 the department of economic development information  
45 verifying compliance with the requirements of  
46 subparagraph (1) of this paragraph "c", including  
47 information regarding the creation or retention of  
48 jobs.

49 (4) The pilot project city shall provide to the  
50 department of economic development information

Page 2

1 documenting the total amount of payments and receipts  
2 under a withholding agreement, including all  
3 agreements with an employer to suspend, abate, exempt,  
4 rebate, refund, or reimburse property taxes, to  
5 provide a grant for property taxes paid or a grant not  
6 related to property taxes, or to make a direct payment  
7 of taxes, with moneys in the special fund.

8 (5) If an employer fails to comply with the  
9 requirements of the withholding agreement, the  
10 department of economic development shall document the  
11 failure, and the department of revenue shall seek  
12 repayment from either the employer or the pilot  
13 project city of the amount of credits withheld  
14 pursuant to paragraph "b".

15 (6) The department of economic development may  
16 adopt rules for the administration of this paragraph  
17 "c", including providing for the types of information  
18 acceptable to verify compliance with the withholding  
19 agreement. The department of revenue may provide by  
20 rule for the administration of this paragraph "c",  
21 including providing for the determination of the  
22 amount of credits to be recaptured from a pilot  
23 project city or an employer under an agreement.

24 Sec. 3. APPLICABILITY DATE. This Act applies to  
25 withholding agreements entered into on or after July  
26 1, 2010."

27 2. Title page, by striking lines 1 through 3 and  
28 inserting the following: "An Act relating to targeted  
29 jobs withholding tax credit agreements by providing  
30 for compliance requirements of pilot project cities

31 and employers and including an applicability date  
 32 provision."  
 33 3. By renumbering as necessary.

## COMMITTEE ON WAYS AND MEANS

H-1664

1 Amend Senate File 483, as passed by the Senate, as  
 2 follows:  
 3 1. Page 1, line 10, by striking the word  
 4 "seventy-five" and inserting the following:  
 5 "eighty-five".  
 6 2. Page 1, by striking line 11 and inserting the  
 7 following: "dollars for any fiscal year. However,  
 8 the department may authorize an amount of tax credits  
 9 in one fiscal year in excess of one hundred  
 10 eighty-five million, and such excess amount shall be  
 11 counted against the total amount of tax credits that  
 12 may be authorized in the next fiscal year."  
 13 3. Page 2, line 2, by striking the word "three"  
 14 and inserting the following: "six".  
 15 4. Page 2, line 2, by striking the word "fiscal"  
 16 and inserting the following: "calendar".  
 17 5. Page 2, lines 6 and 7, by striking the words  
 18 "to contracts and agreements entered into or tax  
 19 credits awarded on or".  
 20 6. By renumbering as necessary.

## COMMITTEE ON WAYS AND MEANS

H-1665

1 Amend Senate File 466, as amended, passed, and  
 2 reprinted by the Senate, as follows:  
 3 1. Page 10, by inserting after line 13 the  
 4 following:  
 5 "DIVISION\_\_\_  
 6 NONPROFIT YOUTH ATHLETIC GROUPS  
 7 Sec.\_\_\_\_. Section 423.3, subsection 78, Code 2009,  
 8 is amended to read as follows:  
 9 78. a. The sales price from sales or rental of  
 10 tangible personal property, or services rendered by  
 11 any entity where the profits from the sales or rental  
 12 of the tangible personal property, or services  
 13 rendered, are used by or donated to a nonprofit entity  
 14 ~~which that~~ is exempt from federal income taxation  
 15 pursuant to section 501(c)(3) of the Internal Revenue  
 16 Code, a government entity, or a nonprofit private  
 17 educational institution, and where the entire proceeds  
 18 from the sales, rental, or services are expended for  
 19 any of the following purposes:

20 ~~a.~~ (1) Educational.

21 ~~b.~~ (2) Religious.

22 ~~c.~~ (3) Charitable. A charitable act is an act  
 23 done out of goodwill, benevolence, and a desire to add  
 24 to or to improve the good of humankind in general or  
 25 any class or portion of humankind, with no pecuniary  
 26 profit inuring to the person performing the service or  
 27 giving the gift.

28 b. For purposes of this exemption, an organization  
 29 that meets the requirements of paragraph "a" and which  
 30 is created for the sole or primary purpose of  
 31 providing athletic activities to youth shall be  
 32 considered created for an educational purpose.

33 c. This exemption does not apply to the sales  
 34 price from games of skill, games of chance, raffles,  
 35 and bingo games as defined in chapter 99B. This  
 36 exemption is disallowed on the amount of the sales  
 37 price only to the extent the profits from the sales,  
 38 rental, or services are not used by or donated to the  
 39 appropriate entity and expended for educational,  
 40 religious, or charitable purposes.

41 Sec.\_\_\_\_. REFUNDS. Refunds of taxes, interest, or  
 42 penalties which arise from claims resulting from the  
 43 provisions of this division of this Act enacting  
 44 section 423.3, subsection 78, new paragraph "b", for  
 45 the sales price from sales or rental of tangible  
 46 personal property, or services occurring between July  
 47 1, 1998, and the effective date of section 423.3,  
 48 subsection 78, new paragraph "b", shall be limited to  
 49 fifty thousand dollars in the aggregate and shall not  
 50 be allowed unless refund claims are filed prior to

Page 2

1 October 1, 2009, notwithstanding any other provision  
 2 of law. If the amount of claims totals more than  
 3 fifty thousand dollars in the aggregate, the  
 4 department of revenue shall prorate the fifty thousand  
 5 dollars among all claimants in relation to the amounts  
 6 of the claimants' valid claims.

7 Sec.\_\_\_\_. EFFECTIVE AND RETROACTIVE APPLICABILITY  
 8 DATES. The section of this division of this Act  
 9 amending section 423.3, subsection 78, being deemed of  
 10 immediate importance, takes effect upon enactment and  
 11 applies retroactively to July 1, 1998."

12 2. Title page, line 2, by inserting after the  
 13 word "tax," the following: "the sales tax,".

14 3. By renumbering as necessary.

H-1666

- 1 Amend the Senate amendment, H-1662, to House File
- 2 809, as amended, passed, and reprinted by the House,
- 3 as follows:
- 4 1. Page 4, by striking line 28.
- 5 2. By renumbering as necessary.

ALONS of Sioux

H-1667

- 1 Amend the amendment, H-1664, to Senate File 483, as
- 2 passed by the Senate, as follows:
- 3 1. Page 1, by striking lines 15 and 16.
- 4 2. By renumbering as necessary.

THOMAS of Clayton

H-1671

- 1 Amend the Senate amendment, H-1662, to House File
- 2 809, as amended, passed, and reprinted by the House,
- 3 as follows:
- 4 1. Page 4, by striking line 27.
- 5 2. By renumbering as necessary.

RAECKER of Polk

H-1675

- 1 Amend House File 822 as follows:
- 2 1. By striking everything after the enacting
- 3 clause and inserting the following:
- 4 "DIVISION I
- 5 REBUILD IOWA INFRASTRUCTURE FUND
- 6 Section 1. There is appropriated from the rebuild
- 7 Iowa infrastructure fund to the following departments
- 8 and agencies for the fiscal year beginning July 1,
- 9 2009, and ending June 30, 2010, the following amounts,
- 10 or so much thereof as is necessary, to be used for the
- 11 purposes designated:
- 12 1. DEPARTMENT OF ADMINISTRATIVE SERVICES
- 13 a. For distribution to other governmental entities
- 14 for the payment of services related to the integrated
- 15 information for Iowa system, notwithstanding section
- 16 8.57, subsection 6, paragraph "c":
- 17 ..... \$ 3,700,000
- 18 Moneys appropriated in this lettered paragraph
- 19 shall be separately accounted for in a distribution
- 20 account and shall be distributed to other governmental



21 entities based upon a formula established by the  
 22 department to pay for services provided during the  
 23 fiscal year to such other governmental entities by the  
 24 department associated with the integrated information  
 25 for Iowa system.

26 During the fiscal year, the department may use up  
 27 to \$1,000,000 of unexpended or unobligated funds in  
 28 the information technology operations fund established  
 29 under the provisions of section 8A.123 to provide  
 30 funding for costs associated with the integrated  
 31 information for Iowa system. By October 31, 2010, the  
 32 department shall report to the department of  
 33 management and the legislative services agency  
 34 regarding any moneys that are used for this purpose.

35 b. For routine maintenance of state buildings and  
 36 facilities, notwithstanding section 8.57, subsection  
 37 6, paragraph "c":  
 38 .....

39 ..... \$ 3,000,000

40 Of the amounts appropriated in this lettered  
 41 paragraph, up to \$1,000,000 may be used for demolition  
 42 purposes.

43 c. For costs associated with improvements to and  
 44 renovation of the Wallace building for extending the  
 45 useful life of the building:  
 46 .....

47 ..... \$ 1,500,000

48 d. For upgrades to the electrical distribution  
 49 system serving the capitol complex:  
 50 .....

..... \$ 850,000

e. For costs associated with capitol interior and  
 exterior restoration and for compliance with the

Page 2

1 federal Americans With Disabilities Act:  
 2 .....

3 ..... \$ 5,000,00

4 f. For heating, ventilating, and air conditioning  
 5 improvements in the Hoover state office building:  
 6 .....

7 ..... \$ 1,500,000

8 g. For costs associated with the central energy  
 9 plant addition and improvements:  
 10 .....

11 ..... \$ 623,000

12 h. For costs associated with Mercy capitol  
 13 hospital building operations upon acquisition of the  
 14 hospital, notwithstanding section 8.57, subsection 6,  
 15 paragraph "c":  
 16 .....

17 ..... \$ 500,000

18 i. For costs associated with the restoration and  
 19 renovation, including major repairs and major  
 20 maintenance, at the governor's mansion at Terrace  
 21 Hill:  
 22 .....

..... \$ 769,543

23 j. For the state's share of support in conjunction

20 with the city of Des Moines and local area businesses  
 21 to provide a free shuttle service to the citizens of  
 22 Iowa that includes transportation between the capitol  
 23 complex and the downtown Des Moines area,  
 24 notwithstanding section 8.57, subsection 6, paragraph  
 25 "c":  
 26 ..... \$ 188,000  
 27 Details for the shuttle service, including the  
 28 route to be served, shall be determined pursuant to an  
 29 agreement to be entered into by the department with  
 30 the Des Moines area regional transit authority (DART)  
 31 and any other participating entities.  
 32 Of the amount appropriated in this lettered  
 33 paragraph, up to \$50,000 shall be used to encourage  
 34 state employees to utilize transit services provided  
 35 by the Des Moines area regional transit authority.  
 36 2. DEPARTMENT OF CORRECTIONS  
 37 For project management costs at Fort Madison and  
 38 Mitchellville prison, associated with construction  
 39 projects at the department, notwithstanding section  
 40 8.57, subsection 6, paragraph "c":  
 41 ..... \$ 1,750,000  
 42 3. DEPARTMENT OF CULTURAL AFFAIRS  
 43 a. For deposit into the Iowa great places program  
 44 fund created in section 303.3D for Iowa great places  
 45 program projects that meet the definition of the term  
 46 "vertical infrastructure" in section 8.57, subsection  
 47 6, paragraph "c":  
 48 ..... \$ 1,900,000  
 49 b. For costs relating to a traveling exhibit and  
 50 museum exhibit of the sesquicentennial of the American

Page 3

1 civil war including but not limited to restoration and  
 2 duplication of muster records, publishing and  
 3 publication costs, relocation of battle flag  
 4 laboratory to a public viewing area including  
 5 educational and program costs, notwithstanding section  
 6 8.57, subsection 6, paragraph "c":  
 7 ..... \$ 350,000  
 8 c. For grants for a cultural community grant  
 9 program:  
 10 ..... \$ 200,000  
 11 The department shall establish a cultural community  
 12 grant program to provide grants for a cultural and  
 13 educational center to showcase an immigrant community  
 14 from Laos and Vietnam and their cultures. The  
 15 department shall distribute the grants on a  
 16 competitive basis to communities with an approved plan  
 17 for the establishment of the cultural center.  
 18 Applications must be submitted to the department no

19 later than July 15, 2009.  
 20 d. For historical site preservation grants to be  
 21 used for the restoration, preservation, and  
 22 development of historic sites:  
 23 ..... \$ 1,000,000  
 24 In making grants pursuant to this lettered  
 25 paragraph, the department shall consider the existence  
 26 and amount of other funds available to an applicant  
 27 for the designated project. A grant awarded from  
 28 moneys appropriated in this lettered paragraph shall  
 29 not exceed \$100,000 per project. Not more than two  
 30 grants may be awarded in the same county.  
 31 4. DEPARTMENT OF ECONOMIC DEVELOPMENT  
 32 a. For equal distribution to regional sports  
 33 authority districts certified by the department  
 34 pursuant to section 15E.3211, notwithstanding section  
 35 8.57, subsection 6, paragraph "c":  
 36 ..... \$ 500,000  
 37 b. For deposit into the workforce training and  
 38 economic development funds for each community college  
 39 in section 260C.18A, notwithstanding section 8.57,  
 40 subsection 6, paragraph "c":  
 41 ..... \$ 2,000,000  
 42 Moneys from this lettered paragraph may be used to  
 43 provide job training services to underserved  
 44 populations in Iowa. "Underserved populations"  
 45 include people making less than twenty thousand  
 46 dollars annual net income, minorities, women, disabled  
 47 persons, the elderly, and people convicted of felonies  
 48 trying to reenter society after release from prison.  
 49 c. For a city with a population between seven  
 50 hundred fifty and eight hundred fifty within a county

Page 4

1 with a population of between six thousand seven  
 2 hundred and six thousand eight hundred as determined  
 3 by the 2000 certified federal census for demolition  
 4 costs for a building asbestos abatement:  
 5 ..... \$ 50,000  
 6 d. For costs associated with the hosting of a  
 7 national junior summer olympics by a nonprofit sports  
 8 organization, notwithstanding section 8.57, subsection  
 9 6, paragraph "c":  
 10 ..... \$ 200,000  
 11 e. For the renovation of a building for the  
 12 relocation of a juvenile courthouse in a county with a  
 13 population between thirty-nine thousand and forty-one  
 14 thousand as determined by the 2000 certified federal  
 15 census:  
 16 ..... \$ 100,000  
 17 f. For fire station improvements in a city with a

18 population between twenty-one thousand and  
 19 twenty-three thousand as determined by the 2000  
 20 certified federal census:  
 21 ..... \$ 200,000  
 22 g. For a community center that hosts congregate  
 23 meals in a city with a population between seven  
 24 hundred forty-six and seven hundred fifty-six as  
 25 determined by the 2000 certified federal census for  
 26 compliance with the federal Americans With  
 27 Disabilities Act:  
 28 ..... \$ 10,000  
 29 5. DEPARTMENT OF EDUCATION  
 30 To provide resources for structural and  
 31 technological improvements to local libraries and for  
 32 the enrich Iowa program, notwithstanding section 8.57,  
 33 subsection 6, paragraph "c":  
 34 ..... \$ 1,000,000  
 35 Of the moneys appropriated in this subsection,  
 36 \$50,000 shall be allocated equally to each library  
 37 service area.  
 38 6. DEPARTMENT OF HUMAN SERVICES  
 39 For a mental health systems community development  
 40 building safety improvements including electrical  
 41 wiring and emergency systems in a city with a  
 42 population between five thousand fifty and six  
 43 thousand fifty as determined by the 2000 certified  
 44 federal census:  
 45 ..... \$ 200,000  
 46 7. DEPARTMENT OF NATURAL RESOURCES  
 47 a. For implementation of lake projects that have  
 48 established watershed improvement initiatives and  
 49 community support in accordance with the department's  
 50 annual lake restoration plan and report,

Page 5

1 notwithstanding section 8.57, subsection 6, paragraph  
 2 "c":  
 3 ..... \$ 12,800,000  
 4 It is the intent of the general assembly that the  
 5 department of natural resources shall implement the  
 6 lake restoration annual report and plan submitted to  
 7 the joint appropriations subcommittee on  
 8 transportation, infrastructure, and capitals and the  
 9 legislative services agency pursuant to section  
 10 456A.33B. The lake restoration projects that are  
 11 recommended by the department to receive funding for  
 12 fiscal year 2007-2008 and that satisfy the criteria in  
 13 section 456A.33B, including local commitment of  
 14 funding for the projects, shall be funded in the  
 15 amounts provided in the report.  
 16 b. For floodplain management and dam safety,

17	notwithstanding section 8.57, subsection 6, paragraph	
18	"c":	
19	.....	\$ 2,000,000
20	Of the amounts appropriated in this lettered	
21	paragraph, up to \$400,000 is authorized for stream	
22	gages to be used for tracking and predicting flood	
23	events and for compiling necessary data relating to	
24	flood frequency analysis.	
25	Of the number of full-time equivalent positions	
26	authorized to the department for FY 2009-2010 pursuant	
27	to 2009 Iowa Acts, Senate File 467, if enacted, up to	
28	21.00 full-time equivalent positions shall be	
29	allocated for the floodplain management and dam safety	
30	program.	
31	c. For deposit in the loess hills development and	
32	conservation fund created in section 161D.2 for	
33	allocation to the fund's hungry canyons account for	
34	purposes of streambed erosion and degradation to the	
35	loess hills area, notwithstanding section 8.57,	
36	subsection 6, paragraph "c":	
37	.....	\$ 100,000
38	d. For the administration of a water trails and	
39	low head dam public hazard statewide plan, including	
40	salaries, support, maintenance, and miscellaneous	
41	purposes, notwithstanding section 8.57, subsection 6,	
42	paragraph "c":	
43	.....	\$ 800,000
44	<b>8. DEPARTMENT OF PUBLIC DEFENSE</b>	
45	a. For major maintenance projects at national	
46	guard armories and facilities:	
47	.....	\$ 1,500,000
48	b. For construction and renovation costs at the	
49	Davenport aviation readiness center:	
50	.....	\$ 2,000,000

Page 6

1	c. For construction and renovation costs at the	
2	Mt. Pleasant readiness center:	
3	.....	\$ 1,000,000
4	<b>9. DEPARTMENT OF PUBLIC HEALTH</b>	
5	For a grant to an existing national affiliated	
6	volunteer eye organization that has an established	
7	program for children and adults and that is solely	
8	dedicated to preserving sight and preventing blindness	
9	through education, nationally certified vision	
10	screening and training, community and patient service	
11	programs, notwithstanding section 8.57, subsection 6,	
12	paragraph "c":	
13	.....	\$ 130,000
14	<b>10. STATE BOARD OF REGENTS</b>	
15	a. For phase II of the construction and renovation	

16 of the veterinary medical facilities at Iowa state  
 17 university of science and technology, specifically the  
 18 renovation and modernization of the area formerly  
 19 occupied by the large animal area of the teaching  
 20 hospital for expanded clinical services for a small  
 21 animal hospital:  
 22 ..... \$ 6,000,000

23 b. For the Iowa flood center, as established  
 24 pursuant to section 466C.2, as enacted in this Act,  
 25 including salaries, support, maintenance, and  
 26 miscellaneous purposes, notwithstanding section 8.57,  
 27 subsection 6, paragraph "c":  
 28 ..... \$ 1,300,000

29 11. IOWA STATE FAIR  
 30 For infrastructure improvements to the Iowa state  
 31 fairgrounds including but not limited to the  
 32 construction of an agricultural exhibition center on  
 33 the Iowa state fairgrounds:  
 34 ..... \$ 5,500,000

35 12. DEPARTMENT OF TRANSPORTATION  
 36 a. To provide funds for capital improvements and  
 37 for related studies for expanding passenger rail  
 38 services in Iowa, notwithstanding section 8.57,  
 39 subsection 6, paragraph "c":  
 40 ..... \$ 3,000,000

41 b. For acquiring, constructing, and improving  
 42 recreational trails within the state:  
 43 ..... \$ 3,500,000

44 Moneys appropriated in this lettered paragraph may  
 45 be used for purposes of building equestrian or  
 46 snowmobile trails that run parallel to a recreational  
 47 trail. It is the intent of the general assembly to  
 48 promote multiple uses for trails funding in this  
 49 lettered paragraph and to maximize the number of trail  
 50 users.

Page 7

1 Of the amounts appropriated in this lettered  
 2 paragraph, \$750,000 shall be allocated for the  
 3 development of a riverwalk in a central Iowa city with  
 4 a population between one hundred ninety-five thousand  
 5 and two hundred thousand as determined by the 2000  
 6 federal census and \$500,000 shall be allocated for the  
 7 construction and development of a trail bridge across  
 8 a river located in northeastern Iowa that would link  
 9 the east and west sides of the Pinicon ridge park.

10 c. For deposit into the railroad revolving loan  
 11 and grant fund created in section 327H.20A,  
 12 notwithstanding section 8.57, subsection 6, paragraph  
 13 "c":  
 14 ..... \$ 1,500,000

15 d. For infrastructure improvement grants at  
16 general aviation airports within the state:  
17 ..... \$ 750,000

18 13. TREASURER OF STATE

19 a. For county fair infrastructure improvements for  
20 distribution in accordance with chapter 174 to  
21 qualified fairs which belong to the association of  
22 Iowa fairs:  
23 ..... \$ 1,590,000

24 b. For deposit in the watershed improvement fund  
25 created in section 466A.2, notwithstanding section  
26 8.57, subsection 6, paragraph "c":  
27 ..... \$ 5,000,000

28 14. DEPARTMENT OF VETERANS AFFAIRS  
29 For transfer to the Iowa finance authority for the  
30 continuation of the home ownership assistance program  
31 for persons who are or were eligible members of the  
32 armed forces of the United States, pursuant to section  
33 16.54, notwithstanding section 8.57, subsection 6,  
34 paragraph "c":  
35 ..... \$ 1,600,000

36 Of the funds transferred pursuant to this  
37 subsection, the Iowa finance authority may retain not  
38 more than \$20,000 for administrative purposes.  
39 Sec. 2. There is appropriated from the rebuild  
40 Iowa infrastructure fund to the following departments  
41 and agencies for the fiscal year beginning July 1,  
42 2010, and ending June 30, 2011, the following amounts,  
43 or so much thereof as is necessary, to be used for the  
44 purposes designated:

45 1. DEPARTMENT OF ADMINISTRATIVE SERVICES  
46 For projects related to major repairs and major  
47 maintenance for state buildings and facilities under  
48 the purview of the department:  
49 ..... \$ 15,000,000

50 2. DEPARTMENT OF CORRECTIONS

Page 8

1 For expansion, including land acquisition, of the  
2 community-based corrections facility at Des Moines:  
3 ..... \$ 5,000,000

4 The appropriation in this subsection is contingent  
5 upon relocation of the sex offender treatment program  
6 from the community-based corrections facility at Des  
7 Moines to the property in northeast Des Moines  
8 identified by the fifth judicial district in the  
9 facility and site study final report submitted  
10 December 12, 2008.

11 3. DEPARTMENT OF ECONOMIC DEVELOPMENT  
12 For costs associated with the renovation and  
13 expansion of phase II of a zoo project located in a

14 city with a population of between one hundred ninety  
 15 thousand and two hundred thousand as determined by the  
 16 2000 certified federal census:  
 17 ..... \$ 500,000  
 18 4. STATE BOARD OF REGENTS  
 19 For phase II of the construction and renovation of  
 20 the veterinary medical facilities at Iowa state  
 21 university of science and technology, specifically the  
 22 renovation and modernization of the area formerly  
 23 occupied by the large animal area of the teaching  
 24 hospital for expanded clinical services in a small  
 25 animal hospital:  
 26 ..... \$ 22,000,000  
 27 5. IOWA STATE FAIR  
 28 For infrastructure improvements to the Iowa state  
 29 fairgrounds including but not limited to the  
 30 construction of an agricultural exhibition center on  
 31 the Iowa state fairgrounds:  
 32 ..... \$ 2,500,000  
 33 6. DEPARTMENT OF TRANSPORTATION  
 34 For deposit into the railroad revolving loan and  
 35 grant fund created in section 327H.20A,  
 36 notwithstanding section 8.57, subsection 6, paragraph  
 37 "c":  
 38 ..... \$ 2,000,000  
 39 Sec. 3. There is appropriated from the rebuild  
 40 Iowa infrastructure fund to the department of  
 41 transportation for the fiscal year beginning July 1,  
 42 2011, and ending June 30, 2012, the following amounts,  
 43 or so much thereof as is necessary, to be used for the  
 44 purposes designated:  
 45 For deposit into the railroad revolving loan and  
 46 grant fund created in section 327H.20A,  
 47 notwithstanding section 8.57, subsection 6, paragraph  
 48 "c":  
 49 ..... \$ 2,000,000  
 50 Sec. 4. REVERSION. For purposes of section 8.33,

Page 9

1 unless specifically provided otherwise, unencumbered  
 2 or unobligated moneys made from an appropriation in  
 3 this division of this Act shall not revert but shall  
 4 remain available for expenditure for the purposes  
 5 designated until the close of the fiscal year that  
 6 ends three years after the end of the fiscal year for  
 7 which the appropriation was made. However, if the  
 8 project or projects for which such appropriation was  
 9 made are completed in an earlier fiscal year,  
 10 unencumbered or unobligated moneys shall revert at the  
 11 close of that same fiscal year.



13 REBUILD IOWA INFRASTRUCTURE FUND – GROW  
 14 IOWA VALUES FUND  
 15 Notwithstanding the amount of the standing  
 16 appropriation from the rebuild Iowa infrastructure  
 17 fund as provided in section 15G.110, subsection 2,  
 18 there is appropriated from the rebuild Iowa  
 19 infrastructure fund to the department of economic  
 20 development for deposit into the grow Iowa values  
 21 fund, in lieu of the appropriation made in section  
 22 15G.110, subsection 2, for the fiscal year beginning  
 23 July 1, 2009, and ending June 30, 2010, the following  
 24 amount, notwithstanding section 8.57, subsection 6,  
 25 paragraph "c":

26 ..... \$ 45,000,000

27  
 28 DIVISION III  
 29 TECHNOLOGY REINVESTMENT FUND

30 Sec. 5. There is appropriated from the technology  
 31 reinvestment fund created in section 8.57C to the  
 32 following departments and agencies for the fiscal year  
 33 beginning July 1, 2009, and ending June 30, 2010, the  
 34 following amounts, or so much thereof as is necessary,  
 35 to be used for the purposes designated:

36 1. DEPARTMENT OF ADMINISTRATIVE SERVICES  
 37 For technology improvement projects:  
 38 ..... \$ 2,037,184

39 2. DEPARTMENT OF CORRECTIONS  
 40 For costs associated with the Iowa corrections  
 41 offender network data system:  
 42 ..... \$ 500,000

43 3. DEPARTMENT OF EDUCATION  
 44 a. For maintenance and lease costs associated with  
 45 connections for Part III of the Iowa communications  
 46 network:  
 47 ..... \$ 2,727,000

48 b. For the implementation of an educational data  
 49 warehouse that will be utilized by teachers, parents,  
 50 school district administrators, area education agency

Page 10

1 staff, department of education staff, and  
 2 policymakers:  
 3 ..... \$ 600,000

4 The department may use a portion of the moneys  
 5 appropriated in this lettered paragraph for an  
 6 etranscript data system capable of tracking students  
 7 throughout their education via interconnectivity with  
 8 multiple schools.

9 4. DEPARTMENT OF HUMAN RIGHTS  
 10 For costs associated with the justice enterprise  
 11 data warehouse:

12	.....	\$	361,072
13	5. IOWA ETHICS AND CAMPAIGN DISCLOSURE BOARD		
14	For technological improvements for the board's		
15	electronic filing system including an online		
16	searchable database:		
17	.....	\$	15,000
18	6. IOWA LAW ENFORCEMENT ACADEMY		
19	For technology upgrades for the development of		
20	computer online testing and training and for a		
21	firearms training simulator:		
22	.....	\$	185,000
23	7. IOWA TELECOMMUNICATIONS AND TECHNOLOGY		
24	COMMISSION		
25	a. For replacement of equipment for the Iowa		
26	communications network:		
27	.....	\$	2,211,863
28	The commission may continue to enter into contracts		
29	pursuant to section 8D.13 for the replacement of		
30	equipment and for operations and maintenance costs of		
31	the network.		
32	In addition to moneys appropriated in this lettered		
33	paragraph, the commission may use a financing		
34	agreement entered into by the treasurer of state in		
35	accordance with section 12.28 for the replacement of		
36	equipment for the network. For purposes of this		
37	lettered paragraph, the treasurer of state is not		
38	subject to the maximum principal limitation contained		
39	in section 12.28, subsection 6. Repayment of any		
40	amounts financed shall be made from receipts		
41	associated with fees charged for use of the network.		
42	b. For generator replacement:		
43	.....	\$	2,755,246
44	c. For continued additions to network redundancy		
45	for continuity of operations for the capitol complex:		
46	.....	\$	2,320,000
47	8. DEPARTMENT OF PUBLIC DEFENSE		
48	For the homeland security and emergency management		
49	division for grants to support 211 nonprofit call		
50	centers providing human resources information to		

Page 11

1	citizens of this state:		
2	.....	\$	250,000
3	The division shall award moneys appropriated		
4	pursuant to this section to support the statewide		
5	improvement of a free and confidential telephone		
6	hotline available twenty-four hours a day, seven days		
7	a week, that provides information or refers callers to		
8	appropriate private or government entities that		
9	provide assistance relating to families, housing,		
10	food, health, legal advice, child and senior services,		

11 or volunteer opportunities.

12 9. DEPARTMENT OF PUBLIC SAFETY

13 For continuation of payments on the lease-purchase

14 of the automated fingerprint identification system:

15 ..... \$ 350,000

16 Sec. 6. REVERSION. For purposes of section 8.33,  
 17 unless specifically provided otherwise, unencumbered  
 18 or unobligated moneys made from an appropriation in  
 19 this division of this Act shall not revert but shall  
 20 remain available for expenditure for the purposes  
 21 designated until the close of the fiscal year that  
 22 ends three years after the end of the fiscal year for  
 23 which the appropriation was made. However, if the  
 24 project or projects for which such appropriation was  
 25 made are completed in an earlier fiscal year,  
 26 unencumbered or unobligated moneys shall revert at the  
 27 close of that same fiscal year.

28 DIVISION IV

29 TAX-EXEMPT BOND PROCEEDS RESTRICTED

30 CAPITAL FUNDS ACCOUNT

31 Sec. 7. There is appropriated from the tax-exempt  
 32 bond proceeds restricted capital funds account of the  
 33 tobacco settlement trust fund to the department of  
 34 administrative services for the fiscal year beginning  
 35 July 1, 2009, and ending June 30, 2010, the following  
 36 amount, or so much thereof as is necessary, to be used  
 37 for the purposes designated:

38 For projects related to major repairs and major  
 39 maintenance for state buildings and facilities under  
 40 the purview of the department:

41 ..... \$ 195,484

42 Sec. 8. TAX-EXEMPT STATUS – USE OF  
 43 APPROPRIATIONS. Payment of moneys from the  
 44 appropriations in this division of this Act shall be  
 45 made in a manner that does not adversely affect the  
 46 tax-exempt status of any outstanding bonds issued by  
 47 the tobacco settlement authority.

48 DIVISION V

49 TRANSFERS

50 Sec. 9. ENDOWMENT FOR IOWA'S HEALTH RESTRICTED

Page 12

1 CAPITALS FUND AND TAX-EXEMPT BOND PROCEEDS RESTRICTED

2 CAPITALS FUND – TRANSFERS. Notwithstanding any  
 3 provision of law to the contrary, the unencumbered or  
 4 unobligated balances of the endowment for Iowa's  
 5 health restricted capitals fund at the close of the  
 6 fiscal year beginning July 1, 2009, and the tax-exempt  
 7 bond proceeds restricted capitals fund at the close of  
 8 the fiscal year beginning July 1, 2009, or the close  
 9 of any succeeding fiscal year, shall be transferred to

10 the department of administrative services for projects  
 11 related to major repairs and major maintenance for  
 12 state buildings and facilities under the purview of  
 13 the department. Upon receipt of a transfer, the  
 14 department of administrative services shall report to  
 15 the legislative services agency and to the department  
 16 of management the amount transferred in conjunction  
 17 with the department's report filed pursuant to section  
 18 8.57, subsection 6, paragraph "h".

19 DIVISION VI

20 SUBCHAPTER I

21 ALTERNATIVE PUBLIC PROJECT DELIVERY PILOT PROGRAM

22 Sec. 10. NEW SECTION. 26A.1 DEFINITIONS.

23 As used in this chapter, unless the context clearly  
 24 indicates otherwise:

- 25 1. "Alternative project delivery" means procuring  
 26 and delivering design and construction services for a  
 27 public project according to the selection procedure  
 28 outlined in subchapter II.
- 29 2. "Construction documents" means the drawings,  
 30 specifications, technical submissions, and other  
 31 documents upon which a construction project is based.
- 32 3. "Construction services" means the process of  
 33 planning, building, equipping, altering, repairing,  
 34 improving, or demolishing any structure or  
 35 appurtenance thereto, including facilities, utilities,  
 36 or other improvements to real property, but excluding  
 37 highways, roads, bridges, dams, or stand-alone parking  
 38 lots.
- 39 4. "Criteria consultant" means an individual  
 40 employed or retained by the governmental entity to  
 41 assist in the preparation of a request for  
 42 qualifications and a request for proposals. A  
 43 criteria consultant shall have professional licensure  
 44 or significant professional experience in a field  
 45 related to the proposed public project. If the design  
 46 criteria package for a public project includes the  
 47 practice of architecture under chapter 544A, the  
 48 practice of engineering under chapter 542B, or the  
 49 practice of landscape architecture under chapter 544B,  
 50 the criteria consultant shall be a design

Page 13

1 professional.

2 5. "Design professional" means an individual who  
 3 is licensed to practice architecture, engineering, or  
 4 landscape architecture in this state.

5 6. "Design-build services" means a method of  
 6 alternative project delivery for which both design and  
 7 construction services are provided under one contract.

8 "Design-build services" may include architecture,

9 engineering, and related design services required for  
10 a given project and the labor, materials, and other  
11 construction services for the project.

12 7. "Design-builder" means an individual,  
13 partnership, joint venture, corporation, or other  
14 legal entity that furnishes design-build services,  
15 whether by itself or through subcontracts.

16 8. "Estimated total cost" means the estimated  
17 total cost to a governmental entity to construct a  
18 public project, including the cost of labor,  
19 materials, equipment, supplies, and fees.

20 9. "Governmental entity" means the department of  
21 administrative services or an institution under the  
22 control of the state board of regents.

23 10. "Preconstruction services" means a series of  
24 services including but not limited to scheduling,  
25 review of design, estimating, cost control, value  
26 engineering, constructability evaluation, and  
27 preparation and coordination of bid packages.

28 11. "Public project" means a project under the  
29 control of a governmental entity with an estimated  
30 total cost in excess of ten million dollars that is  
31 paid for in whole or in part with funds of the  
32 governmental entity, including a building or  
33 improvement constructed or operated jointly with any  
34 other public or private agency. A "public project"  
35 may include planning, acquiring, designing, building,  
36 equipping, altering, repairing, improving, or  
37 demolishing any structure or appurtenance thereto,  
38 including facilities, utilities, or other improvements  
39 to any real property owned by or under the control of  
40 the governmental entity, but excluding highways,  
41 roads, bridges, dams, or stand-alone parking lots.  
42 However, a parking lot included as part of the site  
43 work of a public project may be included as part of a  
44 design-build services contract. Parking ramps and  
45 parking garages are not considered to be parking lots  
46 and may be a "public project" constructed utilizing  
47 alternative project delivery methods.

48 12. "Selection plan" means a written procedure  
49 adopted by a governmental entity that establishes the  
50 evaluation criteria for submissions in response to the

Page 14

1 request for qualifications and the request for  
2 proposals and specifies criteria and scoring  
3 methodology relating to the selection of a  
4 design-builder for a public project.

5 13. "Total contract cost" means the guaranteed  
6 maximum cost or the lump sum total cost of the public  
7 project as defined in the public project contract

8 between the governmental entity and the  
 9 design-builder.  
 10 Sec. 11. NEW SECTION. 26A.2 ALTERNATIVE PROJECT  
 11 DELIVERY COMMISSION.  
 12 1. An alternative project delivery commission is  
 13 established consisting of seven members.  
 14 2. Members of the commission shall consist of all  
 15 of the following:  
 16 a. One member appointed by the state board of  
 17 regents.  
 18 b. One member appointed by the director of the  
 19 department of administrative services.  
 20 c. One member appointed by the Iowa chapter of the  
 21 American institute of architects.  
 22 d. One member appointed by the American council of  
 23 engineering companies of Iowa.  
 24 e. One member appointed by the Iowa chapter of the  
 25 design-build institute of America.  
 26 f. One member appointed by the master builders of  
 27 Iowa.  
 28 g. One member appointed by the mechanical  
 29 contractors association of Iowa.  
 30 3. Each member of the commission shall serve until  
 31 January 15, 2012, or until the member resigns. A  
 32 vacancy on the commission shall be filled in the same  
 33 manner as the original appointment. The appointment  
 34 of members is subject to the requirements of sections  
 35 69.16 and 69.16A.  
 36 4. The member appointed by the state board of  
 37 regents shall serve as the chairperson of the  
 38 commission.  
 39 5. Meetings of the commission may be called by the  
 40 chairperson or by a majority of the members.  
 41 6. A majority of the members of the commission  
 42 constitutes a quorum. Any action taken by the  
 43 commission must be adopted by the affirmative vote of  
 44 a majority of its membership.  
 45 7. A member shall not vote on a matter before the  
 46 commission if the individual has a pecuniary,  
 47 equitable, or other interest in the matter or  
 48 conditions exist that would interfere with the  
 49 member's ability to properly discharge the member's  
 50 duties.

Page 15

1 8. The duties of the commission shall include all  
 2 of the following:  
 3 a. Administer the alternative project delivery  
 4 pilot program created under section 26A.3.  
 5 b. Prepare and file with the governor and the  
 6 general assembly on or before January 15, 2012, a

7 report detailing the activities of the commission and  
8 summarizing each public project selected for inclusion  
9 in the alternative project delivery pilot program,  
10 including information related to the cost to the  
11 governmental entity, the duration of the public  
12 project, whether the goals of the public project were  
13 met, the quality of the work and services performed in  
14 completing the public project, the transparency of the  
15 alternative project delivery process, the impact of  
16 the alternative project delivery process on the  
17 persons contracted with to perform the work and  
18 services for a public project, and any other  
19 information the commission deems relevant.  
20 c. Adopt policies and procedures to carry out any  
21 duty specified in this chapter.

22 Sec. 12. NEW SECTION. 26A.3 ALTERNATIVE PROJECT  
23 DELIVERY PILOT PROGRAM.

24 1. The alternative project delivery commission  
25 shall administer an alternative project delivery pilot  
26 program consistent with the requirements of this  
27 chapter. The purpose of the pilot program is to  
28 determine whether alternative project delivery methods  
29 are financially beneficial and efficient for  
30 governmental entities in undertaking public projects.

31 2. The pilot program shall consist of public  
32 projects selected by the commission and undertaken by  
33 governmental entities using the alternative project  
34 delivery method authorized under subchapter II. The  
35 selection of public projects for inclusion in the  
36 pilot program shall be completed no later than  
37 November 1, 2010.

38 3. A governmental entity that is interested in  
39 undertaking a public project using alternative project  
40 delivery methods shall submit an application to the  
41 commission detailing the nature of the project. Each  
42 application shall be on a form prescribed by the  
43 commission and may include additional materials  
44 requested by the commission.

45 4. The commission shall review each application  
46 and shall select those public projects for inclusion  
47 in the pilot program which are best suited to  
48 accomplish the purposes of the pilot program. In  
49 selecting public projects for inclusion in the pilot  
50 program the commission shall consider all of the

Page 16

1 following:

2 a. The likelihood that the public project will  
3 provide a cost savings to the governmental entity as  
4 compared to the use of competitive bid procedures  
5 under other provisions of law.

- 6 b. Whether the use of design-build services,  
7 including the simultaneous completion of design and  
8 construction phases of the public project, meets the  
9 needs of the governmental entity.
- 10 c. Whether the public project requires the use of  
11 an accelerated design and construction schedule as a  
12 result of an emergency situation.
- 13 d. Whether the public project presents  
14 complexities that would best be addressed through the  
15 use of an integrated team under the direction of a  
16 design-builder.
- 17 e. Whether the use of an alternative project  
18 delivery method would diminish competition for the  
19 public project.
- 20 5. The commission shall monitor the selection  
21 process for each public project selected for inclusion  
22 in the pilot program and may require the governmental  
23 entity to provide periodic updates on the public  
24 project following selection of a design-builder for  
25 the public project.
- 26 6. Notwithstanding any other provision of law to  
27 the contrary, a governmental entity may utilize the  
28 alternative project delivery procedures under this  
29 chapter to procure design-build services related to  
30 the completion of a public project.
- 31 Sec. 13. NEW SECTION. 26A.4 PUBLIC NOTICE.  
32 A governmental entity utilizing the alternative  
33 project delivery method under subchapter II shall  
34 publish public notices as follows:
- 35 1. The notice shall be published at least once,  
36 not less than fifteen and not more than forty-five  
37 days before the date for filing submissions, if  
38 applicable, in a newspaper published at least once  
39 weekly and having general circulation in the  
40 geographic area served by the governmental entity and  
41 in a relevant trade publication.
- 42 2. The notice may also be published in a relevant  
43 contractor organization publication and a relevant  
44 contractor plan room service with statewide  
45 circulation, provided that a notice is posted on an  
46 internet site sponsored by either the governmental  
47 entity or a statewide association that represents the  
48 governmental entity.
- 49 Sec. 14. NEW SECTION. 26A.5 PUBLIC RECORDS.  
50 Each proposal received by a governmental entity

- 1 under this chapter, together with the name of the  
2 proposer, after award or letting of the contract, is  
3 subject to public inspection upon request. The  
4 governmental entity shall, within five days after



5 award or letting of the contract, publish notice of  
6 the name of the successful proposer including the  
7 proposer's scores received pursuant to the selection  
8 process under subchapter II. In addition, such notice  
9 shall include the names of all proposers whose  
10 proposals were not selected, together with each  
11 proposer's scores.

12 Sec. 15. NEW SECTION. 26A.6 PROHIBITION ON  
13 PROVIDING FINANCING.

14 The design-builder executing the construction or  
15 design of a public project utilizing an alternative  
16 project delivery method under subchapter II shall not  
17 provide any financing, funding, or facility operations  
18 for the public project.

#### 19 SUBCHAPTER II

#### 20 DESIGN-BUILD PROJECT DELIVERY

#### 21 BEST VALUE SELECTION

22 Sec. 16. NEW SECTION. 26A.11 APPLICATION TO THE  
23 COMMISSION.

24 1. When in the judgment of the governing body of a  
25 governmental entity it is desirable to use  
26 design-build services pursuant to a best value  
27 selection process for the completion of a public  
28 project, the governmental entity shall prepare a  
29 selection plan and submit an application to the  
30 alternative project delivery commission pursuant to  
31 section 26A.3, subsection 3. If the public project is  
32 selected by the alternative project delivery  
33 commission for inclusion in the pilot program, the  
34 governmental entity shall select a design-builder in  
35 accordance with the procedures of this subchapter.

36 2. A criteria consultant shall be employed or  
37 retained to assist the governmental entity in  
38 preparing a request for qualifications and a request  
39 for proposals. The criteria consultant may be an  
40 employee of the governmental entity or an individual  
41 retained specifically to assist the governmental  
42 entity with the public project. The request for  
43 qualifications and the request for proposals shall  
44 specify the selection criteria and scoring methodology  
45 included in the selection plan. The criteria  
46 consultant shall also assist the governmental entity  
47 in selecting a design-builder. A criteria consultant  
48 employed or retained by the governmental entity shall  
49 not submit a statement of qualifications or a proposal  
50 for the public project.

Page 18

1 Sec. 17. NEW SECTION. 26A.12 BEST VALUE  
2 SELECTION PROCESS – GENERAL PROCEDURE.  
3 The governmental entity shall select a

4 design-builder for a public project pursuant to a  
5 two-phase selection process.

6 1. Phase I of the selection process includes  
7 publication of a request for qualifications by the  
8 governmental entity, review of the statements of  
9 qualifications, and the selection of a minimum of two  
10 but not more than five design-builders to advance to  
11 phase II.

12 2. Phase II includes a request for proposals, the  
13 receipt of proposals from those design-builders  
14 selected during phase I, including a separate cost and  
15 schedule proposal, an interview with each  
16 design-builder that submits a proposal, evaluation of  
17 each proposal, and selection of a design-builder for  
18 the public project.

19 Sec. 18. NEW SECTION. 26A.13 PHASE I – REQUEST  
20 FOR QUALIFICATIONS, STATEMENT, EVALUATION, AND  
21 SELECTION.

22 1. During phase I, the governmental entity shall  
23 publish notice of a request for qualifications  
24 pursuant to the requirements of section 26A.4. The  
25 governmental entity shall specify in the request for  
26 qualifications a time, place, and other specific  
27 instructions for the submission of the statements of  
28 qualifications, the amount of the stipend required to  
29 be paid by the governmental entity under section  
30 26A.14, subsection 9, and may include any terms of  
31 contract. A statement of qualifications not submitted  
32 according to the instructions shall be rejected and  
33 returned to the design-builder.

34 2. Each design-builder shall submit a statement of  
35 qualifications that includes but is not limited to the  
36 following information:

37 a. Similar project experience, including  
38 experience in the design-build method of alternative  
39 project delivery.

40 b. Qualifications of proposed project personnel.

41 c. References from similar projects.

42 d. The design-builder's experience modification  
43 rating and a description of the design-builder's  
44 safety plan.

45 e. Bonding capacity and insurance.

46 Design-builders submitting a statement of  
47 qualifications shall be capable of providing a bond  
48 according to the requirements of chapter 573, shall  
49 include evidence of such bonding capacity, and shall  
50 include evidence of all required insurance with their

1 statement of qualifications. If a design-builder  
2 fails to include evidence of bonding capacity or

3 required insurance, the design-builder shall be deemed  
4 unqualified for selection under phase I.

5 f. Other information requested by the governmental  
6 entity in accordance with the selection plan.

7 3. The governmental entity shall evaluate and  
8 score each statement of qualifications received  
9 according to the predetermined selection criteria and  
10 scoring methodology that were specified in the request  
11 for qualifications. The cost or fees associated with  
12 a public project shall not be considered by the  
13 governmental entity when evaluating a statement of  
14 qualifications.

15 4. The governmental entity shall select a minimum  
16 of two and a maximum of five design-builders who have  
17 the highest scores to proceed to phase II. Scores  
18 assigned during phase I shall not carry forward to  
19 phase II. The governmental entity shall have  
20 discretion to disqualify any design-builder that lacks  
21 the minimum qualifications required to perform the  
22 design-build services for the public project. If two  
23 qualified design-builders cannot be identified, the  
24 selection process shall cease. If all design-builders  
25 are rejected, the governmental entity may solicit new  
26 proposals using different design and budget criteria.  
27 Sec. 19. **NEW SECTION. 26A.14 PHASE II – REQUEST**  
28 **FOR PROPOSALS, PROPOSAL REVIEW, SELECTION, AND**  
29 **NEGOTIATION.**

30 1. During phase II, each design-builder selected  
31 during phase I shall be given a request for proposals.  
32 The request for proposals shall include but is not  
33 limited to the following information:

34 a. The procedures to be followed in submitting  
35 proposals and information relating to design-builder  
36 interviews under subsection 5.

37 b. The selection criteria and scoring methodology  
38 for the proposals.

39 c. Information related to the requirements,  
40 specifications, budget, and schedule for the public  
41 project, including the specifications of the design  
42 criteria package and the requirements and  
43 specifications for design services, preconstruction  
44 services, and construction services. The request for  
45 proposals shall also specify any requirements for a  
46 design professional who is employed by the  
47 design-builder to assist in designing the public  
48 project, including but not limited to requirements  
49 relating to communication between the design  
50 professional, the design-builder, and the governmental

2 professional has over the design of the public  
3 project, and the responsibility of the design  
4 professional to act in the best interest of the  
5 governmental entity.

6 d. The proposed terms and conditions for the  
7 public project contract.

8 e. The requirements for the submission of a  
9 separate cost and schedule proposal.

10 f. Other information requested by the governmental  
11 entity in accordance with the selection plan.

12 2. Each design-builder selected during phase I may  
13 submit a proposal to the governmental entity. Each  
14 proposal submitted under this section shall not  
15 contain references to costs associated with work  
16 contained in the proposal. The governmental entity  
17 shall evaluate and score each proposal according to  
18 the selection criteria and scoring methodology  
19 specified in the request for proposals.

20 3. Each design-builder selected during phase I  
21 shall also provide the governmental entity with a  
22 separate cost and schedule proposal. A proposal  
23 submitted under subsection 2 and the cost and schedule  
24 proposal may be submitted sequentially or  
25 concurrently, according to the requirements of the  
26 request for proposals. Failure to submit a cost and  
27 schedule proposal according to the delivery  
28 requirements of the request for proposals shall be  
29 grounds to reject the proposal.

30 4. The cost and schedule proposal shall include  
31 all of the following:

32 a. A total contract cost for the public project.

33 b. A bid security pursuant to chapter 573.

34 c. A proposed contract time, in calendar days, for  
35 completing the public project.

36 d. Any other information required by the request  
37 for proposals.

38 5. After the deadline for submission of proposals  
39 has passed, the governmental entity shall interview  
40 each design-builder that has submitted a proposal  
41 individually, allowing each design-builder to present  
42 the design-builder's proposed team members,  
43 qualifications, and proposal, and to answer questions  
44 from the governmental entity.

45 6. The cost and schedule proposals submitted under  
46 subsection 3 shall be opened only after all proposals  
47 submitted under subsection 2 have been evaluated and  
48 scored and after completion of all design-builder  
49 interviews under subsection 5. At the time that the  
50 cost and schedule proposals are opened, the

Page 21

1 governmental entity shall make public its scoring of  
2 the proposals submitted under subsection 2. Cost and  
3 schedule proposals shall be evaluated and scored  
4 according to selection criteria and scoring  
5 methodology specified in the request for proposals.  
6 7. The governmental entity shall select the  
7 design-builder receiving the highest score based on  
8 the selection criteria and scoring methodology  
9 specified in the request for proposals. The  
10 governmental entity shall proceed to negotiate with  
11 and attempt to enter into a contract with the selected  
12 design-builder to serve as the design-builder for the  
13 public project. If the governmental entity is unable  
14 to negotiate a satisfactory contract with the selected  
15 design-builder, negotiations with that design-builder  
16 shall be terminated, and the governmental entity shall  
17 undertake negotiations with the design-builder  
18 receiving the second highest score. If negotiations  
19 cannot be successfully completed with the  
20 design-builder receiving the second highest score, the  
21 contract shall not be awarded.  
22 8. If the governmental entity determines that it  
23 is not in its best interest to proceed with the public  
24 project pursuant to the proposals offered, the  
25 governmental entity shall reject all proposals. If  
26 all proposals are rejected, the governmental entity  
27 may solicit new statements of qualifications and  
28 proposals using different design or budget criteria.  
29 9. As an inducement to qualified design-builders,  
30 the governmental entity shall pay a fair and  
31 reasonable stipend, the amount of which shall be  
32 established in the request for proposals, to each  
33 design-builder who participates in phase II, but is  
34 not selected as the design-builder for the public  
35 project.

### 36 SUBCHAPTER III

#### 37 REPEAL

38 Sec. 20. NEW SECTION. 26A.21 REPEAL.

39 This chapter is repealed June 30, 2012.

#### 40 DIVISION VII

#### 41 IOWA FLOOD CENTER

42 Sec. 21. Section 466B.3, subsection 6, paragraph  
43 b, subparagraph (7), Code 2009, is amended by striking  
44 the subparagraph.

45 Sec. 22. Section 466B.9, Code 2009, is amended to  
46 read as follows:

47 466B.9 RULEMAKING AUTHORITY.

48 The department and the department of agriculture  
49 and land stewardship shall have the power and  
50 authority reasonably necessary to carry out the duties

Page 22

1 imposed by this chapter. ~~As to the department, this~~  
 2 ~~includes rulemaking authority to carry out the~~  
 3 ~~regional watershed assessment program described in~~  
 4 ~~section 466B.5. As to the department of agriculture~~  
 5 ~~and land stewardship, this includes rulemaking~~  
 6 ~~authority to assist in the implementation of~~  
 7 ~~community based subwatershed improvement plans.~~

8 Sec. 23. NEW SECTION. 466C.1 DEFINITIONS.

9 For purposes of this chapter, unless the context  
 10 otherwise requires:

- 11 1. "Center" means the Iowa flood center  
 12 established pursuant to section 466C.2.
- 13 2. "Council" means the water resources  
 14 coordinating council established in section 466B.3.
- 15 3. "Regional watershed" means the watershed of  
 16 hydrologic unit code scale 8.
- 17 4. "Subwatershed" means a watershed of hydrologic  
 18 unit code scale 12 or smaller.
- 19 5. "Watershed" means a geographic area in which  
 20 surface water is drained by rivers, streams, or other  
 21 bodies of water.

22 Sec. 24. NEW SECTION. 466C.2 IOWA FLOOD CENTER.

- 23 1. The state board of regents shall establish and  
 24 maintain in Iowa City as a part of the state  
 25 university of Iowa an Iowa flood center. In  
 26 conducting the activities of this chapter, the center  
 27 shall work cooperatively with the department of  
 28 natural resources, the department of agriculture and  
 29 land stewardship, the water resources coordinating  
 30 council, and other state and federal agencies.
- 31 2. The Iowa flood center shall have all of the  
 32 following purposes:
  - 33 a. To develop hydrologic models for  
 34 physically-based flood frequency estimation and  
 35 real-time forecasting of floods, including hydraulic  
 36 models of floodplain inundation mapping.
  - 37 b. To establish community-based programs to  
 38 improve flood monitoring and prediction along Iowa's  
 39 major waterways and to support ongoing flood research.
  - 40 c. To share resources and expertise of the Iowa  
 41 flood center.
  - 42 d. To assist in the development of a workforce in  
 43 the state knowledgeable regarding flood research,  
 44 prediction, and mitigation strategies.
  - 45 e. To conduct the activities required by this  
 46 chapter in cooperation with various state and federal  
 47 agencies.

48 Sec. 25. NEW SECTION. 466C.3 REGIONAL WATERSHED  
 49 ASSESSMENT, PLANNING, AND PRIORITIZATION.

- 50 1. The center shall create a regional watershed

Page 23

1 assessment program. The program shall assess all the  
2 regional watersheds in the state.

3 a. Under the program, a statewide assessment shall  
4 be conducted at the rate of approximately one-third of  
5 the watersheds in the state per year, and an initial  
6 statewide assessment shall be completed within three  
7 years. Thereafter, the center shall review and update  
8 the assessments on a regular basis.

9 b. Each regional watershed assessment shall  
10 provide a summary of the overall condition of the  
11 watershed. The information provided in the summary  
12 may include land use patterns, soil types, slopes,  
13 management practices, stream conditions, and both  
14 point and nonpoint source impairments.

15 c. In conducting regional watershed assessments,  
16 the center may identify and facilitate local data  
17 collection to support the assessment process.

18 2. In conducting the regional watershed assessment  
19 program, the center shall provide hydrologic and  
20 geologic information sufficient for the council to  
21 prioritize watersheds statewide and for the various  
22 communities in those watersheds to plan remedial  
23 efforts in their local communities and subwatersheds.

24 3. Upon completion of the initial statewide  
25 assessment, and upon subsequent assessment updates,  
26 the center shall report the results of the assessment,  
27 and any updates, to the council and the general  
28 assembly, and shall make the report available to the  
29 public.

30 Sec. 26. NEW SECTION. 466C.4 COMMUNITY-BASED  
31 SUBWATERSHED IMPROVEMENT PLANS.

32 1. After the center's completion of the initial  
33 regional watershed assessment, and after the council's  
34 prioritization of the regional watersheds, the council  
35 shall initiate the organization of an interagency  
36 integrated water resources committee to facilitate the  
37 development and implementation of local,  
38 community-based subwatershed improvement plans.

39 2. In facilitating the development of  
40 community-based subwatershed improvement plans, the  
41 interagency integrated water resources committee  
42 shall, based on the results of the regional watershed  
43 assessment program, identify critical subwatersheds  
44 within priority regional watersheds and recruit  
45 communities, citizen groups, local governmental  
46 entities, or other stakeholders to engage in the  
47 assessment, planning, prioritization, and  
48 implementation of a local community-based subwatershed  
49 improvement plan. The interagency integrated water  
50 resources committee may assist in the formation of a

Page 24

1 group of initial local community-based subwatershed  
2 improvement plans that can be implemented as pilot  
3 projects, in order to develop an effective process  
4 that can be replicated across the state.

5 Sec. 27. NEW SECTION. 466C.5 COMMUNITY-BASED  
6 SUBWATERSHED MONITORING.

7 1. After completion of the statewide regional  
8 watershed assessment and prioritization, and  
9 throughout the implementation of local community-based  
10 subwatershed improvement plans, the center shall  
11 assist communities with the monitoring and measurement  
12 of local subwatersheds. The monitoring and  
13 measurement shall be designed for the particular needs  
14 of individual communities while considering statewide  
15 watershed issues.

16 2. Local communities in which the center conducts  
17 subwatershed monitoring shall use the information to  
18 support subwatershed planning activities, guide  
19 supplemental local data collection efforts, and  
20 identify priority areas needing additional resources.  
21 Local communities shall collect data over time and use  
22 the data to evaluate the impacts of their management  
23 efforts. Data collected, as directed by interagency  
24 integrated water resources committees, shall be  
25 integrated into a digital regional watershed framework  
26 in real-time, or near real-time, by the center for use  
27 in assessment and planning by all the communities in  
28 the watershed. The center shall integrate digital  
29 regional watershed information into a digital  
30 statewide framework for assessment and planning for  
31 state water resources planning.

32 Sec. 28. NEW SECTION. 466C.6 DEVELOPMENT OF  
33 ADVANCED NUMERICAL TOOLS FOR WATER RESOURCES  
34 MANAGEMENT.

35 1. After completion of the statewide regional  
36 watershed assessment and prioritization, the center  
37 shall develop and implement physically based  
38 hydrologic models to improve watershed and community  
39 scale flood prediction and mitigation planning.

40 a. Physically based hydrologic models shall be  
41 used to improve understanding of frequency of flood  
42 occurrence within the state and to guide risk-based  
43 flood mitigation planning.

44 b. Physically based hydrologic models shall be  
45 used in conjunction with hydrologic sensor networks to  
46 provide real-time river discharge forecasts to aid  
47 communities in implementing flood response plans.

48 2. The center shall produce flood inundation maps  
49 relating the spatial extent of flooding to predicted  
50 stream flows.



Page 25

1 a. The center shall perform hydrodynamic  
2 simulations of river flow to create detailed water  
3 surface profiles for use in developing high-resolution  
4 flood inundation maps. A library of inundation maps  
5 including but not limited to the one hundred year and  
6 five hundred year recurrence intervals shall be  
7 developed and made available along all rivers and  
8 streams within each watershed. In addition to the  
9 static library of flood inundation maps, the center  
10 shall provide real-time forecasted flood inundation  
11 maps during the threat of severe flooding for  
12 imperiled communities.

13 b. Flood inundation maps shall be stored in a  
14 geospatial database and publicly distributed through  
15 web-based applications.

16 Sec. 29. NEW SECTION. 466C.7 COMMUNITY  
17 ENGAGEMENT AND TRAINING.

18 1. The center shall implement statewide programs  
19 to educate Iowans on water quality, best management  
20 practices, and flood risk and mitigation.

21 2. The center shall provide technical training  
22 through regional workshops and short courses to water  
23 resources professionals in state agencies, city and  
24 county administrators, and private companies.  
25 Training shall focus on application of hydrologic and  
26 water quality monitoring and forecasting technologies.

#### 27 DIVISION VIII

#### 28 CHANGES TO PRIOR APPROPRIATIONS

29 Sec. 30. 2005 Iowa Acts, chapter 178, section 9,  
30 is amended to read as follows:

#### 31 SEC. 9. REVERSION.

32 1. Notwithstanding Except as provided in  
33 subsection 2 and notwithstanding section 8.33, moneys  
34 appropriated from the rebuild Iowa infrastructure fund  
35 in this division of this Act, except for the moneys  
36 appropriated in section 1, subsection 2, paragraph  
37 "a", for maintenance costs of the department of  
38 corrections and subsection 5, paragraph "d", for the  
39 vocational rehabilitation division of the department  
40 of education, shall not revert at the close of the  
41 fiscal year for which they were appropriated but shall  
42 remain available for the purposes designated until the  
43 close of the fiscal year that begins July 1, 2008, or  
44 until the project for which the appropriation was made  
45 is completed, whichever is earlier. This section does  
46 not apply to the sections in this division of this Act  
47 that were previously enacted and are amended in this  
48 division of this Act.

49 2. Notwithstanding section 8.33, moneys  
50 appropriated in section 3, subsection 1, paragraph h

1 of this division of this Act shall not revert at the  
 2 close of the fiscal year for which they were  
 3 appropriated but shall remain available for the  
 4 purpose designated until the close of the fiscal year  
 5 that begins July 1, 2009, or until the project for  
 6 which the appropriation was made is completed,  
 7 whichever is earlier.

8 Sec. 31. 2007 Iowa Acts, chapter 219, section 7,  
 9 subsection 1, is amended to read as follows:

10 1. For costs associated with the construction and  
 11 establishment of the Iowa institute for biomedical  
 12 discovery at the state university of Iowa:

13 FY 2008-2009 .....	\$ 10,000,000
14 FY 2009-2010 .....	\$ 10,000,000
15	<u>0</u>
16 <u>FY 2010-2011 .....</u>	<u>\$ 10,000,000</u>

17 Sec. 32. 2008 Iowa Acts, chapter 1178, section 18,  
 18 is amended by adding the following new subsection:

19 NEW SUBSECTION. 7. Notwithstanding section 8.33,  
 20 moneys appropriated in this section shall not revert  
 21 at the close of the fiscal year for which they are  
 22 appropriated but shall remain available for the  
 23 purposes designated until the close of the fiscal year  
 24 that begins July 1, 2009. The full-time equivalent  
 25 position authorized in this section shall continue to  
 26 be authorized until the close of the fiscal year that  
 27 begins July 1, 2009.

28 Sec. 33. 2008 Iowa Acts, chapter 1178, section 19,  
 29 is amended to read as follows:

30 SEC. 19. WATER TRAILS AND LOW HEAD DAM PUBLIC  
 31 HAZARD STATEWIDE PLAN – APPROPRIATION. There is

32 appropriated from any interest or earnings on moneys  
 33 in the federal economic stimulus and jobs holding fund  
 34 to the department of natural resources for the fiscal  
 35 year beginning July 1, 2008, and ending June 30, 2009,  
 36 the following amount, or so much thereof as is  
 37 necessary, to be used for the purposes designated:  
 38 For the establishment and administration of a water  
 39 trails and low head dam public hazard statewide plan,  
 40 including salaries, support, maintenance, and  
 41 miscellaneous purposes:

42 .....	\$ 250,000
----------	------------

43 Notwithstanding section 8.33, moneys appropriated  
 44 in this section shall not revert at the close of the  
 45 fiscal year for which they are appropriated but shall  
 46 remain available for the purposes designated until the  
 47 close of the fiscal year that begins July 1, 2009.

48 Sec. 34. 2008 Iowa Acts, chapter 1179, section 1,  
 49 subsection 1, paragraph e, is amended to read as  
 50 follows:

Page 27

1 e. For the state's share of support in conjunction  
 2 with the city of Des Moines and local area businesses  
 3 to provide a free shuttle service to the citizens of  
 4 Iowa visiting the capitol complex that includes  
 5 transportation between the capitol complex and the  
 6 downtown Des Moines area, notwithstanding section  
 7 8.57, subsection 6, paragraph "c":  
 8 ..... \$ ~~170000~~  
 9 ..... 183000

10 Details for the shuttle service, including the  
 11 route to be served, shall be determined pursuant to an  
 12 agreement to be entered into by the department with  
 13 the Des Moines area regional transit authority (DART)  
 14 and any other participating entities.  
 15 Of the amount appropriated in this lettered  
 16 paragraph, up to \$50,000 shall be used to encourage  
 17 state employees to utilize transit services provided  
 18 by the Des Moines area regional transit authority.  
 19 Sec. 35. 2008 Iowa Acts, chapter 1179, section 1,  
 20 subsection 1, is amended by adding the following new  
 21 paragraphs:  
 22 NEW PARAGRAPH. h. For projects related to major  
 23 repairs and major maintenance for state buildings and  
 24 facilities under the purview of the department:  
 25 ..... \$ 2,000,000  
 26 NEW PARAGRAPH. i. For capital improvements at the  
 27 civil commitment unit for a sexual offenders facility  
 28 at Cherokee:  
 29 ..... \$ 829,000  
 30 NEW PARAGRAPH. j. For costs associated with  
 31 capitol interior and exterior restoration and for  
 32 compliance with the federal Americans With  
 33 Disabilities Act:  
 34 ..... \$ 1,900,000  
 35 NEW PARAGRAPH. k. For renovations to the capitol  
 36 complex utility tunnel system:  
 37 ..... \$ 1,000,000  
 38 NEW PARAGRAPH. l. For heating, ventilating, and  
 39 air conditioning improvements in the Hoover state  
 40 office building:  
 41 ..... \$ 165,000  
 42 NEW PARAGRAPH. m. (1) For the purchase of Mercy  
 43 capitol hospital:  
 44 ..... \$ 3,950,000

45 (2) It is the intent of the general assembly that  
 46 the department will use other appropriations made or  
 47 other funds available to the department for the  
 48 acquisition of buildings to complete the purchase of  
 49 this building.  
 50 (3) The department is authorized to enter into

1 agreements for the use of Mercy capitol hospital, once  
2 acquired by the state, with any state agency or other  
3 governmental entity, political subdivision, as deemed  
4 appropriate by the department.

5 Sec. 36. 2008 Iowa Acts, chapter 1179, section 1,  
6 subsection 13, paragraph c, is amended to read as  
7 follows:

8 c. For the construction of a depot and platform to  
9 accommodate the future Amtrak service from Dubuque to  
10 Chicago, notwithstanding section 8.57, subsection 6,  
11 paragraph "c":

12 ..... \$ 300,000

13 Sec. 37. 2008 Iowa Acts, chapter 1179, section 1,  
14 subsection 14, paragraph a, is amended to read as  
15 follows:

16 a. For county fair infrastructure improvements for  
17 distribution in accordance with chapter 174 to  
18 qualified fairs which belong to the association of  
19 Iowa fairs:

20 ..... \$ 1,500,000  
21 1,060,000

22 Of the amount appropriated in this lettered  
23 paragraph, \$530,000 shall be deposited into the  
24 fairgrounds infrastructure aid fund created pursuant  
25 to section 12.101, as enacted in this Act, for  
26 fairgrounds infrastructure aid as provided in section  
27 12.102, as enacted in this Act.

28 Sec. 38. 2008 Iowa Acts, chapter 1179, section 15,  
29 subsection 4, paragraph b, is amended to read as  
30 follows:

31 b. To the public broadcasting division for the  
32 purchase and installation of generators at transmitter  
33 sites:

34 ..... \$ 1,602,437

35 Of the amount appropriated in this lettered  
36 paragraph, up to \$210,477 may be used for operational  
37 costs of the division for FY 2008-2009 and up to  
38 \$1,000,000 may be used for operational costs of the  
39 division for FY 2009-2010.

40 Sec. 39. 2008 Iowa Acts, chapter 1186, section 20,  
41 subsection 2, is amended to read as follows:

42 2. Notwithstanding any provision of law to the  
43 contrary, the unencumbered or unobligated balances of  
44 the healthy Iowans tobacco trust ~~at the close of~~  
45 available prior to the close of the fiscal year  
46 beginning July 1, 2008, or the endowment for Iowa's  
47 health account ~~at the close~~ available prior to the  
48 close of the fiscal year beginning July 1, 2008, ~~or~~  
49 ~~the close of any succeeding fiscal year~~ shall be  
50 transferred to the general fund of the state.

Page 29

1 Sec. 40. 2009 Iowa Acts, Senate File 344, section  
2 9, subsection 3, if enacted, is amended by striking  
3 the subsection and inserting in lieu thereof the  
4 following:

5 3. Effective July 1, 2009, all funds remaining in  
6 the accelerated career education account of the  
7 physical infrastructure assistance fund created in  
8 section 15E.175 shall be transferred to the  
9 accelerated career education fund established in  
10 section 260G.6, subsection 1, as amended by this Act.

11 Sec. 41. EFFECTIVE AND RETROACTIVE APPLICABILITY  
12 DATES.

13 1. Except as provided in subsection 2, this  
14 division of this Act, being deemed of immediate  
15 importance, takes effect upon enactment.

16 2. The sections of this division of this Act,  
17 amending 2008 Iowa Acts, chapter 1179, section 1,  
18 subsection 13, paragraph "c"; section 1, subsection  
19 14, paragraph "a"; and section 15, subsection 4,  
20 paragraph "b", apply retroactively to July 1, 2008.

21 DIVISION IX  
22 CODE CHANGES

23 Sec. 42. Section 8.57C, subsection 3, paragraph b,  
24 Code 2009, is amended to read as follows:

25 b. There is appropriated from the rebuild Iowa  
26 infrastructure fund for ~~each the~~ fiscal year ~~of the~~  
27 ~~fiscal period~~ beginning July 1, 2008, and ending June  
28 30, ~~2010~~ 2009, the sum of seventeen million five  
29 hundred thousand dollars, and for the fiscal year  
30 beginning July 1, 2009, and ending June 30, 2010, the  
31 sum of fourteen million five hundred twenty-five  
32 thousand dollars to the technology reinvestment fund,  
33 notwithstanding section 8.57, subsection 6, paragraph  
34 "c".

35 Sec. 43. Section 12E.12, subsection 1, paragraph  
36 b, subparagraph (2), subparagraph division (b), Code  
37 2007, as amended by 2008 Iowa Acts, chapter 1186,  
38 section 16, is amended to read as follows:

39 (b) For each fiscal year beginning July 1, 2009,  
40 the moneys deposited in the endowment for Iowa's  
41 health account of the tobacco settlement trust fund  
42 are transferred to the ~~general fund of the state~~  
43 ~~rebuild Iowa infrastructure fund~~. ~~The moneys~~  
44 ~~transferred shall be used for the purposes specified~~  
45 ~~in section 12E.3A.~~

46 Sec. 44. Section 15.329, subsection 7, Code 2009,  
47 is amended by striking the subsection.

48 Sec. 45. Section 15F.201, Code 2009, is amended by  
49 adding the following new subsection:

50 NEW SUBSECTION. 3. "River enhancement community

Page 30

1 attraction and tourism project" means a project that  
 2 creates or enhances recreational opportunities and  
 3 community attractions on and near lakes or rivers or  
 4 river corridors within cities across the state under  
 5 the purview of the program.

6 Sec. 46. NEW SECTION. 15F.206 RIVER ENHANCEMENT  
 7 COMMUNITY ATTRACTION AND TOURISM PROJECTS –  
 8 APPLICATION REVIEW.

9 1. Applications for assistance for river  
 10 enhancement community attraction and tourism projects  
 11 shall be submitted to the department. For those  
 12 applications that meet the eligibility criteria, the  
 13 department shall provide a staff review analysis and  
 14 evaluation to the vision Iowa program review committee  
 15 referred to in section 15F.304, subsection 2, and the  
 16 board.

17 2. When reviewing the applications, the vision  
 18 Iowa program review committee and the department shall  
 19 consider, at a minimum, all of the following:

20 a. Whether the wages, benefits, including health  
 21 benefits, safety, and other attributes of the project  
 22 would improve the quality of life or the quality of  
 23 attraction or tourism employment in the community.

24 b. The extent to which such a project would  
 25 generate additional recreational and cultural  
 26 attractions or tourism opportunities.

27 c. The ability of the project to produce a  
 28 long-term, tax-generating economic impact.

29 d. The location of the projects and geographic  
 30 diversity of the applications.

31 e. The project is primarily a vertical  
 32 infrastructure project with demonstrated substantial  
 33 regional or statewide economic impact. For purposes  
 34 of the program, "vertical infrastructure" means land  
 35 acquisition and construction, major renovation and  
 36 major repair of buildings, all appurtenant structures,  
 37 utilities, site development, and recreational trails  
 38 and water trails. "Vertical infrastructure" does not  
 39 include routine, recurring maintenance, or operational  
 40 expenses or leasing of a building, appurtenant  
 41 structure, or utility without a lease-purchase  
 42 agreement.

43 f. Whether the applicant has received financial  
 44 assistance under the program for the same project.

45 g. The extent to which the project has taken the  
 46 following planning principles into consideration:  
 47 (1) Efficient and effective use of land resources  
 48 and existing infrastructure by encouraging development  
 49 in areas with existing infrastructure or capacity to  
 50 avoid costly duplication of services and costly use of

Page 31

1 land.

2 (2) Provision for a variety of transportation  
3 choices, including pedestrian traffic.

4 (3) Maintenance of a unique sense of place by  
5 respecting local cultural and natural environmental  
6 features.

7 (4) Conservation of open space and farmland and  
8 preservation of critical environmental areas.

9 (5) Promotion of the safety, livability, and  
10 revitalization of existing urban and rural  
11 communities.

12 3. Upon review of the recommendations of the  
13 review committee, the board shall approve, defer, or  
14 deny the applications.

15 4. Upon approval of an application for financial  
16 assistance under the program, the board shall notify  
17 the treasurer of state regarding the amount of moneys  
18 needed to satisfy the award of financial assistance  
19 and the terms of the award. The treasurer of state  
20 shall notify the department anytime moneys are  
21 disbursed to a recipient of financial assistance under  
22 the program.

23 Sec. 47. Section 15F.304, subsection 2, Code 2009,  
24 is amended to read as follows:

25 2. A review committee composed of eight members of  
26 the board shall review vision Iowa program  
27 applications and river enhancement community  
28 attraction and tourism project applications submitted  
29 to the board and make recommendations regarding the  
30 applications to the board. The review committee shall  
31 consist of members of the board listed in section  
32 15F.102, subsection 2, paragraphs "d" through "h".

33 Sec. 48. Section 15F.304, Code 2009, is amended by  
34 adding the following new subsection:

35 NEW SUBSECTION. 5. The review committee shall  
36 consider, review, and make recommendations regarding  
37 applications for assistance for river enhancement  
38 community attractions and tourism projects a provided  
39 in section 15F.206.

40 Sec. 49. Section 15G.111, subsection 4, paragraph  
41 a, Code 2009, as amended by 2009 Iowa Acts, Senate  
42 File 344, section 2, if enacted, is amended to read as  
43 follows:

44 a. For administrative costs, an amount not more  
45 than ~~one and one-half percent~~ six hundred thousand  
46 dollars of the moneys subject to allocation under this  
47 subsection.

48 Sec. 50. Section 135.63, subsection 2, paragraph  
49 1, unnumbered paragraph 1, Code 2009, is amended to  
50 read as follows:

Page 32

1 The replacement or modernization of any  
 2 institutional health facility if the replacement or  
 3 modernization does not add new health services or  
 4 additional bed capacity for existing health services,  
 5 notwithstanding any provision in this division to the  
 6 contrary. With respect to a nursing facility,  
 7 "replacement" means establishing a new facility within  
 8 the same county as the prior facility to be closed.  
 9 With reference to a hospital, "replacement" means  
 10 establishing a new hospital that demonstrates  
 11 compliance with all of the following criteria through  
 12 evidence submitted to the department:  
 13 Sec. 51. Sections 12.101 and 12.102, Code 2009,  
 14 are repealed.  
 15 Sec. 52. EFFECTIVE DATE. The section of this  
 16 division of this Act amending section 12E.12 takes  
 17 effect June 30, 2009."  
 18 2. Title page, by striking lines 1 through 4 and  
 19 inserting the following: "An Act relating to and  
 20 making, reducing, and transferring appropriations to  
 21 state departments and agencies from the rebuild Iowa  
 22 infrastructure fund, the technology reinvestment fund,  
 23 and other funds creating and funding the Iowa flood  
 24 center, establishing an alternative public project  
 25 delivery pilot program, providing for related matters,  
 26 and providing effective and retroactive applicability  
 27 date provisions."

COHOON of Des Moines

H-1678

1 Amend the amendment, H-1675, to House File 822, as  
 2 follows:  
 3 1. Page 3, line 9, by inserting after the word  
 4 "program" the following: ", notwithstanding section  
 5 8.57, subsection 6, paragraph "c".  
 6 2. Page 28, line 39, by inserting after the  
 7 figures "2009-2010" the following: "notwithstanding  
 8 section 8.57C, subsection 2".  
 9 3. By renumbering as necessary.

COHOON of Des Moines

H-1679

1 Amend the amendment, H-1656, to Senate File 479, as  
 2 passed by the Senate, as follows:  
 3 1. Page 1, by striking lines 20 through 22 and



4 inserting the following: "pursuant to this subsection  
5 shall be".

STRUYK of Pottawattamie  
T. OLSON of Linn

H-1680

1 Amend the Senate amendment, H-1630, to House File  
2 811, as amended, passed, and reprinted by the House,  
3 as follows:

4 1. Page 1, by inserting after line 2 the  
5 following:

6 "\_\_\_\_. Page 12, line 31, by striking the figure  
7 "26,106,513" and inserting the following:  
8 "28,606,513".

9 \_\_\_\_\_. Page 13, line 30, by striking the figure  
10 "28,331,177" and inserting the following:  
11 "25,831,177".

12 2. Page 1, by striking line 38.

13 3. Page 2, by striking lines 7 and 8 and  
14 inserting the following:

15 "\_\_\_\_. Page 42, line 30, by inserting after the  
16 word "consolidation." the following: "The proposal  
17 shall be developed in coordination with the task force  
18 review of the four institutes performed under this  
19 section. The department shall incorporate or address  
20 the findings and recommendations of the task force in  
21 such proposal."

22 \_\_\_\_\_. Page 42, line 34, by inserting after the  
23 word "force" the following: "to be".

24 \_\_\_\_\_. Page 43, line 7, by inserting after the word  
25 "institutes." the following: "The review shall be  
26 coordinated with the proposal to be developed by the  
27 department under this section and shall incorporate or  
28 address the proposal findings and recommendations.""

29 4. Page 2, by inserting after line 13, the  
30 following:

31 "\_\_\_\_. Page 52, line 1, by striking the word  
32 "percent." and inserting the following: "percent or  
33 adjusted as necessary in order to provide  
34 reimbursement within the state funding amount budgeted  
35 for such purpose. The Iowa hospital association shall  
36 submit information to the general assembly's standing  
37 committees on government oversight during the 2010  
38 session of the general assembly regarding actions  
39 taken to increase compensation and other costs of  
40 employment for hospital staff who provide direct care  
41 to patients.""

42 5. Page 2, by striking line 14.

43 6. Page 2, line 26, by inserting after the word  
44 "society," the following: "the Iowa nurses

45 association,".

46 7. Page 3, by inserting before line 9 the  
47 following:

48 "\_\_\_\_. Page 76, by inserting before line 14 the  
49 following:

50 "Sec.\_\_\_\_. STATE RESOURCE CENTER BILLINGS –

Page 2

1 AMERICAN RECOVERY AND REINVESTMENT ACT. For the  
2 period beginning October 1, 2008, and ending September  
3 30, 2010, or the period for which funding from the  
4 federal American Recovery and Reinvestment Act of 2009  
5 can be used for the cost of care for patients at a  
6 state resource center, whichever is longer, the per  
7 diem amounts billed to counties under section 222.73  
8 for such care may be adjusted downward by an  
9 applicable percentage of the nonfederal portion of the  
10 billing amounts, as necessary to comply with the  
11 intent of the federal Act.

12 Sec.\_\_\_\_. EFFECTIVE DATE – RETROACTIVE  
13 APPLICABILITY. The section of this division of this  
14 Act relating to state resource center billings, being  
15 deemed of immediate importance, takes effect upon  
16 enactment, is retroactively applicable to October 1,  
17 2008, and is applicable on and after that date.""

18 8. Page 3, line 16, by striking the figure  
19 "225,350" and inserting the following: "200,000".

20 9. Page 3, line 18, by striking the word "The"  
21 and inserting the following: "The department may use  
22 a portion of the funds allocated in this paragraph for  
23 an additional position to assist in the continued  
24 implementation including credentialing of direct care  
25 workers. The".

26 10. Page 3, line 26, by striking the figure  
27 "347,520" and inserting the following: "150,000".

28 11. Page 3, by inserting after line 41 the  
29 following:

30 "\_\_\_\_. Page 81, by inserting after line 6 the  
31 following:

32 "j. Of the funds appropriated in this subsection,  
33 \$222,870 shall be transferred to the department of  
34 elder affairs to be used for unmet needs.""

35 12. Page 3, by inserting after line 47 the  
36 following:

37 "\_\_\_\_. Page 84, by inserting after line 29 the  
38 following:

39 "c. The funds appropriated in this section that  
40 remain available for expenditure for the succeeding  
41 fiscal year pursuant to section 35D.18, subsection 5,  
42 shall be distributed to be used in the succeeding  
43 fiscal year in accordance with this lettered

44 paragraph. The first \$1,000,000 shall remain  
 45 available to be used for the purposes of the Iowa  
 46 veterans home. On or before October 15, 2009, the  
 47 department of management shall transfer \$1,000,000 to  
 48 the appropriation for the medical assistance program  
 49 to be used for rebasing of hospital reimbursement  
 50 under the medical assistance program. Any remaining

Page 3

1 funding shall be used for purposes of the Iowa  
 2 veterans home."

3 \_\_\_\_\_. Page 85, line 16, by striking the figure  
 4 "593,302,330" and inserting the following:  
 5 "587,884,830."

6 13. Page 4, by inserting after line 13 the  
 7 following:

8 "\_\_\_\_\_. Page 85, by inserting after line 32 the  
 9 following:

10 "Sec.\_\_\_\_. 2008 Iowa Acts, chapter 1187, section  
 11 9, is amended by adding the following new subsection:  
 12 **NEW SUBSECTION. 25.** The revised appropriation  
 13 made in this section incorporates reductions made  
 14 pursuant to executive order number 10 issued on  
 15 December 22, 2008.""

16 14. Page 8, by inserting after line 34 the  
 17 following:

18 "\_\_\_\_\_. Page 113, by inserting after line 10 the  
 19 following:

20 "Sec.\_\_\_\_. **CHILD SUPPORT ENFORCEMENT INFORMATION.**  
 21 The sections of 2009 Iowa Acts, Senate File 319,  
 22 amending section 252B.5, subsection 9, paragraph b,  
 23 unnumbered paragraph 1; section 252B.9, subsection 2,  
 24 unnumbered paragraph 1; section 252B.9, subsection 2,  
 25 paragraph a; section 252B.9, subsection 2, paragraph  
 26 b, unnumbered paragraph 1; section 252B.9, subsection  
 27 2, paragraph b, subparagraph (1); section 252B.9,  
 28 subsection 3, paragraphs e and g; section 252B.9A,  
 29 subsection 1; section 252G.5, subsections 2 and 3;  
 30 section 598.22, subsection 3; and section 598.26,  
 31 subsection 1, Code 2009, and providing for such  
 32 amendments' effective date, are repealed.""

33 15. Page 8, by inserting before line 35 the  
 34 following:

35 "\_\_\_\_\_. Page 113, by inserting before line 16 the  
 36 following:

37 "Sec.\_\_\_\_. **EXCHANGE OF ELECTRONIC INDIVIDUALLY**  
 38 **IDENTIFIABLE HEALTH INFORMATION.** The executive  
 39 committee of the electronic health information  
 40 advisory council created in section 135.156, with the  
 41 technical assistance of the advisory council and the  
 42 support of the department of public health, shall

43 review the electronic exchange of individually  
 44 identifiable health information by health care  
 45 providers for the purpose of treatment with the goal  
 46 of facilitating informed treatment decisions and  
 47 providing higher quality and safer care, while  
 48 protecting the privacy of patients and the security  
 49 and confidentiality of patient information. Following  
 50 the review, the executive committee shall report the

Page 4

1 results of its review and recommendations, including  
 2 any proposed changes in state law and rules relating  
 3 to such information exchange, to the governor and the  
 4 general assembly no later than December 15, 2009."  
 5 16. Page 8, by inserting before line 35 the  
 6 following:  
 7 "\_\_\_\_. Page 113, by inserting before line 16 the  
 8 following:  
 9 "Sec.\_\_\_\_. EFFECTIVE DATE – RETROACTIVE  
 10 APPLICABILITY. The section of this division of this  
 11 Act relating to child support enforcement information  
 12 by repealing sections of 2009 Iowa Acts, Senate File  
 13 319, as enacted, being deemed of immediate importance,  
 14 takes effect upon enactment, and is retroactively  
 15 applicable to March 23, 2009."  
 16 17. By renumbering as necessary.

HEDDENS of Story

H-1681

1 Amend House File 711 as follows:  
 2 1. By striking everything after the enacting  
 3 clause and inserting the following:  
 4 "DIVISION I  
 5 SEX OFFENDER REGISTRY  
 6 Section 1. NEW SECTION. 692A.101 DEFINITIONS.  
 7 As used in this chapter and unless the context  
 8 otherwise requires:  
 9 1. a. "Aggravated offense" means a conviction for  
 10 any of the following offenses:  
 11 (1) Sexual abuse in the first degree in violation  
 12 of section 709.2.  
 13 (2) Sexual abuse in the second degree in violation  
 14 of section 709.3.  
 15 (3) Sexual abuse in the third degree in violation  
 16 of section 709.4, subsection 1.  
 17 (4) Lascivious acts with a child in violation of  
 18 section 709.8, subsection 1 or 2.  
 19 (5) Assault with intent to commit sexual abuse in  
 20 violation of section 709.11.

- 21 (6) Burglary in the first degree in violation of  
22 section 713.3, subsection 1, paragraph "d".
- 23 (7) Kidnapping, if sexual abuse as defined in  
24 section 709.1 is committed during the commission of  
25 the offense.
- 26 (8) Murder in violation of section 707.2 or 707.3,  
27 if sexual abuse as defined in section 709.1 is  
28 committed during the offense.
- 29 (9) Criminal transmission of human  
30 immunodeficiency virus in violation of section 709C.1,  
31 subsection 1, paragraph "a".
- 32 b. Any conviction for an offense specified in the  
33 laws of another jurisdiction or any conviction for an  
34 offense prosecuted in federal, military, or foreign  
35 court, that is comparable to an offense listed in  
36 paragraph "a" shall be considered an aggravated  
37 offense for purposes of registering under this  
38 chapter.
- 39 2. "Aggravated offense against a minor" means a  
40 conviction for any of the following offenses, if such  
41 offense was committed against a minor, or otherwise  
42 involves a minor:
- 43 a. Sexual abuse in the first degree in violation  
44 of section 709.2.
- 45 b. Sexual abuse in the second degree in violation  
46 of section 709.3.
- 47 c. Sexual abuse in the third degree in violation  
48 of section 709.4, except for a violation of section  
49 709.4, subsection 2, paragraph "c", subparagraph (4).
- 50 3. "Appearance" means to appear in person at a

Page 2

- 1 sheriff's office.
- 2 4. "Business day" means every day except Saturday,  
3 Sunday, or any paid holiday for county employees in  
4 the applicable county.
- 5 5. "Change" means to add, begin, or terminate.
- 6 6. "Child care facility" means the same as defined  
7 in section 237A.1.
- 8 7. "Convicted" means found guilty of, pleads  
9 guilty to, or is sentenced or adjudicated delinquent  
10 for an act which is an indictable offense in this  
11 state or in another jurisdiction including in a  
12 federal, military, tribal, or foreign court, including  
13 but not limited to a juvenile who has been adjudicated  
14 delinquent, but whose juvenile court records have been  
15 sealed under section 232.150, and a person who has  
16 received a deferred sentence or a deferred judgment or  
17 has been acquitted by reason of insanity.
- 18 "Conviction" includes the conviction of a juvenile  
19 prosecuted as an adult. "Convicted" also includes a

20 conviction for an attempt or conspiracy to commit an  
21 offense. "Convicted" does not mean a plea, sentence,  
22 adjudication, deferred sentence, or deferred judgment  
23 which has been reversed or otherwise set aside.

24 8. "Criminal or juvenile justice agency" means an  
25 agency or department of any level of government or an  
26 entity wholly owned, financed, or controlled by one or  
27 more such agencies or departments which performs as  
28 its principal function the apprehension, prosecution,  
29 adjudication, incarceration, or rehabilitation of  
30 criminal or juvenile offenders.

31 9. "Department" means the department of public  
32 safety.

33 10. "Employee" means an offender who is  
34 self-employed, employed by another, and includes a  
35 person working under contract, or acting or serving as  
36 a volunteer, regardless of whether the  
37 self-employment, employment by another, or  
38 volunteerism is performed for compensation.

39 11. "Employment" means acting as an employee.

40 12. "Foreign court" means a court of a foreign  
41 nation that is recognized by the United States  
42 department of state that enforces the right to a fair  
43 trial during the period in which a conviction  
44 occurred.

45 13. "Habitually lives" means living in a place  
46 with some regularity, and with reference to where the  
47 sex offender actually lives, which could be some place  
48 other than a mailing address or primary address but  
49 would entail a place where the sex offender lives on  
50 an intermittent basis.

Page 3

1 14. "Incarcerated" means to be imprisoned by  
2 placing a person in a jail, prison, penitentiary,  
3 juvenile facility, or other correctional institution  
4 or facility or a place or condition of confinement or  
5 forcible restraint regardless of the nature of the  
6 institution in which the person serves a sentence for  
7 a conviction.

8 15. "Internet identifier" means an electronic mail  
9 address, instant message address or identifier, or any  
10 other designation or moniker used for  
11 self-identification during internet communication or  
12 posting, including all designations used for the  
13 purpose of routing or self-identification in internet  
14 communications or postings.

15 16. "Jurisdiction" means any state of the United  
16 States, the District of Columbia, the Commonwealth of  
17 Puerto Rico, Guam, American Samoa, the Northern  
18 Mariana Islands, the United States Virgin Islands, or

- 19 a federally recognized Indian tribe.
- 20 17. "Loiter" means remaining in a place or  
21 circulating around a place under circumstances that  
22 would warrant a reasonable person to believe that the  
23 purpose or effect of the behavior is to enable a sex  
24 offender to become familiar with a location where a  
25 potential victim may be found, or to satisfy an  
26 unlawful sexual desire, or to locate, lure, or harass  
27 a potential victim.
- 28 18. "Military offense" means a sex offense  
29 specified by the secretary of defense under 10 U.S.C.  
30 § 951.
- 31 19. "Minor" means a person under eighteen years of  
32 age.
- 33 20. "Principal residence" for a sex offender  
34 means:
- 35 a. The residence of the offender, if the offender  
36 has only one residence in this state.
- 37 b. The residence at which the offender resides,  
38 sleeps, or habitually lives for more days per year  
39 than another residence in this state, if the offender  
40 has more than one residence in this state.
- 41 c. The place of employment or attendance as a  
42 student, or both, if the sex offender does not have a  
43 residence in this state.
- 44 21. "Professional licensing information" means the  
45 name or other description, number, if applicable, and  
46 issuing authority or agency of any license,  
47 certification, or registration required by law to  
48 engage in a profession or occupation held by a sex  
49 offender who is required at the time of the initial  
50 requirement to register under this chapter, or any

Page 4

- 1 such license, certification, or registration that was  
2 issued to an offender within the five-year period  
3 prior to conviction for a sex offense that requires  
4 registration under this chapter, or any such license,  
5 certification, or registration that is issued to an  
6 offender at any time during the duration of the  
7 registration requirement.
- 8 22. "Public library" means any library that  
9 receives financial support from a city or county  
10 pursuant to section 256.69.
- 11 23. a. "Relevant information" means the following  
12 information with respect to a sex offender:
- 13 (1) Criminal history, including warrants,  
14 articles, status of parole, probation, or supervised  
15 release, date of arrest, date of conviction, and  
16 registration status.
- 17 (2) Date of birth.

- 18 (3) Passport and immigration documents.  
19 (4) Government issued driver's license or  
20 identification card.  
21 (5) DNA sample.  
22 (6) Educational institutions attended as a  
23 student, including the name and address of such  
24 institutions.  
25 (7) Employment information including name and  
26 address of employer.  
27 (8) Fingerprints.  
28 (9) Internet identifiers.  
29 (10) Names, nicknames, aliases, or ethnic or  
30 tribal names, and if applicable, the real names of an  
31 offender protected under 18 U.S.C. §3521.  
32 (11) Palm prints.  
33 (12) Photographs.  
34 (13) Physical description, including scars, marks,  
35 or tattoos.  
36 (14) Professional licensing information.  
37 (15) Residence.  
38 (16) Social security number.  
39 (17) Telephone numbers, including any landline or  
40 wireless numbers.  
41 (18) Temporary lodging information, including  
42 dates when residing in temporary lodging.  
43 (19) Statutory citation and text of offense  
44 committed that requires registration under this  
45 chapter.  
46 (20) Vehicle information for a vehicle owned or  
47 operated by an offender including license plate  
48 number, registration number, or other identifying  
49 number, vehicle description, and the permanent or  
50 frequent locations where the vehicle is parked,

Page 5

- 1 docked, or otherwise kept.  
2 (21) The name, gender, and date of birth of each  
3 person residing in the residence.  
4 b. "Relevant information" does not include  
5 relevant information in paragraph "a", subparagraphs  
6 (1) and (19), when a sex offender is required to  
7 provide relevant information pursuant to this chapter.  
8 24. "Residence" means each dwelling or other place  
9 where a sex offender resides, sleeps, or habitually  
10 lives, or will reside, sleep, or habitually live,  
11 including a shelter or group home. If a sex offender  
12 does not reside, sleep, or habitually live in a fixed  
13 place, "residence" means a description of the  
14 locations where the offender is stationed regularly,  
15 including any mobile or transitory living quarters.  
16 "Residence" shall be construed to refer to the places



17 where a sex offender resides, sleeps, habitually  
18 lives, or is stationed with regularity, regardless of  
19 whether the offender declares or characterizes such  
20 place as the residence of the offender.

21 25. "Sex act" means as defined in section 702.17.

22 26. "Sex offender" means a person who is required  
23 to be registered under this chapter.

24 27. "Sex offense" means an indictable offense for  
25 which a conviction has been entered that has an  
26 element involving a sexual act, sexual contact, or  
27 sexual conduct, and which is enumerated in section  
28 692A.102, and means any comparable offense for which a  
29 conviction has been entered under prior law, or any  
30 comparable offense for which a conviction has been  
31 entered in a federal, military, or foreign court, or  
32 another jurisdiction.

33 28. "Sex offense against a minor" means an offense  
34 for which a conviction has been entered for a sex  
35 offense classified as a tier I, tier II, or tier III  
36 offense under this chapter if such offense was  
37 committed against a minor, or otherwise involves a  
38 minor.

39 29. "Sexually violent offense" means an offense  
40 for which a conviction has been entered for any of the  
41 following indictable offenses:

42 a. Sexual abuse as defined under section 709.1.

43 b. Assault with intent to commit sexual abuse in  
44 violation of section 709.11.

45 c. Sexual misconduct with offenders and juveniles  
46 in violation of section 709.16.

47 d. Any of the following offenses, if the offense  
48 involves sexual abuse or assault with intent to commit  
49 sexual abuse: murder, attempted murder, kidnapping,  
50 burglary, or manslaughter.

Page 6

1 e. A criminal offense committed in another  
2 jurisdiction, including a conviction in a federal,  
3 military, or foreign court, which would constitute an  
4 indictable offense under paragraphs "a" through "d" if  
5 committed in this state.

6 30. "Sexually violent predator" means a sex  
7 offender who has been convicted of an offense which  
8 would qualify the offender as a sexually violent  
9 predator under the federal Violent Crime Control and  
10 Law Enforcement Act of 1994, 42 U.S.C. §  
11 14071(a)(3)(B), (C), (D), and (E).

12 31. "SORNA" means the Sex Offender Registration  
13 and Notification Act, which is Title I of the federal  
14 Adam Walsh Child Protection and Safety Act of 2006.

15 32. "Student" means a sex offender who enrolls in

16 or otherwise receives instruction at an educational  
 17 institution, including a public or private elementary  
 18 school, secondary school, trade or professional  
 19 school, or institution of higher education. "Student"  
 20 does not mean a sex offender who enrolls in or attends  
 21 an educational institution as a correspondence  
 22 student, distance learning student, or any other form  
 23 of learning that occurs without physical presence on  
 24 the real property of an educational institution.

25 33. "Superintendent" means the superintendent or  
 26 superintendent's designee of a public school or the  
 27 authorities in charge of a nonpublic school.

28 34. "Vehicle" means a vehicle owned or operated by  
 29 an offender, including but not limited to a vehicle  
 30 for personal or work-related use, and including a  
 31 watercraft or aircraft, that is subject to  
 32 registration requirements under chapter 321, 328, or  
 33 462A.

34 Sec. 2. NEW SECTION. 692A.102 SEX OFFENSE  
 35 CLASSIFICATIONS.

36 1. For purposes of this chapter, all individuals  
 37 required to register shall be classified as a tier I,  
 38 tier II, or tier III offender. For purposes of this  
 39 chapter, sex offenses are classified into the  
 40 following tiers:

41 a. Tier I offenses include a conviction for the  
 42 following sex offenses:

43 (1) Sexual abuse in the second degree in violation  
 44 of section 709.3, subsection 2, if committed by a  
 45 person under the age of fourteen.

46 (2) Sexual abuse in the third degree in violation  
 47 of section 709.4, subsection 1, 3, or 4, if committed  
 48 by a person under the age of fourteen.

49 (3) Sexual abuse in the third degree in violation  
 50 of section 709.4, subsection 2, paragraph "a" or "b",

Page 7

1 if committed by a person under the age of fourteen.

2 (4) Sexual abuse in the third degree in violation  
 3 of section 709.4, subsection 2, paragraph "c".

4 (5) Indecent exposure in violation of section  
 5 709.9.

6 (6) Harassment in violation of section 708.7,  
 7 subsection 1, 2, or 3, if a determination is made that  
 8 the offense was sexually motivated pursuant to section  
 9 692A.126.

10 (7) Stalking in violation of section 708.11,  
 11 except a violation of subsection 3, paragraph "b",  
 12 subparagraph (3), if a determination is made that the  
 13 offense was sexually motivated pursuant to section  
 14 692A.126.

- 15 (8) (a) Dissemination or exhibition of obscene  
16 material to minors in violation of section 728.2 or  
17 telephone dissemination of obscene material to minors  
18 in violation of 728.15.
- 19 (b) Rental or sale of hard-core pornography, if  
20 delivery is to a minor, in violation of section 728.4.
- 21 (9) Admitting minors to premises where obscene  
22 material is exhibited in violation of section 728.3.
- 23 (10) Receipt or possession of child pornography in  
24 violation of 18 U.S.C. § 2252.
- 25 (11) Material containing child pornography in  
26 violation of 18 U.S.C. § 2252A.
- 27 (12) Misleading domain names on the internet in  
28 violation of 18 U.S.C. § 2252B.
- 29 (13) Misleading words or digital images on the  
30 internet in violation of section 18 U.S.C. § 2252C.
- 31 (14) Failure to file a factual statement about an  
32 alien individual in violation of 18 U.S.C. § 2424.
- 33 (15) Transmitting information about a minor to  
34 further criminal sexual conduct in violation of 18  
35 U.S.C. § 2425.
- 36 (16) Any sex offense specified in the laws of  
37 another jurisdiction or any sex offense that may be  
38 prosecuted in federal, military, or foreign court,  
39 that is comparable to an offense listed in  
40 subparagraphs (1) through (15).
- 41 (17) Any sex offense under the prior laws of this  
42 state or another jurisdiction, or any sex offense  
43 under prior law that was prosecuted in a federal,  
44 military, or foreign court, that is comparable to an  
45 offense listed in subparagraphs (1) through (15).
- 46 b. Tier II offenses include a conviction for the  
47 following sex offenses:
- 48 (1) Detention in brothel in violation of section  
49 709.7.
- 50 (2) Lascivious acts with a child in violation of

Page 8

- 1 section 709.8, subsection 3 or 4.
- 2 (3) Solicitation of a minor to engage in an  
3 illegal sex act in violation of section 705.1.
- 4 (4) Solicitation of a minor to engage an illegal  
5 act under section 709.8, subsection 3, in violation of  
6 section 705.1.
- 7 (5) Solicitation of a minor to engage in an  
8 illegal act under section 709.12, in violation of  
9 section 705.1.
- 10 (6) False imprisonment of a minor in violation of  
11 section 710.7, except if committed by a parent.
- 12 (7) Assault with intent to commit sexual abuse if  
13 no injury results in violation of section 709.11.

- 14 (8) Invasion of privacy-nudity in violation of  
15 section 709.21.
- 16 (9) Stalking in violation of section 708.11,  
17 subsection 3, paragraph "b", subparagraph (3), if a  
18 determination is made that the offense was sexually  
19 motivated pursuant to section 692A.126.
- 20 (10) Indecent contact with a child in violation of  
21 section 709.12, if the child is thirteen years of age.
- 22 (11) Lascivious conduct with a minor in violation  
23 of section 709.14.
- 24 (12) Sexual exploitation by a counselor,  
25 therapist, or school employee in violation of section  
26 709.15, if the victim is thirteen years of age or  
27 older.
- 28 (13) Sexual misconduct with offenders and  
29 juveniles in violation of section 709.16, if the  
30 victim is thirteen years of age or older.
- 31 (14) Kidnapping of a person who is not a minor in  
32 violation of section 710.2, 710.3, or 710.4, if a  
33 determination is made that the offense was sexually  
34 motivated pursuant to section 692A.126.
- 35 (15) Solicitation of a minor to engage in an  
36 illegal act under section 725.3, subsection 2, in  
37 violation of section 705.1.
- 38 (16) Incest committed against a dependant adult as  
39 defined in section 235B.2 in violation of section  
40 726.2.
- 41 (17) Incest committed against a minor in violation  
42 of section 726.2.
- 43 (18) Sexual exploitation of a minor in violation  
44 of section 728.12, subsection 2 or 3.
- 45 (19) Material involving the sexual exploitation of  
46 a minor in violation of 18 U.S.C. § 2252(a), except  
47 receipt or possession of child pornography.
- 48 (20) Production of sexually explicit depictions of  
49 a minor for import into the United States in violation  
50 of 18 U.S.C. 2260.

Page 9

- 1 (21) Transportation of a minor for illegal sexual  
2 activity in violation of 18 U.S.C. § 2421.
- 3 (22) Coercion and enticement of a minor for  
4 illegal sexual activity in violation of 18 U.S.C. §  
5 2422(a) or (b).
- 6 (23) Transportation of minors for illegal sexual  
7 activity in violation of 18 U.S.C. § 2423(a).
- 8 (24) Travel with the intent to engage in illegal  
9 sexual conduct with a minor in violation of 18 U.S.C.  
10 § 2423.
- 11 (25) Engaging in illicit sexual conduct in foreign  
12 places in violation of 18 U.S.C. § 2423(c).

13 (26) Video voyeurism of a minor in violation of 18  
14 U.S.C. § 1801.

15 (27) Any sex offense specified in the laws of  
16 another jurisdiction or any offense that may be  
17 prosecuted in a federal, military, or foreign court,  
18 that is comparable to an offense listed in  
19 subparagraphs (1) through (26).

20 (28) Any sex offense under the prior laws of this  
21 state or another jurisdiction, or any sex offense  
22 under prior law that was prosecuted in a federal,  
23 military, or foreign court, that is comparable to a  
24 sex offense listed in subparagraphs (1) through (26).

25 c. Tier III offenses include a conviction for the  
26 following sex offenses:

27 (1) Murder in violation of section 707.2 or 707.3  
28 if sexual abuse as defined in section 709.1 is  
29 committed during the commission of the offense.

30 (2) Murder in violation of section 707.2 or 707.3,  
31 if a determination is made that the offense was  
32 sexually motivated pursuant to section 692A.126.

33 (3) Voluntary manslaughter in violation of section  
34 707.4, if a determination is made that the offense was  
35 sexually motivated pursuant to section 692A.126.

36 (4) Involuntary manslaughter in violation of  
37 section 707.5, if a determination is made that the  
38 offense was sexually motivated pursuant to section  
39 692A.126.

40 (5) Attempt to commit murder in violation of  
41 section 707.11, if a determination is made that the  
42 offense was sexually motivated pursuant to section  
43 692A.126.

44 (6) Sexual abuse in the first degree in violation  
45 of section 709.2.

46 (7) Sexual abuse in the second degree in violation  
47 of section 709.3, subsection 1 or 3.

48 (8) Sexual abuse in the second degree in violation  
49 of section 709.3, subsection 2, if committed by a  
50 person fourteen years of age or older.

Page 10

1 (9) Sexual abuse in the third degree in violation  
2 of section 709.4, subsection 1, 3, or 4, if committed  
3 by a person fourteen years of age or older.

4 (10) Sexual abuse in the third degree in violation  
5 of section 709.4, subsection 2, paragraph "a" or "b",  
6 if committed by a person fourteen years of age or  
7 older.

8 (11) Lascivious acts with a child in violation of  
9 section 709.8, subsection 1 or 2.

10 (12) Kidnapping in violation of section 710.2 if  
11 sexual abuse as defined in section 709.1 is committed

- 12 during the commission of the offense.
- 13 (13) Kidnapping of a minor in violation of section  
14 710.2, 710.3, or 710.4, if a determination is made  
15 that the offense was sexually motivated pursuant to  
16 section 692A.126.
- 17 (14) Assault with intent to commit sexual abuse  
18 resulting in serious or bodily injury in violation of  
19 section 709.11.
- 20 (15) Burglary in the first degree in violation of  
21 section 713.3, subsection 1, paragraph "d".
- 22 (16) Any other burglary in the first degree  
23 offense in violation of section 713.3 that is not  
24 included in subparagraph (15), if a determination is  
25 made that the offense was sexually motivated pursuant  
26 to section 692A.126.
- 27 (17) Attempted burglary in the first degree in  
28 violation of section 713.4, if a determination is made  
29 that the offense was sexually motivated pursuant to  
30 section 692A.126.
- 31 (18) Burglary in the second degree in violation of  
32 section 713.5, if a determination is made that the  
33 offense was sexually motivated pursuant to section  
34 692A.126.
- 35 (19) Attempted burglary in the second degree in  
36 violation of section 713.6, if a determination is made  
37 that the offense was sexually motivated pursuant to  
38 section 692A.126.
- 39 (20) Burglary in the third degree in violation of  
40 section 713.6A, if a determination is made that the  
41 offense was sexually motivated pursuant to section  
42 692A.126.
- 43 (21) Attempted burglary in the third degree in  
44 violation of section 713.6B, if a determination is  
45 made that the offense was sexually motivated pursuant  
46 to section 692A.126.
- 47 (22) Criminal transmission of human  
48 immunodeficiency virus in violation of section 709C.1,  
49 subsection 1, paragraph "a".
- 50 (23) Human trafficking in violation of section

Page 11

- 1 710A.2 if sexual abuse or assault with intent to  
2 commit sexual abuse is committed or sexual conduct or  
3 sexual contact is an element of the offense.
- 4 (24) Purchase or sale of an individual in  
5 violation of section 710.11 if a determination is made  
6 that the offense was sexually motivated pursuant to  
7 section 692A.126.
- 8 (25) Sexual exploitation of a minor in violation  
9 of section 728.12, subsection 1.
- 10 (26) Indecent contact with a child in violation of

11 section 709.12 if the child is under thirteen years of  
 12 age.

13 (27) Sexual exploitation by a counselor,  
 14 therapist, or school employee in violation of section  
 15 709.15, if the child is under thirteen years of age.

16 (28) Sexual misconduct with offenders and  
 17 juveniles in violation of section 709.16, if the child  
 18 is under thirteen years of age.

19 (29) Child stealing in violation of section 710.5,  
 20 if a determination is made that the offense was  
 21 sexually motivated pursuant to section 692A.126.

22 (30) Enticing away a minor in violation of section  
 23 710.10, if the violation includes an intent to commit  
 24 sexual abuse, sexual exploitation, sexual contact, or  
 25 sexual conduct directed towards a minor.

26 (31) Sex trafficking of children in violation of  
 27 18 U.S.C. § 1591.

28 (32) Aggravated sexual abuse in violation of 18  
 29 U.S.C. § 2241.

30 (33) Sexual abuse in violation of 18 U.S.C. §  
 31 2242.

32 (34) Sexual abuse of a minor or ward in violation  
 33 of 18 U.S.C. § 2243.

34 (35) Abusive sexual contact in violation of 18  
 35 U.S.C. § 2244.

36 (36) Offenses resulting in death in violation of  
 37 18 U.S.C. § 2245.

38 (37) Sexual exploitation of children in violation  
 39 of 18 U.S.C. § 2251.

40 (38) Selling or buying of children in violation of  
 41 18 U.S.C. § 2251A.

42 (39) Any sex offense specified in the laws of  
 43 another jurisdiction or any sex offense that may be  
 44 prosecuted in federal, military, or foreign court,  
 45 that is comparable to an offense listed in  
 46 subparagraphs (1) through (38).

47 (40) Any sex offense under the prior laws of this  
 48 state or another jurisdiction, or any sex offense  
 49 under prior law that was prosecuted in federal,  
 50 military, or foreign court, that is comparable to a

Page 12

1 sex offense listed in subparagraphs (1) through (38).

2 2. A sex offender classified as a tier I offender  
 3 shall be reclassified as a tier II offender, if it is  
 4 determined the offender has one previous conviction  
 5 for an offense classified as a tier I offense.

6 3. A sex offender classified as a tier II  
 7 offender, shall be reclassified as a tier III  
 8 offender, if it is determined the offender has a  
 9 previous conviction for a tier II offense or has been

10 reclassified as a tier II offender because of a  
11 previous conviction.

12 4. Notwithstanding the classifications of sex  
13 offense in subsection 1, any sex offense which would  
14 qualify a sex offender as a sexually violent predator,  
15 shall be classified as a tier III offense.

16 5. An offense classified as a tier II offense if  
17 committed against a person under thirteen years of  
18 age, shall be reclassified as a tier III offense.

19 6. Convictions of more than one sex offense which  
20 require registration under this chapter but which are  
21 prosecuted within a single indictment shall be  
22 considered as a single offense for purposes of  
23 registration.

24 Sec. 3. NEW SECTION. 692A.103 OFFENDERS REQUIRED  
25 TO REGISTER.

26 1. A person who has been convicted of any sex  
27 offense classified as a tier I, tier II, or tier III  
28 offense, or an offender required to register in  
29 another jurisdiction under the other jurisdiction's  
30 sex offender registry, shall register as a sex  
31 offender as provided in this chapter if the offender  
32 resides, is employed, or attends school in this state.  
33 A sex offender shall, upon a first or subsequent  
34 conviction, register in compliance with the procedures  
35 specified in this chapter, for the duration of time  
36 specified in this chapter, commencing as follows:

- 37 a. From the date of placement on probation.
- 38 b. From the date of release on parole or work  
39 release.
- 40 c. From the date of release from incarceration.
- 41 d. Except as otherwise provided in this section,  
42 from the date an adjudicated delinquent is released  
43 from placement in a juvenile facility ordered by a  
44 court pursuant to section 232.52.
- 45 e. Except as otherwise provided in this section,  
46 from the date an adjudicated delinquent commences  
47 attendance as a student at a public or private  
48 educational institution, other than an educational  
49 institution located on the real property of a juvenile  
50 facility if the juvenile has been ordered placed at

Page 13

- 1 such facility pursuant to section 232.52.
- 2 f. From the date of conviction for a sex offense  
3 requiring registration if probation, incarceration, or  
4 placement ordered pursuant to section 232.52 in a  
5 juvenile facility is not included in the sentencing,  
6 order, or decree of the court, except as otherwise  
7 provided in this section for juvenile cases.
- 8 2. A sex offender is not required to register



9 while incarcerated. However, the running of the  
10 period of registration is tolled pursuant to section  
11 692A.107 if a sex offender is incarcerated.

12 3. A juvenile adjudicated delinquent for an  
13 offense that requires registration shall be required  
14 to register as required in this chapter unless the  
15 juvenile court waives the requirement and finds that  
16 the person should not be required to register under  
17 this chapter.

18 4. Notwithstanding subsections 3 and 5, a juvenile  
19 fourteen years of age or older at the time the offense  
20 was committed shall be required to register if the  
21 adjudication was for an offense committed by force or  
22 the threat of serious violence, by rendering the  
23 victim unconscious, or by involuntary drugging of the  
24 victim. At the time of adjudication the judge shall  
25 make a determination as to whether the offense was  
26 committed by force or the threat of serious violence,  
27 by rendering the victim unconscious, or by involuntary  
28 drugging of the victim.

29 5. If a juvenile is required to register pursuant  
30 to subsection 3, the juvenile court may, upon motion  
31 of the juvenile, and after reasonable notice to the  
32 parties and hearing, modify or suspend the  
33 registration requirements if good cause is shown.

34 a. The motion to modify or suspend shall be made  
35 and the hearing shall occur prior to the discharge of  
36 the juvenile from the jurisdiction of the juvenile  
37 court for the sex offense that requires registration.

38 b. If at the time of the hearing the juvenile is  
39 participating in an appropriate outpatient treatment  
40 program for juvenile sex offenders, the juvenile court  
41 may enter orders temporarily suspending the  
42 requirement that the juvenile register and may defer  
43 entry of a final order on the matter until such time  
44 that the juvenile has completed or been discharged  
45 from the outpatient treatment program.

46 c. Final orders shall then be entered within  
47 thirty days from the date of the juvenile's completion  
48 or discharge from outpatient treatment.

49 d. Any order entered pursuant to this subsection  
50 that modifies or suspends the requirement to register

Page 14

1 shall include written findings stating the reason for  
2 the modification or suspension, and shall include  
3 appropriate restrictions upon the juvenile to protect  
4 the public during any period of time the registry  
5 requirements are modified or suspended. Upon entry of  
6 an order modifying or suspending the requirement to  
7 register, the juvenile court shall notify the

8 superintendent or the superintendent's designee where  
9 the juvenile is enrolled of the decision.

10 e. This subsection does not apply to a juvenile  
11 fourteen years of age or older at the time the offense  
12 was committed if the adjudication was for a sex  
13 offense committed by force or the threat of serious  
14 violence, by rendering the victim unconscious, or by  
15 involuntary drugging of the victim.

16 6. If a juvenile is required to register and the  
17 court later modifies or suspends the order regarding  
18 the requirement to register, the court shall notify  
19 the department within five days of the decision.

20 Sec. 4. NEW SECTION. 692A.104 REGISTRATION  
21 PROCESS.

22 1. A sex offender shall appear in person to  
23 register with the sheriff of each county where the  
24 offender has a residence, maintains employment, or is  
25 in attendance as a student, within five business days  
26 of being required to register under section 692A.103  
27 by providing all relevant information to the sheriff.  
28 A sheriff shall accept the registration of any person  
29 who is required to register in the county pursuant to  
30 the provisions of this chapter.

31 2. A sex offender shall, within five business days  
32 of changing a residence, employment, or attendance as  
33 a student, appear in person to notify the sheriff of  
34 each county where a change has occurred.

35 3. A sex offender shall, within five business days  
36 of a change in relevant information other than  
37 relevant information enumerated in subsection 2,  
38 notify the sheriff of the county where the principal  
39 residence of the offender is maintained about the  
40 change to the relevant information. The department  
41 shall establish by rule what constitutes proper  
42 notification under this subsection.

43 4. A sex offender who is required to verify  
44 information pursuant to the provisions of section  
45 692A.108 is only required to appear in person in the  
46 county where the principal residence of the offender  
47 is maintained to verify such information.

48 5. A sex offender shall, within five business days  
49 of the establishment of a residence, employment, or  
50 attendance as a student in another jurisdiction,

Page 15

1 appear in person to notify the sheriff of the county  
2 where the principal residence of the offender is  
3 maintained, about the establishment of a residence,  
4 employment, or attendance in another jurisdiction. A  
5 sex offender shall, within five business days of  
6 establishing a new residence, employment, or

7 attendance as a student in another jurisdiction,  
8 register with the registering agency of the other  
9 jurisdiction, if the offender is required to register  
10 under the laws of the other jurisdiction. The  
11 department shall notify the registering agency in the  
12 other jurisdiction of the sex offender's new  
13 residence, employment, or attendance as a student in  
14 the other jurisdiction.

15 6. A sex offender, who has multiple residences in  
16 this state, shall appear in person to notify the  
17 sheriff of each county where a residence is  
18 maintained, of the dates the offender will reside at  
19 each residence including the date when the offender  
20 will move from one residence to another residence.

21 7. Except as provided in subsection 8, the initial  
22 or subsequent registration and any notifications  
23 required in subsections 1, 2, 4, 5, and 6 shall be by  
24 appearance at the sheriff's office and completion of  
25 the initial or subsequent registration or notification  
26 shall be on a printed form, which shall be signed and  
27 dated by the sex offender. If the sheriff uses an  
28 electronic form to complete the initial registration  
29 or notification, the electronic form shall be printed  
30 upon completion and signed and dated by the sex  
31 offender. The sheriff shall transmit the registration  
32 or notification form completed by the sex offender  
33 within five business days by paper copy, or  
34 electronically, using procedures established by the  
35 department by rule.

36 8. The collection of relevant information by a  
37 court or releasing agency under section 692A.109 shall  
38 serve as the sex offender's initial or subsequent  
39 registration for purposes of this section. However,  
40 the sex offender shall register by appearing in person  
41 in the county of residence to verify the offender's  
42 arrival and relevant information. The court or  
43 releasing agency shall forward a copy of the  
44 registration to the department within five business  
45 days of completion of registration using procedures  
46 established by the department by rule.

47 Sec. 5. NEW SECTION. 692A.105 ADDITIONAL  
48 REGISTRATION REQUIREMENTS – TEMPORARY LODGING.

49 In addition to the registration provisions  
50 specified in section 692A.104, a sex offender, within

Page 16

1 five business days of a change, shall also appear in  
2 person to notify the sheriff of the county of  
3 principal residence, of any location in which the  
4 offender is staying when away from the principal  
5 residence of the offender for more than five days, by

6 identifying the location and the period of time the  
7 offender is staying in such location.

8 Sec. 6. NEW SECTION. 692A.106 DURATION OF  
9 REGISTRATION.

10 1. Except as otherwise provided in section 232.54,  
11 692A.103, or 692A.128, or this section, the duration  
12 of registration required under this chapter shall be  
13 for a period of ten years. The registration period  
14 shall begin as provided in section 692A.103.

15 2. A sex offender who has been sentenced to a  
16 special sentence under section 903B.1 or 903B.2, shall  
17 be required to register for a period equal to the term  
18 of the special sentence, but in no case not less than  
19 the period specified in subsection 1.

20 3. A sex offender who is convicted of violating  
21 any of the requirements of this chapter shall register  
22 for an additional ten years, commencing from the date  
23 the offender's registration would have expired under  
24 subsection 1 or, in the case of an offender who has  
25 been sentenced to a special sentence under section  
26 903B.1 or 903B.2, commencing from the date the  
27 offender's registration would have expired under  
28 subsection 2.

29 4. A sex offender shall, upon a second or  
30 subsequent conviction that requires a second  
31 registration, or upon conviction of an aggravated  
32 offense, or who has previously been convicted of one  
33 or more offenses that would have required registration  
34 under this chapter, register for life.

35 5. A sexually violent predator shall register for  
36 life.

37 6. If a sex offender ceases to maintain a  
38 residence, employment, or attendance as a student in  
39 this state, the offender shall no longer be required  
40 to register, and the offender shall be placed on  
41 inactive status and relevant information shall not be  
42 placed on the sex offender registry internet site,  
43 after the department verifies that the offender has  
44 complied with the registration requirements in another  
45 jurisdiction. If the sex offender subsequently  
46 reestablishes residence, employment, or attendance as  
47 a student in this state, the registration requirement  
48 under this chapter shall apply and the department  
49 shall remove the offender from inactive status and  
50 place any relevant information and any updated

Page 17

1 relevant information in the possession of the  
2 department on the sex offender registry internet site.

3 Sec. 7. NEW SECTION. 692A.107 TOLLING OF  
4 REGISTRATION PERIOD.

- 5 1. If a sex offender is incarcerated during a  
6 period of registration, the running of the period of  
7 registration is tolled until the offender is released  
8 from incarceration for that crime.
- 9 2. If a sex offender violates any requirements of  
10 section 692A.104, 692A.105, 692A.108, 692A.112,  
11 692A.113, 692A.114, or 692A.115, in addition to any  
12 criminal penalty prescribed for such violation, the  
13 period of registration is tolled until the offender  
14 complies with the registration provisions of this  
15 chapter.
- 16 Sec. 8. NEW SECTION. 692A.108 VERIFICATION OF  
17 RELEVANT INFORMATION.
- 18 1. A sex offender shall appear in person in the  
19 county of principal residence after the offender was  
20 initially required to register, to verify residence,  
21 employment, and attendance as a student, to allow the  
22 sheriff to photograph the offender, and to verify the  
23 accuracy of other relevant information during the  
24 following time periods after the initial registration:
- 25 a. For a sex offender classified as a tier I  
26 offender, every year.
- 27 b. For a sex offender classified as a tier II  
28 offender, every six months.
- 29 c. For a sex offender classified as a tier III  
30 offender, every three months.
- 31 2. A sheriff may require a sex offender to appear  
32 in person more frequently than provided in subsection  
33 1 to verify relevant information if good cause is  
34 shown. The circumstances under which more frequent  
35 appearances are required shall be reasonable,  
36 documented by the sheriff, and provided to the  
37 offender and the department in writing. Any  
38 modification to such requirement shall also be  
39 provided to the sex offender and the department in  
40 writing.
- 41 3. a. At least thirty days prior to an appearance  
42 for the verification of relevant information as  
43 required by this section, the department shall mail  
44 notification of the required appearance to each  
45 reported residence of the sex offender. The  
46 department shall not be required to mail notification  
47 to any sex offender if the residence described or  
48 listed in the sex offender's relevant information is  
49 insufficient for the delivery of mail.
- 50 b. The notice shall state that the sex offender

- 1 shall appear in person in the county of principal  
2 residence on or before a date specified in the notice  
3 to verify and update relevant information. The notice

4 shall not be forwarded to another address and shall be  
5 returned to the department if the sex offender no  
6 longer resides at the address.

7 4. A photograph of the sex offender shall be  
8 updated, at a minimum, annually. The sheriff shall  
9 send the updated photograph to the department using  
10 procedures established by the department by rule  
11 within five business days of the photograph being  
12 taken and the department shall post the updated  
13 photograph on the sex offender registry's internet  
14 site. The sheriff may require the sex offender to  
15 submit to being photographed, fingerprinted, or palm  
16 printed, more than once per year during any required  
17 appearance to verify relevant information.

18 5. The sheriff may make a reasonable modification  
19 to the date requiring a sex offender to make an  
20 appearance based on exigent circumstances including  
21 man-made or natural disasters. The sheriff shall  
22 notify the department of any modification using  
23 procedures established by department by rule.

24 6. A waiver of the next immediate in-person  
25 verification pursuant to this section may be granted  
26 at the discretion of the sheriff, if the sex offender  
27 appears in person at the sheriff's office because of  
28 changes to relevant information pursuant to section  
29 692A.104 or 692A.105, and if the in-person  
30 verification pursuant to this section is within thirty  
31 days of such in-person appearance. If a waiver is  
32 granted, the sheriff shall notify the department of  
33 granting the waiver.

34 Sec. 9. NEW SECTION. 692A.109 DUTY TO FACILITATE  
35 REGISTRATION.

36 1. When a sex offender is released from  
37 incarceration from a jail, prison, juvenile facility,  
38 or other correctional institution or facility, or when  
39 the offender is convicted but not incarcerated, the  
40 sheriff, warden, or superintendent of a facility or,  
41 in the case of release from foster care or residential  
42 treatment or conviction without incarceration, the  
43 court shall do the following prior to release or  
44 sentencing of the convicted offender:

45 a. Obtain all relevant information from the sex  
46 offender. Additional information for a sex offender  
47 required to register as a sexually violent predator  
48 shall include but not be limited to other identifying  
49 factors, anticipated future places of residence,  
50 offense history, and documentation of any treatment

Page 19

1 received by the person for a mental abnormality or  
2 personality disorder.

- 3     b. Inform the sex offender of the duty to register  
4     under this chapter and SORNA and ensure registration  
5     forms are completed and signed.
- 6     c. Inform the sex offender that, within five  
7     business days of changing a residence, employment,  
8     attendance as a student, an appearance is required  
9     before the sheriff in the county where the change  
10    occurred.
- 11    d. Inform the sex offender that, within five  
12    business days of a change in relevant information  
13    other than a change of residence, employment, or  
14    attendance as a student, the sex offender shall  
15    notify, in a manner prescribed by rule, the sheriff of  
16    the county of principal residence of the change.
- 17    e. Inform the sex offender that if the offender  
18    establishes residence in another jurisdiction, or  
19    becomes employed, or becomes a student in another  
20    jurisdiction, the offender must report the offender's  
21    new residence, employment, or attendance as a student,  
22    to the sheriff's office in the county of the  
23    offender's principal residence within five business  
24    days, and that, if the other jurisdiction has a  
25    registration requirement, the offender shall also be  
26    required to register in such jurisdiction.
- 27    f. Require the sex offender to read and sign a  
28    form stating that the duty of the offender to register  
29    under this chapter has been explained and the offender  
30    understands the registration requirement. If the sex  
31    offender cannot read, is unable to write, or refuses  
32    to cooperate, the duty and the form shall be explained  
33    orally and a written record shall be maintained by the  
34    sheriff, warden, superintendent of a facility, or  
35    court explaining the duty and the form.
- 36    g. Inform the sex offender who was convicted of a  
37    sex offense against a minor of the prohibitions  
38    established under section 692A.113 by providing the  
39    offender with a written copy of section 692A.113 and  
40    relevant definitions of section 692A.101.
- 41    h. Inform the sex offender who was convicted of an  
42    aggravated offense against a minor of the prohibitions  
43    established under section 692A.114 by providing the  
44    offender with a written copy of section 692A.114 and  
45    relevant definitions of section 692A.101.
- 46    i. Inform the sex offender that the offender must  
47    submit to being photographed by the sheriff of any  
48    county in which the offender is required to register  
49    upon initial registration and during any appearance to  
50    verify relevant information required under this

Page 20

1 chapter.

2 j. Inform the sex offender that any violation of  
3 this chapter may result in state or federal  
4 prosecution.

5 2. a. When a sex offender is released from  
6 incarceration from a jail, prison, juvenile facility,  
7 or other correctional institution or facility, or when  
8 the offender is convicted but not incarcerated, the  
9 sheriff, warden, superintendent of a facility, or  
10 court shall verify that the person has completed  
11 initial or subsequent registration forms, and accept  
12 the forms on behalf of the sheriff of the county of  
13 registration. The sheriff, warden, superintendent of  
14 a facility, or the court shall send the initial or  
15 subsequent registration information to the department  
16 within five business days of completion of the  
17 registration. Probation, parole, work release, or any  
18 other form of release after conviction shall not be  
19 granted unless the offender has registered as required  
20 under this chapter.

21 b. If the sex offender refuses to register, the  
22 sheriff, warden, superintendent of a facility, or  
23 court shall notify within five business days the  
24 county attorney in the county in which the offender  
25 was convicted or, if the offender no longer resides in  
26 that county, in the county in which the offender  
27 resides of the refusal to register. The county  
28 attorney shall bring a contempt of court action  
29 against the sex offender in the county in which the  
30 offender was convicted or, if the offender no longer  
31 resides in that county, in the county in which the  
32 offender resides. A sex offender who refuses to  
33 register shall be held in contempt and may be  
34 incarcerated pursuant to the provisions of chapter 665  
35 following the entry of judgment by the court on the  
36 contempt action until the offender complies with the  
37 registration requirements.

38 3. The sheriff, warden, or superintendent of a  
39 facility, or if the sex offender is placed on  
40 probation, the court shall forward one copy of the  
41 registration information to the department and to the  
42 sheriff of the county in which the principal residence  
43 is established within five business days after  
44 completion of the registration.

45 4. The court may order an appropriate law  
46 enforcement agency or the county attorney to assist  
47 the court in performing the requirements of subsection  
48 1 or 2.

49 Sec. 10. NEW SECTION. 692A.110 REGISTRATION FEES  
50 AND CIVIL PENALTY FOR OFFENDERS.



Page 21

1 1. A sex offender shall pay an annual fee in the  
2 amount of twenty-five dollars to the sheriff of the  
3 county of principal residence, beginning with the  
4 first required in-person appearance at the sheriff's  
5 office after the effective date of this Act. If the  
6 sex offender has more than one principal residence in  
7 this state, the offender shall pay the annual fee in  
8 the county where the offender is first required to  
9 appear in person after the effective date of this Act.  
10 The sheriff shall accept the registration. If, at the  
11 time of registration, the sex offender is unable to  
12 pay the fee, the sheriff may allow the offender time  
13 to pay the fee, permit the payment of the fee in  
14 installments, or may waive payment of the fee. Fees  
15 paid to the sheriff shall be used to defray the costs  
16 of duties related to the registration of sex offenders  
17 under this chapter.

18 2. In addition to any other penalty, at the time  
19 of conviction for a public offense committed on or  
20 after July 1, 1995, which requires a sex offender to  
21 register under this chapter, the offender shall be  
22 assessed a civil penalty of two hundred dollars, to be  
23 payable to the clerk of the district court as provided  
24 in section 602.8105 and distributed as provided in  
25 section 602.8108. With respect to a conviction for a  
26 public offense committed on or after July 1, 2009,  
27 which requires a sex offender to register under this  
28 chapter, the offender shall be assessed a civil  
29 penalty of two hundred fifty dollars, payable to the  
30 clerk of the district court as provided in section  
31 602.8105 and distributed as provided in section  
32 602.8108.

33 3. The fee and penalty required by this section  
34 shall not be assessed against a person who has been  
35 acquitted by reason of insanity of the offense which  
36 requires registration under this chapter.

37 Sec. 11. NEW SECTION. 692A.111 FAILURE TO COMPLY  
38 – PENALTY.

39 1. A sex offender who violates any requirements of  
40 section 692A.104, 692A.105, 692A.108, 692A.112,  
41 692A.113, 692A.114, or 692A.115 commits an aggravated  
42 misdemeanor for a first offense and a class "D" felony  
43 for a second or subsequent offense. However, a sex  
44 offender convicted of an aggravated offense against a  
45 minor, a sex offense against a minor, or a sexually  
46 violent offense committed while in violation of any of  
47 the requirements specified in section 692A.104,  
48 692A.105, 692A.108, 692A.112, 692A.113, 692A.114, or  
49 692A.115 is guilty of a class "C" felony, in addition  
50 to any other penalty provided by law. Any fine

Page 22

1 imposed for a second or subsequent violation shall not  
2 be suspended. Notwithstanding section 907.3, the  
3 court shall not defer judgment or sentence for any  
4 violation of any requirements specified in this  
5 chapter. For purposes of this subsection, a violation  
6 occurs when a sex offender knows or reasonably should  
7 know of the duty to fulfill a requirement specified in  
8 this chapter as referenced in the offense charged.

9 2. Violations in any other jurisdiction under sex  
10 offender registry provisions that are substantially  
11 similar to those contained in this section shall be  
12 counted as previous offenses. The court shall  
13 judicially notice the statutes of other states which  
14 are substantially similar to this section.

15 3. A sex offender who violates any provision of  
16 this chapter may be prosecuted in any county where  
17 registration is required by the provisions of this  
18 chapter.

19 Sec. 12. NEW SECTION. 692A.112 KNOWINGLY  
20 PROVIDING FALSE INFORMATION – PENALTY.

21 A sex offender shall not knowingly provide false  
22 information upon registration, change of relevant  
23 information, or during an appearance to verify  
24 relevant information.

25 Sec. 13. NEW SECTION. 692A.113 EXCLUSION ZONES  
26 AND PROHIBITION OF CERTAIN EMPLOYMENT-RELATED  
27 ACTIVITIES.

28 1. A sex offender who has been convicted of a sex  
29 offense against a minor shall not do any of the  
30 following:

31 a. Be present upon the real property of a public  
32 or nonpublic elementary or secondary school without  
33 the written permission of the school administrator or  
34 school administrator's designee, unless enrolled as a  
35 student at the school.

36 b. Loiter within three hundred feet of the real  
37 property boundary of a public or nonpublic elementary  
38 or secondary school, unless enrolled as a student at  
39 the school.

40 c. Be present on or in any vehicle or other  
41 conveyance owned, leased, or contracted by a public or  
42 nonpublic elementary or secondary school without the  
43 written permission of the school administrator or  
44 school administrator's designee when the vehicle is in  
45 use to transport students to or from a school or  
46 school-related activities, unless enrolled as a  
47 student at the school or unless the vehicle is  
48 simultaneously made available to the public as a form  
49 of public transportation.

50 d. Be present upon the real property of a child

Page 23

- 1 care facility without the written permission of the  
2 child care facility administrator.
- 3 e. Loiter within three hundred feet of the real  
4 property boundary of a child care facility.
- 5 f. Be present upon the real property of a public  
6 library without the written permission of the library  
7 administrator.
- 8 g. Loiter within three hundred feet of the real  
9 property boundary of a public library.
- 10 h. Loiter on or within three hundred feet of the  
11 premises of any place intended primarily for the use  
12 of minors including but not limited to a playground  
13 available to the public, a children's play area  
14 available to the public, recreational or sport-related  
15 activity area when in use by a minor, a swimming or  
16 wading pool available to the public when in use by a  
17 minor, or a beach available to the public when in use  
18 by a minor.
- 19 2. A sex offender who has been convicted of a sex  
20 offense against a minor:
- 21 a. Who resides in a dwelling located within three  
22 hundred feet of the real property boundary of public  
23 or nonpublic elementary or secondary school, child  
24 care facility, public library, or place intended  
25 primarily for the use of minors as specified in  
26 subsection 1, paragraph "h", shall not be in violation  
27 of subsection 1 for having an established residence  
28 within the exclusion zone.
- 29 b. Who is the parent or legal guardian of a minor  
30 shall not be in violation of subsection 1 solely  
31 during the period of time reasonably necessary to  
32 transport the offender's own minor child or ward to or  
33 from a place specified in subsection 1.
- 34 c. Who is legally entitled to vote shall not be in  
35 violation of subsection 1 solely for the period of  
36 time reasonably necessary to exercise the right to  
37 vote in a public election if the polling location of  
38 the offender is located in a place specified in  
39 subsection 1.
- 40 3. A sex offender who has been convicted of a sex  
41 offense against a minor shall not do any of the  
42 following:
- 43 a. Operate, manage, be employed by, or act as a  
44 contractor or volunteer at any municipal, county, or  
45 state fair or carnival when a minor is present on the  
46 premises.
- 47 b. Operate, manage, be employed by, or act as a  
48 contractor or volunteer on the premises of any  
49 children's arcade, an amusement center having coin or  
50 token operated devices for entertainment, or

Page 24

1 facilities providing programs or services intended  
2 primarily for minors, when a minor is present.

3 c. Operate, manage, be employed by, or act as a  
4 contractor or volunteer at a public or nonpublic  
5 elementary or secondary school, child care facility,  
6 or public library.

7 d. Operate, manage, be employed by, or act as a  
8 contractor or volunteer at any place intended  
9 primarily for use by minors including but not limited  
10 to a playground, a children's play area, recreational  
11 or sport-related activity area, a swimming or wading  
12 pool, or a beach.

13 Sec. 14. NEW SECTION. 692A.114 RESIDENCY  
14 RESTRICTIONS – PRESENCE – CHILD CARE FACILITIES AND  
15 SCHOOLS.

16 1. As used in this section:

17 a. "Minor" means a person who is under eighteen  
18 years of age or who is enrolled in a secondary school.

19 b. "School" means a public or nonpublic elementary  
20 or secondary school.

21 c. "Sex offender" means a person required to be  
22 registered under this chapter who has been convicted  
23 of an aggravated offense against a minor.

24 2. A sex offender shall not reside within two  
25 thousand feet of the real property comprising a school  
26 or a child care facility.

27 3. A sex offender residing within two thousand  
28 feet of the real property comprising a school or a  
29 child care facility does not commit a violation of  
30 this section if any of the following apply:

31 a. The sex offender is required to serve a  
32 sentence at a jail, prison, juvenile facility, or  
33 other correctional institution or facility.

34 b. The sex offender is subject to an order of  
35 commitment under chapter 229A.

36 c. The sex offender has established a residence  
37 prior to July 1, 2002.

38 d. The sex offender has established a residence  
39 prior to any newly located school or child care  
40 facility being established.

41 e. The sex offender is a minor.

42 f. The sex offender is a ward in a guardianship,  
43 and a district judge or associate probate judge grants  
44 an exemption from the residency restriction.

45 g. The sex offender is a patient or resident at a  
46 health care facility as defined in section 135C.1 or a  
47 patient in a hospice program, and a district judge or  
48 associate probate judge grants an exemption from the  
49 residency restriction.

50 Sec. 15. NEW SECTION. 692A.115 EMPLOYMENT WHERE

Page 25

1 DEPENDENT ADULTS RESIDE.

2 A sex offender shall not be an employee of a  
3 facility providing services for dependent adults or at  
4 events where dependent adults participate in  
5 programming and shall not loiter on the premises or  
6 grounds of a facility or at an event providing such  
7 services or programming.

8 Sec. 16. NEW SECTION. 692A.116 DETERMINATION OF  
9 REQUIREMENT TO REGISTER.

10 1. An offender may request that the department  
11 determine whether the offense for which the offender  
12 has been convicted requires the offender to register  
13 under this chapter or whether the period of time  
14 during which the offender is required to register  
15 under this chapter has expired.

16 2. Application for determination shall be filed  
17 with the department and shall be made on forms  
18 provided by the department and accompanied by copies  
19 of sentencing or adjudicatory orders with respect to  
20 each offense for which the offender asks that a  
21 determination be made.

22 3. The department, after filing of the request and  
23 after all documentation or information requested by  
24 the department is received, shall have ninety days  
25 from the filing of the request, to determine whether  
26 the offender is required to register under this  
27 chapter.

28 Sec. 17. NEW SECTION. 692A.117 REGISTRATION  
29 FORMS AND ELECTRONIC REGISTRATION SYSTEM.

30 1. Registration forms and an electronic  
31 registration system shall be made available by the  
32 department.

33 2. Copies of blank forms shall be available upon  
34 request to any registering agency.

35 Sec. 18. NEW SECTION. 692A.118 DEPARTMENT DUTIES  
36 – REGISTRY.

37 The department shall perform all of the following  
38 duties:

39 1. Develop an electronic system and standard forms  
40 for use in the registration of, verifying addresses  
41 of, and verifying understanding of registration  
42 requirements by sex offenders. Forms used to verify  
43 addresses of sex offenders shall contain a warning  
44 against forwarding a form to another address and of  
45 the requirement to return the form if the offender to  
46 whom the form is directed no longer resides at the  
47 address listed on the form or the mailing.

48 2. Maintain a central registry of information  
49 collected from sex offenders, which shall be known as  
50 the sex offender registry.

Page 26

1 3. In consultation with the attorney general,  
2 adopt rules under chapter 17A which list specific  
3 offenses under present and former law which constitute  
4 sex offenses or sex offenses against a minor under  
5 this chapter.

6 4. Adopt rules under chapter 17A, as necessary, to  
7 ensure compliance with registration and verification  
8 requirements of this chapter, to provide guidelines  
9 for persons required to assist in obtaining registry  
10 information, and to provide a procedure for the  
11 dissemination of information contained in the  
12 registry. The procedure for the dissemination of  
13 information shall include but not be limited to  
14 practical guidelines for use by criminal or juvenile  
15 justice agencies in determining when public release of  
16 relevant information contained in the registry is  
17 appropriate and a requirement that if a member of the  
18 general public requests information regarding a  
19 specific individual in the manner provided in section  
20 692A.121, the relevant information shall be released.  
21 The department, in developing the procedure, shall  
22 consult with associations which represent the  
23 interests of law enforcement officers. Rules adopted  
24 shall also include a procedure for removal of  
25 information from the registry upon the reversal or  
26 setting aside of a conviction of an offender.

27 5. Submit sex offender registry data to the  
28 federal bureau of investigation for entry of the data  
29 into the national sex offender registry.

30 6. Perform the requirements under this chapter and  
31 under federal law in cooperation with the office of  
32 sex offender sentencing, monitoring, apprehending,  
33 registering, and tracking of the office of justice  
34 programs of the United States department of justice.

35 7. Enter and maintain fingerprints and palm prints  
36 of sex offenders in an automated fingerprint  
37 identification system maintained by the department and  
38 made accessible to law enforcement agencies in this  
39 state, of the federal government, or in another  
40 jurisdiction. The department or any law enforcement  
41 agency may use such prints for criminal investigative  
42 purposes, to include comparison against finger and  
43 palm prints identified or recovered as evidence in a  
44 criminal investigation.

45 8. Notify a jurisdiction that provided information  
46 that a sex offender has or intends to maintain a  
47 residence, employment, or attendance as a student, in  
48 this state, of the failure of the sex offender to  
49 register as required under this chapter.

50 9. Submit a DNA sample to the combined DNA index

Page 27

1 system, if a sample has not been submitted.  
2 10. Submit the social security number to the  
3 national crime information center, if the number has  
4 not been submitted.

5 11. When the department has a reasonable basis to  
6 believe that a sex offender has changed residence to  
7 an unknown location, has become a fugitive from  
8 justice, or who has otherwise taken flight, the  
9 department shall make a reasonable effort to ascertain  
10 the whereabouts of the offender, and if such effort  
11 fails to identify the location of the offender, an  
12 appropriate notice shall be made on the sex offender  
13 registry internet site of this state and shall be  
14 transmitted to the national sex offender registry.  
15 The department shall notify other law enforcement  
16 agencies as deemed appropriate.

17 12. The department shall notify appropriate law  
18 enforcement agencies including the United States  
19 marshal service to investigate and verify possible  
20 violations. The department shall ensure any warrants  
21 for arrest are entered into the Iowa online warrant  
22 and articles system and the national crime information  
23 center and pursue prosecution of stated violations  
24 through state or federal court.

25 Sec. 19. NEW SECTION. 692A.119 SEX OFFENDER  
26 REGISTRY FUND.

27 A sex offender registry fund is established as a  
28 separate fund within the state treasury under the  
29 control of the department. The fund shall consist of  
30 moneys received as a result of the imposition of the  
31 penalty imposed under section 692A.110 and other funds  
32 allocated for purposes of establishing and maintaining  
33 the sex offender registry, conducting research and  
34 analysis related to sex crimes and offenders, and to  
35 perform other duties required under this chapter.  
36 Notwithstanding section 8.33, unencumbered or  
37 unobligated moneys and any interest remaining in the  
38 fund on June 30 of any fiscal year shall not revert to  
39 the general fund of the state, but shall remain  
40 available for expenditure in subsequent fiscal years.

41 Sec. 20. NEW SECTION. 692A.120 DUTIES OF THE  
42 SHERIFF.

43 The sheriff of each county shall comply with the  
44 requirements of this chapter and rules adopted by the  
45 department pursuant to this chapter. The sheriff of  
46 each county shall provide information and notices as  
47 provided in section 282.9.

48 Sec. 21. NEW SECTION. 692A.121 AVAILABILITY OF  
49 RECORDS.

50 1. The department shall maintain an internet site

Page 28

1 for the public and others to access relevant  
2 information about sex offenders. The internet site,  
3 at a minimum, shall be searchable by name, county,  
4 city, zip code, and geographic radius.

5 2. The department shall provide updated or  
6 corrected relevant information within five business  
7 days of the information being updated or corrected,  
8 from the sex offender registry to the following:

9 a. A criminal or juvenile justice agency, an  
10 agency of the state, a sex offender registry of  
11 another jurisdiction, or the federal government.

12 b. The general public through the sex offender  
13 registry internet site.

14 (1) The following relevant information about a sex  
15 offender shall be disclosed on the internet site:

16 (a) The date of birth.

17 (b) The name, nickname, aliases, including ethnic  
18 or tribal names.

19 (c) Photographs.

20 (d) The physical description, including scars,  
21 marks, or tattoos.

22 (e) The residence.

23 (f) The statutory citation and text of the offense  
24 committed that requires registration under this  
25 chapter.

26 (g) A specific reference indicting whether a  
27 particular sex offender is subject to residency  
28 restrictions pursuant to section 692A.114.

29 (h) A specific reference indicating whether a  
30 particular sex offender is subject to exclusion zone  
31 restrictions pursuant to section 692A.113.

32 (2) The following relevant information shall not  
33 be disclosed on the internet site:

34 (a) The relevant information about a sex offender  
35 who was under twenty years of age at the time the  
36 offender committed a violation of section 709.4,  
37 subsection 2, paragraph "c", subparagraph (4).

38 (b) The employer name, address, or location where  
39 a sex offender acts as an employee in any form of  
40 employment.

41 (c) The address and name of any school where a  
42 student required to be on the registry attends.

43 (d) The real name of a sex offender protected  
44 under 18 U.S.C § 3521.

45 (e) The statutory citation and text of the offense  
46 committed for an incest conviction in violation of  
47 section 726.2, however, the citation and text of an  
48 incest conviction shall be disclosed on the internet  
49 site as a conviction of section 709.4 or 709.8.

50 (f) Any other relevant information not described



Page 29

1 in subparagraph (1).

2 c. The general public through any other means, at  
3 the discretion of the department, any relevant  
4 information that is available on the internet site.

5 3. A criminal or juvenile justice agency may  
6 provide relevant information from the sex offender  
7 registry to the following:

8 a. A criminal or juvenile justice agency, an  
9 agency of the state, or a sex offender registry of  
10 another jurisdiction, or the federal government.

11 b. The general public, any information available  
12 to the general public in subsection 2, including  
13 public and private agencies, organizations, public  
14 places, child care facilities, religious and youth  
15 organizations, neighbors, neighborhood associations,  
16 community meetings, and employers. The relevant  
17 information available to the general public may be  
18 distributed to the public through printed materials,  
19 visual or audio press releases, radio communications,  
20 or through a criminal or juvenile justice agency's  
21 internet site.

22 4. When a sex offender moves into a school  
23 district or moves within a school district, the county  
24 sheriff of the county of the offender's new residence  
25 shall provide relevant information that is available  
26 to the general public in subsection 2 to the  
27 administrative office of the school district in which  
28 the person required to register resides, and shall  
29 also provide relevant information to any nonpublic  
30 school near the offender's residence.

31 5. a. A member of the public may contact a county  
32 sheriff's office to request relevant information from  
33 the registry regarding a specific sex offender. A  
34 person making a request for relevant information may  
35 make the request by telephone, in writing, or in  
36 person, and the request shall include the name of the  
37 person and at least one of the following identifiers  
38 pertaining to the sex offender about whom the  
39 information is sought:

40 (1) The date of birth of the person.

41 (2) The social security number of the person.

42 (3) The address of the person.

43 (4) Internet identifiers.

44 (5) Telephone numbers, including any landline or  
45 wireless numbers.

46 b. The relevant information made available to the  
47 general public pursuant to this subsection shall  
48 include all the relevant information provided to the  
49 general public on the internet site pursuant to  
50 subsection 2, and the following additional relevant

Page 30

1 information:

2 (1) Educational institutions attended as a  
3 student, including the name and address of such  
4 institution.

5 (2) Employment information including the name and  
6 address of employer.

7 (3) Temporary lodging information, including the  
8 dates when residing at the temporary lodging.

9 (4) Vehicle information.

10 c. A county sheriff or police department shall not  
11 charge a fee relating to a request for relevant  
12 information.

13 6. A county sheriff shall also provide to a person  
14 upon request access to a list of all registrants in  
15 that county.

16 7. The following relevant information shall not be  
17 provided to the general public:

18 a. The identity of the victim.

19 b. Arrests not resulting in a conviction.

20 c. Passport and immigration documents.

21 d. A government issued driver's license or  
22 identification card.

23 e. DNA information.

24 f. Fingerprints.

25 g. Palm prints.

26 h. Professional licensing information.

27 i. Social security number.

28 j. Real name protected under 18 U.S.C § 3521.

29 8. Notwithstanding sections 232.147 through  
30 232.151, records concerning convictions which are  
31 committed by a minor may be released in the same  
32 manner as records of convictions of adults.

33 9. A person may contact the department or a county  
34 sheriff's office to verify if a particular internet  
35 identifier or telephone number is one that has been  
36 included in a registration by a sex offender.

37 10. The department shall include links to sex  
38 offender safety information, educational resources  
39 pertaining to the prevention of sexual assaults, and  
40 the national sex offender registry.

41 11. The department shall include on the sex  
42 offender registry internet site instructions and any  
43 applicable forms necessary for a person seeking  
44 correction of information that the person contends is  
45 erroneous.

46 12. When the department receives and approves  
47 registration data, such data shall be made available  
48 on the sex offender registry internet site within five  
49 business days.

50 13. The department shall maintain an automated

Page 31

1 electronic mail notification system, which shall be  
2 available by free subscription to any person, to  
3 provide notice of addition, deletion, or changes to  
4 any sex offender registration, relevant information  
5 within a postal zip code or, if selected by a  
6 subscriber, a geographic radius or, if selected by a  
7 subscriber, specific to a sex offender.

8 14. Sex offender registry records are confidential  
9 records not subject to examination and copying by a  
10 member of the public and shall only be released as  
11 provided in this section.

12 Sec. 22. NEW SECTION. 692A.122 COOPERATION WITH  
13 REGISTRATION.

14 An agency of state and local government that  
15 possesses information relevant to requirements that an  
16 offender register under this chapter shall provide  
17 that information to the court or the department upon  
18 request. All confidential records provided under this  
19 section shall remain confidential, unless otherwise  
20 ordered by a court, by the lawful custodian of the  
21 records, or by another person duly authorized to  
22 release such information.

23 Sec. 23. NEW SECTION. 692A.123 IMMUNITY FOR GOOD  
24 FAITH CONDUCT.

25 Criminal or juvenile justice agencies and employees  
26 of criminal or juvenile justice agencies and state  
27 agencies and their employees shall be immune from  
28 liability for acts or omissions arising from a good  
29 faith effort to comply with this chapter.

30 Sec. 24. NEW SECTION. 692A.124 ELECTRONIC  
31 MONITORING.

32 1. A sex offender who is placed on probation,  
33 parole, work release, special sentence, or any other  
34 type of conditional release, may be supervised by an  
35 electronic tracking and monitoring system in addition  
36 to any other conditions of supervision.

37 2. The determination to use electronic tracking  
38 and monitoring to supervise a sex offender shall be  
39 based upon a validated risk assessment approved by the  
40 department of corrections, and also upon the sex  
41 offender's criminal history, progress in treatment and  
42 supervision, and other relevant factors.

43 3. If a sex offender is under the jurisdiction of  
44 the juvenile court, the determination to use  
45 electronic tracking and monitoring to supervise the  
46 sex offender shall be based upon a risk assessment  
47 performed by a juvenile court officer.

48 Sec. 25. NEW SECTION. 692A.125 APPLICABILITY OF  
49 CHAPTER AND RETROACTIVITY.

50 1. The registration requirements of this chapter

Page 32

1 shall apply to sex offenders convicted on or after the  
2 effective date of this Act of a sex offense classified  
3 under section 692A.102.

4 2. The registration requirements of this chapter  
5 shall apply to a sex offender convicted of a sex  
6 offense or a comparable offense under prior law prior  
7 to the effective date of this Act under the following  
8 circumstances:

9 a. Any sex offender including a juvenile offender  
10 who is required to be on the sex offender registry as  
11 of June 30, 2009.

12 b. Any sex offender who is incarcerated on or  
13 after the effective date of this Act, for conviction  
14 of a sex offense committed prior to the effective date  
15 of this Act.

16 c. Any sex offender who is serving a special  
17 sentence pursuant to section 903B.1 or 903B.2 prior to  
18 the effective date of this Act.

19 3. For a sex offender required to register  
20 pursuant to subsection 1 or 2, each conviction or  
21 adjudication for a sex offense requiring registration,  
22 regardless of whether such conviction or adjudication  
23 occurred prior to, on, or after the effective date of  
24 this Act, shall be included in determining the tier  
25 requirements pursuant to this chapter.

26 4. An offender on the sex offender registry as of  
27 June 30, 2009, and who is required to be on the  
28 registry on or after July 1, 2009, shall be credited  
29 for any time on the registry prior to July 1, 2009.

30 Sec. 26. NEW SECTION. 692A.126 SEXUALLY  
31 MOTIVATED OFFENSE – DETERMINATION.

32 1. If a judge or jury makes a determination,  
33 beyond a reasonable doubt, that any of the following  
34 offenses for which a conviction has been entered are  
35 sexually motivated, the person shall be required to  
36 register as provided in this chapter:

37 a. Murder in the first degree in violation of  
38 section 707.2.

39 b. Murder in the second degree in violation of  
40 section 707.3.

41 c. Voluntary manslaughter in violation of section  
42 707.4.

43 d. Involuntary manslaughter in violation of  
44 section 707.5.

45 e. Attempt to commit murder in violation of  
46 section 707.11.

47 f. Harassment in violation of section 708.7,  
48 subsection 1, 2, or 3.

49 g. Stalking in violation of section 708.11,  
50 subsection 3, paragraph "b", subparagraph (3).

Page 33

- 1 h. Kidnapping in the first degree in violation of  
2 section 710.2.
- 3 i. Kidnapping in the second degree in violation of  
4 section 710.3.
- 5 j. Kidnapping in the third degree in violation of  
6 section 710.4.
- 7 k. Child stealing in violation of section 710.5.
- 8 l. Purchase or sale or attempted purchase or sale  
9 of an individual in violation of section 710.11.
- 10 m. Burglary in the first degree in violation of  
11 section 713.3, subsection 1, paragraph "a", "b", or  
12 "c".
- 13 n. Attempted burglary in the first degree in  
14 violation of section 713.4.
- 15 o. Burglary in the second degree in violation of  
16 section 713.5.
- 17 p. Attempted burglary in the second degree in  
18 violation of section 713.6.
- 19 q. Burglary in the third degree in violation of  
20 section 713.6A.
- 21 r. Attempted burglary in the third degree in  
22 violation of section 713.6B.
- 23 2. If a person is convicted of an offense in  
24 another jurisdiction, or of an offense that was  
25 prosecuted in a federal, military, or foreign court,  
26 that is comparable to an offense specified in  
27 subsection 1, the person shall be required to register  
28 as provided in this chapter if the department makes a  
29 determination that the offense was sexually motivated.
- 30 3. If a juvenile is convicted of an offense in  
31 another jurisdiction, or of an offense as a juvenile  
32 in a similar juvenile court proceeding in a federal,  
33 military, or foreign court, that is comparable to an  
34 offense specified in subsection 1, the person shall be  
35 required to register as provided in this chapter if  
36 the department makes a determination that the offense  
37 was sexually motivated.
- 38 Sec. 27. NEW SECTION. 692A.127 LIMITATIONS ON  
39 POLITICAL SUBDIVISIONS.
- 40 A political subdivision of the state shall not  
41 adopt any motion, resolution, or ordinance regulating  
42 the residency location of a sex offender or any  
43 motion, resolution, or ordinance regulating the  
44 exclusion of a sex offender from certain real  
45 property. A motion, resolution, or ordinance adopted  
46 by a political subdivision of the state in violation  
47 of this section is void and unenforceable and any  
48 enforcement activity conducted in violation of this  
49 section is void.
- 50 Sec. 28. NEW SECTION. 692A.128 MODIFICATION.

Page 34

1 1. A sex offender who is on probation, parole,  
2 work release, special sentence, or any other type of  
3 conditional release may file an application in  
4 district court seeking to modify the registration  
5 requirements under this chapter.  
6 2. An application shall not be granted unless all  
7 of the following apply:  
8 a. The date of the commencement of the requirement  
9 to register occurred at least two years prior to the  
10 filing of the application for a tier I offender and  
11 five years prior to the filing of the application for  
12 a tier II or III offender.  
13 b. The sex offender has successfully completed all  
14 sex offender treatment programs that have been  
15 required.  
16 c. A risk assessment has been completed and the  
17 sex offender was classified as a low risk to reoffend.  
18 The risk assessment used to assess an offender as a  
19 low risk to reoffend shall be a validated risk  
20 assessment approved by the department of corrections.  
21 d. The sex offender is not incarcerated when the  
22 application is filed.  
23 e. The director of the judicial district  
24 department of correctional services supervising the  
25 sex offender, or the director's designee, stipulates  
26 to the modification, and a certified copy of the  
27 stipulation is attached to the application.  
28 3. The application shall be filed in the sex  
29 offender's county of principal residence.  
30 4. Notice of any application shall be provided to  
31 the county attorney of the county of the sex  
32 offender's principal residence, the county attorney of  
33 any county in this state where a conviction requiring  
34 the sex offender's registration occurred, and the  
35 department. The county attorney where the conviction  
36 occurred shall notify the victim of an application if  
37 the victim's address is known.  
38 5. The court may, but is not required to, conduct  
39 a hearing on the application to hear any evidence  
40 deemed appropriate by the court. The court may modify  
41 the registration requirements under this chapter.  
42 6. A sex offender may be granted a modification if  
43 the offender is required to be on the sex offender  
44 registry as a result of an adjudication for a sex  
45 offense, the offender is not under the supervision of  
46 the juvenile court or a judicial district judicial  
47 department of correctional services, and the  
48 department of corrections agrees to perform a risk  
49 assessment on the sex offender. However, all other  
50 provisions of this section not in conflict with this

Page 35

1 subsection shall apply to the application prior to an  
2 application being granted except that the sex offender  
3 is not required to obtain a stipulation from the  
4 director of a judicial district department of  
5 correctional services, or the director's designee.

6 7. If the court modifies the registration  
7 requirements under this chapter, the court shall send  
8 a copy of the order to the department, the sheriff of  
9 the county of the sex offender's principal residence,  
10 any county attorney notified in subsection 4, and the  
11 victim, if the victim's address is known.

12 Sec. 29. NEW SECTION. 692A.129 PROBATION AND  
13 PAROLE OFFICERS.

14 A probation or parole officer supervising a sex  
15 offender is not precluded from imposing more  
16 restrictive exclusion zone requirements, employment  
17 prohibitions, and residency restrictions than under  
18 sections 692A.113 and 692A.114.

19 Sec. 30. NEW SECTION. 692A.130 RULES.

20 The department shall adopt rules pursuant to  
21 chapter 17A to administer this chapter.

22 Sec. 31. Sections 692A.1 through 692A.16, Code  
23 2009, are repealed.

#### 24 DIVISION II

25 SEX OFFENDER REGISTRY RELATED CHANGES

26 Sec. 32. Section 13.2, subsection 1, paragraph d,  
27 Code 2009, is amended to read as follows:

28 d. Prosecute and defend all actions and  
29 proceedings brought by or against any employee of a  
30 judicial district department of correctional services  
31 in the performance of an assessment of risk ~~pursuant~~  
32 ~~to chapter 692A.~~

33 Sec. 33. Section 22.7, subsection 48, Code 2009,  
34 is amended to read as follows:

35 48. Sex offender registry records under chapter  
36 692A, except as provided in section ~~692A.13~~ 692A.121.

37 Sec. 34. Section 232.53, subsections 2 and 3, Code  
38 2009, are amended to read as follows:

39 2. All dispositional orders entered prior to the  
40 child attaining the age of seventeen years shall  
41 automatically terminate when the child becomes  
42 eighteen years of age, except as provided in section  
43 2A. Dispositional orders entered subsequent to the  
44 child attaining the age of seventeen years and prior  
45 to the child's eighteenth birthday shall automatically  
46 terminate one year and six months after the date of  
47 disposition. In the case of an adult within the  
48 jurisdiction of the court under the provisions of  
49 section 232.8, subsection 1, the dispositional order  
50 shall automatically terminate one year and six months

Page 36

1 after the last date upon which jurisdiction could  
2 attach.

3 3. Notwithstanding section 233A.13, a child  
4 committed to the training school subsequent to the  
5 child attaining the age of seventeen years and prior  
6 to the child's eighteenth birthday may be held at the  
7 school beyond the child's eighteenth birthday pursuant  
8 to subsection 2 or 2A, provided that the training  
9 school makes application to and receives permission  
10 from the committing court. This extension shall be  
11 for the purpose of completion by the child of a course  
12 of instruction established for the child pursuant to  
13 section 233A.4 and cannot extend for more than one  
14 year and six months beyond the date of disposition  
15 unless the duration of the dispositional order was  
16 extended pursuant to section 2A.

17 Sec. 35. Section 232.52A, Code 2009, is amended by  
18 adding the following new unnumbered paragraph:  
19 NEW UNNUMBERED PARAGRAPH. If the duration of a  
20 dispositional order is extended pursuant to section  
21 232.53, subsection 2A, the court may continue or  
22 extend supervision by an electronic tracking and  
23 monitoring system in addition to any other conditions  
24 of supervision.

25 Sec. 36. Section 232.53, Code 2009, is amended by  
26 adding the following new subsection:  
27 NEW SUBSECTION. 2A. A dispositional order entered  
28 prior to the child attaining the age of seventeen, for  
29 a child required to register as a sex offender  
30 pursuant to the provisions of chapter 692A, may be  
31 extended one year and six months beyond the date the  
32 child becomes eighteen years of age.

33 Sec. 37. Section 232.54, Code 2009, is amended by  
34 adding the following new subsection:  
35 NEW SUBSECTION. 8A. With respect to a  
36 dispositional order requiring a child to register as a  
37 sex offender pursuant to chapter 692A, the juvenile  
38 court shall determine whether the child shall remain  
39 on the sex offender registry prior to termination of  
40 the dispositional order.

41 Sec. 38. Section 232.116, subsection 1, paragraph  
42 o, Code 2009, is amended to read as follows:  
43 o. The parent has been convicted of a felony  
44 offense that is a ~~criminal sex~~ offense against a minor  
45 as defined in section ~~692A.1~~ 692A.101, the parent is  
46 divorced from or was never married to the minor's  
47 other parent, and the parent is serving a minimum  
48 sentence of confinement of at least five years for  
49 that offense.

50 Sec. 39. Section 272.2, subsection 17, Code 2009,



Page 37

1 is amended to read as follows:

2 17. Adopt rules to require that a background  
3 investigation be conducted by the division of criminal  
4 investigation of the department of public safety on  
5 all initial applicants for licensure. The board shall  
6 also require all initial applicants to submit a  
7 completed fingerprint packet and shall use the packet  
8 to facilitate a national criminal history background  
9 check. The board shall have access to, and shall  
10 review the sex offender registry information under  
11 section ~~692A.13~~ 692A.121 available to the general  
12 public, the central registry for child abuse  
13 information established under chapter 235A, and the  
14 dependent adult abuse records maintained under chapter  
15 235B for information regarding applicants for license  
16 renewal.

17 Sec. 40. Section 279.13, subsection 1, paragraph  
18 b, subparagraph (1), Code 2009, is amended to read as  
19 follows:

20 (1) Prior to entering into an initial contract  
21 with a teacher who holds a license other than an  
22 initial license issued by the board of educational  
23 examiners under chapter 272, the school district shall  
24 initiate a state criminal history record check of the  
25 applicant through the division of criminal  
26 investigation of the department of public safety,  
27 submit the applicant's fingerprints to the division  
28 for submission to the federal bureau of investigation  
29 for a national criminal history record check, and  
30 review the sex offender registry information under  
31 section ~~692A.13~~ 692A.121 available to the general  
32 public, the central registry for child abuse  
33 information established under section 235A.14, and the  
34 central registry for dependent adult abuse information  
35 established under section 235B.5 for information  
36 regarding applicants for employment as a teacher.

37 Sec. 41. Section 282.9, subsection 2, Code 2009,  
38 is amended to read as follows:

39 2. Notwithstanding section ~~692A.13~~ 692A.121, or  
40 any other provision of law to the contrary, the county  
41 sheriff shall provide to the boards of directors of  
42 the school districts located within the county the  
43 name of any individual under the age of twenty-one who  
44 is required to register as a sex offender under  
45 chapter 692A.

46 Sec. 42. Section 598.41A, Code 2009, is amended to  
47 read as follows:

48 598.41A VISITATION – HISTORY OF CRIMES AGAINST A  
49 MINOR.

50 Notwithstanding section 598.41, the court shall

Page 38

1 consider in the award of visitation rights to a parent  
 2 of a child, the criminal history of the parent if the  
 3 parent has been convicted of a ~~criminal offense~~  
 4 ~~against a minor, a sexually violent offense against a~~  
 5 ~~minor, or sexual exploitation of a minor. As used in~~  
 6 ~~this section, "criminal offense against a minor",~~  
 7 ~~"sexually violent offense", and "sexual exploitation"~~  
 8 ~~mean as defined in section 692A.1 sex offense against~~  
 9 ~~a minor as defined in section 692A.101.~~

10 Sec. 43. Section 600A.8, subsection 10, Code 2009,  
 11 is amended to read as follows:

12 10. The parent has been convicted of a felony  
 13 offense that is a ~~criminal sex~~ offense against a minor  
 14 as defined in section ~~692A.1~~ 692A.101, the parent is  
 15 divorced from or was never married to the minor's  
 16 other parent, and the parent is serving a minimum  
 17 sentence of confinement of at least five years for  
 18 that offense.

19 Sec. 44. Section 602.8105, subsection 2, Code  
 20 2009, is amended by adding the following new  
 21 paragraph:

22 NEW PARAGRAPH. gg. For applicable convictions  
 23 under section 692A.110 prior to July 1, 2009, a civil  
 24 penalty of two hundred dollars, and for applicable  
 25 convictions under section 692A.110 on or after July 1,  
 26 2009, a civil penalty of two hundred fifty dollars.

27 Sec. 45. Section 602.8107, subsection 4, paragraph  
 28 a, Code 2009, is amended to read as follows:

29 a. This subsection does not apply to amounts  
 30 collected for victim restitution, the victim  
 31 compensation fund, the criminal penalty surcharge, sex  
 32 offender civil penalty, drug abuse resistance  
 33 education surcharge, the law enforcement initiative  
 34 surcharge, county enforcement surcharge, amounts  
 35 collected as a result of procedures initiated under  
 36 subsection 5 or under section 8A.504, or fees charged  
 37 pursuant to section 356.7.

38 Sec. 46. Section 602.8108, subsection 2, Code  
 39 2009, is amended to read as follows:

40 2. Except as otherwise provided, the clerk of the  
 41 district court shall report and submit to the state  
 42 court administrator, not later than the fifteenth day  
 43 of each month, the fines and fees received during the  
 44 preceding calendar month. Except as provided in  
 45 subsections 3, 4, 5, 7, 8, ~~and 9,~~ and 10, the state  
 46 court administrator shall deposit the amounts received  
 47 with the treasurer of state for deposit in the general  
 48 fund of the state. The state court administrator  
 49 shall report to the legislative services agency within  
 50 thirty days of the beginning of each fiscal quarter

Page 39

1 the amount received during the previous quarter in the  
2 account established under this section.

3 Sec. 47. Section 602.8108, Code 2009, is amended  
4 by adding the following new subsection:

5 NEW SUBSECTION. 10. The clerk of the district  
6 court shall remit to the treasurer of state, not later  
7 than the fifteenth day of each month, all moneys  
8 collected from the sex offender civil penalty provided  
9 in section 692A.110 during the preceding calendar  
10 month. Of the amount received from the clerk, the  
11 treasurer of state shall allocate ten percent to be  
12 deposited in the court technology and modernization  
13 fund established in subsection 7. The treasurer of  
14 state shall deposit the remainder into the sex  
15 offender registry fund established in section  
16 692A.119.

17 Sec. 48. Section 707.2, Code 2009, is amended by  
18 adding the following new unnumbered paragraph after  
19 subsection 6:

20 NEW UNNUMBERED PARAGRAPH. For purposes of  
21 determining whether a person should register as a sex  
22 offender pursuant to the provisions of chapter 692A,  
23 the fact finder shall make a determination as provided  
24 in section 692A.126.

25 Sec. 49. Section 707.3, Code 2009, is amended by  
26 adding the following new unnumbered paragraph after  
27 unnumbered paragraph 2:

28 NEW UNNUMBERED PARAGRAPH. For purposes of  
29 determining whether a person should register as a sex  
30 offender pursuant to the provisions of chapter 692A,  
31 the fact finder shall make a determination as provided  
32 in section 692A.126.

33 Sec. 50. Section 707.4, Code 2009, is amended by  
34 adding the following new unnumbered paragraph after  
35 unnumbered paragraph 3:

36 NEW UNNUMBERED PARAGRAPH. For purposes of  
37 determining whether a person should register as a sex  
38 offender pursuant to the provisions of chapter 692A,  
39 the fact finder shall make a determination as provided  
40 in section 692A.126.

41 Sec. 51. Section 707.5, Code 2009, is amended by  
42 adding the following new subsection:

43 NEW SUBSECTION. 3. For purposes of determining  
44 whether a person should register as a sex offender  
45 pursuant to the provisions of chapter 692A, the fact  
46 finder shall make a determination as provided in  
47 section 692A.126.

48 Sec. 52. Section 707.11, Code 2009, is amended by  
49 adding the following new unnumbered paragraph after  
50 unnumbered paragraph 2:

Page 40

1 NEW UNNUMBERED PARAGRAPH. For purposes of  
2 determining whether the person should register as a  
3 sex offender pursuant to the provisions of chapter  
4 692A, the fact finder shall make a determination as  
5 provided in section 692A.126.

6 Sec. 53. Section 708.7, Code 2009, is amended by  
7 adding the following new subsection:

8 NEW SUBSECTION. 5. For purposes of determining  
9 whether or not the person should register as a sex  
10 offender pursuant to the provisions of chapter 692A,  
11 the fact finder shall make a determination as provided  
12 in section 692A.126.

13 Sec. 54. Section 708.11, Code 2009, is amended by  
14 adding the following new subsection:

15 NEW SUBSECTION. 6. For purposes of determining  
16 whether or not the person should register as a sex  
17 offender pursuant to the provisions of chapter 692A,  
18 the fact finder shall make a determination as provided  
19 in section 692A.126.

20 Sec. 55. Section 710.2, Code 2009, is amended by  
21 adding the following new unnumbered paragraph after  
22 unnumbered paragraph 2:

23 NEW UNNUMBERED PARAGRAPH. For purposes of  
24 determining whether the person should register as a  
25 sex offender pursuant to the provisions of chapter  
26 692A, the fact finder shall make a determination as  
27 provided in section 692A.126.

28 Sec. 56. Section 710.3, Code 2009, is amended by  
29 adding the following new unnumbered paragraph:

30 NEW UNNUMBERED PARAGRAPH. For purposes of  
31 determining whether the person should register as a  
32 sex offender pursuant to the provisions of chapter  
33 692A, the fact finder shall make a determination as  
34 provided in section 692A.126.

35 Sec. 57. Section 710.4, Code 2009, is amended by  
36 adding the following new unnumbered paragraph:

37 NEW UNNUMBERED PARAGRAPH. For purposes of  
38 determining whether the person should register as a  
39 sex offender pursuant to the provisions of chapter  
40 692A, the fact finder shall make a determination as  
41 provided in section 692A.126.

42 Sec. 58. Section 710.5, Code 2009, is amended by  
43 adding the following new unnumbered paragraph:

44 NEW UNNUMBERED PARAGRAPH. For purposes of  
45 determining whether the person should register as a  
46 sex offender pursuant to the provisions of chapter  
47 692A, the fact finder shall make a determination as  
48 provided in section 692A.126.

49 Sec. 59. Section 903B.1, Code 2009, is amended to  
50 read as follows:

Page 41

1 903B.1 SPECIAL SENTENCE – CLASS "B" OR CLASS "C"  
2 FELONIES.

3 A person convicted of a class "C" felony or greater  
4 offense under chapter 709, or a class "C" felony under  
5 section 728.12, shall also be sentenced, in addition  
6 to any other punishment provided by law, to a special  
7 sentence committing the person into the custody of the  
8 director of the Iowa department of corrections for the  
9 rest of the person's life, with eligibility for parole  
10 as provided in chapter 906. The board of parole shall  
11 determine whether the person should be released on  
12 parole or placed in a work release program. The  
13 special sentence imposed under this section shall  
14 commence upon completion of the sentence imposed under  
15 any applicable criminal sentencing provisions for the  
16 underlying criminal offense and the person shall begin  
17 the sentence under supervision as if on parole or work  
18 release. The person shall be placed on the  
19 corrections continuum in chapter 901B, and the terms  
20 and conditions of the special sentence, including  
21 violations, shall be subject to the same set of  
22 procedures set out in chapters 901B, 905, 906, and  
23 chapter 908, and rules adopted under those chapters  
24 for persons on parole or work release. The revocation  
25 of release shall not be for a period greater than two  
26 years upon any first revocation, and five years upon  
27 any second or subsequent revocation. A special  
28 sentence shall be considered a category "A" sentence  
29 for purposes of calculating earned time under section  
30 903A.2.

31 Sec. 60. Section 903B.2, Code 2009, is amended to  
32 read as follows:

33 903B.2 SPECIAL SENTENCE – CLASS "D" FELONIES OR  
34 MISDEMEANORS.

35 A person convicted of a misdemeanor or a class "D"  
36 felony offense under chapter 709, section 726.2, or  
37 section 728.12 shall also be sentenced, in addition to  
38 any other punishment provided by law, to a special  
39 sentence committing the person into the custody of the  
40 director of the Iowa department of corrections for a  
41 period of ten years, with eligibility for parole as  
42 provided in chapter 906. The board of parole shall  
43 determine whether the person should be released on  
44 parole or placed in a work release program. The  
45 special sentence imposed under this section shall  
46 commence upon completion of the sentence imposed under  
47 any applicable criminal sentencing provisions for the  
48 underlying criminal offense and the person shall begin  
49 the sentence under supervision as if on parole or work  
50 release. The person shall be placed on the

Page 42

1 corrections continuum in chapter 901B, and the terms  
 2 and conditions of the special sentence, including  
 3 violations, shall be subject to the same set of  
 4 procedures set out in chapters 901B, 905, 906, and  
 5 908, and rules adopted under those chapters for  
 6 persons on parole or work release. The revocation of  
 7 release shall not be for a period greater than two  
 8 years upon any first revocation, and five years upon  
 9 any second or subsequent revocation. A special  
 10 sentence shall be considered a category "A" sentence  
 11 for purposes of calculating earned time under section  
 12 903A.2.

13 Sec. 61. Section 907.3, subsection 1, Code 2009,  
 14 is amended by adding the following new paragraph:  
 15 NEW PARAGRAPH. m. The offense is a violation of  
 16 chapter 692A.

17 Sec. 62. Section 907.3, subsection 2, Code 2009,  
 18 is amended by adding the following new paragraph:  
 19 NEW PARAGRAPH. g. The offense is a violation of  
 20 chapter 692A.

21 Sec. 63. NEW SECTION. 915.17A NOTIFICATION BY  
 22 JUDICIAL DISTRICT DEPARTMENT OF CORRECTIONAL SERVICES.

23 A judicial district department of correctional  
 24 services shall notify a registered victim, regarding a  
 25 sex offender convicted of a sex offense against a  
 26 minor who is under the supervision of a judicial  
 27 district department of correctional services, of the  
 28 following:

29 1. The beginning date for use of an electronic  
 30 tracking and monitoring system to supervise the sex  
 31 offender and the type of electronic tracking and  
 32 monitoring system used.

33 2. The date of any modification to the use of an  
 34 electronic tracking and monitoring system and the  
 35 nature of the change.

### 36 DIVISION III

#### 37 COHABITATION WITH A SEX OFFENDER

38 Sec. 64. Section 232.68, subsection 2, paragraph  
 39 i, Code 2009, is amended to read as follows:

40 i. ~~Cohabitation with a person~~ Knowingly allowing a  
 41 person custody or control of, or unsupervised access  
 42 to a child or minor, after knowing the person is  
 43 required to register or is on the sex offender  
 44 registry under chapter 692A ~~is for a~~ violation of  
 45 section 726.6.

46 Sec. 65. Section 726.6, subsection 1, paragraph h,  
 47 Code 2009, is amended to read as follows:

48 h. ~~Cohabits with a person~~ Knowingly allows a  
 49 person custody or control of, or unsupervised access  
 50 to a child or a minor after knowing the person is

Page 43

1 required to register or is on the sex offender  
 2 registry as a sex offender under chapter 692A.  
 3 However, this paragraph does not apply to a person who  
 4 is a parent, ~~or guardian, or a person having custody~~  
 5 ~~or control over~~ of a child or a minor, who is required  
 6 to register as a sex offender, or to a person who is  
 7 married to and living with a person required to  
 8 register as a sex offender.

9 DIVISION IV  
 10 STATE MANDATE

11 Sec. 66. IMPLEMENTATION OF ACT. Section 25B.2,  
 12 subsection 3, shall not apply to this Act."  
 13 2. Title page, by striking lines 1 and 2 and  
 14 inserting the following: "An Act relating to the sex  
 15 offender registry, making fees applicable, and  
 16 providing for penalties."

LYKAM of Scott	BAUDLER of Adair
BURT of Black Hawk	ALONS of Sioux
R. OLSON of Polk	TJEPKES of Webster
BERRY of Black Hawk	

H-1682

1 Amend the amendment, H-1675, to House File 822 as  
 2 follows:

3 1. Page 9, by inserting after line 26 the  
 4 following:

5 "Sec. \_\_\_\_ 2009 Iowa Acts, House File 817, section  
 6 2, if enacted is amended to read as follows:

7 SEC. 2. GROW IOWA VALUES FUND APPROPRIATION –  
 8 TRANSFER.

9 1. ~~In lieu of any standing appropriation in~~  
 10 ~~section 15G.111 from the grow Iowa values fund to the~~  
 11 ~~department of economic development, for the fiscal~~  
 12 ~~year beginning July 1, 2009, there is appropriated~~  
 13 ~~from the grow Iowa values fund to the department of~~  
 14 ~~economic development for purposes of administering~~  
 15 ~~financial assistance programs:~~

16 ..... \$ 31,000,000

17 Of the amount allocated for departmental purposes  
 18 in section 15G.111, subsection 4, if enacted by 2009  
 19 Iowa Acts, Senate File 344, section 2, the department  
 20 of economic development shall allocate one million  
 21 dollars for transfer to the general fund of the state  
 22 for purposes of funding the increased amount of tax  
 23 credits authorized in this Act. The amount remaining  
 24 after allocating the one million dollars for transfer  
 25 shall be allocated for departmental purposes as  
 26 described in section 15G.111, subsection 4, if enacted

27 by 2009 Iowa Acts, Senate File 344, section 2.  
 28 2. For the fiscal year beginning July 1, 2009, and  
 29 ending June 30, 2010, the one million dollars  
 30 allocated for transfer pursuant to subsection 1 is  
 31 transferred from the grow Iowa values fund to the  
 32 general fund of the state only if a tax credit is  
 33 awarded pursuant to section 15.335, as amended by this  
 34 Act. If one or more tax credits are not awarded, the  
 35 department may reallocate the one million dollars for  
 36 departmental purposes.  
 37 Sec.\_\_\_\_. REDUCTION OF THE GROW IOWA VALUES FUND  
 38 APPROPRIATION TO THE DEPARTMENT OF ECONOMIC  
 39 DEVELOPMENT. In lieu of the fifty million dollars  
 40 appropriated for the fiscal year beginning July 1,  
 41 2009, and ending June 30, 2010, from the grow Iowa  
 42 values fund to the department of economic development  
 43 pursuant to section 15G.111, subsection 3, if enacted  
 44 by 2009 Iowa Acts, Senate File 344, section 2, there  
 45 is appropriated from the grow Iowa values fund to the  
 46 department of economic development for the fiscal year  
 47 beginning July 1, 2009, and ending June 30, 2010,  
 48 forty-five million dollars for purposes of making  
 49 expenditures pursuant to chapter 15G.  
 50 Sec.\_\_\_\_. GROW IOWA VALUES FUND ALLOCATIONS. In

Page 2

1 lieu of the amounts allocated pursuant to section  
 2 15G.111, subsections 4 through 10, if enacted by 2009  
 3 Iowa Acts, Senate File 344, section 2, for the fiscal  
 4 year beginning July 1, 2009, and ending June 30, 2010,  
 5 of the forty-five million dollars appropriated to the  
 6 department of economic development pursuant to this  
 7 division of this Act, the department shall allocate  
 8 the following amounts for the following purposes as  
 9 described in section 15G.111, subsections 4 through  
 10 10, if enacted by 2009 Iowa Acts, Senate File 344,  
 11 section 2:  
 12 1. For departmental purposes, twenty-eight million  
 13 eight hundred thousand dollars. Of the moneys  
 14 allocated pursuant to this subsection and in lieu of  
 15 the two million dollars allocated for deposit in the  
 16 renewable fuel infrastructure fund under section  
 17 15G.111, subsection 4, paragraph "h", if enacted by  
 18 2009 Iowa Acts, Senate File 344, section 2, the  
 19 department shall allocate one million eight hundred  
 20 thousand dollars for deposit in the renewable fuel  
 21 infrastructure fund.  
 22 2. For the state board of regents institutions,  
 23 four million five hundred thousand dollars.  
 24 3. For state parks, nine hundred thousand dollars.  
 25 4. For deposit in the Iowa cultural trust fund,



26 nine hundred thousand dollars.  
27 5. For community colleges, six million three  
28 hundred thousand dollars.  
29 6. For regional financial assistance, nine hundred  
30 thousand dollars. Of the moneys allocated pursuant to  
31 this subsection and in lieu of the three hundred fifty  
32 thousand dollars transferred under section 15G.111,  
33 subsection 9, paragraph "a", if enacted by 2009 Iowa  
34 Acts, Senate File 344, section 2, the department shall  
35 transfer three hundred fifteen thousand dollars to  
36 Iowa state university of science and technology, for  
37 purposes of providing financial assistance to  
38 establish small business development centers.  
39 7. For commercialization services, two million  
40 seven hundred thousand dollars.  
41 Sec.\_\_\_\_. CONDITIONAL GROW IOWA VALUES FUND  
42 APPROPRIATIONS. If 2009 Iowa Acts, Senate File 344 is  
43 not enacted, for the fiscal year beginning July 1,  
44 2009 and ending June 30, 2009, the following amounts  
45 are appropriated from the grow Iowa values fund in  
46 lieu of the amounts appropriated under section  
47 15G.111:  
48 1. To the department of economic development for  
49 departmental purposes as described in section 15G.111,  
50 subsection 1, twenty-eight million eight hundred

Page 3

1 thousand dollars.  
2 2. To the department of economic development for  
3 financial assistance to the state board of regents  
4 institutions pursuant to section 15G.111, subsection  
5 2, four million five hundred thousand dollars.  
6 3. To the department of economic development for  
7 financial assistance to state parks pursuant to  
8 section 15G.111, subsection 3, nine hundred thousand  
9 dollars.  
10 4. To the treasurer of state for deposit in the  
11 Iowa cultural trust fund pursuant to section 15G.111,  
12 subsection 4, nine hundred thousand dollars.  
13 5. To the department of economic development for  
14 deposit in the workforce training and economic  
15 development funds of the community colleges pursuant  
16 to section 15G.111, subsection 5, six million three  
17 hundred thousand dollars.  
18 6. To the department of economic development for  
19 providing economic development region financial  
20 assistance pursuant to section 15G.111, subsection 6,  
21 nine hundred thousand dollars. Of the moneys  
22 appropriated pursuant to this subsection and in lieu  
23 of the three hundred fifty thousand dollars  
24 transferred under section 15G.111, subsection 6,

25 paragraph "b", the department shall transfer three  
 26 hundred fifteen thousand dollars to Iowa state  
 27 university of science and technology, for purposes of  
 28 providing financial assistance to establish small  
 29 business development centers.

30 7. To the department of economic development for  
 31 providing commercialization services pursuant to  
 32 section 15G.111, subsection 7, two million seven  
 33 hundred thousand dollars."

34 2. By renumbering as necessary.

THOMAS of Clayton

H-1683

1 Amend House File 827 as follows:

2 1. Page 1, line 8, by inserting after the word  
 3 "conditions" the following: ", and anticipated  
 4 beneficial and adverse impacts resulting from the  
 5 changes".

WATTS of Dallas

H-1684

1 Amend House File 827 as follows:

2 1. Page 1, line 10, by inserting after the word  
 3 "cost" the following: ", and evaluation of the  
 4 comparative impact of conducting the research relative  
 5 to the cost identified".

WATTS of Dallas

H-1685

1 Amend House File 827 as follows:

2 1. Page 1, by inserting after line 12 the  
 3 following:  
 4 "e. Identification of the methodology used by the  
 5 institutions in conducting the review."

WATTS of Dallas

H-1686

1 Amend House File 827 as follows:

2 1. Page 1, line 15, by inserting after the figure  
 3 "455B.851." the following: "Unless funds are  
 4 appropriated by the general assembly exclusively for  
 5 the purpose of conducting the review, the institutions  
 6 shall be responsible for all costs associated with  
 7 conducting the review."

WATTS of Dallas

H-1687

1 Amend House File 686 as follows:

- 2 1. By striking everything after the enacting  
3 clause and inserting the following:  
4 "Section 1. Section 321.361, Code 2009, is amended  
5 by adding the following new subsection:  
6 NEW SUBSECTION. 1A. Local authorities may by  
7 ordinance permit vehicles stopped or parked upon a  
8 roadway where there are adjacent curbs to be stopped  
9 or parked with the left-hand wheels of the vehicle  
10 adjacent to and within eighteen inches of the  
11 left-hand curb, if deemed safer than stopping or  
12 parking as provided in subsection 1."  
13 2. Title page, line 1, by striking the words  
14 "relating to" and inserting the following:  
15 "authorizing local authorities to permit".

WHITAKER of Van Buren

H-1688

1 Amend Senate File 429, as passed by the Senate, as  
2 follows:

- 3 1. Page 1, line 3, by striking the words "may by  
4 ordinance" and inserting the following: "of a city  
5 with a population of more than fifty-five thousand but  
6 not more than sixty thousand may by ordinance  
7 temporarily".  
8 2. Page 1, line 8, by inserting after the word  
9 and figure "subsection 1" the following: "due to  
10 weather conditions".  
11 3. Title page, line 1, by striking the word "to"  
12 and inserting the following: "in certain cities to  
13 temporarily".

WHITAKER of Van Buren

H-1689

1 Amend the amendment, H-1675, to House File 822, as  
2 follows:

- 3 1. Page 29, by inserting after line 22, the  
4 following:  
5 "Sec. \_\_\_\_\_. Section 8.57, subsection 6, Code 2009,  
6 is amended by adding the following new paragraph:  
7 NEW PARAGRAPH. i. Annually, on or before December  
8 31 of each year, a recipient of moneys from the  
9 rebuild Iowa infrastructure fund for any purpose shall  
10 report to the state agency to which the moneys are  
11 appropriated the status of all projects completed or  
12 in progress. The report shall include a description

13 of the project, the progress of work completed, the  
 14 total estimated cost of the project, a list of all  
 15 revenue sources being used to fund the project, the  
 16 amount of funds expended, the amount of funds  
 17 obligated, and the date the project was completed or  
 18 an estimated completion date of the project, where  
 19 applicable."

20 2. By renumbering as necessary.

COHOON of Des Moines  
 HUSEMAN of Cherokee

H-1690

1 Amend the amendment, H-1663, to Senate File 304, as  
 2 passed by the Senate, as follows:

3 1. By striking page 1, line 3, through page 2,  
 4 line 33, and inserting the following:

5 "\_\_\_\_. Page 1, by inserting before line 1 the  
 6 following:

7 "Section 1. Section 403.19A, subsection 2, Code  
 8 2009, is amended to read as follows:

9 2. a. An eligible city may apply to the  
 10 department of economic development to be designated as  
 11 a pilot project city. An eligible city is a city that  
 12 ~~contains~~ meets one of the following requirements:

13 (1) Contains three or more census tracts and is  
 14 located in a county meeting one of the following  
 15 requirements:

16 ~~(1)~~ (a) A county that borders Nebraska.

17 ~~(2)~~ (b) A county that borders South Dakota.

18 ~~(3)~~ (c) A county that borders a state other than  
 19 Nebraska or South Dakota.

20 (2) Shares a boundary contiguous with an approved  
 21 pilot project city.

22 b. (1) The department of economic development  
 23 shall approve four eligible cities as pilot project  
 24 cities, one pursuant to paragraph "a", subparagraph  
 25 (1), subparagraph division (a), one pursuant to  
 26 paragraph "a", subparagraph ~~(2)~~ (1), subparagraph  
 27 division (b), and two pursuant to paragraph "a",  
 28 subparagraph ~~(3)~~ (1), subparagraph division (c). The  
 29 department shall approve additional eligible cities as  
 30 pilot project cities pursuant to paragraph "a",  
 31 subparagraph (2). If two eligible cities are approved  
 32 pursuant to paragraph "a", subparagraph (1), which are  
 33 located in the same county and the county has a  
 34 population of less than forty-five thousand, the two  
 35 approved eligible cities shall be considered one pilot  
 36 project city. If more than two cities meeting the  
 37 requirements of paragraph "a", subparagraph ~~(3)~~ (1),  
 38 subparagraph division (c), apply to be designated as a

39 pilot project city, the department of economic  
 40 development shall determine which two cities hold the  
 41 most potential to create new jobs or generate the  
 42 greatest capital within their areas. ~~Applications~~  
 43 ~~from eligible cities filed on or after October 1,~~  
 44 ~~2006, shall not be considered.~~

45 (2) If a pilot project city does not enter into a  
 46 withholding agreement within one year of its approval  
 47 as a pilot project city, the city shall lose its  
 48 status as a pilot project city. If two pilot project  
 49 cities are located in the same county, the loss of  
 50 status by one pilot project city shall not cause the

Page 2

1 second pilot project city in the county to lose its  
 2 status as a pilot project city. Upon such occurrence,  
 3 the department of economic development shall take  
 4 applications from other eligible cities to replace  
 5 that city. Another city shall be designated within  
 6 six months."

7 \_\_\_\_\_. Title page, line 1, by inserting after the  
 8 word "agreements" the following: ", pilot project  
 9 cities,".

10 \_\_\_\_\_. By renumbering as necessary."

SANDS of Louisa

H-1691

1 Amend Senate File 465, as amended, passed, and  
 2 reprinted by the Senate, as follows:

3 1. Page 2, line 6, by striking the word "shall"  
 4 and inserting the following: "may".

5 2. Page 2, line 7, by striking the word "shall"  
 6 and inserting the following: "may".

WAGNER of Linn

H-1692

1 Amend the amendment, H-1675, to House File 822 as  
 2 follows:

3 1. By striking page 7, line 50, through page 8,  
 4 line 10.

5 2. By renumbering as necessary.

R. OLSON of Polk

H-1693

1 Amend Senate File 465, as amended, passed, and

- 2 reprinted by the Senate, as follows:  
 3 1. Page 2, by striking lines 10 and 11 and  
 4 inserting the following:  
 5 "b. (1) Beginning July 1, 2004, the county  
 6 recorder shall also collect a fee of".  
 7 2. Page 2, by striking lines 15 through 20 and  
 8 inserting the following: "e", "d" and for the  
 9 following purposes:"  
 10 3. By striking page 2, line 31, through page 3,  
 11 line 11, and inserting the following:  
 12 "(2) Fees collected in excess of the amount needed  
 13 for the".  
 14 4. Title page, line 3, by inserting before the  
 15 words "the fees" the following: "use of".  
 16 5. By renumbering, redesignating, and correcting  
 17 internal references as necessary.

WINDSCHITL of Harrison

H-1695

- 1 Amend Senate File 483, as passed by the Senate, as  
 2 follows:  
 3 1. By striking page 2, line 8, through page 3,  
 4 line 25.  
 5 2. Title page, lines 3 and 4, by striking the  
 6 words "eliminating the carryback of net operating  
 7 losses,".  
 8 3. By renumbering as necessary.

QUIRK of Chickasaw  
 HUSER of Polk  
 KELLEY of Black Hawk  
 MERTZ of Kossuth

H-1696

- 1 Amend the amendment, H-1675, to House File 822, as  
 2 follows:  
 3 1. Page 31, by striking lines 40 through 47.  
 4 2. By renumbering as necessary.

WINDSCHITL of Harrison

H-1697

- 1 Amend the amendment, H-1675, to House File 822, as  
 2 follows:  
 3 1. Page 1, line 15, by striking the word  
 4 "notwithstanding" and inserting the following: "if  
 5 the project meets the definition of "vertical  
 6 infrastructure" in".

7 2. Page 1, line 36, by striking the word  
8 "notwithstanding" and inserting the following: "if  
9 the project meets the definition of "vertical  
10 infrastructure" in".

11 3. Page 2, line 11, by striking the word  
12 "notwithstanding" and inserting the following: "if  
13 the project meets the definition of "vertical  
14 infrastructure" in".

15 4. Page 2, line 24, by striking the word  
16 "notwithstanding" and inserting the following: "if  
17 the project meets the definition of "vertical  
18 infrastructure" in".

19 5. Page 2, line 39, by striking the word  
20 "notwithstanding" and inserting the following: "if  
21 the project meets the definition of "vertical  
22 infrastructure" in".

23 6. Page 3, line 5, by striking the word  
24 "notwithstanding" and inserting the following: "if  
25 the project meets the definition of "vertical  
26 infrastructure" in".

27 7. Page 3, line 34, by striking the word  
28 "notwithstanding" and inserting the following: "if  
29 the project meets the definition of "vertical  
30 infrastructure" in".

31 8. Page 3, line 39, by striking the word  
32 "notwithstanding" and inserting the following: "if  
33 the project meets the definition of "vertical  
34 infrastructure" in".

35 9. Page 4, line 8, by striking the word  
36 "notwithstanding" and inserting the following: "if  
37 the project meets the definition of "vertical  
38 infrastructure" in".

39 10. Page 4, line 32, by striking the word  
40 "notwithstanding" and inserting the following: "if  
41 the project meets the definition of "vertical  
42 infrastructure" in".

43 11. Page 5, line 1, by striking the word  
44 "notwithstanding" and inserting the following: "if  
45 the project meets the definition of "vertical  
46 infrastructure" in".

47 12. Page 5, line 17, by striking the word  
48 "notwithstanding" and inserting the following: "if  
49 the project meets the definition of "vertical  
50 infrastructure" in".

Page 2

1 13. Page 5, line 35, by striking the word  
2 "notwithstanding" and inserting the following: "if  
3 the project meets the definition of "vertical  
4 infrastructure" in".

5 14. Page 5, line 41, by striking the word

6 "notwithstanding" and inserting the following: "if  
7 the project meets the definition of "vertical  
8 infrastructure" in".

9 15. Page 6, line 11, by striking the word  
10 "notwithstanding" and inserting the following: "if  
11 the project meets the definition of "vertical  
12 infrastructure" in".

13 16. Page 6, line 26, by striking the word  
14 "notwithstanding" and inserting the following: "if  
15 the project meets the definition of "vertical  
16 infrastructure" in".

17 17. Page 6, line 38, by striking the word  
18 "notwithstanding" and inserting the following: "if  
19 the project meets the definition of "vertical  
20 infrastructure" in".

21 18. Page 7, line 12, by striking the word  
22 "notwithstanding" and inserting the following: "if  
23 the project meets the definition of "vertical  
24 infrastructure" in".

25 19. Page 7, line 25, by striking the word  
26 "notwithstanding" and inserting the following: "if  
27 the project meets the definition of "vertical  
28 infrastructure" in".

29 20. Page 7, line 33, by striking the word  
30 "notwithstanding" and inserting the following: "if  
31 the project meets the definition of "vertical  
32 infrastructure" in".

33 21. Page 8, line 36, by striking the word  
34 "notwithstanding" and inserting the following: "if  
35 the project meets the definition of "vertical  
36 infrastructure" in".

37 22. Page 8, line 47, by striking the word  
38 "notwithstanding" and inserting the following: "if  
39 the project meets the definition of "vertical  
40 infrastructure" in".

41 23. Page 9, line 24, by striking the word  
42 "notwithstanding" and inserting the following: "if  
43 the project meets the definition of "vertical  
44 infrastructure" in".

HELLAND of Polk

H-1698

1 Amend the amendment, H-1675, to House File 822 as  
2 follows:

- 3 1. Page 28, by striking lines 35 through 39.
- 4 2. By renumbering as necessary.

WAGNER of Linn



H-1699

1 Amend the amendment, H-1675, to House File 822, as  
2 follows:

3 1. Page 28, by striking lines 8 through 12 and  
4 inserting the following:

5 ~~"e. For the construction of a depot and platform~~  
6 ~~to accommodate the future Amtrak service from Dubuque~~  
7 ~~to Chicago;~~

8 .....\$ 300000"

9 2. By renumbering as necessary.

HAGENOW of Polk

H-1700

1 Amend the amendment, H-1675, to House File 822 as  
2 follows:

3 1. Page 2, by striking lines 19 through 35.

4 2. By striking page 2, line 49, through page 3,  
5 line 19.

6 3. Page 3, by striking lines 32 through 36.

7 4. By striking page 3, line 49, through page 4,  
8 line 28.

9 5. Page 4, by striking lines 38 through 45.

10 6. Page 6, by striking lines 4 through 13.

11 7. Page 7, by striking lines 1 through 9.

12 8. Page 8, by striking lines 11 through 17.

13 9. By renumbering as necessary.

HUSEMAN of Cherokee

H-1701

1 Amend the amendment, H-1675, to House File 822, as  
2 follows:

3 1. Page 13, line 28, by inserting after the word  
4 "the" the following: "direct and substantial".

5 2. By renumbering as necessary.

STRUYK of Pottawattamie

H-1702

1 Amend Senate File 465, as amended, passed, and  
2 reprinted by the Senate, as follows:

3 1. Page 5, by striking line 29 and inserting the  
4 following:

5 "3. DISPLAY OF AND REDACTION FROM ELECTRONIC  
6 DOCUMENTS. A recorder or the governing board of the  
7 county land record information system shall not  
8 display an electronic document on a website for public

9 access if such electronic document was executed prior  
 10 to January 1, 2002, unless all personally identifiable  
 11 information contained in the electronic document has  
 12 been redacted. Personally".

WAGNER of Linn

H-1703

1 Amend the amendment, H-1663, to Senate File 304, as  
 2 passed by the Senate, as follows:

3 1. By striking page 1, line 3, through page 2,  
 4 line 33, and inserting the following:

5 "Sec. \_\_\_\_ Section 403.19A, subsection 3,  
 6 paragraph c, Code 2009, is amended to read as follows:

7 c. (1) The pilot project city shall enter into a  
 8 withholding agreement with each employer concerning  
 9 the targeted jobs withholding credit. The withholding  
 10 agreement shall provide for the total amount of  
 11 withholding tax credits awarded. An agreement shall  
 12 not provide for an amount of withholding credits that  
 13 exceeds the amount of the qualifying investment made  
 14 in the project. ~~However, an~~ An agreement shall not be  
 15 entered into by a pilot project city with a business  
 16 currently located in this state unless the business  
 17 either creates ten new jobs or makes a qualifying  
 18 investment of at least five hundred thousand dollars  
 19 within the urban renewal area. The withholding  
 20 agreement may have a term of up to ten years. An  
 21 employer shall not be obligated to enter into a  
 22 withholding agreement.

23 (2) The pilot project city shall not enter into a  
 24 withholding agreement after June 30, ~~2010~~ 2013.

25 Sec. \_\_\_\_ Section 403.19A, subsection 3, paragraph  
 26 j, Code 2009, is amended by striking the paragraph and  
 27 inserting in lieu thereof the following:

28 j. (1) A pilot project city entering into a  
 29 withholding agreement shall arrange for matching local  
 30 financial support for the project. The local match  
 31 required under this paragraph "j" shall be in an  
 32 amount equal to one dollar for every dollar of  
 33 withholding credit received by the pilot project city.

34 (2) For purposes of this paragraph "j", "local  
 35 financial support" means cash or in-kind contributions  
 36 to the project from a private donor, a business, or  
 37 the pilot project city.

38 (3) If the project, when completed, will increase  
 39 the amount of property tax revenues collected by the  
 40 pilot project city by an amount equal to at least ten  
 41 percent of the amount of withholding credit dollars  
 42 received by the pilot project city, then the pilot  
 43 project city shall itself contribute at least ten

44 percent of the local match amount computed under  
45 subparagraph (1).

46 (4) If the project, when completed, will not  
47 increase the amount of property tax revenues collected  
48 by an amount at least equal to ten percent of the  
49 amount of withholding credit dollars received by the  
50 pilot project city, then the pilot project city shall

Page 2

1 not be required to make a contribution to the local  
2 match.

3 (5) A pilot project city's contribution, if any,  
4 to the local match may include the dollar value of any  
5 tax abatement provided by the city to the business for  
6 new construction."

7 2. By renumbering as necessary.

SANDS of Louisa

H-1704

1 Amend Senate File 304, as passed by the Senate, as  
2 follows:

3 1. By striking everything after the enacting  
4 clause and inserting the following:

5 "Section 1. Section 403.19A, subsection 3,  
6 paragraph c, Code 2009, is amended to read as follows:

7 c. (1) The pilot project city shall enter into a  
8 withholding agreement with each employer concerning  
9 the targeted jobs withholding credit. The withholding  
10 agreement shall provide for the total amount of  
11 withholding tax credits awarded. An agreement shall  
12 not provide for an amount of withholding credits that  
13 exceeds the amount of the qualifying investment made  
14 in the project. However, an An agreement shall not be  
15 entered into by a pilot project city with a business  
16 currently located in this state unless the business  
17 either creates ten new jobs or makes a qualifying  
18 investment of at least five hundred thousand dollars  
19 within the urban renewal area. The withholding  
20 agreement may have a term of up to ten years. An  
21 employer shall not be obligated to enter into a  
22 withholding agreement. An agreement shall not be  
23 entered into with an employer not already located in a  
24 pilot project city when another Iowa community is  
25 competing for the same project and both the pilot  
26 project city and the other Iowa community are seeking  
27 assistance from the department.

28 (2) The pilot project city shall not enter into a  
29 withholding agreement after June 30, ~~2010~~ 2013.

30 (3) The pilot project city shall provide on an

31 annual basis to the department of economic development  
32 information documenting the total amount of payments  
33 and receipts under a withholding agreement, including  
34 all agreements with an employer to suspend, abate,  
35 exempt, rebate, refund, or reimburse property taxes,  
36 to provide a grant for property taxes paid or a grant  
37 not related to property taxes, or to make a direct  
38 payment of taxes, with moneys in the special fund.  
39 The department of economic development shall verify  
40 the information provided by the pilot project city.  
41 (4) The department shall have the authority to  
42 approve or deny a withholding agreement and shall only  
43 deny an agreement if the agreement fails to meet the  
44 requirements of this paragraph "c" or the local match  
45 requirements in paragraph "j", or if an employer is  
46 not in good standing as to prior or existing  
47 agreements with the department of economic  
48 development. The department may suggest changes to an  
49 agreement.  
50 Sec. 2. Section 403.19A, subsection 3, paragraph

Page 2

1 j, Code 2009, is amended by striking the paragraph and  
2 inserting in lieu thereof the following:  
3 j. (1) A pilot project city entering into a  
4 withholding agreement shall arrange for matching local  
5 financial support for the project. The local match  
6 required under this paragraph "j" shall be in an  
7 amount equal to one dollar for every dollar of  
8 withholding credit received by the pilot project city.  
9 (2) For purposes of this paragraph "j", "local  
10 financial support" means cash or in-kind contributions  
11 to the project from a private donor, a business, or  
12 the pilot project city.  
13 (3) If the project, when completed, will increase  
14 the amount of an employer's taxable capital investment  
15 by an amount equal to at least ten percent of the  
16 amount of withholding credit dollars received by the  
17 pilot project city, then the pilot project city shall  
18 itself contribute at least ten percent of the local  
19 match amount computed under subparagraph (1).  
20 (4) If the project, when completed, will not  
21 increase the amount of an employer's taxable capital  
22 investment by an amount at least equal to ten percent  
23 of the amount of withholding credit dollars received  
24 by the pilot project city, then the pilot project city  
25 shall not be required to make a contribution to the  
26 local match.  
27 (5) A pilot project city's contribution, if any,  
28 to the local match may include the dollar value of any  
29 tax abatement provided by the city to the business for

30 new construction."  
 31 2. By renumbering as necessary.

D. OLSON of Boone  
 WENDT of Woodbury

H-1705

1 Amend Senate File 465, as amended, passed, and  
 2 reprinted by the Senate, as follows:  
 3 1. By striking everything after the enacting  
 4 clause and inserting the following:  
 5 "Section 1. Section 331.601A, Code 2009, is  
 6 amended by adding the following new subsections:  
 7 NEW SUBSECTION. 0A. "Batch basis" means the  
 8 delivery of an accumulation of electronic documents or  
 9 records recorded or maintained by the county recorder.  
 10 NEW SUBSECTION. 1A. "Electronic document" means a  
 11 document or instrument that is received, processed,  
 12 disseminated, or maintained in an electronic format.  
 13 The submission of an electronic document through the  
 14 county land record information system electronic  
 15 submission service shall be equivalent to delivery of  
 16 a document through the United States postal service or  
 17 by personal delivery at designated offices in each  
 18 county. Persons who submit electronic documents for  
 19 recording are responsible for ensuring that the  
 20 electronic documents comply with all requirements for  
 21 recording.  
 22 Sec. 2. Section 331.603, Code 2009, is amended by  
 23 adding the following new subsection:  
 24 NEW SUBSECTION. 5. a. The governing board of the  
 25 county land record information system shall not enter  
 26 into an agreement to provide access to electronic  
 27 documents or records on a batch basis. The county  
 28 recorder may collect reasonable fees for access to  
 29 electronic documents and records pursuant to an  
 30 agreement. The fees shall not exceed the actual cost  
 31 of providing access to the electronic documents and  
 32 records. "Actual cost" means only those expenses  
 33 directly attributable to providing access to  
 34 electronic documents and records. "Actual cost" shall  
 35 not include costs such as employment benefits,  
 36 depreciation, maintenance, electricity, or insurance  
 37 associated with the administration of the office of  
 38 the county recorder or the county land record  
 39 information system.  
 40 b. Electronic documents and records made available  
 41 under this subsection shall not include personally  
 42 identifiable information and shall be subjected to a  
 43 redaction process prior to the transfer of the  
 44 electronic documents or records to another person

45 pursuant to an agreement under paragraph "a".  
 46 Sec. 3. Section 331.604, subsection 3, Code 2009,  
 47 as amended by 2009 Iowa Acts, Senate File 288, section  
 48 6, is amended to read as follows:  
 49 3. a. The Each county shall participate in the  
 50 county land record information system and shall comply

Page 2

1 with the policies and procedures established by the  
 2 governing board of the county land record information  
 3 system.  
 4 b. (1) For the period beginning July 1, 2004, the  
 5 county recorder shall also collect a fee of one dollar  
 6 for each recorded transaction, regardless of the  
 7 number of pages, for which a fee is paid pursuant to  
 8 subsection 1 to be used for the purpose set forth in  
 9 paragraph "~~e~~". "d" and for the following purposes:  
 10 (a) Maintaining the statewide internet website and  
 11 the county land record information system.  
 12 (b) Integrating information contained in documents  
 13 and records maintained by the recorder and other land  
 14 record information from other sources with the county  
 15 land record information system.  
 16 (c) Implementing and maintaining a process for  
 17 redacting personally identifiable information  
 18 contained in electronic documents that are displayed  
 19 for public access through an internet website or that  
 20 are transferred to another person.  
 21 (2) Fees collected in excess of the amount needed  
 22 for the purposes specified in this subsection shall be  
 23 used by the county land record information system to  
 24 reduce or eliminate service fees for electronic  
 25 submission of documents and instruments.  
 26 ~~b.~~ c. The county treasurer, on behalf of the  
 27 recorder, shall establish and maintain a county  
 28 recorder's electronic transaction fund into which all  
 29 moneys collected pursuant to paragraph "~~a~~" "b" shall  
 30 be deposited. Interest earned on moneys deposited in  
 31 this fund shall be computed based on the average  
 32 monthly balance in the fund and shall be credited to  
 33 the county recorder's electronic transaction fund.  
 34 ~~e.~~ d. The local government electronic transaction  
 35 fund is established in the office of the treasurer of  
 36 state under the control of the treasurer of state.  
 37 Moneys deposited into the fund are not subject to  
 38 section 8.33. Notwithstanding section 12C.7, interest  
 39 or earnings on moneys in the local government  
 40 electronic transaction fund shall be credited to the  
 41 fund. Moneys in the local government electronic  
 42 transaction fund are not subject to transfer,  
 43 appropriation, or reversion to any other fund, or any

44 other use except as provided in this ~~paragraph "e"~~  
 45 subsection. On a monthly basis, the county treasurer  
 46 shall pay ~~each fee collected pursuant to paragraph "a"~~  
 47 the fees deposited into the county recorder's  
 48 electronic transaction fund to the treasurer of state  
 49 for deposit into the local government electronic  
 50 transaction fund. Moneys credited to the local

Page 3

1 government electronic transaction fund are  
 2 appropriated to the treasurer of state for the payment  
 3 of claims approved by the governing board of the  
 4 county land record information system. ~~Expenditures~~  
 5 Except as otherwise provided in this subsection,  
 6 expenditures from the fund shall be for the purpose of  
 7 planning and implementing electronic recording and  
 8 electronic transactions in each county, ~~and~~ developin  
 9 county and statewide internet websites to provide  
 10 electronic access to records and information, and to  
 11 pay the ongoing costs of integrating and maintaining  
 12 the statewide internet website.

13 ~~e.~~ e. The recorder shall make available any  
 14 information required by the county auditor or auditor  
 15 of state concerning the fees collected under this  
 16 subsection for the purposes of determining the amount  
 17 of fees collected and the uses for which such fees are  
 18 expended.

19 Sec. 4. Section 331.605B, subsection 2, Code 2009,  
 20 is amended to read as follows:

21 2. A recorder or the governing board of the county  
 22 land record information system shall collect only  
 23 statutorily authorized fees for land records  
 24 management. A recorder or the governing board of the  
 25 county land record information system shall not  
 26 collect a fee for viewing, accessing, or printing  
 27 documents in the county land record information system  
 28 unless specifically authorized by statute. However, a  
 29 recorder or the governing board of the county land  
 30 record information system may collect actual  
 31 third-party fees associated with accepting and  
 32 processing statutorily authorized fees, including  
 33 credit card fees, treasury management fees, and other  
 34 transaction fees required to enable electronic  
 35 payment. For the purposes of this subsection, the  
 36 term "third-party" does not include the county land  
 37 record information system, the Iowa state association  
 38 of counties, or any of the association's affiliates.

39 Sec. 5. Section 331.606, Code 2009, is amended by  
 40 adding the following new subsection:

41 NEW SUBSECTION. 4. The recorder shall permanently  
 42 archive an unaltered version of each recorded document

43 or instrument. A document or instrument may be  
44 archived in its original format, as an electronic  
45 document, or in another format suitable for preserving  
46 information in the document or instrument. A person  
47 may view and copy an original or unaltered document or  
48 instrument in the office of the recorder.  
49 Sec. 6. Section 331.606A, subsection 1, paragraph  
50 c, Code 2009, is amended to read as follows:

Page 4

1 c. "Redact" or "redaction" means the process of  
2 permanently removing all or a portion of personally  
3 identifiable information from documents.

4 Sec. 7. Section 331.606A, subsection 2, Code 2009,  
5 is amended to read as follows:

6 2. INCLUSION OF PERSONALLY IDENTIFIABLE  
7 INFORMATION. The preparer of a document shall not  
8 include an individual's personally identifiable  
9 information in a document that is prepared and  
10 presented for recording in the office of the recorder.  
11 This subsection shall not apply to documents that were  
12 executed by an individual prior to July 1, 2007.  
13 ~~Unless provided otherwise by law, all documents~~  
14 ~~described by this section are subject to inspection~~  
15 ~~and copying by the public.~~

16 Sec. 8. Section 331.606A, subsection 3, Code 2009,  
17 is amended by striking the subsection and inserting in  
18 lieu thereof the following:

19 3. REDACTION FROM ELECTRONIC DOCUMENTS.  
20 Personally identifiable information that is contained  
21 in electronic documents that are displayed for public  
22 access on a website, or which are transferred to any  
23 person, shall be redacted prior to displaying or  
24 transferring the documents. Each recorder that  
25 displays electronic documents and the county land  
26 record information system that displays electronic  
27 documents on behalf of a county shall implement a  
28 system for redacting personally identifiable  
29 information. The recorder and the governing board of  
30 the county land record information system shall  
31 establish a procedure by which individuals may request  
32 that personally identifiable information contained in  
33 an electronic document displayed on a website be  
34 redacted, at no fee to the requesting individual. The  
35 requirements of this subsection shall be fully  
36 implemented not later than December 31, 2011.

37 Sec. 9. Section 331.606A, Code 2009, is amended by  
38 adding the following new subsection:

39 NEW SUBSECTION. 3A. DISSEMINATION OF DOCUMENTS.  
40 Persons who have contracted with a county recorder or  
41 the governing board of the county land record



42 information system to redact personally identifiable  
 43 information from electronic documents pursuant to  
 44 subsection 3 shall not sell, transfer, or otherwise  
 45 disseminate the electronic documents in an unaltered  
 46 or redacted form, except as provided for in the  
 47 contract.

48 Sec. 10. Section 331.606A, subsection 5, Code  
 49 2009, is amended to read as follows:

50 5. APPLICABILITY.

Page 5

1 ~~a. This section~~ Subsection 2 shall not apply t a  
 2 preparer of a state or federal tax lien or release, a  
 3 military separation or discharge record, or a death  
 4 certificate that is prepared for recording in the  
 5 office of county recorder.  
 6 b. Subsection 3 shall not apply to a military  
 7 separation or discharge record, a birth record, a  
 8 death certificate, or marriage certificate unless such  
 9 record or certificate is incorporated within another  
 10 document or instrument that is recorded and displayed  
 11 for public access on a website.

12 c. If a military separation or discharge record or  
 13 a death certificate is recorded in the office of the  
 14 county recorder, the military separation or discharge  
 15 record or the death certificate shall not be  
 16 accessible through the internet displayed for public  
 17 access on an internet website, public access terminal  
 18 or other medium, or be transferred to any person.

19 Sec. 11. Section 331.606A, Code 2009, is amended  
 20 by adding the following new subsection:

21 NEW SUBSECTION. 6. LIMITATION OF LIABILITY. The  
 22 county land record information system is a unit of  
 23 local government for purposes of chapter 670, relating  
 24 to tort liability of governmental subdivisions.  
 25 However, persons who have contracted with the  
 26 governing board of the county land record information  
 27 system to carry out the duties of the board are not  
 28 employees for purposes of chapter 670, relating to  
 29 tort liability of governmental subdivisions.

30 Sec. 12. Section 331.606B, subsection 1, Code  
 31 2009, is amended by adding the following new  
 32 paragraph:

33 NEW PARAGRAPH. g. Each document or instrument  
 34 presented for recording shall meet the requirements of  
 35 section 331.606A, subsection 2.

36 Sec. 13. REPORT TO THE GENERAL ASSEMBLY. On or  
 37 before January 1, 2012, the governing board of the  
 38 county land record information system shall submit a  
 39 report to the general assembly. The report shall  
 40 include a summary of the actions taken by the county

41 recorders and the county land record information  
 42 system relating to the redaction of personally  
 43 identifiable information, a detailed financial  
 44 accounting of the county land record information  
 45 system, a detailed summary of expenditures made from  
 46 the local government electronic transaction fund, and  
 47 an analysis and recommendation regarding the  
 48 continuance or discontinuance of the fee collected  
 49 under section 331.604, subsection 3.  
 50 Sec. 14. Section 598.21, subsection 2, Code 2009,

Page 6

1 as amended by 2009 Iowa Acts, Senate File 288, section  
 2 36, is amended to read as follows:  
 3 2. DUTIES OF COUNTY RECORDER. The county recorder  
 4 shall record each quitclaim deed or change of title  
 5 and shall collect the ~~fees~~ ~~fee~~ specified in section  
 6 331.507, subsection 2, paragraph "a", and the ~~feees~~  
 7 specified in section 331.604.  
 8 Sec. 15. IMPLEMENTATION OF ACT. Section 25B.2,  
 9 subsection 3, shall not apply to this Act."  
 10 2. Title page, line 3, by inserting before the  
 11 words "the fees" the following: "use of".

WINDSCHITL of Harrison

H-1706

1 Amend the amendment, H-1675, to House File 822, as  
 2 follows:  
 3 1. Page 3, by striking lines 29 and 30 and  
 4 inserting the following: "not exceed \$100,000 per  
 5 project. Not more than \$200,000 may be awarded in the  
 6 same county in the same round of grant reviews."

STECKMAN of Cerro Gordo

H-1707

1 Amend the amendment, H-1664, to Senate File 483, as  
 2 passed by the Senate, as follows:  
 3 1. Page 1, by striking lines 17 through 19 and  
 4 inserting the following:  
 5 "\_\_\_\_. Page 2, by striking lines 5 through 7 and  
 6 inserting the following:  
 7 "Sec.\_\_\_\_. APPLICABILITY DATES.  
 8 1. The section of this division of this Act  
 9 amending section 175.37 applies to agricultural assets  
 10 transfer agreements executed on or after July 1, 2009.  
 11 2. The section of this division of this Act  
 12 enacting section 15.119 applies to tax credits awarded

13 on or after July 1, 2009."  
 14 2. By renumbering as necessary.

SHOMSHOR of Pottawattamie  
 SANDS of Louisa

H-1708

1 Amend the amendment, H-1704, to Senate File 304, as  
 2 passed by the Senate, as follows:

3 1. Page 1, by inserting before line 5 the  
 4 following:

5 "Section 1. Section 403.19A, subsection 2, Code  
 6 2009, is amended to read as follows:

7 2. a. An eligible city may apply to the  
 8 department of economic development to be designated as  
 9 a pilot project city. An eligible city is a city that  
 10 ~~contains~~ meets one of the following requirements:  
 11 (1) Contains three or more census tracts and is  
 12 located in a county meeting one of the following  
 13 requirements:

14 ~~(1) (a)~~ A county that borders Nebraska.

15 ~~(2) (b)~~ A county that borders South Dakota.

16 ~~(3) (c)~~ A county that borders a state other than  
 17 Nebraska or South Dakota.

18 (2) Shares a boundary contiguous with an approved  
 19 pilot project city.

20 b. (1) The department of economic development  
 21 shall approve four eligible cities as pilot project  
 22 cities, one pursuant to paragraph "a", subparagraph  
 23 (1), subparagraph division (a), one pursuant to  
 24 paragraph "a", subparagraph ~~(2)~~ (1), subparagraph  
 25 division (b), and two pursuant to paragraph "a",  
 26 subparagraph ~~(3)~~ (1), subparagraph division (c). The  
 27 department shall approve additional eligible cities as  
 28 pilot project cities pursuant to paragraph "a",  
 29 subparagraph (2). If two eligible cities are approved  
 30 pursuant to paragraph "a", subparagraph (1), which are  
 31 located in the same county and the county has a  
 32 population of less than forty-five thousand, the two  
 33 approved eligible cities shall be considered one pilot  
 34 project city. If more than two cities meeting the  
 35 requirements of paragraph "a", subparagraph ~~(3)~~ (1),  
 36 subparagraph division (c), apply to be designated as a  
 37 pilot project city, the department of economic  
 38 development shall determine which two cities hold the  
 39 most potential to create new jobs or generate the  
 40 greatest capital within their areas. ~~Applications~~  
 41 ~~from eligible cities filed on or after October 1,~~  
 42 ~~2006, shall not be considered.~~

43 (2) If a pilot project city does not enter into a  
 44 withholding agreement within one year of its approval

45 as a pilot project city, the city shall lose its  
 46 status as a pilot project city. If two pilot project  
 47 cities are located in the same county, the loss of  
 48 status by one pilot project city shall not cause the  
 49 second pilot project city in the county to lose its  
 50 status as a pilot project city. Upon such occurrence,

Page 2

1 the department of economic development shall take  
 2 applications from other eligible cities to replace  
 3 that city. Another city shall be designated within  
 4 six months."  
 5 2. Page 2, by inserting after line 30 the  
 6 following:  
 7 "\_\_\_\_. Title page, line 1, by inserting after the  
 8 word "agreements" the following: ", pilot project  
 9 cities,","  
 10 3. By renumbering as necessary.

SANDS of Louisa

H-1709

1 Amend the amendment, H-1675, to House File 822, as  
 2 follows:  
 3 1. Page 32, by inserting after line 12 the  
 4 following:  
 5 "Sec.\_\_\_\_. Section 105.11, subsection 11, Code  
 6 2009, if enacted by 2009 Iowa Acts, Senate File 224,  
 7 is amended to read as follows:  
 8 11. Prohibit a private college, an accredited  
 9 nonpublic school, or an owner or operator of a health  
 10 care facility licensed pursuant to chapter 135C,  
 11 assisted living center licensed pursuant to chapter  
 12 231C, hospital licensed pursuant to chapter 135B,  
 13 adult day care center licensed pursuant to chapter  
 14 231D, or a retirement facility certified pursuant to  
 15 chapter 523D from performing work on the facility or  
 16 requiring such owner or operator to be licensed under  
 17 this chapter; except for projects that exceed the  
 18 dollar amount specified as the competitive bid  
 19 threshold in section 26.3."  
 20 2. By renumbering as necessary.

STRUYK of Pottawattamie

H-1710

1 Amend Senate File 474, as passed by the Senate, as  
 2 follows:  
 3 1. Page 1, by striking line 27 and inserting the

4 following:

5 "Sec.\_\_\_\_. STATE BOARD OF REGENTS BONDING – FLOOD  
6 REPAIR AND MITIGATION."

7 2. Page 3, by inserting after line 18 the

8 following:

9 "Sec.\_\_\_\_. STATE BOARD OF REGENTS BONDING –  
10 BUILDINGS AND FACILITIES IMPROVEMENT PROGRAM.

11 1. FINDINGS. The general assembly finds that:

12 a. The state board of regents has approved a  
13 buildings and facilities improvement program for the  
14 institutions of higher learning under the jurisdiction  
15 of the board, which the board deems necessary to  
16 further the educational objectives of the  
17 institutions, together with an estimate of the cost of  
18 each of the buildings and facilities.

19 b. The projects contained in the buildings and  
20 facilities improvement program are deemed necessary  
21 for the proper performance of the instructional,  
22 research, and service functions of the institutions.

23 c. Section 262A.4 provides that the state board of  
24 regents, after authorization by a constitutional  
25 majority of each house of the general assembly and  
26 approval by the governor, may undertake and carry out  
27 at the institutions of higher learning under the  
28 jurisdiction of the board any project as defined in  
29 chapter 262A.

30 d. Chapter 262A authorizes the state board of  
31 regents to borrow moneys and to issue and sell  
32 negotiable revenue bonds to pay all or any part of the  
33 cost of carrying out projects at any institution  
34 payable solely from and secured by an irrevocable  
35 pledge of a sufficient portion of the student fees and  
36 charges and institutional income received by the  
37 particular institution.

38 e. To further the educational objectives of the  
39 institutions, the state board of regents requests  
40 authorization to finance certain costs of the capital  
41 improvement program by borrowing moneys and issuing  
42 negotiable bonds under chapter 262A in a total amount  
43 as provided in this section, with the remaining costs  
44 of the projects to be financed by appropriations or by  
45 federal or other funds lawfully available.

46 2. AUTHORIZATION OF PROJECTS. The state board of  
47 regents is authorized to undertake, plan, construct,  
48 reconstruct, improve, repair, remodel, furnish, and  
49 equip, and otherwise carry out \$15,000,000 for phase  
50 II of the construction and renovation of the

Page 2

1 veterinary medical facilities at Iowa state university  
2 of science and technology, specifically the renovation

3 and modernization of the area formerly occupied by the  
 4 large animal area of the teaching hospital for  
 5 expanded clinical services in a small animal hospital.  
 6 3. BONDS AUTHORIZED. The general assembly  
 7 authorizes the state board of regents to borrow moneys  
 8 and to issue and sell negotiable revenue bonds in the  
 9 amount of \$15,000,000 in the manner provided in  
 10 sections 262A.5 and 262A.6 in order to pay all or any  
 11 part of the costs of carrying out the projects at the  
 12 institutions approved and authorized in subsection 2,  
 13 with the remaining costs of the projects to be  
 14 financed by appropriations or by federal or other  
 15 funds lawfully available. The amount of bonds may be  
 16 exceeded by the amount the state board of regents  
 17 determines to be necessary to capitalize bond  
 18 reserves, interest during construction, and issuance  
 19 costs. No commitment is implied or intended by  
 20 approval to fund any portion of the buildings and  
 21 facilities improvement program beyond the portion that  
 22 is financed and approved by the Eighty-third General  
 23 Assembly, 2009 Session, and the governor."  
 24 3. Title page, line 2, by inserting after the  
 25 word "regents" the following: "for buildings and  
 26 facilities including bonding".  
 27 4. By renumbering as necessary.

COHOON of Des Moines

H-1711

1 Amend Senate File 465, as amended, passed, and  
 2 reprinted by the Senate, as follows:  
 3 1. Page 2, by striking lines 6 and 7 and  
 4 inserting the following:  
 5 "3. a. The If the board of supervisors enters  
 6 into a chapter 28E agreement to participate in the  
 7 county land record information system, the county  
 8 shall comply with the".

HUSER of Polk  
 WAGNER of Linn

H-1712

1 Amend Senate File 340, as amended, passed, and  
 2 reprinted by the Senate, as follows:  
 3 1. By striking everything after the enacting  
 4 clause and inserting the following:  
 5 "DIVISION I  
 6 SEX OFFENDER REGISTRY  
 7 Section 1. NEW SECTION. 692A.101 DEFINITIONS.  
 8 As used in this chapter and unless the context

9 otherwise requires:

10 1. a. "Aggravated offense" means a conviction for  
11 any of the following offenses:

12 (1) Sexual abuse in the first degree in violation  
13 of section 709.2.

14 (2) Sexual abuse in the second degree in violation  
15 of section 709.3.

16 (3) Sexual abuse in the third degree in violation  
17 of section 709.4, subsection 1.

18 (4) Lascivious acts with a child in violation of  
19 section 709.8, subsection 1 or 2.

20 (5) Assault with intent to commit sexual abuse in  
21 violation of section 709.11.

22 (6) Burglary in the first degree in violation of  
23 section 713.3, subsection 1, paragraph "d".

24 (7) Kidnapping, if sexual abuse as defined in  
25 section 709.1 is committed during the commission of  
26 the offense.

27 (8) Murder in violation of section 707.2 or 707.3,  
28 if sexual abuse as defined in section 709.1 is  
29 committed during the offense.

30 (9) Criminal transmission of human  
31 immunodeficiency virus in violation of section 709C.1,  
32 subsection 1, paragraph "a".

33 b. Any conviction for an offense specified in the  
34 laws of another jurisdiction or any conviction for an  
35 offense prosecuted in federal, military, or foreign  
36 court, that is comparable to an offense listed in  
37 paragraph "a" shall be considered an aggravated  
38 offense for purposes of registering under this  
39 chapter.

40 2. "Aggravated offense against a minor" means a  
41 conviction for any of the following offenses, if such  
42 offense was committed against a minor, or otherwise  
43 involves a minor:

44 a. Sexual abuse in the first degree in violation  
45 of section 709.2.

46 b. Sexual abuse in the second degree in violation  
47 of section 709.3.

48 c. Sexual abuse in the third degree in violation  
49 of section 709.4, except for a violation of section  
50 709.4, subsection 2, paragraph "c", subparagraph (4).

Page 2

1 3. "Appearance" means to appear in person at a  
2 sheriff's office.

3 4. "Business day" means every day except Saturday,  
4 Sunday, or any paid holiday for county employees in  
5 the applicable county.

6 5. "Change" means to add, begin, or terminate.

7 6. "Child care facility" means the same as defined

8 in section 237A.1.

9 7. "Convicted" means found guilty of, pleads  
10 guilty to, or is sentenced or adjudicated delinquent  
11 for an act which is an indictable offense in this  
12 state or in another jurisdiction including in a  
13 federal, military, tribal, or foreign court, including  
14 but not limited to a juvenile who has been adjudicated  
15 delinquent, but whose juvenile court records have been  
16 sealed under section 232.150, and a person who has  
17 received a deferred sentence or a deferred judgment or  
18 has been acquitted by reason of insanity.

19 "Conviction" includes the conviction of a juvenile  
20 prosecuted as an adult. "Convicted" also includes a  
21 conviction for an attempt or conspiracy to commit an  
22 offense. "Convicted" does not mean a plea, sentence,  
23 adjudication, deferred sentence, or deferred judgment  
24 which has been reversed or otherwise set aside.

25 8. "Criminal or juvenile justice agency" means an  
26 agency or department of any level of government or an  
27 entity wholly owned, financed, or controlled by one or  
28 more such agencies or departments which performs as  
29 its principal function the apprehension, prosecution,  
30 adjudication, incarceration, or rehabilitation of  
31 criminal or juvenile offenders.

32 9. "Department" means the department of public  
33 safety.

34 10. "Employee" means an offender who is  
35 self-employed, employed by another, and includes a  
36 person working under contract, or acting or serving as  
37 a volunteer, regardless of whether the  
38 self-employment, employment by another, or  
39 volunteerism is performed for compensation.

40 11. "Employment" means acting as an employee.

41 12. "Foreign court" means a court of a foreign  
42 nation that is recognized by the United States  
43 department of state that enforces the right to a fair  
44 trial during the period in which a conviction  
45 occurred.

46 13. "Habitually lives" means living in a place  
47 with some regularity, and with reference to where the  
48 sex offender actually lives, which could be some place  
49 other than a mailing address or primary address but  
50 would entail a place where the sex offender lives on

Page 3

1 an intermittent basis.

2 14. "Incarcerated" means to be imprisoned by  
3 placing a person in a jail, prison, penitentiary,  
4 juvenile facility, or other correctional institution  
5 or facility or a place or condition of confinement or  
6 forcible restraint regardless of the nature of the



7 institution in which the person serves a sentence for  
8 a conviction.

9 15. "Internet identifier" means an electronic mail  
10 address, instant message address or identifier, or any  
11 other designation or moniker used for  
12 self-identification during internet communication or  
13 posting, including all designations used for the  
14 purpose of routing or self-identification in internet  
15 communications or postings.

16 16. "Jurisdiction" means any state of the United  
17 States, the District of Columbia, the Commonwealth of  
18 Puerto Rico, Guam, American Samoa, the Northern  
19 Mariana Islands, the United States Virgin Islands, or  
20 a federally recognized Indian tribe.

21 17. "Loiter" means remaining in a place or  
22 circulating around a place under circumstances that  
23 would warrant a reasonable person to believe that the  
24 purpose or effect of the behavior is to enable a sex  
25 offender to become familiar with a location where a  
26 potential victim may be found, or to satisfy an  
27 unlawful sexual desire, or to locate, lure, or harass  
28 a potential victim.

29 18. "Military offense" means a sex offense  
30 specified by the secretary of defense under 10 U.S.C.  
31 § 951.

32 19. "Minor" means a person under eighteen years of  
33 age.

34 20. "Principal residence" for a sex offender  
35 means:

36 a. The residence of the offender, if the offender  
37 has only one residence in this state.

38 b. The residence at which the offender resides,  
39 sleeps, or habitually lives for more days per year  
40 than another residence in this state, if the offender  
41 has more than one residence in this state.

42 c. The place of employment or attendance as a  
43 student, or both, if the sex offender does not have a  
44 residence in this state.

45 21. "Professional licensing information" means the  
46 name or other description, number, if applicable, and  
47 issuing authority or agency of any license,  
48 certification, or registration required by law to  
49 engage in a profession or occupation held by a sex  
50 offender who is required at the time of the initial

1 requirement to register under this chapter, or any  
2 such license, certification, or registration that was  
3 issued to an offender within the five-year period  
4 prior to conviction for a sex offense that requires  
5 registration under this chapter, or any such license,

6 certification, or registration that is issued to an  
7 offender at any time during the duration of the  
8 registration requirement.  
9 22. "Public library" means any library that  
10 receives financial support from a city or county  
11 pursuant to section 256.69.  
12 23. a. "Relevant information" means the following  
13 information with respect to a sex offender:  
14 (1) Criminal history, including warrants,  
15 articles, status of parole, probation, or supervised  
16 release, date of arrest, date of conviction, and  
17 registration status.  
18 (2) Date of birth.  
19 (3) Passport and immigration documents.  
20 (4) Government issued driver's license or  
21 identification card.  
22 (5) DNA sample.  
23 (6) Educational institutions attended as a  
24 student, including the name and address of such  
25 institutions.  
26 (7) Employment information including name and  
27 address of employer.  
28 (8) Fingerprints.  
29 (9) Internet identifiers.  
30 (10) Names, nicknames, aliases, or ethnic or  
31 tribal names, and if applicable, the real names of an  
32 offender protected under 18 U.S.C. § 3521.  
33 (11) Palm prints.  
34 (12) Photographs.  
35 (13) Physical description, including scars, marks,  
36 or tattoos.  
37 (14) Professional licensing information.  
38 (15) Residence.  
39 (16) Social security number.  
40 (17) Telephone numbers, including any landline or  
41 wireless numbers.  
42 (18) Temporary lodging information, including  
43 dates when residing in temporary lodging.  
44 (19) Statutory citation and text of offense  
45 committed that requires registration under this  
46 chapter.  
47 (20) Vehicle information for a vehicle owned or  
48 operated by an offender including license plate  
49 number, registration number, or other identifying  
50 number, vehicle description, and the permanent or

Page 5

1 frequent locations where the vehicle is parked,  
2 docked, or otherwise kept.  
3 (21) The name, gender, and date of birth of each  
4 person residing in the residence.

5 b. "Relevant information" does not include  
6 relevant information in paragraph "a", subparagraphs  
7 (1) and (19), when a sex offender is required to  
8 provide relevant information pursuant to this chapter.

9 24. "Residence" means each dwelling or other place  
10 where a sex offender resides, sleeps, or habitually  
11 lives, or will reside, sleep, or habitually live,  
12 including a shelter or group home. If a sex offender  
13 does not reside, sleep, or habitually live in a fixed  
14 place, "residence" means a description of the  
15 locations where the offender is stationed regularly,  
16 including any mobile or transitory living quarters.  
17 "Residence" shall be construed to refer to the places  
18 where a sex offender resides, sleeps, habitually  
19 lives, or is stationed with regularity, regardless of  
20 whether the offender declares or characterizes such  
21 place as the residence of the offender.

22 25. "Sex act" means as defined in section 702.17.

23 26. "Sex offender" means a person who is required  
24 to be registered under this chapter.

25 27. "Sex offense" means an indictable offense for  
26 which a conviction has been entered that has an  
27 element involving a sexual act, sexual contact, or  
28 sexual conduct, and which is enumerated in section  
29 692A.102, and means any comparable offense for which a  
30 conviction has been entered under prior law, or any  
31 comparable offense for which a conviction has been  
32 entered in a federal, military, or foreign court, or  
33 another jurisdiction.

34 28. "Sex offense against a minor" means an offense  
35 for which a conviction has been entered for a sex  
36 offense classified as a tier I, tier II, or tier III  
37 offense under this chapter if such offense was  
38 committed against a minor, or otherwise involves a  
39 minor.

40 29. "Sexually violent offense" means an offense  
41 for which a conviction has been entered for any of the  
42 following indictable offenses:

43 a. Sexual abuse as defined under section 709.1.

44 b. Assault with intent to commit sexual abuse in  
45 violation of section 709.11.

46 c. Sexual misconduct with offenders and juveniles  
47 in violation of section 709.16.

48 d. Any of the following offenses, if the offense  
49 involves sexual abuse or assault with intent to commit  
50 sexual abuse: murder, attempted murder, kidnapping,

Page 6

1 burglary, or manslaughter.

2 e. A criminal offense committed in another  
3 jurisdiction, including a conviction in a federal,

4 military, or foreign court, which would constitute an  
5 indictable offense under paragraphs "a" through "d" if  
6 committed in this state.

7 30. "Sexually violent predator" means a sex  
8 offender who has been convicted of an offense which  
9 would qualify the offender as a sexually violent  
10 predator under the federal Violent Crime Control and  
11 Law Enforcement Act of 1994, 42 U.S.C. §  
12 14071(a)(3)(B), (C), (D), and (E).

13 31. "SORNA" means the Sex Offender Registration  
14 and Notification Act, which is Title I of the federal  
15 Adam Walsh Child Protection and Safety Act of 2006.

16 32. "Student" means a sex offender who enrolls in  
17 or otherwise receives instruction at an educational  
18 institution, including a public or private elementary  
19 school, secondary school, trade or professional  
20 school, or institution of higher education. "Student"  
21 does not mean a sex offender who enrolls in or attends  
22 an educational institution as a correspondence  
23 student, distance learning student, or any other form  
24 of learning that occurs without physical presence on  
25 the real property of an educational institution.

26 33. "Superintendent" means the superintendent or  
27 superintendent's designee of a public school or the  
28 authorities in charge of a nonpublic school.

29 34. "Vehicle" means a vehicle owned or operated by  
30 an offender, including but not limited to a vehicle  
31 for personal or work-related use, and including a  
32 watercraft or aircraft, that is subject to  
33 registration requirements under chapter 321, 328, or  
34 462A.

35 Sec. 2. NEW SECTION. 692A.102 SEX OFFENSE  
36 CLASSIFICATIONS.

37 1. For purposes of this chapter, all individuals  
38 required to register shall be classified as a tier I,  
39 tier II, or tier III offender. For purposes of this  
40 chapter, sex offenses are classified into the  
41 following tiers:

42 a. Tier I offenses include a conviction for the  
43 following sex offenses:

44 (1) Sexual abuse in the second degree in violation  
45 of section 709.3, subsection 2, if committed by a  
46 person under the age of fourteen.

47 (2) Sexual abuse in the third degree in violation  
48 of section 709.4, subsection 1, 3, or 4, if committed  
49 by a person under the age of fourteen.

50 (3) Sexual abuse in the third degree in violation

- 3 (4) Sexual abuse in the third degree in violation  
4 of section 709.4, subsection 2, paragraph "c".
- 5 (5) Indecent exposure in violation of section  
6 709.9.
- 7 (6) Harassment in violation of section 708.7,  
8 subsection 1, 2, or 3, if a determination is made that  
9 the offense was sexually motivated pursuant to section  
10 692A.126.
- 11 (7) Stalking in violation of section 708.11,  
12 except a violation of subsection 3, paragraph "b",  
13 subparagraph (3), if a determination is made that the  
14 offense was sexually motivated pursuant to section  
15 692A.126.
- 16 (8) (a) Dissemination or exhibition of obscene  
17 material to minors in violation of section 728.2 or  
18 telephone dissemination of obscene material to minors  
19 in violation of 728.15.
- 20 (b) Rental or sale of hard-core pornography, if  
21 delivery is to a minor, in violation of section 728.4.
- 22 (9) Admitting minors to premises where obscene  
23 material is exhibited in violation of section 728.3.
- 24 (10) Receipt or possession of child pornography in  
25 violation of 18 U.S.C. § 2252.
- 26 (11) Material containing child pornography in  
27 violation of 18 U.S.C. § 2252A.
- 28 (12) Misleading domain names on the internet in  
29 violation of 18 U.S.C. § 2252B.
- 30 (13) Misleading words or digital images on the  
31 internet in violation of section 18 U.S.C. § 2252C.
- 32 (14) Failure to file a factual statement about an  
33 alien individual in violation of 18 U.S.C. § 2424.
- 34 (15) Transmitting information about a minor to  
35 further criminal sexual conduct in violation of 18  
36 U.S.C. § 2425.
- 37 (16) Any sex offense specified in the laws of  
38 another jurisdiction or any sex offense that may be  
39 prosecuted in federal, military, or foreign court,  
40 that is comparable to an offense listed in  
41 subparagraphs (1) through (15).
- 42 (17) Any sex offense under the prior laws of this  
43 state or another jurisdiction, or any sex offense  
44 under prior law that was prosecuted in a federal,  
45 military, or foreign court, that is comparable to an  
46 offense listed in subparagraphs (1) through (15).
- 47 b. Tier II offenses include a conviction for the  
48 following sex offenses:
- 49 (1) Detention in brothel in violation of section  
50 709.7.

- 2 section 709.8, subsection 3 or 4.
- 3 (3) Solicitation of a minor to engage in an  
4 illegal sex act in violation of section 705.1.
- 5 (4) Solicitation of a minor to engage an illegal  
6 act under section 709.8, subsection 3, in violation of  
7 section 705.1.
- 8 (5) Solicitation of a minor to engage in an  
9 illegal act under section 709.12, in violation of  
10 section 705.1.
- 11 (6) False imprisonment of a minor in violation of  
12 section 710.7, except if committed by a parent.
- 13 (7) Assault with intent to commit sexual abuse if  
14 no injury results in violation of section 709.11.
- 15 (8) Invasion of privacy-nudity in violation of  
16 section 709.21.
- 17 (9) Stalking in violation of section 708.11,  
18 subsection 3, paragraph "b", subparagraph (3), if a  
19 determination is made that the offense was sexually  
20 motivated pursuant to section 692A.126.
- 21 (10) Indecent contact with a child in violation of  
22 section 709.12, if the child is thirteen years of age.
- 23 (11) Lascivious conduct with a minor in violation  
24 of section 709.14.
- 25 (12) Sexual exploitation by a counselor,  
26 therapist, or school employee in violation of section  
27 709.15, if the victim is thirteen years of age or  
28 older.
- 29 (13) Sexual misconduct with offenders and  
30 juveniles in violation of section 709.16, if the  
31 victim is thirteen years of age or older.
- 32 (14) Kidnapping of a person who is not a minor in  
33 violation of section 710.2, 710.3, or 710.4, if a  
34 determination is made that the offense was sexually  
35 motivated pursuant to section 692A.126.
- 36 (15) Solicitation of a minor to engage in an  
37 illegal act under section 725.3, subsection 2, in  
38 violation of section 705.1.
- 39 (16) Incest committed against a dependant adult as  
40 defined in section 235B.2 in violation of section  
41 726.2.
- 42 (17) Incest committed against a minor in violation  
43 of section 726.2.
- 44 (18) Sexual exploitation of a minor in violation  
45 of section 728.12, subsection 2 or 3.
- 46 (19) Material involving the sexual exploitation of  
47 a minor in violation of 18 U.S.C. § 2252(a), except  
48 receipt or possession of child pornography.
- 49 (20) Production of sexually explicit depictions of  
50 a minor for import into the United States in violation

Page 9

1 of 18 U.S.C. § 2260.

2 (21) Transportation of a minor for illegal sexual  
3 activity in violation of 18 U.S.C. § 2421.

4 (22) Coercion and enticement of a minor for  
5 illegal sexual activity in violation of 18 U.S.C. §  
6 2422(a) or (b).

7 (23) Transportation of minors for illegal sexual  
8 activity in violation of 18 U.S.C. § 2423(a).

9 (24) Travel with the intent to engage in illegal  
10 sexual conduct with a minor in violation of 18 U.S.C.  
11 § 2423.

12 (25) Engaging in illicit sexual conduct in foreign  
13 places in violation of 18 U.S.C. § 2423(c).

14 (26) Video voyeurism of a minor in violation of 18  
15 U.S.C. § 1801.

16 (27) Any sex offense specified in the laws of  
17 another jurisdiction or any offense that may be  
18 prosecuted in a federal, military, or foreign court,  
19 that is comparable to an offense listed in  
20 subparagraphs (1) through (26).

21 (28) Any sex offense under the prior laws of this  
22 state or another jurisdiction, or any sex offense  
23 under prior law that was prosecuted in a federal,  
24 military, or foreign court, that is comparable to a  
25 sex offense listed in subparagraphs (1) through (26).

26 c. Tier III offenses include a conviction for the  
27 following sex offenses:

28 (1) Murder in violation of section 707.2 or 707.3  
29 if sexual abuse as defined in section 709.1 is  
30 committed during the commission of the offense.

31 (2) Murder in violation of section 707.2 or 707.3,  
32 if a determination is made that the offense was  
33 sexually motivated pursuant to section 692A.126.

34 (3) Voluntary manslaughter in violation of section  
35 707.4, if a determination is made that the offense was  
36 sexually motivated pursuant to section 692A.126.

37 (4) Involuntary manslaughter in violation of  
38 section 707.5, if a determination is made that the  
39 offense was sexually motivated pursuant to section  
40 692A.126.

41 (5) Attempt to commit murder in violation of  
42 section 707.11, if a determination is made that the  
43 offense was sexually motivated pursuant to section  
44 692A.126.

45 (6) Sexual abuse in the first degree in violation  
46 of section 709.2.

47 (7) Sexual abuse in the second degree in violation  
48 of section 709.3, subsection 1 or 3.

49 (8) Sexual abuse in the second degree in violation  
50 of section 709.3, subsection 2, if committed by a

Page 10

- 1 person fourteen years of age or older.  
2 (9) Sexual abuse in the third degree in violation  
3 of section 709.4, subsection 1, 3, or 4, if committed  
4 by a person fourteen years of age or older.  
5 (10) Sexual abuse in the third degree in violation  
6 of section 709.4, subsection 2, paragraph "a" or "b",  
7 if committed by a person fourteen years of age or  
8 older.  
9 (11) Lascivious acts with a child in violation of  
10 section 709.8, subsection 1 or 2.  
11 (12) Kidnapping in violation of section 710.2 if  
12 sexual abuse as defined in section 709.1 is committed  
13 during the commission of the offense.  
14 (13) Kidnapping of a minor in violation of section  
15 710.2, 710.3, or 710.4, if a determination is made  
16 that the offense was sexually motivated pursuant to  
17 section 692A.126.  
18 (14) Assault with intent to commit sexual abuse  
19 resulting in serious or bodily injury in violation of  
20 section 709.11.  
21 (15) Burglary in the first degree in violation of  
22 section 713.3, subsection 1, paragraph "d".  
23 (16) Any other burglary in the first degree  
24 offense in violation of section 713.3 that is not  
25 included in subparagraph (15), if a determination is  
26 made that the offense was sexually motivated pursuant  
27 to section 692A.126.  
28 (17) Attempted burglary in the first degree in  
29 violation of section 713.4, if a determination is made  
30 that the offense was sexually motivated pursuant to  
31 section 692A.126.  
32 (18) Burglary in the second degree in violation of  
33 section 713.5, if a determination is made that the  
34 offense was sexually motivated pursuant to section  
35 692A.126.  
36 (19) Attempted burglary in the second degree in  
37 violation of section 713.6, if a determination is made  
38 that the offense was sexually motivated pursuant to  
39 section 692A.126.  
40 (20) Burglary in the third degree in violation of  
41 section 713.6A, if a determination is made that the  
42 offense was sexually motivated pursuant to section  
43 692A.126.  
44 (21) Attempted burglary in the third degree in  
45 violation of section 713.6B, if a determination is  
46 made that the offense was sexually motivated pursuant  
47 to section 692A.126.  
48 (22) Criminal transmission of human  
49 immunodeficiency virus in violation of section 709C.1,  
50 subsection 1, paragraph "a".



Page 11

- 1 (23) Human trafficking in violation of section  
2 710A.2 if sexual abuse or assault with intent to  
3 commit sexual abuse is committed or sexual conduct or  
4 sexual contact is an element of the offense.
- 5 (24) Purchase or sale of an individual in  
6 violation of section 710.11 if a determination is made  
7 that the offense was sexually motivated pursuant to  
8 section 692A.126.
- 9 (25) Sexual exploitation of a minor in violation  
10 of section 728.12, subsection 1.
- 11 (26) Indecent contact with a child in violation of  
12 section 709.12 if the child is under thirteen years of  
13 age.
- 14 (27) Sexual exploitation by a counselor,  
15 therapist, or school employee in violation of section  
16 709.15, if the child is under thirteen years of age.
- 17 (28) Sexual misconduct with offenders and  
18 juveniles in violation of section 709.16, if the child  
19 is under thirteen years of age.
- 20 (29) Child stealing in violation of section 710.5,  
21 if a determination is made that the offense was  
22 sexually motivated pursuant to section 692A.126.
- 23 (30) Enticing away a minor in violation of section  
24 710.10, if the violation includes an intent to commit  
25 sexual abuse, sexual exploitation, sexual contact, or  
26 sexual conduct directed towards a minor.
- 27 (31) Sex trafficking of children in violation of  
28 18 U.S.C. § 1591.
- 29 (32) Aggravated sexual abuse in violation of 18  
30 U.S.C. § 2241.
- 31 (33) Sexual abuse in violation of 18 U.S.C. §  
32 2242.
- 33 (34) Sexual abuse of a minor or ward in violation  
34 of 18 U.S.C. § 2243.
- 35 (35) Abusive sexual contact in violation of 18  
36 U.S.C. § 2244.
- 37 (36) Offenses resulting in death in violation of  
38 18 U.S.C. § 2245.
- 39 (37) Sexual exploitation of children in violation  
40 of 18 U.S.C. § 2251.
- 41 (38) Selling or buying of children in violation of  
42 18 U.S.C. § 2251A.
- 43 (39) Any sex offense specified in the laws of  
44 another jurisdiction or any sex offense that may be  
45 prosecuted in federal, military, or foreign court,  
46 that is comparable to an offense listed in  
47 subparagraphs (1) through (38).
- 48 (40) Any sex offense under the prior laws of this  
49 state or another jurisdiction, or any sex offense  
50 under prior law that was prosecuted in federal,

Page 12

1 military, or foreign court, that is comparable to a  
2 sex offense listed in subparagraphs (1) through (38).

3 2. A sex offender classified as a tier I offender  
4 shall be reclassified as a tier II offender, if it is  
5 determined the offender has one previous conviction  
6 for an offense classified as a tier I offense.

7 3. A sex offender classified as a tier II  
8 offender, shall be reclassified as a tier III  
9 offender, if it is determined the offender has a  
10 previous conviction for a tier II offense or has been  
11 reclassified as a tier II offender because of a  
12 previous conviction.

13 4. Notwithstanding the classifications of sex  
14 offenses in subsection 1, any sex offense which would  
15 qualify a sex offender as a sexually violent predator,  
16 shall be classified as a tier III offense.

17 5. An offense classified as a tier II offense if  
18 committed against a person under thirteen years of  
19 age, shall be reclassified as a tier III offense.

20 6. Convictions of more than one sex offense which  
21 require registration under this chapter but which are  
22 prosecuted within a single indictment shall be  
23 considered as a single offense for purposes of  
24 registration.

25 Sec. 3. NEW SECTION. 692A.103 OFFENDERS REQUIRED  
26 TO REGISTER.

27 1. A person who has been convicted of any sex  
28 offense classified as a tier I, tier II, or tier III  
29 offense, or an offender required to register in  
30 another jurisdiction under the other jurisdiction's  
31 sex offender registry, shall register as a sex  
32 offender as provided in this chapter if the offender  
33 resides, is employed, or attends school in this state.  
34 A sex offender shall, upon a first or subsequent  
35 conviction, register in compliance with the procedures  
36 specified in this chapter, for the duration of time  
37 specified in this chapter, commencing as follows:

38 a. From the date of placement on probation.

39 b. From the date of release on parole or work  
40 release.

41 c. From the date of release from incarceration.

42 d. Except as otherwise provided in this section,  
43 from the date an adjudicated delinquent is released  
44 from placement in a juvenile facility ordered by a  
45 court pursuant to section 232.52.

46 e. Except as otherwise provided in this section,  
47 from the date an adjudicated delinquent commences  
48 attendance as a student at a public or private  
49 educational institution, other than an educational  
50 institution located on the real property of a juvenile

Page 13

1 facility if the juvenile has been ordered placed at  
2 such facility pursuant to section 232.52.

3 f. From the date of conviction for a sex offense  
4 requiring registration if probation, incarceration, or  
5 placement ordered pursuant to section 232.52 in a  
6 juvenile facility is not included in the sentencing,  
7 order, or decree of the court, except as otherwise  
8 provided in this section for juvenile cases.

9 2. A sex offender is not required to register  
10 while incarcerated. However, the running of the  
11 period of registration is tolled pursuant to section  
12 692A.107 if a sex offender is incarcerated.

13 3. A juvenile adjudicated delinquent for an  
14 offense that requires registration shall be required  
15 to register as required in this chapter unless the  
16 juvenile court waives the requirement and finds that  
17 the person should not be required to register under  
18 this chapter.

19 4. Notwithstanding subsections 3 and 5, a juvenile  
20 fourteen years of age or older at the time the offense  
21 was committed shall be required to register if the  
22 adjudication was for an offense committed by force or  
23 the threat of serious violence, by rendering the  
24 victim unconscious, or by involuntary drugging of the  
25 victim. At the time of adjudication the judge shall  
26 make a determination as to whether the offense was  
27 committed by force or the threat of serious violence,  
28 by rendering the victim unconscious, or by involuntary  
29 drugging of the victim.

30 5. If a juvenile is required to register pursuant  
31 to subsection 3, the juvenile court may, upon motion  
32 of the juvenile, and after reasonable notice to the  
33 parties and hearing, modify or suspend the  
34 registration requirements if good cause is shown.

35 a. The motion to modify or suspend shall be made  
36 and the hearing shall occur prior to the discharge of  
37 the juvenile from the jurisdiction of the juvenile  
38 court for the sex offense that requires registration.

39 b. If at the time of the hearing the juvenile is  
40 participating in an appropriate outpatient treatment  
41 program for juvenile sex offenders, the juvenile court  
42 may enter orders temporarily suspending the  
43 requirement that the juvenile register and may defer  
44 entry of a final order on the matter until such time  
45 that the juvenile has completed or been discharged  
46 from the outpatient treatment program.

47 c. Final orders shall then be entered within  
48 thirty days from the date of the juvenile's completion  
49 or discharge from outpatient treatment.

50 d. Any order entered pursuant to this subsection

Page 14

1 that modifies or suspends the requirement to register  
2 shall include written findings stating the reason for  
3 the modification or suspension, and shall include  
4 appropriate restrictions upon the juvenile to protect  
5 the public during any period of time the registry  
6 requirements are modified or suspended. Upon entry of  
7 an order modifying or suspending the requirement to  
8 register, the juvenile court shall notify the  
9 superintendent or the superintendent's designee where  
10 the juvenile is enrolled of the decision.

11 e. This subsection does not apply to a juvenile  
12 fourteen years of age or older at the time the offense  
13 was committed if the adjudication was for a sex  
14 offense committed by force or the threat of serious  
15 violence, by rendering the victim unconscious, or by  
16 involuntary drugging of the victim.

17 6. If a juvenile is required to register and the  
18 court later modifies or suspends the order regarding  
19 the requirement to register, the court shall notify  
20 the department within five days of the decision.

21 Sec. 4. NEW SECTION. 692A.104 REGISTRATION  
22 PROCESS.

23 1. A sex offender shall appear in person to  
24 register with the sheriff of each county where the  
25 offender has a residence, maintains employment, or is  
26 in attendance as a student, within five business days  
27 of being required to register under section 692A.103  
28 by providing all relevant information to the sheriff.  
29 A sheriff shall accept the registration of any person  
30 who is required to register in the county pursuant to  
31 the provisions of this chapter.

32 2. A sex offender shall, within five business days  
33 of changing a residence, employment, or attendance as  
34 a student, appear in person to notify the sheriff of  
35 each county where a change has occurred.

36 3. A sex offender shall, within five business days  
37 of a change in relevant information other than  
38 relevant information enumerated in subsection 2,  
39 notify the sheriff of the county where the principal  
40 residence of the offender is maintained about the  
41 change to the relevant information. The department  
42 shall establish by rule what constitutes proper  
43 notification under this subsection.

44 4. A sex offender who is required to verify  
45 information pursuant to the provisions of section  
46 692A.108 is only required to appear in person in the  
47 county where the principal residence of the offender  
48 is maintained to verify such information.

49 5. A sex offender shall, within five business days  
50 of the establishment of a residence, employment, or

Page 15

1 attendance as a student in another jurisdiction,  
2 appear in person to notify the sheriff of the county  
3 where the principal residence of the offender is  
4 maintained, about the establishment of a residence,  
5 employment, or attendance in another jurisdiction. A  
6 sex offender shall, within five business days of  
7 establishing a new residence, employment, or  
8 attendance as a student in another jurisdiction,  
9 register with the registering agency of the other  
10 jurisdiction, if the offender is required to register  
11 under the laws of the other jurisdiction. The  
12 department shall notify the registering agency in the  
13 other jurisdiction of the sex offender's new  
14 residence, employment, or attendance as a student in  
15 the other jurisdiction.

16 6. A sex offender, who has multiple residences in  
17 this state, shall appear in person to notify the  
18 sheriff of each county where a residence is  
19 maintained, of the dates the offender will reside at  
20 each residence including the date when the offender  
21 will move from one residence to another residence.

22 7. Except as provided in subsection 8, the initial  
23 or subsequent registration and any notifications  
24 required in subsections 1, 2, 4, 5, and 6 shall be by  
25 appearance at the sheriff's office and completion of  
26 the initial or subsequent registration or notification  
27 shall be on a printed form, which shall be signed and  
28 dated by the sex offender. If the sheriff uses an  
29 electronic form to complete the initial registration  
30 or notification, the electronic form shall be printed  
31 upon completion and signed and dated by the sex  
32 offender. The sheriff shall transmit the registration  
33 or notification form completed by the sex offender  
34 within five business days by paper copy, or  
35 electronically, using procedures established by the  
36 department by rule.

37 8. The collection of relevant information by a  
38 court or releasing agency under section 692A.109 shall  
39 serve as the sex offender's initial or subsequent  
40 registration for purposes of this section. However,  
41 the sex offender shall register by appearing in person  
42 in the county of residence to verify the offender's  
43 arrival and relevant information. The court or  
44 releasing agency shall forward a copy of the  
45 registration to the department within five business  
46 days of completion of registration using procedures  
47 established by the department by rule.

48 Sec. 5. **NEW SECTION.** 692A.105 ADDITIONAL  
49 REGISTRATION REQUIREMENTS – TEMPORARY LODGING.  
50 In addition to the registration provisions

Page 16

1 specified in section 692A.104, a sex offender, within  
2 five business days of a change, shall also appear in  
3 person to notify the sheriff of the county of  
4 principal residence, of any location in which the  
5 offender is staying when away from the principal  
6 residence of the offender for more than five days, by  
7 identifying the location and the period of time the  
8 offender is staying in such location.

9 Sec. 6. NEW SECTION. 692A.106 DURATION OF  
10 REGISTRATION.

11 1. Except as otherwise provided in section 232.54,  
12 692A.103, or 692A.128, or this section, the duration  
13 of registration required under this chapter shall be  
14 for a period of ten years. The registration period  
15 shall begin as provided in section 692A.103.

16 2. A sex offender who has been sentenced to a  
17 special sentence under section 903B.1 or 903B.2, shall  
18 be required to register for a period equal to the term  
19 of the special sentence, but in no case not less than  
20 the period specified in subsection 1.

21 3. A sex offender who is convicted of violating  
22 any of the requirements of this chapter shall register  
23 for an additional ten years, commencing from the date  
24 the offender's registration would have expired under  
25 subsection 1 or, in the case of an offender who has  
26 been sentenced to a special sentence under section  
27 903B.1 or 903B.2, commencing from the date the  
28 offender's registration would have expired under  
29 subsection 2.

30 4. A sex offender shall, upon a second or  
31 subsequent conviction that requires a second  
32 registration, or upon conviction of an aggravated  
33 offense, or who has previously been convicted of one  
34 or more offenses that would have required registration  
35 under this chapter, register for life.

36 5. A sexually violent predator shall register for  
37 life.

38 6. If a sex offender ceases to maintain a  
39 residence, employment, or attendance as a student in  
40 this state, the offender shall no longer be required  
41 to register, and the offender shall be placed on  
42 inactive status and relevant information shall not be  
43 placed on the sex offender registry internet site,  
44 after the department verifies that the offender has  
45 complied with the registration requirements in another  
46 jurisdiction. If the sex offender subsequently  
47 reestablishes residence, employment, or attendance as  
48 a student in this state, the registration requirement  
49 under this chapter shall apply and the department  
50 shall remove the offender from inactive status and

Page 17

1 place any relevant information and any updated  
2 relevant information in the possession of the  
3 department on the sex offender registry internet site.

4 Sec. 7. NEW SECTION. 692A.107 TOLLING OF  
5 REGISTRATION PERIOD.

6 1. If a sex offender is incarcerated during a  
7 period of registration, the running of the period of  
8 registration is tolled until the offender is released  
9 from incarceration for that crime.

10 2. If a sex offender violates any requirements of  
11 section 692A.104, 692A.105, 692A.108, 692A.112,  
12 692A.113, 692A.114, or 692A.115, in addition to any  
13 criminal penalty prescribed for such violation, the  
14 period of registration is tolled until the offender  
15 complies with the registration provisions of this  
16 chapter.

17 Sec. 8. NEW SECTION. 692A.108 VERIFICATION OF  
18 RELEVANT INFORMATION.

19 1. A sex offender shall appear in person in the  
20 county of principal residence after the offender was  
21 initially required to register, to verify residence,  
22 employment, and attendance as a student, to allow the  
23 sheriff to photograph the offender, and to verify the  
24 accuracy of other relevant information during the  
25 following time periods after the initial registration:

26 a. For a sex offender classified as a tier I  
27 offender, every year.

28 b. For a sex offender classified as a tier II  
29 offender, every six months.

30 c. For a sex offender classified as a tier III  
31 offender, every three months.

32 2. A sheriff may require a sex offender to appear  
33 in person more frequently than provided in subsection  
34 1 to verify relevant information if good cause is  
35 shown. The circumstances under which more frequent  
36 appearances are required shall be reasonable,  
37 documented by the sheriff, and provided to the  
38 offender and the department in writing. Any  
39 modification to such requirement shall also be  
40 provided to the sex offender and the department in  
41 writing.

42 3. a. At least thirty days prior to an appearance  
43 for the verification of relevant information as  
44 required by this section, the department shall mail  
45 notification of the required appearance to each  
46 reported residence of the sex offender. The  
47 department shall not be required to mail notification  
48 to any sex offender if the residence described or  
49 listed in the sex offender's relevant information is  
50 insufficient for the delivery of mail.

Page 18

1 b. The notice shall state that the sex offender  
2 shall appear in person in the county of principal  
3 residence on or before a date specified in the notice  
4 to verify and update relevant information. The notice  
5 shall not be forwarded to another address and shall be  
6 returned to the department if the sex offender no  
7 longer resides at the address.

8 4. A photograph of the sex offender shall be  
9 updated, at a minimum, annually. The sheriff shall  
10 send the updated photograph to the department using  
11 procedures established by the department by rule  
12 within five business days of the photograph being  
13 taken and the department shall post the updated  
14 photograph on the sex offender registry's internet  
15 site. The sheriff may require the sex offender to  
16 submit to being photographed, fingerprinted, or palm  
17 printed, more than once per year during any required  
18 appearance to verify relevant information.

19 5. The sheriff may make a reasonable modification  
20 to the date requiring a sex offender to make an  
21 appearance based on exigent circumstances including  
22 man-made or natural disasters. The sheriff shall  
23 notify the department of any modification using  
24 procedures established by department by rule.

25 6. A waiver of the next immediate in-person  
26 verification pursuant to this section may be granted  
27 at the discretion of the sheriff, if the sex offender  
28 appears in person at the sheriff's office because of  
29 changes to relevant information pursuant to section  
30 692A.104 or 692A.105, and if the in-person  
31 verification pursuant to this section is within thirty  
32 days of such in-person appearance. If a waiver is  
33 granted, the sheriff shall notify the department of  
34 granting the waiver.

35 Sec. 9. NEW SECTION. 692A.109 DUTY TO FACILITATE  
36 REGISTRATION.

37 1. When a sex offender is released from  
38 incarceration from a jail, prison, juvenile facility,  
39 or other correctional institution or facility, or when  
40 the offender is convicted but not incarcerated, the  
41 sheriff, warden, or superintendent of a facility or,  
42 in the case of release from foster care or residential  
43 treatment or conviction without incarceration, the  
44 court shall do the following prior to release or  
45 sentencing of the convicted offender:

46 a. Obtain all relevant information from the sex  
47 offender. Additional information for a sex offender  
48 required to register as a sexually violent predator  
49 shall include but not be limited to other identifying  
50 factors, anticipated future places of residence,



Page 19

- 1 offense history, and documentation of any treatment  
2 received by the person for a mental abnormality or  
3 personality disorder.
- 4 b. Inform the sex offender of the duty to register  
5 under this chapter and SORNA and ensure registration  
6 forms are completed and signed.
- 7 c. Inform the sex offender that, within five  
8 business days of changing a residence, employment,  
9 attendance as a student, an appearance is required  
10 before the sheriff in the county where the change  
11 occurred.
- 12 d. Inform the sex offender that, within five  
13 business days of a change in relevant information  
14 other than a change of residence, employment, or  
15 attendance as a student, the sex offender shall  
16 notify, in a manner prescribed by rule, the sheriff of  
17 the county of principal residence of the change.
- 18 e. Inform the sex offender that if the offender  
19 establishes residence in another jurisdiction, or  
20 becomes employed, or becomes a student in another  
21 jurisdiction, the offender must report the offender's  
22 new residence, employment, or attendance as a student,  
23 to the sheriff's office in the county of the  
24 offender's principal residence within five business  
25 days, and that, if the other jurisdiction has a  
26 registration requirement, the offender shall also be  
27 required to register in such jurisdiction.
- 28 f. Require the sex offender to read and sign a  
29 form stating that the duty of the offender to register  
30 under this chapter has been explained and the offender  
31 understands the registration requirement. If the sex  
32 offender cannot read, is unable to write, or refuses  
33 to cooperate, the duty and the form shall be explained  
34 orally and a written record shall be maintained by the  
35 sheriff, warden, superintendent of a facility, or  
36 court explaining the duty and the form.
- 37 g. Inform the sex offender who was convicted of a  
38 sex offense against a minor of the prohibitions  
39 established under section 692A.113 by providing the  
40 offender with a written copy of section 692A.113 and  
41 relevant definitions of section 692A.101.
- 42 h. Inform the sex offender who was convicted of an  
43 aggravated offense against a minor of the prohibitions  
44 established under section 692A.114 by providing the  
45 offender with a written copy of section 692A.114 and  
46 relevant definitions of section 692A.101.
- 47 i. Inform the sex offender that the offender must  
48 submit to being photographed by the sheriff of any  
49 county in which the offender is required to register  
50 upon initial registration and during any appearance to

Page 20

1 verify relevant information required under this  
2 chapter.

3 j. Inform the sex offender that any violation of  
4 this chapter may result in state or federal  
5 prosecution.

6 2. a. When a sex offender is released from  
7 incarceration from a jail, prison, juvenile facility,  
8 or other correctional institution or facility, or when  
9 the offender is convicted but not incarcerated, the  
10 sheriff, warden, superintendent of a facility, or  
11 court shall verify that the person has completed  
12 initial or subsequent registration forms, and accept  
13 the forms on behalf of the sheriff of the county of  
14 registration. The sheriff, warden, superintendent of  
15 a facility, or the court shall send the initial or  
16 subsequent registration information to the department  
17 within five business days of completion of the  
18 registration. Probation, parole, work release, or any  
19 other form of release after conviction shall not be  
20 granted unless the offender has registered as required  
21 under this chapter.

22 b. If the sex offender refuses to register, the  
23 sheriff, warden, superintendent of a facility, or  
24 court shall notify within five business days the  
25 county attorney in the county in which the offender  
26 was convicted or, if the offender no longer resides in  
27 that county, in the county in which the offender  
28 resides of the refusal to register. The county  
29 attorney shall bring a contempt of court action  
30 against the sex offender in the county in which the  
31 offender was convicted or, if the offender no longer  
32 resides in that county, in the county in which the  
33 offender resides. A sex offender who refuses to  
34 register shall be held in contempt and may be  
35 incarcerated pursuant to the provisions of chapter 665  
36 following the entry of judgment by the court on the  
37 contempt action until the offender complies with the  
38 registration requirements.

39 3. The sheriff, warden, or superintendent of a  
40 facility, or if the sex offender is placed on  
41 probation, the court shall forward one copy of the  
42 registration information to the department and to the  
43 sheriff of the county in which the principal residence  
44 is established within five business days after  
45 completion of the registration.

46 4. The court may order an appropriate law  
47 enforcement agency or the county attorney to assist  
48 the court in performing the requirements of subsection  
49 1 or 2.

50 Sec. 10. NEW SECTION. 692A.110 REGISTRATION FEES

Page 21

1 AND CIVIL PENALTY FOR OFFENDERS.

2 1. A sex offender shall pay an annual fee in the  
3 amount of twenty-five dollars to the sheriff of the  
4 county of principal residence, beginning with the  
5 first required in-person appearance at the sheriff's  
6 office after the effective date of this Act. If the  
7 sex offender has more than one principal residence in  
8 this state, the offender shall pay the annual fee in  
9 the county where the offender is first required to  
10 appear in person after the effective date of this Act.  
11 The sheriff shall accept the registration. If, at the  
12 time of registration, the sex offender is unable to  
13 pay the fee, the sheriff may allow the offender time  
14 to pay the fee, permit the payment of the fee in  
15 installments, or may waive payment of the fee. Fees  
16 paid to the sheriff shall be used to defray the costs  
17 of duties related to the registration of sex offenders  
18 under this chapter.

19 2. In addition to any other penalty, at the time  
20 of conviction for a public offense committed on or  
21 after July 1, 1995, which requires a sex offender to  
22 register under this chapter, the offender shall be  
23 assessed a civil penalty of two hundred dollars, to be  
24 payable to the clerk of the district court as provided  
25 in section 602.8105 and distributed as provided in  
26 section 602.8108. With respect to a conviction for a  
27 public offense committed on or after July 1, 2009,  
28 which requires a sex offender to register under this  
29 chapter, the offender shall be assessed a civil  
30 penalty of two hundred fifty dollars, payable to the  
31 clerk of the district court as provided in section  
32 602.8105 and distributed as provided in section  
33 602.8108.

34 3. The fee and penalty required by this section  
35 shall not be assessed against a person who has been  
36 acquitted by reason of insanity of the offense which  
37 requires registration under this chapter.

38 Sec. 11. NEW SECTION. 692A.111 FAILURE TO COMPLY  
39 – PENALTY.

40 1. A sex offender who violates any requirements of  
41 section 692A.104, 692A.105, 692A.108, 692A.112,  
42 692A.113, 692A.114, or 692A.115 commits an aggravated  
43 misdemeanor for a first offense and a class "D" felony  
44 for a second or subsequent offense. However, a sex  
45 offender convicted of an aggravated offense against a  
46 minor, a sex offense against a minor, or a sexually  
47 violent offense committed while in violation of any of  
48 the requirements specified in section 692A.104,  
49 692A.105, 692A.108, 692A.112, 692A.113, 692A.114, or  
50 692A.115 is guilty of a class "C" felony, in addition

Page 22

1 to any other penalty provided by law. Any fine  
2 imposed for a second or subsequent violation shall not  
3 be suspended. Notwithstanding section 907.3, the  
4 court shall not defer judgment or sentence for any  
5 violation of any requirements specified in this  
6 chapter. For purposes of this subsection, a violation  
7 occurs when a sex offender knows or reasonably should  
8 know of the duty to fulfill a requirement specified in  
9 this chapter as referenced in the offense charged.

10 2. Violations in any other jurisdiction under sex  
11 offender registry provisions that are substantially  
12 similar to those contained in this section shall be  
13 counted as previous offenses. The court shall  
14 judicially notice the statutes of other states which  
15 are substantially similar to this section.

16 3. A sex offender who violates any provision of  
17 this chapter may be prosecuted in any county where  
18 registration is required by the provisions of this  
19 chapter.

20 Sec. 12. NEW SECTION. 692A.112 KNOWINGLY  
21 PROVIDING FALSE INFORMATION – PENALTY.

22 A sex offender shall not knowingly provide false  
23 information upon registration, change of relevant  
24 information, or during an appearance to verify  
25 relevant information.

26 Sec. 13. NEW SECTION. 692A.113 EXCLUSION ZONES  
27 AND PROHIBITION OF CERTAIN EMPLOYMENT-RELATED  
28 ACTIVITIES.

29 1. A sex offender who has been convicted of a sex  
30 offense against a minor shall not do any of the  
31 following:

32 a. Be present upon the real property of a public  
33 or nonpublic elementary or secondary school without  
34 the written permission of the school administrator or  
35 school administrator's designee, unless enrolled as a  
36 student at the school.

37 b. Loiter within three hundred feet of the real  
38 property boundary of a public or nonpublic elementary  
39 or secondary school, unless enrolled as a student at  
40 the school.

41 c. Be present on or in any vehicle or other  
42 conveyance owned, leased, or contracted by a public or  
43 nonpublic elementary or secondary school without the  
44 written permission of the school administrator or  
45 school administrator's designee when the vehicle is in  
46 use to transport students to or from a school or  
47 school-related activities, unless enrolled as a  
48 student at the school or unless the vehicle is  
49 simultaneously made available to the public as a form  
50 of public transportation.

Page 23

- 1 d. Be present upon the real property of a child  
2 care facility without the written permission of the  
3 child care facility administrator.
- 4 e. Loiter within three hundred feet of the real  
5 property boundary of a child care facility.
- 6 f. Be present upon the real property of a public  
7 library without the written permission of the library  
8 administrator.
- 9 g. Loiter within three hundred feet of the real  
10 property boundary of a public library.
- 11 h. Loiter on or within three hundred feet of the  
12 premises of any place intended primarily for the use  
13 of minors including but not limited to a playground  
14 available to the public, a children's play area  
15 available to the public, recreational or sport-related  
16 activity area when in use by a minor, a swimming or  
17 wading pool available to the public when in use by a  
18 minor, or a beach available to the public when in use  
19 by a minor.
- 20 2. A sex offender who has been convicted of a sex  
21 offense against a minor:
- 22 a. Who resides in a dwelling located within three  
23 hundred feet of the real property boundary of public  
24 or nonpublic elementary or secondary school, child  
25 care facility, public library, or place intended  
26 primarily for the use of minors as specified in  
27 subsection 1, paragraph "h", shall not be in violation  
28 of subsection 1 for having an established residence  
29 within the exclusion zone.
- 30 b. Who is the parent or legal guardian of a minor  
31 shall not be in violation of subsection 1 solely  
32 during the period of time reasonably necessary to  
33 transport the offender's own minor child or ward to or  
34 from a place specified in subsection 1.
- 35 c. Who is legally entitled to vote shall not be in  
36 violation of subsection 1 solely for the period of  
37 time reasonably necessary to exercise the right to  
38 vote in a public election if the polling location of  
39 the offender is located in a place specified in  
40 subsection 1.
- 41 3. A sex offender who has been convicted of a sex  
42 offense against a minor shall not do any of the  
43 following:
- 44 a. Operate, manage, be employed by, or act as a  
45 contractor or volunteer at any municipal, county, or  
46 state fair or carnival when a minor is present on the  
47 premises.
- 48 b. Operate, manage, be employed by, or act as a  
49 contractor or volunteer on the premises of any  
50 children's arcade, an amusement center having coin or

Page 24

1 token operated devices for entertainment, or  
2 facilities providing programs or services intended  
3 primarily for minors, when a minor is present.

4 c. Operate, manage, be employed by, or act as a  
5 contractor or volunteer at a public or nonpublic  
6 elementary or secondary school, child care facility,  
7 or public library.

8 d. Operate, manage, be employed by, or act as a  
9 contractor or volunteer at any place intended  
10 primarily for use by minors including but not limited  
11 to a playground, a children's play area, recreational  
12 or sport-related activity area, a swimming or wading  
13 pool, or a beach.

14 Sec. 14. NEW SECTION. 692A.114 RESIDENCY  
15 RESTRICTIONS – PRESENCE – CHILD CARE FACILITIES AND  
16 SCHOOLS.

17 1. As used in this section:

18 a. "Minor" means a person who is under eighteen  
19 years of age or who is enrolled in a secondary school.

20 b. "School" means a public or nonpublic elementary  
21 or secondary school.

22 c. "Sex offender" means a person required to be  
23 registered under this chapter who has been convicted  
24 of a sex offense against a minor.

25 2. A sex offender shall not reside within two  
26 thousand feet of the real property comprising a school  
27 or a child care facility.

28 3. A sex offender residing within two thousand  
29 feet of the real property comprising a school or a  
30 child care facility does not commit a violation of  
31 this section if any of the following apply:

32 a. The sex offender is required to serve a  
33 sentence at a jail, prison, juvenile facility, or  
34 other correctional institution or facility.

35 b. The sex offender is subject to an order of  
36 commitment under chapter 229A.

37 c. The sex offender has established a residence  
38 prior to July 1, 2002.

39 d. The sex offender has established a residence  
40 prior to any newly located school or child care  
41 facility being established.

42 e. The sex offender is a minor.

43 f. The sex offender is a ward in a guardianship,  
44 and a district judge or associate probate judge grants  
45 an exemption from the residency restriction.

46 g. The sex offender is a patient or resident at a  
47 health care facility as defined in section 135C.1 or a  
48 patient in a hospice program, and a district judge or  
49 associate probate judge grants an exemption from the  
50 residency restriction.

Page 25

1 Sec. 15. NEW SECTION. 692A.115 EMPLOYMENT WHERE  
2 DEPENDENT ADULTS RESIDE.

3 A sex offender shall not be an employee of a  
4 facility providing services for dependent adults or at  
5 events where dependent adults participate in  
6 programming and shall not loiter on the premises or  
7 grounds of a facility or at an event providing such  
8 services or programming.

9 Sec. 16. NEW SECTION. 692A.116 DETERMINATION OF  
10 REQUIREMENT TO REGISTER.

11 1. An offender may request that the department  
12 determine whether the offense for which the offender  
13 has been convicted requires the offender to register  
14 under this chapter or whether the period of time  
15 during which the offender is required to register  
16 under this chapter has expired.

17 2. Application for determination shall be filed  
18 with the department and shall be made on forms  
19 provided by the department and accompanied by copies  
20 of sentencing or adjudicatory orders with respect to  
21 each offense for which the offender asks that a  
22 determination be made.

23 3. The department, after filing of the request and  
24 after all documentation or information requested by  
25 the department is received, shall have ninety days  
26 from the filing of the request, to determine whether  
27 the offender is required to register under this  
28 chapter.

29 Sec. 17. NEW SECTION. 692A.117 REGISTRATION  
30 FORMS AND ELECTRONIC REGISTRATION SYSTEM.

31 1. Registration forms and an electronic  
32 registration system shall be made available by the  
33 department.

34 2. Copies of blank forms shall be available upon  
35 request to any registering agency.

36 Sec. 18. NEW SECTION. 692A.118 DEPARTMENT DUTIES  
37 – REGISTRY.

38 The department shall perform all of the following  
39 duties:

40 1. Develop an electronic system and standard forms  
41 for use in the registration of, verifying addresses  
42 of, and verifying understanding of registration  
43 requirements by sex offenders. Forms used to verify  
44 addresses of sex offenders shall contain a warning  
45 against forwarding a form to another address and of  
46 the requirement to return the form if the offender to  
47 whom the form is directed no longer resides at the  
48 address listed on the form or the mailing.

49 2. Maintain a central registry of information  
50 collected from sex offenders, which shall be known as

Page 26

1 the sex offender registry.  
2 3. In consultation with the attorney general,  
3 adopt rules under chapter 17A which list specific  
4 offenses under present and former law which constitute  
5 sex offenses or sex offenses against a minor under  
6 this chapter.

7 4. Adopt rules under chapter 17A, as necessary, to  
8 ensure compliance with registration and verification  
9 requirements of this chapter, to provide guidelines  
10 for persons required to assist in obtaining registry  
11 information, and to provide a procedure for the  
12 dissemination of information contained in the  
13 registry. The procedure for the dissemination of  
14 information shall include but not be limited to  
15 practical guidelines for use by criminal or juvenile  
16 justice agencies in determining when public release of  
17 relevant information contained in the registry is  
18 appropriate and a requirement that if a member of the  
19 general public requests information regarding a  
20 specific individual in the manner provided in section  
21 692A.121, the relevant information shall be released.  
22 The department, in developing the procedure, shall  
23 consult with associations which represent the  
24 interests of law enforcement officers. Rules adopted  
25 shall also include a procedure for removal of  
26 information from the registry upon the reversal or  
27 setting aside of a conviction of an offender.

28 5. Submit sex offender registry data to the  
29 federal bureau of investigation for entry of the data  
30 into the national sex offender registry.

31 6. Perform the requirements under this chapter and  
32 under federal law in cooperation with the office of  
33 sex offender sentencing, monitoring, apprehending,  
34 registering, and tracking of the office of justice  
35 programs of the United States department of justice.

36 7. Enter and maintain fingerprints and palm prints  
37 of sex offenders in an automated fingerprint  
38 identification system maintained by the department and  
39 made accessible to law enforcement agencies in this  
40 state, of the federal government, or in another  
41 jurisdiction. The department or any law enforcement  
42 agency may use such prints for criminal investigative  
43 purposes, to include comparison against finger and  
44 palm prints identified or recovered as evidence in a  
45 criminal investigation.

46 8. Notify a jurisdiction that provided information  
47 that a sex offender has or intends to maintain a  
48 residence, employment, or attendance as a student, in  
49 this state, of the failure of the sex offender to  
50 register as required under this chapter.



Page 27

1 9. Submit a DNA sample to the combined DNA index  
2 system, if a sample has not been submitted.

3 10. Submit the social security number to the  
4 national crime information center, if the number has  
5 not been submitted.

6 11. When the department has a reasonable basis to  
7 believe that a sex offender has changed residence to  
8 an unknown location, has become a fugitive from  
9 justice, or who has otherwise taken flight, the  
10 department shall make a reasonable effort to ascertain  
11 the whereabouts of the offender, and if such effort  
12 fails to identify the location of the offender, an  
13 appropriate notice shall be made on the sex offender  
14 registry internet site of this state and shall be  
15 transmitted to the national sex offender registry.  
16 The department shall notify other law enforcement  
17 agencies as deemed appropriate.

18 12. The department shall notify appropriate law  
19 enforcement agencies including the United States  
20 marshal service to investigate and verify possible  
21 violations. The department shall ensure any warrants  
22 for arrest are entered into the Iowa online warrant  
23 and articles system and the national crime information  
24 center and pursue prosecution of stated violations  
25 through state or federal court.

26 Sec. 19. NEW SECTION. 692A.119 SEX OFFENDER  
27 REGISTRY FUND.

28 A sex offender registry fund is established as a  
29 separate fund within the state treasury under the  
30 control of the department. The fund shall consist of  
31 moneys received as a result of the imposition of the  
32 penalty imposed under section 692A.110 and other funds  
33 allocated for purposes of establishing and maintaining  
34 the sex offender registry, conducting research and  
35 analysis related to sex crimes and offenders, and to  
36 perform other duties required under this chapter.  
37 Notwithstanding section 8.33, unencumbered or  
38 unobligated moneys and any interest remaining in the  
39 fund on June 30 of any fiscal year shall not revert to  
40 the general fund of the state, but shall remain  
41 available for expenditure in subsequent fiscal years.

42 Sec. 20. NEW SECTION. 692A.120 DUTIES OF THE  
43 SHERIFF.

44 The sheriff of each county shall comply with the  
45 requirements of this chapter and rules adopted by the  
46 department pursuant to this chapter. The sheriff of  
47 each county shall provide information and notices as  
48 provided in section 282.9.

49 Sec. 21. NEW SECTION. 692A.121 AVAILABILITY OF  
50 RECORDS.

Page 28

1 1. The department shall maintain an internet site  
2 for the public and others to access relevant  
3 information about sex offenders. The internet site,  
4 at a minimum, shall be searchable by name, county,  
5 city, zip code, and geographic radius.

6 2. The department shall provide updated or  
7 corrected relevant information within five business  
8 days of the information being updated or corrected,  
9 from the sex offender registry to the following:

10 a. A criminal or juvenile justice agency, an  
11 agency of the state, a sex offender registry of  
12 another jurisdiction, or the federal government.

13 b. The general public through the sex offender  
14 registry internet site.

15 (1) The following relevant information about a sex  
16 offender shall be disclosed on the internet site:

17 (a) The date of birth.

18 (b) The name, nickname, aliases, including ethnic  
19 or tribal names.

20 (c) Photographs.

21 (d) The physical description, including scars,  
22 marks, or tattoos.

23 (e) The residence.

24 (f) The statutory citation and text of the offense  
25 committed that requires registration under this  
26 chapter.

27 (g) A specific reference indicting whether a  
28 particular sex offender is subject to residency  
29 restrictions pursuant to section 692A.114.

30 (h) A specific reference indicating whether a  
31 particular sex offender is subject to exclusion zone  
32 restrictions pursuant to section 692A.113.

33 (2) The following relevant information shall not  
34 be disclosed on the internet site:

35 (a) The relevant information about a sex offender  
36 who was under twenty years of age at the time the  
37 offender committed a violation of section 709.4,  
38 subsection 2, paragraph "c", subparagraph (4).

39 (b) The employer name, address, or location where  
40 a sex offender acts as an employee in any form of  
41 employment.

42 (c) The address and name of any school where a  
43 student required to be on the registry attends.

44 (d) The real name of a sex offender protected  
45 under 18 U.S.C § 3521.

46 (e) The statutory citation and text of the offense  
47 committed for an incest conviction in violation of  
48 section 726.2, however, the citation and text of an  
49 incest conviction shall be disclosed on the internet  
50 site as a conviction of section 709.4 or 709.8.

Page 29

- 1 (f) Any other relevant information not described  
2 in subparagraph (1).
- 3 c. The general public through any other means, at  
4 the discretion of the department, any relevant  
5 information that is available on the internet site.
- 6 3. A criminal or juvenile justice agency may  
7 provide relevant information from the sex offender  
8 registry to the following:
- 9 a. A criminal or juvenile justice agency, an  
10 agency of the state, or a sex offender registry of  
11 another jurisdiction, or the federal government.
- 12 b. The general public, any information available  
13 to the general public in subsection 2, including  
14 public and private agencies, organizations, public  
15 places, child care facilities, religious and youth  
16 organizations, neighbors, neighborhood associations,  
17 community meetings, and employers. The relevant  
18 information available to the general public may be  
19 distributed to the public through printed materials,  
20 visual or audio press releases, radio communications,  
21 or through a criminal or juvenile justice agency's  
22 internet site.
- 23 4. When a sex offender moves into a school  
24 district or moves within a school district, the county  
25 sheriff of the county of the offender's new residence  
26 shall provide relevant information that is available  
27 to the general public in subsection 2 to the  
28 administrative office of the school district in which  
29 the person required to register resides, and shall  
30 also provide relevant information to any nonpublic  
31 school near the offender's residence.
- 32 5. a. A member of the public may contact a county  
33 sheriff's office to request relevant information from  
34 the registry regarding a specific sex offender. A  
35 person making a request for relevant information may  
36 make the request by telephone, in writing, or in  
37 person, and the request shall include the name of the  
38 person and at least one of the following identifiers  
39 pertaining to the sex offender about whom the  
40 information is sought:
- 41 (1) The date of birth of the person.  
42 (2) The social security number of the person.  
43 (3) The address of the person.  
44 (4) Internet identifiers.  
45 (5) Telephone numbers, including any landline or  
46 wireless numbers.
- 47 b. The relevant information made available to the  
48 general public pursuant to this subsection shall  
49 include all the relevant information provided to the  
50 general public on the internet site pursuant to

Page 30

1 subsection 2, and the following additional relevant  
2 information:

3 (1) Educational institutions attended as a  
4 student, including the name and address of such  
5 institution.

6 (2) Employment information including the name and  
7 address of employer.

8 (3) Temporary lodging information, including the  
9 dates when residing at the temporary lodging.

10 (4) Vehicle information.

11 c. A county sheriff or police department shall not  
12 charge a fee relating to a request for relevant  
13 information.

14 6. A county sheriff shall also provide to a person  
15 upon request access to a list of all registrants in  
16 that county.

17 7. The following relevant information shall not be  
18 provided to the general public:

19 a. The identity of the victim.

20 b. Arrests not resulting in a conviction.

21 c. Passport and immigration documents.

22 d. A government issued driver's license or  
23 identification card.

24 e. DNA information.

25 f. Fingerprints.

26 g. Palm prints.

27 h. Professional licensing information.

28 i. Social security number.

29 j. Real name protected under 18 U.S.C § 3521.

30 8. Notwithstanding sections 232.147 through  
31 232.151, records concerning convictions which are  
32 committed by a minor may be released in the same  
33 manner as records of convictions of adults.

34 9. A person may contact the department or a county  
35 sheriff's office to verify if a particular internet  
36 identifier or telephone number is one that has been  
37 included in a registration by a sex offender.

38 10. The department shall include links to sex  
39 offender safety information, educational resources  
40 pertaining to the prevention of sexual assaults, and  
41 the national sex offender registry.

42 11. The department shall include on the sex  
43 offender registry internet site instructions and any  
44 applicable forms necessary for a person seeking  
45 correction of information that the person contends is  
46 erroneous.

47 12. When the department receives and approves  
48 registration data, such data shall be made available  
49 on the sex offender registry internet site within five  
50 business days.

1 13. The department shall maintain an automated  
 2 electronic mail notification system, which shall be  
 3 available by free subscription to any person, to  
 4 provide notice of addition, deletion, or changes to  
 5 any sex offender registration, relevant information  
 6 within a postal zip code or, if selected by a  
 7 subscriber, a geographic radius or, if selected by a  
 8 subscriber, specific to a sex offender.

9 14. Sex offender registry records are confidential  
 10 records not subject to examination and copying by a  
 11 member of the public and shall only be released as  
 12 provided in this section.

13 Sec. 22. NEW SECTION. 692A.122 COOPERATION WITH  
 14 REGISTRATION.

15 An agency of state and local government that  
 16 possesses information relevant to requirements that an  
 17 offender register under this chapter shall provide  
 18 that information to the court or the department upon  
 19 request. All confidential records provided under this  
 20 section shall remain confidential, unless otherwise  
 21 ordered by a court, by the lawful custodian of the  
 22 records, or by another person duly authorized to  
 23 release such information.

24 Sec. 23. NEW SECTION. 692A.123 IMMUNITY FOR GOOD  
 25 FAITH CONDUCT.

26 Criminal or juvenile justice agencies and employees  
 27 of criminal or juvenile justice agencies and state  
 28 agencies and their employees shall be immune from  
 29 liability for acts or omissions arising from a good  
 30 faith effort to comply with this chapter.

31 Sec. 24. NEW SECTION. 692A.124 ELECTRONIC  
 32 MONITORING.

33 A sex offender who is placed on probation, parole,  
 34 work release, special sentence, or any other type of  
 35 conditional release, may be supervised by an  
 36 electronic tracking and monitoring system in addition  
 37 to any other conditions of supervision. However, if  
 38 the person committed a sex offense against a minor,  
 39 the person shall be supervised for a period of at  
 40 least five years by an electronic tracking and  
 41 monitoring system in addition to any other conditions  
 42 of release.

43 Sec. 25. NEW SECTION. 692A.125 APPLICABILITY OF  
 44 CHAPTER AND RETROACTIVITY.

45 1. The registration requirements of this chapter  
 46 shall apply to sex offenders convicted on or after the  
 47 effective date of this Act of a sex offense classified  
 48 under section 692A.102.

49 2. The registration requirements of this chapter  
 50 shall apply to a sex offender convicted of a sexPage 32

Page 32

1 offense or a comparable offense under prior law prior  
2 to the effective date of this Act under the following  
3 circumstances:

4 a. Any sex offender including a juvenile offender  
5 who is required to be on the sex offender registry as  
6 of June 30, 2009.

7 b. Any sex offender who is incarcerated on or  
8 after the effective date of this Act, for conviction  
9 of a sex offense committed prior to the effective date  
10 of this Act.

11 c. Any sex offender who is serving a special  
12 sentence pursuant to section 903B.1 or 903B.2 prior to  
13 the effective date of this Act.

14 3. For a sex offender required to register  
15 pursuant to subsection 1 or 2, each conviction or  
16 adjudication for a sex offense requiring registration,  
17 regardless of whether such conviction or adjudication  
18 occurred prior to, on, or after the effective date of  
19 this Act, shall be included in determining the tier  
20 requirements pursuant to this chapter.

21 4. An offender on the sex offender registry as of  
22 June 30, 2009, and who is required to be on the  
23 registry on or after July 1, 2009, shall be credited  
24 for any time on the registry prior to July 1, 2009.

25 Sec. 26. NEW SECTION. 692A.126 SEXUALLY  
26 MOTIVATED OFFENSE – DETERMINATION.

27 1. If a judge or jury makes a determination,  
28 beyond a reasonable doubt, that any of the following  
29 offenses for which a conviction has been entered are  
30 sexually motivated, the person shall be required to  
31 register as provided in this chapter:

32 a. Murder in the first degree in violation of  
33 section 707.2.

34 b. Murder in the second degree in violation of  
35 section 707.3.

36 c. Voluntary manslaughter in violation of section  
37 707.4.

38 d. Involuntary manslaughter in violation of  
39 section 707.5.

40 e. Attempt to commit murder in violation of  
41 section 707.11.

42 f. Harassment in violation of section 708.7,  
43 subsection 1, 2, or 3.

44 g. Stalking in violation of section 708.11,  
45 subsection 3, paragraph "b", subparagraph (3).

46 h. Kidnapping in the first degree in violation of  
47 section 710.2.

48 i. Kidnapping in the second degree in violation of  
49 section 710.3.

50 j. Kidnapping in the third degree in violation of

Page 33

- 1 section 710.4.  
2 k. Child stealing in violation of section 710.5.  
3 l. Purchase or sale or attempted purchase or sale  
4 of an individual in violation of section 710.11.  
5 m. Burglary in the first degree in violation of  
6 section 713.3, subsection 1, paragraph "a", "b", or  
7 "c".  
8 n. Attempted burglary in the first degree in  
9 violation of section 713.4.  
10 o. Burglary in the second degree in violation of  
11 section 713.5.  
12 p. Attempted burglary in the second degree in  
13 violation of section 713.6.  
14 q. Burglary in the third degree in violation of  
15 section 713.6A.  
16 r. Attempted burglary in the third degree in  
17 violation of section 713.6B.  
18 2. If a person is convicted of an offense in  
19 another jurisdiction, or of an offense that was  
20 prosecuted in a federal, military, or foreign court,  
21 that is comparable to an offense specified in  
22 subsection 1, the person shall be required to register  
23 as provided in this chapter if the department makes a  
24 determination that the offense was sexually motivated.  
25 3. If a juvenile is convicted of an offense in  
26 another jurisdiction, or of an offense as a juvenile  
27 in a similar juvenile court proceeding in a federal,  
28 military, or foreign court, that is comparable to an  
29 offense specified in subsection 1, the person shall be  
30 required to register as provided in this chapter if  
31 the department makes a determination that the offense  
32 was sexually motivated.  
33 Sec. 27. NEW SECTION. 692A.127 MODIFICATION.  
34 1. A sex offender who is on probation, parole,  
35 work release, special sentence, or any other type of  
36 conditional release may file an application in  
37 district court seeking to modify the registration  
38 requirements under this chapter.  
39 2. An application shall not be granted unless all  
40 of the following apply:  
41 a. The date of the commencement of the requirement  
42 to register occurred at least two years prior to the  
43 filing of the application for a tier I offender and  
44 five years prior to the filing of the application for  
45 a tier II or III offender.  
46 b. The sex offender has successfully completed all  
47 sex offender treatment programs that have been  
48 required.  
49 c. A risk assessment has been completed and the  
50 sex offender was classified as a low risk to reoffend.

Page 34

1 The risk assessment used to assess an offender as a  
2 low risk to reoffend shall be a validated risk  
3 assessment approved by the department of corrections.

4 d. The sex offender is not incarcerated when the  
5 application is filed.

6 e. The director of the judicial district  
7 department of correctional services supervising the  
8 sex offender, or the director's designee, stipulates  
9 to the modification, and a certified copy of the  
10 stipulation is attached to the application.

11 3. The application shall be filed in the sex  
12 offender's county of principal residence.

13 4. Notice of any application shall be provided to  
14 the county attorney of the county of the sex  
15 offender's principal residence, the county attorney of  
16 any county in this state where a conviction requiring  
17 the sex offender's registration occurred, and the  
18 department. The county attorney where the conviction  
19 occurred shall notify the victim of an application if  
20 the victim's address is known.

21 5. The court may, but is not required to, conduct  
22 a hearing on the application to hear any evidence  
23 deemed appropriate by the court. The court may modify  
24 the registration requirements under this chapter.

25 6. A sex offender may be granted a modification if  
26 the offender is required to be on the sex offender  
27 registry as a result of an adjudication for a sex  
28 offense, the offender is not under the supervision of  
29 the juvenile court or a judicial district judicial  
30 department of correctional services, and the  
31 department of corrections agrees to perform a risk  
32 assessment on the sex offender. However, all other  
33 provisions of this section not in conflict with this  
34 subsection shall apply to the application prior to an  
35 application being granted except that the sex offender  
36 is not required to obtain a stipulation from the  
37 director of a judicial district department of  
38 correctional services, or the director's designee.

39 7. If the court modifies the registration  
40 requirements under this chapter, the court shall send  
41 a copy of the order to the department, the sheriff of  
42 the county of the sex offender's principal residence,  
43 any county attorney notified in subsection 4, and the  
44 victim, if the victim's address is known.

45 Sec. 28. NEW SECTION. 692A.128 PROBATION AND  
46 PAROLE OFFICERS.

47 A probation or parole officer supervising a sex  
48 offender is not precluded from imposing more  
49 restrictive exclusion zone requirements, employment  
50 prohibitions, and residency restrictions than under



Page 35

1 sections 692A.113 and 692A.114.

2 Sec. 29. NEW SECTION. 692A.129 RULES.

3 The department shall adopt rules pursuant to  
4 chapter 17A to administer this chapter.

5 Sec. 30. Sections 692A.1 through 692A.16, Code  
6 2009, are repealed.

7 DIVISION II

8 SEX OFFENDER REGISTRY RELATED CHANGES

9 Sec. 31. Section 13.2, subsection 1, paragraph d,  
10 Code 2009, is amended to read as follows:

11 d. Prosecute and defend all actions and  
12 proceedings brought by or against any employee of a  
13 judicial district department of correctional services  
14 in the performance of an assessment of risk ~~pursuant~~  
15 ~~to chapter 692A.~~

16 Sec. 32. Section 22.7, subsection 48, Code 2009,  
17 is amended to read as follows:

18 48. Sex offender registry records under chapter  
19 692A, except as provided in section ~~692A.13~~ 692A.121.

20 Sec. 33. Section 232.53, subsections 2 and 3, Code  
21 2009, are amended to read as follows:

22 2. All dispositional orders entered prior to the  
23 child attaining the age of seventeen years shall  
24 automatically terminate when the child becomes  
25 eighteen years of age, except as provided in section  
26 2A. Dispositional orders entered subsequent to the  
27 child attaining the age of seventeen years and prior  
28 to the child's eighteenth birthday shall automatically  
29 terminate one year and six months after the date of  
30 disposition. In the case of an adult within the  
31 jurisdiction of the court under the provisions of  
32 section 232.8, subsection 1, the dispositional order  
33 shall automatically terminate one year and six months  
34 after the last date upon which jurisdiction could  
35 attach.

36 3. Notwithstanding section 233A.13, a child  
37 committed to the training school subsequent to the  
38 child attaining the age of seventeen years and prior  
39 to the child's eighteenth birthday may be held at the  
40 school beyond the child's eighteenth birthday pursuant  
41 to subsection 2 or 2A, provided that the training  
42 school makes application to and receives permission  
43 from the committing court. This extension shall be  
44 for the purpose of completion by the child of a course  
45 of instruction established for the child pursuant to  
46 section 233A.4 and cannot extend for more than one  
47 year and six months beyond the date of disposition  
48 unless the duration of the dispositional order was  
49 extended pursuant to section 2A.

50 Sec. 34. Section 232.52A, Code 2009, is amended by

Page 36

1 adding the following new unnumbered paragraph:  
2 NEW UNNUMBERED PARAGRAPH. If the duration of a  
3 dispositional order is extended pursuant to section  
4 232.53, subsection 2A, the court may continue or  
5 extend supervision by an electronic tracking and  
6 monitoring system in addition to any other conditions  
7 of supervision.

8 Sec. 35. Section 232.53, Code 2009, is amended by  
9 adding the following new subsection:

10 NEW SUBSECTION. 2A. A dispositional order entered  
11 prior to the child attaining the age of seventeen, for  
12 a child required to register as a sex offender  
13 pursuant to the provisions of chapter 692A, may be  
14 extended one year and six months beyond the date the  
15 child becomes eighteen years of age.

16 Sec. 36. Section 232.54, Code 2009, is amended by  
17 adding the following new subsection:

18 NEW SUBSECTION. 8A. With respect to a  
19 dispositional order requiring a child to register as a  
20 sex offender pursuant to chapter 692A, the juvenile  
21 court shall determine whether the child shall remain  
22 on the sex offender registry prior to termination of  
23 the dispositional order.

24 Sec. 37. Section 232.116, subsection 1, paragraph  
25 o, Code 2009, is amended to read as follows:

26 o. The parent has been convicted of a felony  
27 offense that is a ~~criminal sex~~ offense against a minor  
28 as defined in section ~~692A.1~~ 692A.101, the parent is  
29 divorced from or was never married to the minor's  
30 other parent, and the parent is serving a minimum  
31 sentence of confinement of at least five years for  
32 that offense.

33 Sec. 38. Section 272.2, subsection 17, Code 2009,  
34 is amended to read as follows:

35 17. Adopt rules to require that a background  
36 investigation be conducted by the division of criminal  
37 investigation of the department of public safety on  
38 all initial applicants for licensure. The board shall  
39 also require all initial applicants to submit a  
40 completed fingerprint packet and shall use the packet  
41 to facilitate a national criminal history background  
42 check. The board shall have access to, and shall  
43 review the sex offender registry information under  
44 section ~~692A.13~~ 692A.121 available to the general  
45 public, the central registry for child abuse  
46 information established under chapter 235A, and the  
47 dependent adult abuse records maintained under chapter  
48 235B for information regarding applicants for license  
49 renewal.

50 Sec. 39. Section 279.13, subsection 1, paragraph

Page 37

1 b, subparagraph (1), Code 2009, is amended to read as  
2 follows:

3 (1) Prior to entering into an initial contract  
4 with a teacher who holds a license other than an  
5 initial license issued by the board of educational  
6 examiners under chapter 272, the school district shall  
7 initiate a state criminal history record check of the  
8 applicant through the division of criminal  
9 investigation of the department of public safety,  
10 submit the applicant's fingerprints to the division  
11 for submission to the federal bureau of investigation  
12 for a national criminal history record check, and  
13 review the sex offender registry information under  
14 section ~~692A.13~~ 692A.121 available to the general  
15 public, the central registry for child abuse  
16 information established under section 235A.14, and the  
17 central registry for dependent adult abuse information  
18 established under section 235B.5 for information  
19 regarding applicants for employment as a teacher.

20 Sec. 40. Section 282.9, subsection 2, Code 2009,  
21 is amended to read as follows:

22 2. Notwithstanding section ~~692A.13~~ 692A.121, or  
23 any other provision of law to the contrary, the county  
24 sheriff shall provide to the boards of directors of  
25 the school districts located within the county the  
26 name of any individual under the age of twenty-one who  
27 is required to register as a sex offender under  
28 chapter 692A.

29 Sec. 41. Section 598.41A, Code 2009, is amended to  
30 read as follows:

31 598.41A VISITATION – HISTORY OF CRIMES AGAINST A  
32 MINOR.

33 Notwithstanding section 598.41, the court shall  
34 consider in the award of visitation rights to a parent  
35 of a child, the criminal history of the parent if the  
36 parent has been convicted of a ~~criminal offense~~  
37 ~~against a minor, a sexually violent offense against a~~  
38 ~~minor, or sexual exploitation of a minor. As used in~~  
39 ~~this section, "criminal offense against a minor";~~  
40 ~~"sexually violent offense", and "sexual exploitation"~~  
41 ~~mean as defined in section 692A.1 sex offense against~~  
42 a minor as defined in section 692A.101.

43 Sec. 42. Section 600A.8, subsection 10, Code 2009,  
44 is amended to read as follows:

45 10. The parent has been convicted of a felony  
46 offense that is a ~~criminal sex~~ offense against a minor  
47 as defined in section ~~692A.1~~ 692A.101, the parent is  
48 divorced from or was never married to the minor's  
49 other parent, and the parent is serving a minimum  
50 sentence of confinement of at least five years for

Page 38

1 that offense.

2 Sec. 43. Section 602.8105, subsection 2, Code  
3 2009, is amended by adding the following new  
4 paragraph:

5 NEW PARAGRAPH. gg. For applicable convictions  
6 under section 692A.110 prior to July 1, 2009, a civil  
7 penalty of two hundred dollars, and for applicable  
8 convictions under section 692A.110 on or after July 1,  
9 2009, a civil penalty of two hundred fifty dollars.

10 Sec. 44. Section 602.8107, subsection 4, paragraph  
11 a, Code 2009, is amended to read as follows:

12 a. This subsection does not apply to amounts  
13 collected for victim restitution, the victim  
14 compensation fund, the criminal penalty surcharge, sex  
15 offender civil penalty, drug abuse resistance  
16 education surcharge, the law enforcement initiative  
17 surcharge, county enforcement surcharge, amounts  
18 collected as a result of procedures initiated under  
19 subsection 5 or under section 8A.504, or fees charged  
20 pursuant to section 356.7.

21 Sec. 45. Section 602.8108, subsection 2, Code  
22 2009, is amended to read as follows:

23 2. Except as otherwise provided, the clerk of the  
24 district court shall report and submit to the state  
25 court administrator, not later than the fifteenth day  
26 of each month, the fines and fees received during the  
27 preceding calendar month. Except as provided in  
28 subsections 3, 4, 5, 7, 8, ~~and 9~~, and 10, the state  
29 court administrator shall deposit the amounts received  
30 with the treasurer of state for deposit in the general  
31 fund of the state. The state court administrator  
32 shall report to the legislative services agency within  
33 thirty days of the beginning of each fiscal quarter  
34 the amount received during the previous quarter in the  
35 account established under this section.

36 Sec. 46. Section 602.8108, Code 2009, is amended  
37 by adding the following new subsection:

38 NEW SUBSECTION. 10. The clerk of the district  
39 court shall remit to the treasurer of state, not later  
40 than the fifteenth day of each month, all moneys  
41 collected from the sex offender civil penalty provided  
42 in section 692A.110 during the preceding calendar  
43 month. Of the amount received from the clerk, the  
44 treasurer of state shall allocate ten percent to be  
45 deposited in the court technology and modernization  
46 fund established in subsection 7. The treasurer of  
47 state shall deposit the remainder into the sex  
48 offender registry fund established in section  
49 692A.119.

50 Sec. 47. Section 707.2, Code 2009, is amended by

Page 39

1 adding the following new unnumbered paragraph after  
2 subsection 6:

3 NEW UNNUMBERED PARAGRAPH. For purposes of  
4 determining whether a person should register as a sex  
5 offender pursuant to the provisions of chapter 692A,  
6 the fact finder shall make a determination as provided  
7 in section 692A.126.

8 Sec. 48. Section 707.3, Code 2009, is amended by  
9 adding the following new unnumbered paragraph after  
10 unnumbered paragraph 2:

11 NEW UNNUMBERED PARAGRAPH. For purposes of  
12 determining whether a person should register as a sex  
13 offender pursuant to the provisions of chapter 692A,  
14 the fact finder shall make a determination as provided  
15 in section 692A.126.

16 Sec. 49. Section 707.4, Code 2009, is amended by  
17 adding the following new unnumbered paragraph after  
18 unnumbered paragraph 3:

19 NEW UNNUMBERED PARAGRAPH. For purposes of  
20 determining whether a person should register as a sex  
21 offender pursuant to the provisions of chapter 692A,  
22 the fact finder shall make a determination as provided  
23 in section 692A.126.

24 Sec. 50. Section 707.5, Code 2009, is amended by  
25 adding the following new subsection:

26 NEW SUBSECTION. 3. For purposes of determining  
27 whether a person should register as a sex offender  
28 pursuant to the provisions of chapter 692A, the fact  
29 finder shall make a determination as provided in  
30 section 692A.126.

31 Sec. 51. Section 707.11, Code 2009, is amended by  
32 adding the following new unnumbered paragraph after  
33 unnumbered paragraph 2:

34 NEW UNNUMBERED PARAGRAPH. For purposes of  
35 determining whether the person should register as a  
36 sex offender pursuant to the provisions of chapter  
37 692A, the fact finder shall make a determination as  
38 provided in section 692A.126.

39 Sec. 52. Section 708.7, Code 2009, is amended by  
40 adding the following new subsection:

41 NEW SUBSECTION. 5. For purposes of determining  
42 whether or not the person should register as a sex  
43 offender pursuant to the provisions of chapter 692A,  
44 the fact finder shall make a determination as provided  
45 in section 692A.126.

46 Sec. 53. Section 708.11, Code 2009, is amended by  
47 adding the following new subsection:

48 NEW SUBSECTION. 6. For purposes of determining  
49 whether or not the person should register as a sex  
50 offender pursuant to the provisions of chapter 692A,

Page 40

1 the fact finder shall make a determination as provided  
2 in section 692A.126.

3 Sec. 54. Section 710.2, Code 2009, is amended by  
4 adding the following new unnumbered paragraph after  
5 unnumbered paragraph 2:

6 NEW UNNUMBERED PARAGRAPH. For purposes of  
7 determining whether the person should register as a  
8 sex offender pursuant to the provisions of chapter  
9 692A, the fact finder shall make a determination as  
10 provided in section 692A.126.

11 Sec. 55. Section 710.3, Code 2009, is amended by  
12 adding the following new unnumbered paragraph:

13 NEW UNNUMBERED PARAGRAPH. For purposes of  
14 determining whether the person should register as a  
15 sex offender pursuant to the provisions of chapter  
16 692A, the fact finder shall make a determination as  
17 provided in section 692A.126.

18 Sec. 56. Section 710.4, Code 2009, is amended by  
19 adding the following new unnumbered paragraph:

20 NEW UNNUMBERED PARAGRAPH. For purposes of  
21 determining whether the person should register as a  
22 sex offender pursuant to the provisions of chapter  
23 692A, the fact finder shall make a determination as  
24 provided in section 692A.126.

25 Sec. 57. Section 710.5, Code 2009, is amended by  
26 adding the following new unnumbered paragraph:

27 NEW UNNUMBERED PARAGRAPH. For purposes of  
28 determining whether the person should register as a  
29 sex offender pursuant to the provisions of chapter  
30 692A, the fact finder shall make a determination as  
31 provided in section 692A.126.

32 Sec. 58. Section 903B.1, Code 2009, is amended to  
33 read as follows:

34 903B.1 SPECIAL SENTENCE – CLASS "B" OR CLASS "C"  
35 FELONIES.

36 A person convicted of a class "C" felony or greater  
37 offense under chapter 709, or a class "C" felony under  
38 section 728.12, shall also be sentenced, in addition  
39 to any other punishment provided by law, to a special  
40 sentence committing the person into the custody of the  
41 director of the Iowa department of corrections for the  
42 rest of the person's life, with eligibility for parole  
43 as provided in chapter 906. The board of parole shall  
44 determine whether the person should be released on  
45 parole or placed in a work release program. The  
46 special sentence imposed under this section shall  
47 commence upon completion of the sentence imposed under  
48 any applicable criminal sentencing provisions for the  
49 underlying criminal offense and the person shall begin  
50 the sentence under supervision as if on parole or work

Page 41

1 release. The person shall be placed on the  
2 corrections continuum in chapter 901B, and the terms  
3 and conditions of the special sentence, including  
4 violations, shall be subject to the same set of  
5 procedures set out in chapters 901B, 905, 906, and  
6 chapter 908, and rules adopted under those chapters  
7 for persons on parole or work release. The revocation  
8 of release shall not be for a period greater than two  
9 years upon any first revocation, and five years upon  
10 any second or subsequent revocation. A special  
11 sentence shall be considered a category "A" sentence  
12 for purposes of calculating earned time under section  
13 903A.2.

14 Sec. 59. Section 903B.2, Code 2009, is amended to  
15 read as follows:

16 903B.2 SPECIAL SENTENCE – CLASS "D" FELONIES OR  
17 MISDEMEANORS.

18 A person convicted of a misdemeanor or a class "D"  
19 felony offense under chapter 709, section 726.2, or  
20 section 728.12 shall also be sentenced, in addition to  
21 any other punishment provided by law, to a special  
22 sentence committing the person into the custody of the  
23 director of the Iowa department of corrections for a  
24 period of ten years, with eligibility for parole as  
25 provided in chapter 906. The board of parole shall  
26 determine whether the person should be released on  
27 parole or placed in a work release program. The  
28 special sentence imposed under this section shall  
29 commence upon completion of the sentence imposed under  
30 any applicable criminal sentencing provisions for the  
31 underlying criminal offense and the person shall begin  
32 the sentence under supervision as if on parole or work  
33 release. The person shall be placed on the  
34 corrections continuum in chapter 901B, and the terms  
35 and conditions of the special sentence, including  
36 violations, shall be subject to the same set of  
37 procedures set out in chapters 901B, 905, 906, and  
38 908, and rules adopted under those chapters for  
39 persons on parole or work release. The revocation of  
40 release shall not be for a period greater than two  
41 years upon any first revocation, and five years upon  
42 any second or subsequent revocation. A special  
43 sentence shall be considered a category "A" sentence  
44 for purposes of calculating earned time under section  
45 903A.2.

46 Sec. 60. Section 907.3, subsection 1, Code 2009,  
47 is amended by adding the following new paragraph:  
48 NEW PARAGRAPH. m. The offense is a violation of  
49 chapter 692A.

50 Sec. 61. Section 907.3, subsection 2, Code 2009,

Page 42

1 is amended by adding the following new paragraph:

2 NEW PARAGRAPH. g. The offense is a violation of  
3 chapter 692A.

4 Sec. 62. NEW SECTION. 915.17A NOTIFICATION BY  
5 JUDICIAL DISTRICT DEPARTMENT OF CORRECTIONAL SERVICES.

6 A judicial district department of correctional  
7 services shall notify a registered victim, regarding a  
8 sex offender convicted of a sex offense against a  
9 minor who is under the supervision of a judicial  
10 district department of correctional services, of the  
11 following:

12 1. The beginning date for use of an electronic  
13 tracking and monitoring system to supervise the sex  
14 offender and the type of electronic tracking and  
15 monitoring system used.

16 2. The date of any modification to the use of an  
17 electronic tracking and monitoring system and the  
18 nature of the change.

#### 19 DIVISION III

#### 20 COHABITATION WITH A SEX OFFENDER

21 Sec. 63. Section 232.68, subsection 2, paragraph  
22 i, Code 2009, is amended to read as follows:

23 i. ~~Cohabitation with a person~~ Knowingly allowing a  
24 person custody or control of, or unsupervised access  
25 to a child or minor, after knowing the person is  
26 required to register or is on the sex offender  
27 registry under chapter 692A ~~is for~~ a violation of  
28 section 726.6.

29 Sec. 64. Section 726.6, subsection 1, paragraph h,  
30 Code 2009, is amended to read as follows:

31 h. ~~Cohabits with a person~~ Knowingly allows a  
32 person custody or control of, or unsupervised access  
33 to a child or a minor after knowing the person is  
34 required to register or is on the sex offender  
35 registry as a sex offender under chapter 692A.

36 However, this paragraph does not apply to a person who  
37 is a parent, or guardian, or a person having custody  
38 ~~or control over~~ of a child or a minor, who is required  
39 to register as a sex offender, or to a person who is  
40 married to and living with a person required to  
41 register as a sex offender.

#### 42 DIVISION IV

#### 43 SEVERABILITY

44 Sec. 65. SEVERABILITY OF ACT. If any provision of  
45 this Act or the application of this Act to any person  
46 is held invalid, the invalidity shall not affect the  
47 provisions or application of this Act which can be  
48 given effect without the invalid provisions or  
49 application, and to this end the provisions of this  
50 Act are severable.



Page 43

1                               DIVISION V  
 2                               STATE MANDATE  
 3     Sec. 66. IMPLEMENTATION OF ACT. Section 25B.2,  
 4     subsection 3, shall not apply to this Act."

PAULSEN of Linn

H-1713

1     Amend Senate File 483, as passed by the Senate, as  
 2     follows:  
 3         1. By striking page 3, line 26, through page 5,  
 4     line 8.  
 5         2. Title page, by striking line 4 and inserting  
 6     the following: "operating losses, and".  
 7         3. By renumbering as necessary.

WAGNER of Linn

H-1714

1     Amend Senate File 429, as passed by the Senate, as  
 2     follows:  
 3         1. By striking everything after the enacting  
 4     clause and inserting the following:  
 5     "Section 1. Section 321.361, Code 2009, is amended  
 6     by adding the following new subsection:  
 7     NEW SUBSECTION. 1A. Local authorities of a city  
 8     with a population of more than fifty-five thousand but  
 9     not more than sixty thousand may by ordinance  
 10    temporarily permit vehicles stopped or parked upon a  
 11    roadway where there are adjacent curbs to be stopped  
 12    or parked with the left-hand wheels of the vehicle  
 13    adjacent to and within eighteen inches of the  
 14    left-hand curb, if deemed safer than stopping or  
 15    parking as provided in subsection 1 due to weather  
 16    conditions. However, an ordinance adopted under this  
 17    subsection shall not apply to a road which is a  
 18    primary road extension."  
 19         2. Title page, line 1, by striking the word "to"  
 20    and inserting the following: "in certain cities to  
 21    temporarily".

WHITAKER of Van Buren

H-1715

1     Amend Senate File 376, as amended, passed, and  
 2     reprinted by the Senate, as follows:  
 3         1. By striking everything after the enacting

4 clause and inserting the following:

5 "DIVISION I

6 REVENUE BONDING – IOWA JOBS PROGRAM

7 Section 1. NEW SECTION. 12.87 GENERAL AND  
8 SPECIFIC BONDING POWERS – REVENUE BONDS – IOWA JOBS  
9 PROGRAM.

10 1. The treasurer of state is authorized to issue  
11 and sell bonds on behalf of the state to provide funds  
12 for certain infrastructure projects and for purposes  
13 of the Iowa jobs program established in section  
14 16.194. The treasurer of state shall have all of the  
15 powers which are necessary or convenient to issue,  
16 sell and secure bonds and carry out the treasurer of  
17 state's duties, and exercise the treasurer of state's  
18 authority under this section and sections 12.88  
19 through 12.90. The treasurer of state may issue and  
20 sell bonds in such amounts as the treasurer of state  
21 determines to be necessary to provide sufficient funds  
22 for certain infrastructure projects and the revenue  
23 bonds capitals fund, the payment of interest on the  
24 bonds, the establishment of reserves to secure the  
25 bonds, the payment of costs of issuance of the bonds,  
26 the payment of other expenditures of the treasurer of  
27 state incident to and necessary or convenient to carry  
28 out the issuance and sale of the bonds, and the  
29 payment of all other expenditures of the treasurer of  
30 state necessary or convenient to administer the funds  
31 and to carry out the purposes for which the bonds are  
32 issued and sold. The treasurer of state may issue and  
33 sell bonds in one or more series on the terms and  
34 conditions the treasurer of state determines to be in  
35 the best interest of the state, in accordance with  
36 this section in such amounts as the treasurer of state  
37 determines to be necessary to fund the purposes for  
38 which such bonds are issued and sold. The treasurer  
39 of state may issue and sell bonds in amounts which  
40 provide aggregate net proceeds of not more than five  
41 hundred forty-five million dollars, excluding any  
42 bonds issued and sold to refund outstanding bonds  
43 issued under this section, as follows:

44 a. The treasurer of state may issue and sell bonds  
45 in amounts which provide aggregate net proceeds of not  
46 more than one hundred eighty-five million dollars for  
47 capital projects which qualify as vertical  
48 infrastructure projects as defined in section 8.57,  
49 subsection 6, paragraph "c", to the extent practicable  
50 in any fiscal year and without limiting other

Page 2

1 qualifying capital expenditures.

2 b. The treasurer of state may issue and sell bonds

3 in amounts which provide aggregate net proceeds of not  
4 more than three hundred sixty million dollars for  
5 purposes of the Iowa jobs program established in  
6 section 16.194 and for watershed flood rebuilding and  
7 prevention projects, soil conservation projects, sewer  
8 infrastructure projects, for certain housing and  
9 public service shelter projects and public broadband  
10 and alternative energy projects, and for projects  
11 relating to bridge safety and the rehabilitation of  
12 deficient bridges.

13 2. Bonds issued and sold under this section are  
14 payable solely and only out of the moneys in the  
15 revenue bonds debt service fund and any bond reserve  
16 funds established pursuant to section 12.89, and only  
17 to the extent provided in the trust indenture,  
18 resolution, or other instrument authorizing their  
19 issuance. All moneys in the revenue bonds debt  
20 service fund and any bond reserve funds established  
21 pursuant to section 12.89 may be deposited with  
22 trustees or depositories in accordance with the terms  
23 of the trust indentures, resolutions, or other  
24 instruments authorizing the issuance of bonds and  
25 pledged by the treasurer of state to the payment  
26 thereof. Bonds issued and sold under this section  
27 shall contain a statement that the bonds are limited  
28 special obligations of the state and do not constitute  
29 a debt or indebtedness of the state or a pledge of the  
30 faith or credit of the state or a charge against the  
31 general credit or general fund of the state. The  
32 treasurer of state shall not pledge the credit or  
33 taxing power of this state or any political  
34 subdivision of this state or make bonds issued and  
35 sold pursuant to this section payable out of any  
36 moneys except those in the revenue bonds debt service  
37 fund and any bond reserve funds established pursuant  
38 to section 12.89.

39 3. The proceeds of bonds issued and sold by the  
40 treasurer of state and not required for immediate  
41 disbursement may be deposited with a trustee or  
42 depository as provided in the bond documents and  
43 invested or reinvested in any investment as directed  
44 by the treasurer of state and specified in the trust  
45 indenture, resolution, or other instrument pursuant to  
46 which the bonds are issued and sold without regard to  
47 any limitation otherwise provided by law.

48 4. The bonds, if issued and sold, shall be:

49 a. In a form, issued in denominations, executed in  
50 a manner, and payable over terms and with rights of

2 conditions as prescribed in the trust indenture,  
3 resolution, or other instrument authorizing their  
4 issuance.

5 b. Negotiable instruments and investment  
6 securities under the laws of the state and sold at  
7 prices, at public or private sale, and in a manner, as  
8 prescribed by the treasurer of state. Chapters 73A,  
9 74, 74A, and 75 do not apply to the sale or issuance  
10 of the bonds.

11 c. Subject to the terms, conditions, and covenants  
12 providing for the payment of the principal, redemption  
13 premiums, if any, interest, and other terms,  
14 conditions, covenants, and protective provisions  
15 safeguarding payment, not inconsistent with this  
16 section and as determined by the trust indenture,  
17 resolution, or other instrument authorizing their  
18 issuance.

19 5. The bonds are securities in which public  
20 officers and bodies of this state; political  
21 subdivisions of this state; insurance companies and  
22 associations and other persons carrying on an  
23 insurance business; banks, trust companies, savings  
24 associations, savings and loan associations, and  
25 investment companies; administrators, guardians,  
26 executors, trustees, and other fiduciaries; and other  
27 persons authorized to invest in bonds or other  
28 obligations of the state, may properly and legally  
29 invest funds, including capital, in their control or  
30 belonging to them.

31 6. Bonds must be authorized by a trust indenture,  
32 resolution, or other instrument of the treasurer of  
33 state.

34 7. The resolution, trust indenture, or any other  
35 instrument by which a pledge is created shall not be  
36 required to be recorded or filed under the Iowa  
37 uniform commercial code, chapter 554, to be valid,  
38 binding, or effective.

39 8. Any bonds issued and sold under the provisions  
40 of this section are declared to be issued and sold for  
41 an essential public and governmental purpose, and all  
42 bonds issued and sold under this section except as  
43 otherwise provided in any trust indentures,  
44 resolutions, or other instruments authorizing their  
45 issuance shall be exempt from taxation by the state of  
46 Iowa and the interest on the bonds shall be exempt  
47 from the state income tax and the state inheritance  
48 tax.

49 9. The treasurer of state may issue and sell bonds  
50 for the purpose of refunding any bonds issued and sold

Page 4

1 pursuant to this section then outstanding, including  
2 the payment of any redemption premiums thereon and any  
3 interest accrued or to accrue to the date of  
4 redemption of the outstanding bonds. Until the  
5 proceeds of bonds issued for the purpose of refunding  
6 outstanding bonds are applied to the purchase or  
7 retirement of outstanding bonds or the redemption of  
8 outstanding bonds, the proceeds may be placed in  
9 escrow and be invested and reinvested in accordance  
10 with the provisions of this section. The interest,  
11 income, and profits earned or realized on an  
12 investment may also be applied to the payment of the  
13 outstanding bonds to be refunded by purchase,  
14 retirement, or redemption. After the terms of the  
15 escrow have been fully satisfied and carried out, any  
16 balance of proceeds and interest earned or realized on  
17 the investments shall be returned to the treasurer of  
18 state for deposit in the revenue bonds debt service  
19 fund established in section 12.89. All refunding  
20 bonds shall be issued, sold and secured and subject to  
21 the provisions of this section in the same manner and  
22 to the same extent as other bonds issued and sold  
23 pursuant to this section.

24 10. Bonds issued and sold pursuant to this section  
25 are limited special obligations of the state and are  
26 not a debt or indebtedness of the state, nor of any  
27 political subdivision of the state, and do not  
28 constitute a pledge of the faith and credit of the  
29 state or a charge against the general credit or  
30 general fund of the state. The issuance and sale of  
31 any bonds pursuant to this section by the treasurer of  
32 state do not directly, indirectly, or contingently  
33 obligate the state or a political subdivision of the  
34 state to apply moneys from or to levy or pledge any  
35 form of taxation whatever to, or to continue the  
36 appropriation of the funds for, the payment of the  
37 bonds. Bonds issued and sold under this section are  
38 payable solely and only from moneys in the revenue  
39 bonds debt service fund and any reserve fund created  
40 in section 12.89 and only to the extent provided in  
41 the trust indenture, resolution, or other instrument  
42 authorizing their issuance.

43 11. The treasurer of state may enter into or  
44 obtain authorizing documents and other agreements and  
45 ancillary arrangements with respect to the bonds as  
46 the treasurer of state determines to be in the best  
47 interests of the state, including but not limited to  
48 trust indentures, resolutions, other instruments  
49 authorizing the issuance of the bonds, liquidity  
50 facilities, remarketing or dealer agreements, letter

Page 5

1 of credit agreements, insurance policies, guaranty  
2 agreements, reimbursement agreements, indexing  
3 agreements, or interest rate exchange agreements.

4 12. Neither the treasurer of state, the Iowa jobs  
5 board, nor any person acting on behalf of the  
6 treasurer of state or the Iowa jobs board while acting  
7 within the scope of their employment or agency, is  
8 subject to personal liability resulting from carrying  
9 out the powers and duties conferred by this section  
10 and sections 12.88 through 12.90.

11 13. As used in this section and sections 12.88  
12 through 12.90, the term "bonds" means bonds, notes, or  
13 other evidence of obligations.

14 Sec. 2. NEW SECTION. 12.88 REVENUE BONDS  
15 CAPITALS FUND.

16 1. A revenue bonds capitals fund is created and  
17 established as a separate and distinct fund in the  
18 state treasury. The treasurer of state shall act as  
19 custodian of the fund and disburse moneys contained in  
20 the fund.

21 2. Revenue for the revenue bonds capitals fund  
22 shall include but is not limited to the following,  
23 which shall be deposited with the treasurer of state  
24 or the treasurer of state's designee as provided by  
25 any bond or security documents and credited to the  
26 fund:

27 a. The net proceeds of bonds issued pursuant to  
28 section 12.87 other than bonds issued for the purpose  
29 of refunding such bonds, and investment earnings on  
30 the net proceeds.

31 b. Interest attributable to investment of moneys  
32 in the fund or an account of the fund.

33 c. Moneys in the form of a devise, gift, bequest,  
34 donation, federal or other grant, reimbursement,  
35 repayment, judgment, transfer, payment, or  
36 appropriation from any source intended to be used for  
37 the purposes of the fund.

38 3. Moneys in the revenue bonds capitals fund are  
39 not subject to section 8.33. Notwithstanding section  
40 12C.7, subsection 2, interest or earnings on moneys in  
41 the fund shall be credited to the fund.

42 4. Annually, on or before January 15 of each year,  
43 a state agency that received an appropriation from the  
44 revenue bonds capitals fund shall report to the  
45 legislative services agency and the department of  
46 management the status of all projects completed or in  
47 progress. The report shall include a description of  
48 the project, the work completed, the total estimated  
49 cost of the project, a list of all revenue sources  
50 being used to fund the project, the amount of funds

Page 6

1 expended, the amount of funds obligated, and the date  
2 the project was completed or an estimated completion  
3 date of the project, where applicable.

4 Sec. 3. NEW SECTION. 12.89 REVENUE BONDS DEBT  
5 SERVICE FUND AND BOND RESERVE FUNDS.

6 1. A revenue bonds debt service fund is created  
7 and established as a separate and distinct fund in the  
8 state treasury. The treasurer of state shall act as  
9 custodian of the fund and disburse moneys contained in  
10 the fund. The moneys in such fund are appropriated  
11 and shall be used for the purpose of making all  
12 payments with respect to bonds issued and sold  
13 pursuant to section 12.87, including but not limited  
14 to the following:

15 a. Principal payments, interest payments, sinking  
16 fund payments, purchase price, redemption price,  
17 redemption premiums, and interest rate exchange  
18 payments.

19 b. Fees and expenses of trustees, paying agents,  
20 remarketing agents, financial advisors, underwriters,  
21 depositories, guarantors, bond insurers, liquidity or  
22 credit facility providers, interest rate indexing  
23 agents, and other professional services providers.  
24 c. Costs and expenses of the treasurer of state  
25 incident to and necessary and convenient to carry out  
26 the issuance and sale of the bonds and the  
27 administration of the revenue bonds.

28 2. Moneys in the revenue bonds debt service fund  
29 shall include but are not limited to the following,  
30 which shall be deposited with the treasurer of state  
31 or the treasurer of state's designee as provided in  
32 any bond or security documents and credited to the  
33 fund:

34 a. The proceeds of bonds to the extent provided in  
35 the trust indenture, resolution, or other instrument  
36 authorizing their issuance and investment earnings on  
37 the proceeds.

38 b. The revenues required to be deposited into the  
39 fund pursuant to section 8.57, subsection 6, paragraph  
40 "e", subparagraphs (1) and (2).

41 c. Transfers from any bond reserve fund created  
42 pursuant to this section.

43 d. Interest attributable to investment of moneys  
44 in the fund or an account of the fund.

45 e. Any other moneys from any other sources which  
46 may be legally available to the treasurer of state for  
47 the purpose of the fund.

48 3. a. The treasurer of state may create and  
49 establish one or more special funds, to be known as  
50 bond reserve funds, to secure one or more issues of

Page 7

1 bonds issued and sold pursuant to section 12.87. The  
2 treasurer of state shall pay into each bond reserve  
3 fund any moneys appropriated and made available for  
4 the purpose of the fund, any proceeds of sale of bonds  
5 to the extent provided in the trust indenture,  
6 resolution, or other instrument authorizing their  
7 issuance, and any other moneys which may be legally  
8 available to the treasurer of state for the purpose of  
9 the fund from any other sources. All moneys held in a  
10 bond reserve fund shall be used or transferred to the  
11 revenue bonds debt service fund to be used as required  
12 solely to make the payments authorized to be made from  
13 such fund pursuant to subsection 1.

14 b. Moneys in a bond reserve fund shall not be  
15 transferred or withdrawn from the fund at any time in  
16 an amount that will reduce the amount of the fund to  
17 less than the bond reserve fund requirement  
18 established for the fund, as provided in this  
19 subsection, except for the purpose of making, with  
20 respect to bonds secured in whole or in part by the  
21 fund, the payments authorized to be made from such  
22 fund pursuant to subsection 1 for the payment of which  
23 sufficient moneys in the revenue bonds debt service  
24 fund are not available. Any income or interest earned  
25 by, or incremental to, a bond reserve fund due to the  
26 investment of moneys in the bond reserve fund may be  
27 transferred by the treasurer of state to other funds  
28 or accounts to the extent the transfer does not reduce  
29 the amount of that bond reserve fund below the  
30 established bond reserve fund requirement.

31 c. The treasurer of state shall not at any time  
32 issue and sell bonds, secured in whole or in part by a  
33 bond reserve fund if, upon the issuance of the bonds,  
34 the amount in the bond reserve fund will be less than  
35 the bond reserve fund requirement for the fund, unless  
36 the treasurer of state at the time of issuance of the  
37 bonds deposits in the fund from the proceeds of the  
38 bonds issued or from other legally available sources  
39 an amount which, together with the amount then in the  
40 fund, will not be less than the bond reserve fund  
41 requirement for the fund. For the purposes of this  
42 subsection, the term "bond reserve fund requirement"  
43 means, as of any particular date of computation, an  
44 amount of moneys, as provided in the trust indenture,  
45 resolution, or other instrument authorizing the bonds  
46 with respect to which the fund is established.

47 d. To assure the continued solvency of any bonds  
48 secured by a bond reserve fund, provision is made in  
49 paragraph "c" for the accumulation in each bond  
50 reserve fund of an amount equal to the bond reserve



Page 8

1 fund requirement for the fund. In order further to  
2 assure maintenance of the bond reserve funds, the  
3 treasurer of state shall, on or before January 1 of  
4 each calendar year, make and deliver to the governor  
5 and to both houses of the general assembly the  
6 treasurer of state's certificate stating the sum, if  
7 any, required to restore each bond reserve fund to the  
8 bond reserve fund requirement for that fund and  
9 requesting that the budget and appropriation bills  
10 approved for such fiscal year include amounts  
11 sufficient to restore each bond reserve fund to the  
12 bond reserve fund requirement for such fund. Within  
13 thirty days after the beginning of the session of the  
14 general assembly next following the delivery of the  
15 certificate, the governor may submit to both houses  
16 printed copies of a budget including the sum, if any,  
17 required to restore each bond reserve fund to the bond  
18 reserve fund requirement for that fund. Any sums  
19 appropriated by the general assembly and paid to the  
20 treasurer of state pursuant to this subsection shall  
21 be deposited by the treasurer of state in the  
22 applicable bond reserve fund.

23 4. Except as otherwise provided in this section,  
24 the moneys on deposit in the revenue bonds debt  
25 service fund or any bond reserve fund relating to  
26 bonds issued pursuant to section 12.87 shall be held  
27 for the sole benefit of the bonds and shall not be  
28 pledged or used for the benefit of any bonds issued by  
29 the treasurer of state pursuant to any other section  
30 of the Code.

31 5. Moneys in the revenue bonds debt service fund  
32 and any bond reserve fund created pursuant to this  
33 section are not subject to section 8.33; provided  
34 however, that on August 31 following the close of each  
35 fiscal year, any moneys on deposit in the revenue  
36 bonds debt service fund at the end of such fiscal  
37 year, which is determined by the treasurer of state to  
38 not be encumbered or obligated or otherwise necessary  
39 to make the payments for such fiscal year authorized  
40 to be made from such fund pursuant to subsection 1,  
41 shall be credited to the rebuild Iowa infrastructure  
42 fund. Notwithstanding section 12C.7, subsection 2,  
43 interest or earnings on moneys in the revenue bonds  
44 debt service fund and any bond reserve fund shall be  
45 credited to such funds.

46 Sec. 4. NEW SECTION. 12.90 PLEDGES –  
47 CONSTRUCTION.

48 1. It is the intention of the general assembly  
49 that a pledge made in respect of bonds shall be valid  
50 and binding from the time the pledge is made, that the

Page 9

1 money or property so pledged and received after the  
2 pledge by the treasurer of state shall immediately be  
3 subject to the lien of the pledge without physical  
4 delivery or further act, and that the lien of the  
5 pledge shall be valid and binding as against all  
6 parties having claims of any kind in tort, contract,  
7 or otherwise against the treasurer of state whether or  
8 not the parties have notice of the lien.

9 2. Sections 12.87 through 12.89, and this section,  
10 being necessary for the welfare of this state and its  
11 inhabitants, shall be liberally construed to effect  
12 its purposes.

13 DIVISION II

14 IOWA JOBS BOARD, IOWA JOBS PROGRAM,  
15 AND IOWA JOBS FUND

16 Sec. 5. NEW SECTION. 16.191 IOWA JOBS BOARD.

17 1. An Iowa jobs board is established consisting of  
18 eleven members and is located for administrative  
19 purposes within the Iowa finance authority. The  
20 executive director of the Iowa finance authority shall  
21 provide staff assistance and necessary supplies and  
22 equipment for the board. The executive director shall  
23 budget funds received pursuant to section 16.193 to  
24 operate the program including but not limited to  
25 paying the per diem expenses of the board members. In  
26 performing its functions, the board is performing a  
27 public function on behalf of the state and is a public  
28 instrumentality of the state.

29 2. The membership of the board shall be as  
30 follows:

- 31 a. Six members of the general public appointed by  
32 the governor.
- 33 b. The director of the department of economic  
34 development or the director's designee.
- 35 c. The executive director of the Iowa finance  
36 authority or the director's designee.
- 37 d. The director of the department of workforce  
38 development or the director's designee.
- 39 e. The executive director of the rebuild Iowa  
40 office or the director's designee until June 30, 2011,  
41 and then the administrator of the homeland security  
42 and emergency management division of the department of  
43 public defense or the administrator's designee.
- 44 f. The treasurer of state or the treasurer of  
45 state's designee.

46 3. a. All public member appointments made  
47 pursuant to subsection 2, paragraph "a" shall comply  
48 with sections 69.16, 69.16A, and 69.16C, and shall be  
49 subject to confirmation by the senate.

50 b. Three of the public members appointed pursuant

1 to subsection 2, paragraph "a" shall have demonstrable  
 2 experience or expertise in the field of public  
 3 financing, architecture, engineering, or major  
 4 facility development or construction and one of the  
 5 public members appointed pursuant to subsection 2,  
 6 paragraph "a", shall be an employee of a  
 7 not-for-profit organization.

8 c. All public members shall be from geographically  
 9 diverse areas of this state.

10 d. All public members shall be appointed to  
 11 three-year staggered terms and the terms shall  
 12 commence and end as provided by section 69.19. If a  
 13 vacancy occurs, a successor shall be appointed to  
 14 serve the unexpired term. A successor shall be  
 15 appointed in the same manner and subject to the same  
 16 qualifications as the original appointment to serve  
 17 the unexpired term.

18 4. The chairperson and vice chairperson of the  
 19 board shall be designated by the governor from the  
 20 public members appointed pursuant to subsection 2,  
 21 paragraph "a". In case of the absence or disability  
 22 of the chairperson and vice chairperson, the members  
 23 of the board shall elect a temporary chairperson by a  
 24 majority vote of those members who are present and  
 25 voting.

26 5. A majority of the board constitutes a quorum.

27 Sec. 6. NEW SECTION. 16.192 BOARD DUTIES AND  
 28 POWERS.

29 The Iowa jobs board has any and all powers  
 30 necessary to carry out its purposes and duties, and to  
 31 exercise its specific powers, including but not  
 32 limited to doing all of the following:

33 1. Organize.

34 2. Establish the Iowa jobs program pursuant to  
 35 section 16.194.

36 3. Oversee and provide approval of the  
 37 administration of the Iowa jobs program.

38 4. Award financial assistance in the form of  
 39 grants under the Iowa jobs program pursuant to  
 40 sections 16.194 and 16.195.

41 5. Enter into and enforce grant agreements as  
 42 necessary or convenient to implement the Iowa jobs  
 43 program.

44 Sec. 7. NEW SECTION. 16.193 IOWA FINANCE  
 45 AUTHORITY DUTIES – APPROPRIATION.

46 1. The Iowa finance authority, subject to approval  
 47 by the Iowa jobs board, shall adopt administrative  
 48 rules pursuant to chapter 17A necessary to administer  
 49 the Iowa jobs program. The authority shall provide  
 50 the board with assistance in implementing

Page 11

1 administrative functions, providing technical  
2 assistance and application assistance to applicants  
3 under the programs, negotiating contracts, and  
4 providing project follow up. The authority, in  
5 cooperation with the board, may conduct negotiations  
6 on behalf of the board with applicants regarding terms  
7 and conditions applicable to awards under the program.

8 2. During the term of the Iowa jobs program  
9 established in section 16.194, two hundred thousand  
10 dollars of the moneys deposited in the rebuild Iowa  
11 infrastructure fund shall be allocated each fiscal  
12 year to the Iowa finance authority for purposes of  
13 administering the Iowa jobs program, notwithstanding  
14 section 8.57, subsection 6, paragraph "c".

15 Sec. 8. NEW SECTION. 16.194 IOWA JOBS PROGRAM.

16 1. An Iowa jobs program is created to assist in  
17 the development and completion of public construction  
18 projects relating to disaster relief and mitigation  
19 and to local infrastructure. "Local infrastructure"  
20 includes projects relating to disaster rebuilding,  
21 reconstruction and replacement of local public  
22 buildings, flood control and flood protection, and  
23 future flood prevention.

24 2. A city or county or a public organization in  
25 this state may submit an application to the Iowa jobs  
26 board for financial assistance for a local  
27 infrastructure competitive grant for an eligible  
28 project under the program, notwithstanding any  
29 limitation on the state's percentage in funding as  
30 contained in section 29C.6, subsection 17.

31 3. Financial assistance under the program shall be  
32 awarded in the form of grants.

33 4. The board shall consider the following criteria  
34 in evaluating eligible projects to receive financial  
35 assistance under the program:

36 a. The total number and quality of jobs to be  
37 created and the benefits likely to accrue to areas  
38 distressed by high unemployment.

39 b. Financial feasibility, including the ability of  
40 projects to fund depreciation costs or replacement  
41 reserves, and the availability of other federal,  
42 state, local, and private sources of funds.

43 c. Sustainability and energy efficiency.

44 d. Benefits for disaster recovery.

45 e. The project's readiness to proceed.

46 5. An applicant must demonstrate local support for  
47 the project as defined by rule.

48 6. Any award of financial assistance to a project  
49 shall be limited as follows:

50 a. Up to seventy-five percent of the total cost of

Page 12

1 a project for replacing or rebuilding existing  
2 disaster-related damaged property.

3 b. Up to fifty percent of the total cost for all  
4 other projects.

5 7. In order for a project to be eligible to  
6 receive financial assistance from the board, the  
7 project must be a public construction project pursuant  
8 to subsection 1 with a demonstrated substantial local,  
9 regional, or statewide economic impact.

10 8. The board shall not approve an application for  
11 assistance for any of the following purposes:

12 a. To refinance a loan existing prior to the date  
13 of the initial financial assistance application.

14 b. For a project that has previously received  
15 financial assistance under the program, unless the  
16 applicant demonstrates that the financial assistance  
17 would be used for a significant expansion of a  
18 project.

19 9. a. The total amount of allocations for future  
20 flood prevention, reconstruction and replacement of  
21 local public buildings, disaster rebuilding, flood  
22 control and flood protection projects shall not exceed  
23 one hundred sixty-five million dollars for the fiscal  
24 year beginning July 1, 2009.

25 b. Any portion of an amount allocated for projects  
26 that remains unexpended or unencumbered one year after  
27 the allocation has been made may be reallocated to  
28 another project category, at the discretion of the  
29 board. The board shall ensure that all bond proceeds  
30 be expended within three years from when the  
31 allocation was initially made.

32 10. The board shall ensure that funds obligated  
33 under this section are coordinated with other federal  
34 program funds received by the state, and that projects  
35 receiving funds are located in geographically diverse  
36 areas of the state.

37 11. For purposes of this section, "public  
38 organization" means a nonprofit organization that  
39 sponsors or supports the public needs of the local  
40 community.

41 Sec. 9. NEW SECTION. 16.195 IOWA JOBS PROGRAM  
42 APPLICATION REVIEW.

43 1. Applications for assistance under the Iowa jobs  
44 program shall be submitted to the Iowa finance  
45 authority. The authority shall provide a staff review  
46 and evaluation of applications to the Iowa jobs  
47 program review committee referred to in subsection 2  
48 and to the Iowa jobs board.

49 2. A review committee composed of members of the  
50 board as determined by the board shall review Iowa

Page 13

1 jobs program applications submitted to the board and  
2 make recommendations regarding the applications to the  
3 board. When reviewing the applications, the review  
4 committee and the authority shall consider the project  
5 criteria specified in section 16.194. The board shall  
6 develop the appropriate level of transparency  
7 regarding project fund allocations.

8 3. Upon approval of an application for financial  
9 assistance under the program, the board shall notify  
10 the treasurer of state regarding the amount of moneys  
11 needed to satisfy the award of financial assistance  
12 and the terms of the award. The treasurer of state  
13 shall notify the Iowa finance authority any time  
14 moneys are disbursed to a recipient of financial  
15 assistance under the program.

16 Sec. 10. NEW SECTION. 16.196 IOWA JOBS  
17 RESTRICTED CAPITALS FUND – APPROPRIATIONS.

18 1. An Iowa jobs restricted capitals fund is  
19 created and established as a separate and distinct  
20 fund in the state treasury. The fund consists of  
21 moneys appropriated from the revenue bonds capitals  
22 fund created in section 12.88. The moneys in the fund  
23 are appropriated to the Iowa jobs board for purposes  
24 of the Iowa jobs program established in section  
25 16.194. Moneys in the fund shall not be subject to  
26 appropriation for any other purpose by the general  
27 assembly, but shall be used only for the purposes of  
28 the Iowa jobs program. The treasurer of state shall  
29 act as custodian of the fund and disburse moneys  
30 contained in the fund. The fund shall be administered  
31 by the board which shall make allocations from the  
32 fund consistent with the purposes of the Iowa jobs  
33 program.

34 2. There is appropriated from the revenue bonds  
35 capitals fund created in section 12.88, to the Iowa  
36 jobs restricted capitals fund, for the fiscal year  
37 beginning July 1, 2009, and ending June 30, 2010, one  
38 hundred sixty-five million dollars to be allocated as  
39 follows:

40 a. One hundred eighteen million five hundred  
41 thousand dollars for competitive grants for local  
42 infrastructure projects relating to disaster  
43 rebuilding, reconstruction and replacement of local  
44 buildings, flood control and flood protection, and  
45 future flood prevention public projects. An applicant  
46 for a local infrastructure grant shall not receive  
47 more than fifty million dollars in financial  
48 assistance from the fund.

49 b. Forty-six million five hundred thousand dollars  
50 for disaster relief and mitigation and local

Page 14

1 infrastructure grants for the following renovation and  
2 construction projects, notwithstanding any limitation  
3 on the state's percentage participation in funding as  
4 contained in section 29C.6, subsection 17:

5 (1) For grants to a county with a population  
6 between one hundred eighty nine thousand and one  
7 hundred ninety six thousand in the latest preceding  
8 certified federal census, to be distributed as  
9 follows:

10 (a) Ten million dollars for the construction of a  
11 new, shared facility between nonprofit human service  
12 organizations serving the public, especially the needs  
13 of low-income Iowans, including those displaced as a  
14 result of the disaster of 2008.

15 (b) Five million dollars for the construction or  
16 renovation of a facility for a county-funded workshop  
17 program serving the public and particularly persons  
18 with mental illness or developmental disabilities.

19 (2) For grants to a city with a population between  
20 one hundred ten thousand and one hundred twenty  
21 thousand in the latest preceding certified federal  
22 census, to be distributed as follows:

23 (a) Five million dollars for an economic  
24 redevelopment project benefiting the public by  
25 improving energy efficiency and the development of  
26 alternative and renewable energy technologies.

27 (b) Ten million dollars for a museum serving the  
28 public and dedicated to the preservation of an eastern  
29 European cultural heritage through the collection,  
30 exhibition, preservation, and interpretation of  
31 historical artifacts.

32 (c) Five million dollars for a theater serving the  
33 public and promoting culture, entertainment, and  
34 tourism.

35 (d) Five million dollars for a public library.

36 (e) Five million dollars for a public works  
37 building.

38 (3) One million five hundred thousand dollars, to  
39 be distributed as follows:

40 (a) Five hundred thousand dollars to a city with a  
41 population between six hundred and six hundred fifty  
42 in the latest preceding certified federal census, for  
43 a public fire station.

44 (b) Five hundred thousand dollars to a city with a  
45 population between one thousand four hundred and one  
46 thousand five hundred in the latest preceding  
47 certified federal census, for a public fire station.

48 (c) Five hundred thousand dollars for a city with  
49 a population between seven thousand eight hundred and  
50 seven thousand eight hundred fifty, for a public fire

Page 15

1 station.

2 3. Grant awards for a project under subsection 2,  
3 paragraph "b", are contingent upon submission of a  
4 plan for each project by the applicable county or city  
5 governing board or in the case of a project submitted  
6 pursuant to subsection 2, paragraph "b", subparagraph  
7 (2), subparagraph division (b), by the board of  
8 directors, to the Iowa jobs board, no later than  
9 September 1, 2009, detailing a description of the  
10 project, the plan to rebuild, and the amount or  
11 percentage of federal, state, local, or private  
12 matching moneys which will be or have been provided  
13 for the project. Funds not utilized in accordance  
14 with subsection 2, paragraph "b", due to failure to  
15 file a plan by the September 1 deadline shall revert  
16 to the Iowa jobs restricted capitals fund to be  
17 available for local infrastructure competitive grants.  
18 A grant recipient under subsection 2, paragraph "b",  
19 shall not be precluded from applying for a local  
20 infrastructure competitive grant pursuant to this  
21 section and section 16.195.

22 4. Moneys in the fund are not subject to section  
23 8.33. Notwithstanding section 12C.7, subsection 2,  
24 interest or earnings on moneys in the fund shall be  
25 credited to the fund.

26 5. Annually, on or before January 15 of each year,  
27 the board shall report to the legislative services  
28 agency and the department of management the status of  
29 all projects receiving moneys from the fund completed  
30 or in progress. The report shall include a  
31 description of the project, the progress of work  
32 completed, the total estimated cost of the project, a  
33 list of all revenue sources being used to fund the  
34 project, the amount of funds expended, the amount of  
35 funds obligated, and the date the project was  
36 completed or an estimated completion date of the  
37 project, where applicable.

38 6. Payment of moneys appropriated from the fund  
39 shall be made in a manner that does not adversely  
40 affect the tax-exempt status of any outstanding bonds  
41 issued by the treasurer of state.

42 Sec. 11. NEW SECTION. 16.197 LIMITATION OF  
43 LIABILITY.

44 A member of the Iowa jobs board, a person acting on  
45 behalf of the board while acting within the scope of  
46 their employment or agency, or the treasurer of state,  
47 shall not be subject to personal liability resulting  
48 from carrying out the powers and duties of the board  
49 or the treasurer, as applicable, in sections 16.192  
50 through 16.196.



1 Sec. 12. EMERGENCY RULES. The Iowa finance  
 2 authority, subject to approval by the Iowa jobs board,  
 3 may adopt emergency rules under section 17A.4,  
 4 subsection 3, and section 17A.5, subsection 2,  
 5 paragraph "b", to implement the provisions of this Act  
 6 and the rules shall be effective immediately upon  
 7 filing unless a later date is specified in the rules.  
 8 Any rules adopted in accordance with this section  
 9 shall also be published as a notice of intended action  
 10 as provided in section 17A.4.

11 DIVISION III

12 REVENUE BONDS CAPITALS FUND – APPROPRIATIONS

13 Sec. 13. There is appropriated from the revenue  
 14 bonds capitals fund created in section 12.88, to the  
 15 following departments and agencies for the fiscal year  
 16 beginning July 1, 2009, and ending June 30, 2010, the  
 17 following amounts, or so much thereof as is necessary,  
 18 to be used for the purposes designated:

19 1. DEPARTMENT OF AGRICULTURE AND LAND STEWARDSHIP

20 To the soil conservation division of the department  
 21 established in section 161A.4:

22 ..... \$ 11,500,000

23 a. Of the moneys appropriated in this subsection,  
 24 the department may provide moneys on a cost-share  
 25 basis as provided in chapter 161A in order to  
 26 accomplish any public purpose described in chapter  
 27 161A, including but not limited to providing for the  
 28 reconstruction or repair of permanent soil and water  
 29 conservation practices that were damaged by the 2008  
 30 precipitation event.

31 b. Of the moneys appropriated in this subsection,  
 32 the department may award moneys to provide affordable  
 33 wetland mitigation banks.

34 c. Of the moneys appropriated in this subsection,  
 35 the department may award moneys to allow more  
 36 landowners to participate in the conservation reserve  
 37 enhancement program to improve water quality and  
 38 intercept nitrates.

39 d. Any award of moneys made under paragraph "a",  
 40 "b", or "c" shall be in the form of a grant. Any  
 41 grant awards for conservation practices on private  
 42 property shall be for flood control or soil and  
 43 watershed management public purposes.

44 2. DEPARTMENT OF NATURAL RESOURCES

45 ..... \$ 13,500,000

46 Of the moneys appropriated in this subsection, the  
 47 department may provide moneys to construct,  
 48 reconstruct, or repair infrastructure associated with  
 49 the control and movement of surface water, including  
 50 but not limited to addressing issues affected by

1 combined sewer overflows, enrolling larger contiguous  
 2 areas in emergency watershed programs, improving  
 3 facilities or systems that provide water quality,  
 4 mitigating flood damage or the threat of flood damage  
 5 in the areas most severely affected by the 2008 flood,  
 6 and improving or replacing low-head dams. Any award  
 7 of moneys made under this subsection shall be in the  
 8 form of a grant. Any grant awards for practices on  
 9 private property shall be for the public purposes of  
 10 flood control, watershed management, or improving  
 11 water quality.

12 3. IOWA ENERGY CENTER

13 For deposit into the alternate energy revolving  
 14 loan fund created in section 476.46 to encourage the  
 15 development of alternate energy production facilities  
 16 and small hydro facilities, as defined in section  
 17 476.42, within the state:

18 ..... \$ 5,000,000

19 Any award of loans to private individuals or  
 20 organizations must be for the public purpose of  
 21 encouraging the development of alternate energy  
 22 production facilities and small hydro facilities  
 23 within the state in order to conserve finite and  
 24 expensive energy resources and to provide for their  
 25 most efficient use. Funds from bond proceeds shall  
 26 not be used for administration or planning purposes.  
 27 These moneys, and any loan repayments, shall be  
 28 maintained in separate accounts and shall only be used  
 29 for these public purposes.

30 4. IOWA FINANCE AUTHORITY

31 a. For water quality and wastewater improvement  
 32 projects:

33 ..... \$ 55,000,000

34 (1) Of the amount appropriated in this subsection,  
 35 thirty-five million dollars shall be allocated for  
 36 water quality and wastewater improvement projects  
 37 located in cities with a population of ten thousand or  
 38 less, as determined by the preceding federal census,  
 39 or in townships.

40 (2) The Iowa finance authority shall establish and  
 41 administer a water quality financial assistance  
 42 program. The purpose of the program shall be to  
 43 provide additional financial assistance to communities  
 44 receiving loans from the Iowa water pollution control  
 45 works and drinking water facilities financing program  
 46 pursuant to section 16.131. The program shall be  
 47 administered in accordance with rules adopted by the  
 48 authority pursuant to chapter 17A.

49 b. For deposit into the public service shelter  
 50 grant fund created in section 16.185 for grants for

1 the construction, renovation, and improvements to  
 2 homeless shelters, emergency shelters, and family and  
 3 domestic violence shelters:  
 4 ..... \$ 10,000,000

5 c. For deposit into the disaster damage housing  
 6 assistance grant fund created in section 16.186 for  
 7 grants to ease and speed recovery efforts from the  
 8 natural disasters of 2008, including stabilizing  
 9 neighborhoods damaged by the natural disasters,  
 10 preventing population loss and neighborhood  
 11 deterioration, and improving the health, safety, and  
 12 welfare of persons living in such disaster-damaged  
 13 neighborhoods:  
 14 ..... \$ 5,000,000

15 d. For deposit into the affordable housing  
 16 assistance grant fund created in section 16.187 for  
 17 grants for housing for certain elderly, disabled, and  
 18 low-income persons and public servants in critical  
 19 skills shortage areas of the state:  
 20 ..... \$ 20,000,000

21 5. IOWA TELECOMMUNICATIONS AND TECHNOLOGY  
 22 COMMISSION  
 23 For public broadband technology grants for the  
 24 deployment and sustainability of high-speed broadband  
 25 access:  
 26 ..... \$ 25,000,000

27 a. It is the intent of the general assembly that  
 28 funds appropriated under this subsection for the  
 29 deployment and sustainability of high-speed broadband  
 30 access be used to access any federal funds made  
 31 available. State and federal funds made available for  
 32 broadband deployment shall be used to promote  
 33 universal access to high-speed broadband services for  
 34 speeds to exceed federal requirements throughout the  
 35 state for the benefit of lowans and for the  
 36 sustainability of such services.

37 b. (1) The utilities board created in section  
 38 474.1, the economic development board created in  
 39 section 15.103, and the telecommunications and  
 40 technology commission established in section 8D.3  
 41 shall establish a joint governance board of fifteen  
 42 members including the following:

- 43 (a) Eleven members shall be voting members as
- 44 follows:
  - 45 (i) Three members representing educational users
  - 46 and local governments including one member
  - 47 representing cities, one member representing counties,
  - 48 and one member representing educational users.
  - 49 (ii) Two members, one representing urban
  - 50 residential users in the state, and one representing

Page 19

- 1 rural residential users in the state.
- 2 (iii) Three members representing broadband and  
3 telecommunications providers including at one member  
4 representing cable providers, one member representing  
5 wire-line telecommunications providers, and one member  
6 representing wireless providers.
- 7 (iv) Three members representing the state,  
8 including one member designated by the  
9 telecommunications and technology commission, one  
10 member designated by the economic development board,  
11 and one member designated by the utilities board.
- 12 (b) Four nonvoting, ex-officio members  
13 representing the general assembly as follows:
- 14 (i) Two members appointed from the senate with one  
15 member appointed by the majority leader of the senate  
16 and one member appointed by the minority leader of the  
17 senate.
- 18 (ii) Two members appointed from the house of  
19 representatives with one member appointed by the  
20 speaker of the house and one member appointed by the  
21 minority leader of the house.
- 22 (2) Administrative support and planning costs  
23 incurred for the governance board shall be provided  
24 jointly by the utilities board, the economic  
25 development board, and the telecommunications and  
26 technology commission. Any necessary rules shall be  
27 adopted by the economic development board on behalf of  
28 the governance board.
- 29 (3) A quorum of the governance board shall be a  
30 majority of the voting members.
- 31 c. The governance board established in paragraph  
32 "b" shall do all of the following:
- 33 (1) Establish a comprehensive plan for the  
34 deployment and sustainability of high-speed broadband  
35 access in areas capable of timely implementation of  
36 such access. The plan shall be consistent with  
37 federal requirements established for federal funds  
38 made available for the purposes of projects that may  
39 be considered by the governance board and shall be the  
40 basis for a comprehensive statewide plan. The  
41 governance board shall seek public input when  
42 establishing the plan and the competitive process  
43 established under subparagraph (2).
- 44 (2) Establish a competitive process for the  
45 disbursement of funds made available for the  
46 deployment and sustainability of high-speed broadband  
47 services in the form of grants. The governance board  
48 shall only consider applications from parties seeking  
49 to use funds for projects that are sustainable.
- 50 (a) Priority shall be given under the plan to

1 applications submitted by qualified private providers  
2 of high-speed broadband services.

3 (b) The plan shall require collaboration involving  
4 qualified private providers and public entities, as  
5 appropriate.

6 (c) The plan shall allow for the participation of  
7 public entities to accomplish project purposes that  
8 are financially feasible in areas of the state that  
9 remain unserved or underserved as a result of a lack  
10 of private sector investment.

11 (3) Make recommendations to the general assembly  
12 regarding any necessary legislation needed to further  
13 the purposes of this subsection.

14 (4) Establish and maintain separate accounts for  
15 the use of bond proceeds and nonbond proceeds.

16 d. Applications submitted shall be designed to  
17 accomplish all of the following:

18 (1) Provide minimum broadband capacity throughout  
19 the area as determined by the governance board  
20 consistent with any applicable state and federal law  
21 or guidelines. The governance board shall ensure that  
22 the minimum broadband capacity established meets or  
23 exceeds any federal requirements established with  
24 regard to the availability of federal funds, in the  
25 form of grants.

26 (2) Provide broadband connections to all business,  
27 government, educational, and residential locations  
28 within the project area.

29 (3) Utilize, where appropriate and feasible,  
30 existing privately owned telecommunications fiber  
31 infrastructure and wireless facilities to establish  
32 universal access to high-speed broadband services, as  
33 appropriate and consistent with the priorities  
34 established by the governance board for the  
35 competitive process under paragraph "c", subparagraph  
36 (2).

37 (4) Demonstrate that any project undertaken and  
38 funded by the governance board shall be economically  
39 sustainable with no further government assistance  
40 based upon expected revenue generation.

41 6. DEPARTMENT OF TRANSPORTATION

42 For deposit into the bridge safety fund created in  
43 section 313.68 to be used for infrastructure projects  
44 relating to functionally obsolete and structurally  
45 deficient bridges:

46 ..... \$ 50,000,000

47 Sec. 14. TAX-EXEMPT STATUS – USE OF  
48 APPROPRIATIONS.

49 1. Payment of moneys appropriated in this division  
50 of this Act shall be made in a manner that does not

Page 21

1 adversely affect the tax-exempt status of any  
2 outstanding bonds issued by the treasurer of state.

3 2. Payment of moneys appropriated in this division  
4 of this Act shall not used for administrative or  
5 planning purposes.

6 Sec. 15. REVERSION. Notwithstanding section 8.33,  
7 moneys appropriated in this division of this Act for  
8 the fiscal year beginning July 1, 2009, and ending  
9 June 30, 2010, shall not revert at the close of the  
10 fiscal year for which they are appropriated but shall  
11 remain available for the purposes designated until the  
12 close of the fiscal year that begins July 1, 2012, or  
13 until the project for which the appropriation was made  
14 is completed, whichever is earlier.

#### 15 DIVISION IV

#### 16 REGENTS BONDING

17 Sec. 16. Section 263A.2, Code 2009, is amended to  
18 read as follows:

19 263A.2 AUTHORIZATION OF GENERAL ASSEMBLY AND  
20 GOVERNOR.

21 Subject to and in accordance with the provisions of  
22 this chapter, the state board of regents ~~after~~  
23 ~~authorization by a constitutional majority of the~~  
24 ~~general assembly and approval by the governor~~ may  
25 undertake and carry out any project as defined in this  
26 chapter at the state university of Iowa. The state  
27 board of regents is authorized to operate, control,  
28 maintain, and manage buildings and facilities and  
29 additions to such buildings and facilities at said  
30 institution. All contracts for the construction,  
31 reconstruction, completion, equipment, improvement,  
32 repair, or remodeling of any buildings, additions, or  
33 facilities shall be let in accordance with the  
34 provisions of section 262.34. The title to all real  
35 estate acquired under the provisions of this chapter  
36 and the improvements erected thereon shall be taken  
37 and held in the name of the state of Iowa.

38 Sec. 17. Section 263A.3, unnumbered paragraph 1,  
39 Code 2009, is amended to read as follows:

40 The board is authorized to borrow money and to  
41 issue and sell negotiable bonds or notes to pay all or  
42 any part of the cost of carrying out any project at  
43 the institution and to refund and refinance bonds or  
44 notes issued for any project or for refunding purposes  
45 at the same rate or at a lower rate. ~~Such bonds or~~  
46 ~~notes shall be sold by the board at public sale on the~~  
47 ~~basis of sealed proposals received pursuant to a~~  
48 ~~notice specifying the time and place of sale and the~~  
49 ~~amount of bonds to be sold which shall be published at~~  
50 ~~least once not less than seven days prior to the date~~

Page 22

1 ~~of sale in a newspaper published in the state of Iowa~~  
2 ~~and having a general circulation in the state. The~~  
3 ~~provisions of chapter 75 shall not apply to bonds or~~  
4 ~~notes issued under authority contained in this~~  
5 ~~chapter, but such bonds or notes shall be sold upon~~  
6 ~~terms of not less than par plus accrued interest. The~~  
7 ~~bonds or notes issued under this chapter may be sold~~  
8 ~~at public sale as provided in chapter 75, but if the~~  
9 ~~board finds it advisable and in the public interest to~~  
10 ~~do so, such bonds or notes may be sold by the board at~~  
11 ~~private sale without published notice of any kind and~~  
12 ~~without regard to the requirements of chapter 75.~~

13 Bonds or notes issued to refund other bonds or notes  
14 issued under the provisions of this chapter may either  
15 be sold in the manner specified in this chapter and  
16 the proceeds thereof applied to the payment of the  
17 obligations being refunded, or the refunding bonds or  
18 notes may be exchanged for and in payment and  
19 discharge of the obligations being refunded. The  
20 refunding bonds or notes may be sold or exchanged in  
21 installments at different times or an entire issue or  
22 series may be sold or exchanged at one time. Any  
23 issue or series of refunding bonds or notes may be  
24 exchanged in part or sold in parts in installments at  
25 different times or at one time. The refunding bonds  
26 or notes may be sold or exchanged at any time on,  
27 before, or after the maturity of any of the  
28 outstanding notes, bonds, or other obligations to be  
29 refinanced thereby and may be issued for the purpose  
30 of refunding a like or greater principal amount of  
31 bonds or notes, except that the principal amount of  
32 the refunding bonds or notes may exceed the principal  
33 amount of the bonds or notes to be refunded to the  
34 extent necessary to pay any premium due on the call of  
35 the bonds or notes to be refunded or to fund interest  
36 in arrears or about to become due.

37 Sec. 18. Section 263A.4, Code 2009, is amended to  
38 read as follows:

39 263A.4 BONDS OR NOTES PROVISIONS.

40 Such bonds or notes may bear such date or dates,  
41 may bear interest at such rate or rates, payable  
42 semiannually, may mature at such time or times, may be  
43 in such form and denominations, carry such  
44 registration privileges, may be payable at such place  
45 or places, may be subject to such terms of redemption  
46 prior to maturity with or without premium, if so  
47 stated on the face thereof, and may contain such terms  
48 and covenants, including the establishment of  
49 reserves, all as may be provided by this chapter,  
50 section 76.17, and the resolution of the board

Page 23

1 authorizing the issuance of the bonds or notes. In  
2 addition to the estimated cost of construction,  
3 including site costs, the cost of the project may  
4 include interest upon the bonds or notes during  
5 construction and for six months after the estimated  
6 completion date, the compensation of a fiscal agent or  
7 adviser, engineering, architectural, administrative,  
8 and legal expenses and provision for contingencies.  
9 Such bonds or notes shall be executed by the president  
10 of the state board of regents and attested by the  
11 executive director, secretary, or other official  
12 thereof performing the duties of executive director,  
13 and the coupons thereto attached shall be executed  
14 with the original or facsimile signatures of said  
15 president, executive director, secretary, or other  
16 official; provided, however, that the facsimile  
17 signature of either of such officers executing such  
18 bonds may be imprinted on the face of the bonds in  
19 lieu of the manual signature of such officer, but at  
20 least one of the signatures appearing on the face of  
21 each bond shall be a manual signature. Any bonds or  
22 notes bearing the signatures of officers in office on  
23 the date of the signing thereof shall be valid and  
24 binding for all purposes, notwithstanding that before  
25 delivery thereof any or all such persons whose  
26 signatures appear thereon shall have ceased to be such  
27 officers. Each such bond or note shall state upon its  
28 face the name of the institution on behalf of which it  
29 is issued, that it is payable solely and only from  
30 hospital income received by such institution as  
31 provided in this chapter, and that it does not  
32 constitute a debt of or charge against the state of  
33 Iowa within the meaning or application of any  
34 constitutional or statutory limitation or provision.  
35 The issuance of such bonds or notes shall be recorded  
36 in the office of the treasurer of the institution, and  
37 a certificate by such treasurer to this effect shall  
38 be printed on the back of each such bond or note.

39 Sec. 19. 2004 Iowa Acts, chapter 1175, section  
40 277, is amended by adding the following new  
41 subsection:

42 NEW SUBSECTION. 5. DEFINITION. For purposes of  
43 subsection 3, paragraph "b", "project" means the same  
44 as defined in section 262A.2, subsection 6, and  
45 includes the construction of replacement facilities  
46 and flood recovery and flood mitigation expenses  
47 resulting from a disaster in an area included in a  
48 proclamation of disaster emergency in accordance with  
49 section 29C.6.

50 Sec. 20. 2007 Iowa Acts, chapter 205, section 1,



Page 24

1 is amended by adding the following new subsection:  
 2 NEW SUBSECTION. 4. DEFINITION. For purposes of  
 3 subsection 2, paragraph "a", "project" means the same  
 4 as defined in section 262A.2, subsection 6, and  
 5 includes the construction of replacement facilities  
 6 and flood recovery and flood mitigation expenses  
 7 resulting from a disaster in an area included in a  
 8 proclamation of disaster emergency in accordance with  
 9 section 29C.6.

10 DIVISION V

11 CHANGES TO PRIOR APPROPRIATIONS

12 Sec. 21. 2008 Iowa Acts, chapter 1179, section 7,  
 13 is amended to read as follows:

14 SEC. 7. DEPARTMENT OF ECONOMIC DEVELOPMENT. There  
 15 is appropriated from the rebuild Iowa infrastructure  
 16 fund to the department of economic development for the  
 17 designated fiscal years the following amounts, or so  
 18 much thereof as is necessary, to be used for the  
 19 purposes designated:

20 For deposit into the river enhancement community  
 21 attraction and tourism fund created in 2008 Iowa Acts,  
 22 Senate File 2430, if enacted:

23 FY 2009-2010 .....	\$ 10,000,000
24	0
25 FY 2010-2011 .....	\$ 10,000,000
26 FY 2011-2012 .....	\$ 10,000,000
27 FY 2012-2013 .....	\$ 10,000,000

28 ~~Notwithstanding section 8.33, moneys appropriated~~  
 29 ~~in this section for the fiscal year beginning July 1,~~  
 30 ~~2009, and ending June 30, 2010, shall not revert at~~  
 31 ~~the close of the fiscal year for which they are~~  
 32 ~~appropriated but shall remain available for the~~  
 33 ~~purpose designated until the close of the fiscal year~~  
 34 ~~that begins July 1, 2012, or until the project for~~  
 35 ~~which the appropriation was made is completed,~~  
 36 ~~whichever is earlier.~~

37 Notwithstanding section 8.33, moneys appropriated  
 38 in this section for the fiscal year beginning July 1,  
 39 2010, and ending June 30, 2011, shall not revert at  
 40 the close of the fiscal year for which they are  
 41 appropriated but shall remain available for the  
 42 purpose designated until the close of the fiscal year  
 43 that begins July 1, 2013, or until the project for  
 44 which the appropriation was made is completed,  
 45 whichever is earlier.

46 Notwithstanding section 8.33, moneys appropriated  
 47 in this section for the fiscal year beginning July 1,  
 48 2011, and ending June 30, 2012, shall not revert at  
 49 the close of the fiscal year for which they are  
 50 appropriated but shall remain available for the

1 purpose designated until the close of the fiscal year  
 2 that begins July 1, 2014, or until the project for  
 3 which the appropriation was made is completed,  
 4 whichever is earlier.

5 Notwithstanding section 8.33, moneys appropriated  
 6 in this section for the fiscal year beginning July 1,  
 7 2012, and ending June 30, 2013, shall not revert at  
 8 the close of the fiscal year for which they are  
 9 appropriated but shall remain available for the  
 10 purpose designated until the close of the fiscal year  
 11 that begins July 1, 2015, or until the project for  
 12 which the appropriation was made is completed,  
 13 whichever is earlier.

14 Sec. 22. 2008 Iowa Acts, chapter 1179, section 18,  
 15 unnumbered paragraph 1, is amended to read as follows:

16 There is appropriated from the ~~FY 2009 tax exempt~~  
 17 ~~bond proceeds restricted capital funds account of the~~  
 18 ~~tobacco settlement trust fund~~ revenue bonds capitals  
 19 fund pursuant to section ~~12E.12, subsection 1,~~  
 20 ~~paragraph "b", subparagraph (1A) 12.88, as if enacted~~  
 21 ~~in this Act by the Eighty-third General Assembly, 2009~~  
 22 Session, to the following departments and agencies for  
 23 the fiscal year beginning July 1, 2008, and ending  
 24 June 30, 2009, the following amounts, or so much  
 25 thereof as is necessary, to be used for the purposes  
 26 designated:

27 Sec. 23. 2008 Iowa Acts, chapter 1179, section 18,  
 28 subsection 1, paragraphs b through k, are amended to  
 29 read as follows:

- 30 b. For renovations to the capitol complex utility  
 31 tunnel system:  
 32 ..... \$ 4,763,078  
 33 ..... 0
- 34 c. For costs associated with capitol interior and  
 35 exterior restoration:  
 36 ..... \$ 6,000,000  
 37 ..... 0
- 38 d. For upgrades to the electrical distribution  
 39 system serving the capitol complex:  
 40 ..... \$ 4,470,000  
 41 ..... 0
- 42 e. For heating, ventilating, and air conditioning  
 43 improvements in the Hoover state office building:  
 44 ..... \$ 1,500,000  
 45 ..... 0
- 46 f. For costs associated with the central energy  
 47 plant addition and improvements:  
 48 ..... \$ 623,000  
 49 ..... 0
- 50 g. For building security and firewall protection

Page 26

1	in the Hoover state office building:	
2	.....	\$ 165,000
3		<u>0</u>
4	h. For projects related to major repairs and major	
5	maintenance for state buildings and facilities under	
6	the purview of the department:	
7	.....	\$ 15,000,000
8		<u>14,624,923</u>
9	Of the amount appropriated in this lettered	
10	paragraph, up to \$1,000,000 may be used for demolition	
11	purposes.	
12	i. For the purchase of Mercy capitol hospital:	
13	.....	\$ 3,400,000
14		<u>0</u>
15	It is the intent of the general assembly that the	
16	department will use other appropriations made or other	
17	funds available to the department for the acquisition	
18	of buildings to complete the purchase of this	
19	building.	
20	j. For capital improvements at the civil	
21	commitment unit for a sexual offenders facility at	
22	Cherokee:	
23	.....	\$ 829,000
24		<u>0</u>
25	k. For costs associated with the restoration and	
26	renovation, including major repairs and major	
27	maintenance, at the governor's mansion at Terrace	
28	Hill:	
29	.....	\$ 769,543
30		<u>0</u>
31	Sec. 24. 2008 Iowa Acts, chapter 1179, section 18,	
32	subsections 2 through 9, are amended to read as	
33	follows:	
34	2. DEPARTMENT FOR THE BLIND	
35	For costs associated with the renovation of	
36	dormitory buildings:	
37	.....	\$ 869,748
38	3. DEPARTMENT OF CORRECTIONS	
39	a. For expansion of the community-based	
40	corrections facility at Sioux City:	
41	.....	\$ 5,300,000
42	b. For expansion of the community-based	
43	corrections facility at Ottumwa:	
44	.....	\$ 4,100,000
45	c. For expansion of the community-based	
46	corrections facility at Waterloo:	
47	.....	\$ 6,000,000
48	<u>d. For expansion of the community-based</u>	
49	<u>corrections facility at Davenport:</u>	
50	.....	\$ 2,100,000

1 e. For expansion, including land acquisition, of  
 2 the community-based corrections facility at Des  
 3 Moines:  
 4 ..... \$ 13,10000

5 The appropriation in this lettered paragraph is  
 6 contingent upon relocation of the sex offender  
 7 treatment program from the community-based corrections  
 8 facility at Des Moines to the property in northeast  
 9 Des Moines identified by the fifth judicial district  
 10 in the facility and site study final report submitted  
 11 December 12, 2008.

12 It is the intent of the general assembly that the  
 13 funds appropriated in paragraphs "a" through "e" "e"  
 14 be used to expand the number of beds available through  
 15 new construction and remodeling and ~~not~~ for the  
 16 ~~replacement~~ expansion of existing facilities.

17 d. f. For expansion of the Iowa correctional  
 18 facility for women at Mitchellville:  
 19 ..... \$ 47,500,000

20 e. g. For the remodeling of kitchens at the  
 21 correctional facilities at Mount Pleasant and Rockwell  
 22 City:  
 23 ..... \$ 12,500,000

24 4. DEPARTMENT OF ECONOMIC DEVELOPMENT

25 a. For deposit into the community attraction and  
 26 tourism fund created in section 15F.204:  
 27 ..... \$ 12,000,000

28 b. For deposit into the river enhancement  
 29 community attraction and tourism fund created in  
 30 section 15F.205:  
 31 ..... \$ 10,000,000

32 Moneys appropriated for grants awarded in  
 33 paragraphs "a" and "b" shall be used to assist  
 34 communities in the development and creation of  
 35 multiple purpose attraction or community service  
 36 facilities for public use.

37 c. For accelerated career education program  
 38 capital projects at community colleges that are  
 39 authorized under chapter 260G and that meet the  
 40 definition of vertical infrastructure in section 8.57,  
 41 subsection 6, paragraph "c":  
 42 ..... \$ 5,500,000

43 5. DEPARTMENT OF EDUCATION

44 For major renovation and major repair needs,  
 45 including health, life, and fire safety needs, and for  
 46 compliance with the federal Americans With  
 47 Disabilities Act, for state buildings and facilities  
 48 under the purview of the community colleges:  
 49 ..... \$ 2,000,000

50 The moneys appropriated in this subsection shall be

1 allocated to the community colleges based upon the  
2 distribution formula established in section 260C.18C.

3 ~~5.~~ 6. DEPARTMENT OF NATURAL RESOURCES

4 a. For infrastructure improvements for a state  
5 river recreation area located in a county with a  
6 population between 21,900 and 22,100:

7 ..... \$ 750,000

8 ~~b. For the construction and installation of an  
9 angled well, pumps, and piping to connect the existing  
10 infrastructure from the new well to a lake located in  
11 a county with a population between 87,500 and 88,000  
12 For the implementation of a water quality improvement  
13 project for the restoration of a lake located in a  
14 county with a population between 87,500 and 88,000:~~

15 ..... \$ 500,000

16 ~~Monies appropriated in this lettered paragraph are  
17 contingent upon receipt of matching funds from a state  
18 taxing authority surrounding such lake.~~

19 ~~e. For the construction of the cabins, activity  
20 building, picnic shelters, and other costs associated  
21 with the opening of the Honey creek premier  
22 destination park:~~

23 ..... \$ 4,900,000

24 ~~The department shall not obligate any funding under  
25 this appropriation without approval from the  
26 department of management. The department shall  
27 provide quarterly updates to the Honey creek premier  
28 destination park authority and the legislative  
29 services agency on the obligation and spending of this  
30 appropriation.~~

31 ~~In light of this appropriation, the department  
32 shall not request additional appropriations for  
33 funding the construction of future additional  
34 amenities at the Honey creek destination park beyond  
35 the fiscal year ending June 30, 2009. In the event  
36 that the chairperson of the authority delivers a  
37 certificate to the governor, pursuant to section  
38 463C.13, stating the amounts necessary to restore bond  
39 reserve funds, it is the general assembly's intent  
40 upon consideration of the governor's request to first  
41 seek refunding from the department's budget.~~

42 ~~d. c.~~ For implementation of lake projects that  
43 are established watershed improvement initiatives and  
44 community support in accordance with the department's  
45 annual lake restoration plan and report,  
46 ~~notwithstanding section 8.57, subsection 6, paragraph~~  
47 ~~"e":~~

48 ..... \$ 8,600,000

49 ..... 10,000,000

50 (1) It is the intent of the general assembly that

1 ~~the department of natural resources shall implement~~  
 2 ~~the lake restoration annual report and plan submitted~~  
 3 ~~to the joint appropriations subcommittee on~~  
 4 ~~transportation, infrastructure, and capitals and the~~  
 5 ~~legislative services agency on December 26, 2006,~~  
 6 ~~pursuant to section 456A.33B. The lake restoration~~  
 7 ~~projects that are recommended by the department to~~  
 8 ~~receive funding for fiscal year 2007-2008 and that~~  
 9 ~~satisfy the criteria in section 456A.33B, including~~  
 10 ~~local commitment of funding for the projects, shall be~~  
 11 ~~funded in the amounts provided in the report.~~  
 12 ~~Of the amounts appropriated in this lettered~~  
 13 ~~paragraph, at least the following amounts shall be~~  
 14 ~~allocated as follows:~~

- 15       (a) ~~For clear lake in Cerro Gordo county:~~  
 16 ..... \$ 3,000,000
- 17       (b) ~~For storm lake in Buena Vista county:~~  
 18 ..... \$ 1,000,000
- 19       (c) ~~For carter lake in Pottawattamic county:~~  
 20 ..... \$ 200,000

21 ~~(2) Of the moneys appropriated in this lettered~~  
 22 ~~paragraph, \$200,000 shall be used for the purposes of~~  
 23 ~~supporting a low head dam public hazard improvement~~  
 24 ~~program. The moneys shall be used to provide grants~~  
 25 ~~to local communities, including counties and cities,~~  
 26 ~~for projects approved by the department.~~

- 27       (a) ~~The department shall award grants to dam~~  
 28 ~~owners including counties, cities, state agencies,~~  
 29 ~~cooperatives, and individuals, to support projects~~  
 30 ~~approved by the department.~~
- 31       (b) ~~The department shall require each dam owner~~  
 32 ~~applying for a project grant to submit a project plan~~  
 33 ~~for the expenditure of the moneys, and file a report~~  
 34 ~~with the department regarding the project, as required~~  
 35 ~~by the department.~~
- 36       (c) ~~The funds can be used for signs, posts, and~~  
 37 ~~related cabling, and the department shall only award~~  
 38 ~~money on a matching basis, pursuant to the dam owner~~  
 39 ~~contributing at least 20 cents for every 80 cents~~  
 40 ~~awarded by the department, in order to finance the~~  
 41 ~~project. For the remainder of the funds, including~~  
 42 ~~any balance of money not awarded for signs, posts, and~~  
 43 ~~related cabling, the department shall only award~~  
 44 ~~moneys to a dam owner on a matching basis. A dam~~  
 45 ~~owner shall contribute one dollar for each dollar~~  
 46 ~~awarded by the department in order to finance a~~  
 47 ~~project.~~

48 ~~6. 7. STATE BOARD OF REGENTS~~

- 49     a. ~~For infrastructure, deferred maintenance, and~~  
 50 ~~equipment related to Iowa public radio:~~

Page 30

1 ..... \$ 2,000,000  
2 ..... 1,900,000  
3 b. For phase II of the construction and renovation  
4 of the veterinary medical facilities at Iowa state  
5 university of science and technology, specifically the  
6 renovation and modernization of the area formerly  
7 occupied by the large animal area of the teaching  
8 hospital for expanded clinical services in a small  
9 animal hospital:  
10 ..... \$ 10,000,000  
11 ~~7.~~ 8. IOWA STATE FAIR  
12 For infrastructure improvements to the Iowa state  
13 fairgrounds including but not limited to the  
14 construction of an agricultural exhibition center on  
15 the Iowa state fairgrounds:  
16 ..... \$ 5,000,000  
17 ..... 0  
18 ~~8.~~ 9. DEPARTMENT OF TRANSPORTATION  
19 a. For deposit into the public transit  
20 infrastructure grant fund created in section 324A.6A:  
21 ..... \$ 2,200,000  
22 b. For infrastructure improvements at the  
23 commercial service airports within the state:  
24 ..... \$ 1,500,000  
25 Fifty percent of the funds appropriated in this  
26 lettered paragraph shall be allocated equally between  
27 each commercial air service airport, forty percent of  
28 the funds shall be allocated based on the percentage  
29 that the number of enplaned passengers at each  
30 commercial air service airport bears to the total  
31 number of enplaned passengers in the state during the  
32 previous fiscal year, and ten percent of the funds  
33 shall be allocated based on the percentage that the  
34 air cargo tonnage at each commercial air service  
35 airport bears to the total air cargo tonnage in the  
36 state during the previous fiscal year. In order for a  
37 commercial air service airport to receive funding  
38 under this lettered paragraph, the airport shall be  
39 required to submit applications for funding of  
40 specific projects to the department for approval by  
41 the state transportation commission.  
42 ~~9.~~ 10. DEPARTMENT OF VETERANS AFFAIRS  
43 ~~a.~~ For matching funds for the construction of  
44 resident living areas at the Iowa veterans home and  
45 related improvements associated with the Iowa veterans  
46 home comprehensive plan:  
47 ..... \$ 20,555,329  
48 ..... 22,555,329  
49 ~~b. To build a memorial plaza that honors veterans~~  
50 ~~from the Dubuque area:~~

1 .....\$ 100,000

2 Sec. 25. 2008 Iowa Acts, chapter 1179, sections 19  
3 and 20, are amended to read as follows:

4 SEC. 19. TAX-EXEMPT STATUS -- USE OF  
5 APPROPRIATIONS. Payment of moneys from the  
6 appropriations in this division of this Act shall be  
7 made in a manner that does not adversely affect the  
8 tax-exempt status of any outstanding bonds issued by  
9 the ~~tobacco settlement authority~~ treasurer of state.

10 SEC. 20. REVERSION. Notwithstanding section 8.33,  
11 moneys appropriated in this division of this Act for  
12 the fiscal year beginning July 1, 2008, and ending  
13 June 30, 2009, shall not revert at the close of the  
14 fiscal year for which they are appropriated but shall  
15 remain available for the purposes designated until the  
16 close of the fiscal year that begins July 1, ~~2011~~  
17 2012, or until the project for which the appropriation  
18 was made is completed, whichever is earlier.

19 DIVISION VI

20 MISCELLANEOUS CODE CHANGES

21 Sec. 26. Section 8.57, subsection 6, paragraph e,  
22 Code 2009, is amended to read as follows:

23 e. (1) (a) (i) Notwithstanding provisions to the  
24 contrary in sections 99D.17 and 99F.11, for the fiscal  
25 year beginning July 1, 2000, and for each fiscal year  
26 thereafter, not more than a total of sixty million  
27 dollars shall be deposited in the general fund of the  
28 state in any fiscal year pursuant to sections 99D.17  
29 and 99F.11.

30 (ii) However, in lieu of the deposit in  
31 subparagraph subdivision (i), for the fiscal year  
32 beginning July 1, 2010, and for each fiscal year  
33 thereafter until the principal and interest on all  
34 bonds issued by the treasurer of state pursuant to  
35 section 12.87 are paid, as determined by the treasurer  
36 of state, the first fifty-five million dollars of the  
37 moneys directed to be deposited in the general fund of  
38 the state under subparagraph subdivision (i) shall be  
39 deposited in the revenue bonds debt service fund  
40 created in section 12.89, and the next five million  
41 dollars of the moneys directed to be deposited in the  
42 general fund of the state under subparagraph  
43 subdivision (i) shall be deposited in the general fund  
44 of the state.

45 (b) The next fifteen million dollars of the moneys  
46 directed to be deposited in the general fund of the  
47 state in a fiscal year pursuant to sections 99D.17 and  
48 99F.11 shall be deposited in the vision Iowa fund  
49 created in section 12.72 for the fiscal year beginning  
50 July 1, 2000, and for each fiscal year through the



Page 32

1 fiscal year beginning July 1, 2019.

2 (c) The next five million dollars of the moneys  
3 directed to be deposited in the general fund of the  
4 state in a fiscal year pursuant to sections 99D.17 and  
5 99F.11 shall be deposited in the school infrastructure  
6 fund created in section 12.82 for the fiscal year  
7 beginning July 1, 2000, and for each fiscal year  
8 thereafter until the principal and interest on all  
9 bonds issued by the treasurer of state pursuant to  
10 section 12.81 are paid, as determined by the treasurer  
11 of state.

12 (d) (i) The total moneys in excess of the moneys  
13 deposited in the ~~general fund of the state revenue~~  
14 ~~bonds debt service fund~~, the vision Iowa fund, ~~and~~ the  
15 school infrastructure fund, ~~and the general fund of~~  
16 ~~the state~~ in a fiscal year shall be deposited in the  
17 rebuild Iowa infrastructure fund and shall be used as  
18 provided in this section, notwithstanding section  
19 8.60.

20 (ii) ~~However, in lieu of the deposit in~~  
21 ~~subparagraph subdivision (i), for the fiscal year~~  
22 ~~beginning July 1, 2010, and for each fiscal year~~  
23 ~~thereafter until the principal and interest on all~~  
24 ~~bonds issued by the treasurer of state pursuant to~~  
25 ~~section 12.87 are paid, as determined by the treasurer~~  
26 ~~of state, fifty-five million dollars of the excess~~  
27 ~~moneys directed to be deposited in the rebuild Iowa~~  
28 ~~infrastructure fund under subparagraph subdivision (i)~~  
29 ~~shall be deposited in the general fund of the state.~~

30 (2) ~~If the total amount of moneys directed to be~~  
31 ~~deposited in the general fund of the state under~~  
32 sections 99D.17 and 99F.11 in a fiscal year is less  
33 than the total amount of moneys directed to be  
34 deposited in the revenue bonds debt service fund in  
35 the fiscal year pursuant to this paragraph "e", the  
36 difference shall be paid from moneys deposited in the  
37 beer and liquor control fund created in section 123.53  
38 in the manner provided in section 123.53, subsection  
39 2A.

40 (2) (3) ~~If After the deposit of moneys directed to~~  
41 ~~be deposited in the general fund of the state and the~~  
42 ~~revenue bonds debt service fund as provided in~~  
43 ~~subparagraph (2), if the total amount of moneys~~  
44 directed to be deposited in the general fund of the  
45 state under sections 99D.17 and 99F.11 in a fiscal  
46 year is less than the total amount of moneys directed  
47 to be deposited in the vision Iowa fund and the school  
48 infrastructure fund in the fiscal year pursuant to  
49 this paragraph "e", the difference shall be paid from  
50 lottery revenues in the manner provided in section

Page 33

1 99G.39, subsection 3.

2 Sec. 27. Section 15F.204, subsection 8, paragraph  
3 a, subparagraph (6), Code 2009, is amended by striking  
4 the subparagraph.

5 Sec. 28. NEW SECTION. 16.185 PUBLIC SERVICE  
6 SHELTER GRANT FUND.

7 1. A public service shelter grant fund is created  
8 under the authority of the Iowa finance authority.  
9 The fund shall consist of appropriations made to the  
10 fund. The fund shall be separate from the general  
11 fund of the state and the balance in the fund shall  
12 not be considered part of the balance of the general  
13 fund of the state. However, the fund shall be  
14 considered a special account for the purposes of  
15 section 8.53, relating to generally accepted  
16 accounting principles.

17 2. Notwithstanding section 12C.7, subsection 2,  
18 interest or earnings on moneys in the fund shall be  
19 credited to the fund.

20 3. Moneys in the fund in a fiscal year shall be  
21 used as appropriated by the general assembly for  
22 grants for construction, renovations, or improvements  
23 of homeless shelters, emergency shelters, and family  
24 and domestic violence shelters, to assist communities  
25 in providing certain essential social services  
26 including supportive services and other kinds of  
27 assistance to individuals in need of temporary housing  
28 necessary to improve their living situations.

29 4. Annually, on or before January 15 of each year,  
30 a state agency that received an appropriation for the  
31 public service shelter grant fund shall report to the  
32 legislative services agency and the department of  
33 management the status of all projects completed or in  
34 progress. The report shall include a description of  
35 the project, the progress of work completed, the total  
36 estimated cost of the project, a list of all revenue  
37 sources being used to fund the project, the amount of  
38 funds expended, the amount of funds obligated, and the  
39 date the project was completed or an estimated  
40 completion date of the project, where applicable.

41 5. Payment of moneys from appropriations from the  
42 fund shall be made in a manner that does not adversely  
43 affect the tax-exempt status of any outstanding bonds  
44 issued by the treasurer of state pursuant to section  
45 12.87.

46 6. The authority shall adopt rules pursuant to  
47 chapter 17A to administer this section.

48 Sec. 29. NEW SECTION. 16.186 DISASTER DAMAGE  
49 HOUSING ASSISTANCE GRANT FUND.

50 1. A disaster damage housing assistance grant fund

Page 34

1 is created under the authority of the Iowa finance  
2 authority. The fund shall consist of appropriations  
3 made to the fund. The fund shall be separate from the  
4 general fund of the state and the balance in the fund  
5 shall not be considered part of the balance of the  
6 general fund of the state. However, the fund shall be  
7 considered a special account for the purposes of  
8 section 8.53, relating to generally accepted  
9 accounting principles.

10 2. Notwithstanding section 12C.7, subsection 2,  
11 interest or earnings on moneys in the fund shall be  
12 credited to the fund.

13 3. Moneys in the fund in a fiscal year shall be  
14 used as appropriated by the general assembly for  
15 grants to ease and speed recovery efforts from the  
16 natural disasters of 2008, including stabilizing  
17 neighborhoods damaged by the natural disasters,  
18 preventing population loss and neighborhood  
19 deterioration, and improving the health, safety, and  
20 welfare of persons living in such disaster-damaged  
21 neighborhoods.

22 4. Annually, on or before January 15 of each year,  
23 a state agency that received an appropriation for the  
24 disaster damage housing assistance grant fund shall  
25 report to the legislative services agency and the  
26 department of management the status of all projects  
27 completed or in progress. The report shall include a  
28 description of the project, the progress of work  
29 completed, the total estimated cost of the project, a  
30 list of all revenue sources being used to fund the  
31 project, the amount of funds expended, the amount of  
32 funds obligated, and the date the project was  
33 completed or an estimated completion date of the  
34 project, where applicable.

35 5. Payment of moneys from appropriations from the  
36 fund shall be made in a manner that does not adversely  
37 affect the tax-exempt status of any outstanding bonds  
38 issued by the treasurer of state pursuant to section  
39 12.87.

40 6. The authority shall adopt rules pursuant to  
41 chapter 17A to administer this section.

42 Sec. 30. NEW SECTION. 16.187 AFFORDABLE HOUSING  
43 ASSISTANCE GRANT FUND.

44 1. An affordable housing assistance grant fund is  
45 created under the authority of the Iowa finance  
46 authority. The fund shall consist of appropriations  
47 made to the fund. The fund shall be separate from the  
48 general fund of the state and the balance in the fund  
49 shall not be considered part of the balance of the  
50 general fund of the state. However, the fund shall be

Page 35

1 considered a special account for the purposes of  
2 section 8.53, relating to generally accepted  
3 accounting principles.

4 2. Notwithstanding section 12C.7, subsection 2,  
5 interest or earnings on moneys in the fund shall be  
6 credited to the fund.

7 3. Moneys in the fund in a fiscal year shall be  
8 used as appropriated by the general assembly for  
9 grants for housing for certain elderly, disabled, and  
10 low-income persons and public servants in professions  
11 meeting critical skill shortages in the state, to  
12 assist communities in providing safe and affordable  
13 housing for the general welfare and security of the  
14 citizens of the state.

15 4. Annually, on or before January 15 of each year,  
16 a state agency that received an appropriation for the  
17 affordable housing assistance grant fund shall report  
18 to the legislative services agency and the department  
19 of management the status of all projects completed or  
20 in progress. The report shall include a description  
21 of the project, the progress of work completed, the  
22 total estimated cost of the project, a list of all  
23 revenue sources being used to fund the project, the  
24 amount of funds expended, the amount of funds  
25 obligated, and the date the project was completed or  
26 an estimated completion date of the project, where  
27 applicable.

28 5. Payment of moneys from appropriations from the  
29 fund shall be made in a manner that does not adversely  
30 affect the tax-exempt status of any outstanding bonds  
31 issued by the treasurer of state pursuant to section  
32 12.87.

33 6. The authority shall adopt rules pursuant to  
34 chapter 17A to administer this section.

35 Sec. 31. Section 123.53, Code 2009, is amended by  
36 adding the following new subsections:

37 NEW SUBSECTION. 2A. Notwithstanding subsection 2,  
38 if gaming revenues under sections 99D.17 and 99F.11  
39 are insufficient in a fiscal year to meet the total  
40 amount of such revenues directed to be deposited in  
41 the revenue bonds debt service fund during the fiscal  
42 year pursuant to section 8.57, subsection 6, paragraph  
43 "e", the difference shall be paid from moneys  
44 deposited in the beer and liquor control fund prior to  
45 transfer of such moneys to the general fund pursuant  
46 to subsection 2 and prior to the transfer of such  
47 moneys pursuant to subsections 3 and 4. If moneys  
48 deposited in the beer and liquor control fund are  
49 insufficient during the fiscal year to pay the  
50 difference, the remaining difference shall be paid

Page 36

1 from moneys deposited in the beer and liquor control  
2 fund in subsequent fiscal years as such moneys become  
3 available.

4 NEW SUBSECTION. 2B. The treasurer of state shall,  
5 each quarter, prepare an estimate of the gaming  
6 revenues and of the moneys to be deposited in the beer  
7 and liquor control fund that will become available  
8 during the remainder of the appropriate fiscal year  
9 for the purposes described in subsection 2A. The  
10 department of management, the department of  
11 inspections and appeals and the department of commerce  
12 shall take appropriate actions to provide that the sum  
13 of the amount of gaming revenues available to be  
14 deposited into the revenue bonds debt service fund  
15 during a fiscal year and the amount of moneys to be  
16 deposited in the beer and liquor control fund  
17 available to be deposited into the revenue bonds debt  
18 service fund during such fiscal year will be  
19 sufficient to cover any anticipated deficiencies.

20 Sec. 32. Section 123.53, subsections 3 and 4, Code  
21 2009, are amended to read as follows:

22 3. ~~The treasurer of state~~ After any transfer  
23 provided for in subsection 2A is made, the department  
24 of commerce shall transfer into a special revenue  
25 account in the general fund of the state, a sum of  
26 money at least equal to seven percent of the gross  
27 amount of sales made by the division from the beer and  
28 liquor control fund on a monthly basis but not less  
29 than nine million dollars annually. Of the amounts  
30 transferred, two million dollars, plus an additional  
31 amount determined by the general assembly, shall be  
32 appropriated to the Iowa department of public health  
33 for use by the staff who administer the comprehensive  
34 substance abuse program under chapter 125 for  
35 substance abuse treatment and prevention programs.  
36 Any amounts received in excess of the amounts  
37 appropriated to the Iowa department of public health  
38 for use by the staff who administer the comprehensive  
39 substance abuse program under chapter 125 shall be  
40 considered part of the general fund balance.

41 4. ~~The treasurer of state, after making the~~  
42 ~~transfer~~ After any transfers provided for in  
43 ~~subsection subsections 2A and 3, the department of~~  
44 commerce shall transfer to the division from the beer  
45 and liquor control fund and before any other transfer  
46 to the general fund, an amount sufficient to pay the  
47 costs incurred by the division for collecting and  
48 properly disposing of the liquor containers.

49 Sec. 33. Section 331.441, subsection 2, paragraph  
50 b, subparagraph 16, Code 2009, is amended to read as

Page 37

1 follows:

2 (16) Capital projects for the construction,  
3 reconstruction, improvement, repair, or equipping of  
4 bridges, roads, and culverts if such capital projects  
5 assist in economic development which creates jobs and  
6 wealth, if such capital projects relate to damage  
7 caused by a disaster as defined in section 29C.2, or  
8 if such capital projects are designed to prevent or  
9 mitigate future disasters as defined in section 29C.2.

10 Sec. 34. NEW SECTION. 313.68 BRIDGE SAFETY FUND.

11 1. A bridge safety fund is created in the  
12 department under the authority of the state  
13 transportation commission. The fund shall consist of  
14 appropriations made to the fund. The fund shall be  
15 separate from the general fund of the state and the  
16 balance in the fund shall not be considered part of  
17 the balance of the general fund of the state.

18 However, the fund shall be considered a special  
19 account for the purposes of section 8.53, relating to  
20 generally accepted accounting principles.

21 2. Notwithstanding section 12C.7, subsection 2,  
22 interest or earnings on moneys in the fund shall be  
23 credited to the fund.

24 3. Moneys in the fund in a fiscal year shall be  
25 used as appropriated by the general assembly for  
26 infrastructure projects relating to functionally  
27 obsolete and structurally deficient bridges on the  
28 primary road system.

29 4. Annually, on or before January 15 of each year,  
30 the department of transportation shall report to the  
31 legislative services agency and the department of  
32 management the status of all projects completed or in  
33 progress. The report shall include a description of  
34 the project, the progress of work completed, the total  
35 estimated cost of the project, a list of all revenue  
36 sources being used to fund the project, the amount of  
37 funds expended, the amount of funds obligated, and the  
38 date the project was completed or an estimated  
39 completion date of the project, where applicable.

40 5. Payment of moneys from appropriations from the  
41 fund shall be made in a manner that does not adversely  
42 affect the tax-exempt status of any outstanding bonds  
43 issued by the treasurer of state pursuant to section  
44 12.87.

45 6. The department shall adopt rules pursuant to  
46 chapter 17A to administer this section.

47 Sec. 35. Section 476.46, subsection 2, paragraph  
48 d, subparagraph (1), Code 2009, is amended to read as  
49 follows:

50 d. (1) A gas or electric utility that is not

Page 38

1 required to be rate-regulated shall not be eligible  
 2 for a loan under this section. However, gas and  
 3 electric utilities not required to be rate-regulated  
 4 shall be eligible for loans from moneys remitted to  
 5 the fund except as provided in subsection 3. Such  
 6 loans shall be limited to a maximum of five hundred  
 7 thousand dollars per applicant and shall be limited to  
 8 one loan every two years.

## DIVISION VI

## EFFECTIVE DATE

11 Sec. 36. EFFECTIVE DATE. This Act, being deemed  
 12 of immediate importance, takes effect upon enactment."  
 13 2. Title page, by striking lines 1 through 5 and  
 14 inserting the following: "An Act creating an Iowa  
 15 jobs program, an Iowa jobs board, and Iowa jobs fund,  
 16 authorizing the issuance of bonds, including the  
 17 issuance of tax-exempt bonds, making and revising  
 18 appropriations, and providing an effective date."

COHOON of Des Moines

H-1716

1 Amend the amendment, H-1715, to Senate File 376, as  
 2 amended, passed, and reprinted by the Senate, as  
 3 follows:  
 4 1. Page 2, line 9, by striking the words "and  
 5 public broadband".  
 6 2. Page 18, line 20, by striking the figure  
 7 "20,000,000" and inserting the following:  
 8 "45,000,000".  
 9 3. By striking page 18, line 21, through page 20,  
 10 line 40.  
 11 4. Page 35, line 10, by striking the word  
 12 "persons" and inserting the following: "persons,  
 13 first-time home buyers who are eligible for the  
 14 federal first-time home buyer tax credit provided in  
 15 section 36(b) of the Internal Revenue Code."  
 16 5. By renumbering as necessary.

SCHUELLER of Jackson

H-1717

1 Amend the amendment, H-1715, to Senate File 376, as  
 2 follows:  
 3 1. Page 27, by striking lines 1 through 11.  
 4 2. Page 27, line 13, by striking the word "'e'"  
 5 and inserting the following: "'d'".  
 6 3. Page 27, line 17, by striking the word "f"

- 7 and inserting the following: "e".
- 8 4. Page 27, line 20, by striking the word "g."
- 9 and inserting the following: "f".
- 10 5. By renumbering as necessary.

R. OLSON of Polk

H-1719

1 Amend the amendment, H-1675, to House File 822, as  
2 follows:

- 3 1. Page 1, by striking lines 39 through 41.
- 4 2. Page 3, line 9, by inserting after the word
- 5 "program" the following: ", notwithstanding section
- 6 8.57, subsection 6, paragraph "c".
- 7 3. Page 3, line 34, by striking the figure
- 8 "15E.3211," and inserting the following: "15E.321,".
- 9 4. Page 5, line 3, by striking the figure
- 10 "12,800,000" and inserting the following:
- 11 "2,800,000".

12 5. Page 6, by striking lines 15 through 28 and  
13 inserting the following:  
14 "For the establishment and administration of an  
15 Iowa flood center at the state university of Iowa for  
16 use by the university's college of engineering,  
17 pursuant to section 466C.1, as enacted in this Act,  
18 notwithstanding section 8.57, subsection 6, paragraph  
19 "c":

20 ..... \$ 1,300,000"

21 6. Page 7, by inserting after line 17 the  
22 following:

23 "e. For deposit into the public transit  
24 infrastructure grant fund created in section 324A.6A:  
25 ..... \$ 1,250,000

26 f. For a discretionary grant program to assist  
27 local governments to rebuild and repair local roads,  
28 notwithstanding section 8.57, subsection 6, paragraph  
29 "c":  
30 ..... \$ 14,750,000

31 The department shall allocate the amount  
32 appropriated in this lettered paragraph as follows:  
33 50 percent shall be allocated to the street  
34 construction fund of the cities and 50 percent shall  
35 be allocated to the secondary road fund of the  
36 counties, to be used for construction, reconstruction,  
37 repair, and maintenance of city roads or secondary  
38 roads. The moneys allocated to such funds shall be  
39 expended within two years. Any allocated moneys not  
40 expended within two years shall be reallocated by the  
41 state transportation commission to other projects.  
42 The department shall, in cooperation with the cities  
43 and counties, provide a report to the legislative



44 services agency regarding the projects funded by this  
 45 appropriation by January 15 each year until the  
 46 projects are completed."  
 47 7. Page 7, line 49, by striking the figure  
 48 "15,000,000" and inserting the following:  
 49 "10,000,000".  
 50 8. Page 7, by inserting before line 50 the

Page 2

1 following:  
 2 "Of the amount appropriated in this subsection, up  
 3 to \$1,000,000 may be used for demolition purposes."  
 4 9. Page 8, line 26, by striking the figure  
 5 "22,000,000" and inserting the following:  
 6 "13,000,000".  
 7 10. Page 8, line 34, by striking the word "For"  
 8 and inserting the following: "a. For".  
 9 11. Page 8, by inserting after line 38 the  
 10 following:  
 11 "b. For a discretionary grant program to assist  
 12 local governments to rebuild and repair local roads,  
 13 notwithstanding section 8.57, subsection 6, paragraph  
 14 "c":  
 15 ..... \$ 24,700,000  
 16 The department shall allocate the amount  
 17 appropriated in this lettered paragraph as follows:  
 18 50 percent shall be allocated to the street  
 19 construction fund of the cities and 50 percent shall  
 20 be allocated to the secondary road fund of the  
 21 counties, to be used for construction, reconstruction,  
 22 repair, and maintenance of city roads or secondary  
 23 roads. The moneys allocated to such funds shall be  
 24 expended within two years. Any allocated moneys not  
 25 expended within two years shall be reallocated by the  
 26 state transportation commission to other projects.  
 27 The department shall, in cooperation with the cities  
 28 and counties, provide a report to the legislative  
 29 services agency regarding the projects funded by this  
 30 appropriation by January 15 each year until the  
 31 projects are completed."  
 32 12. By striking page 10, line 48, through page  
 33 11, line 1, and inserting the following:  
 34 "For the homeland security and emergency management  
 35 division for providing a grant to the statewide 211  
 36 nonprofit call centers to enhance its human resources  
 37 assistance directory project:"  
 38 13. Page 11, by striking line 5 and inserting the  
 39 following: "improvement of the free and confidential  
 40 211".  
 41 14. Page 14, line 13, by striking the word  
 42 "seven" and inserting the following: "eleven".

43 15. Page 14, by inserting after line 29 the  
 44 following:  
 45 "h. One member appointed by the Iowa state  
 46 building and construction trades council.  
 47 i. One public member, appointed by the governor,  
 48 with expertise in construction.  
 49 j. One member appointed by the Iowa chapter of the  
 50 American society of landscape architects.

Page 3

1 k. One member appointed by the Iowa competitive  
 2 bidding alliance."  
 3 16. By striking page 21, line 42, through page  
 4 25, line 26, and inserting the following:  
 5 "Sec.\_\_\_\_. NEW SECTION. 466C.1 IOWA FLOOD  
 6 CENTER.  
 7 1. The state board of regents shall establish and  
 8 maintain in Iowa City as a part of the state  
 9 university of Iowa an Iowa flood center. In  
 10 conducting the activities of this chapter, the center  
 11 shall work cooperatively with the department of  
 12 natural resources, the department of agriculture and  
 13 land stewardship, the water resources coordinating  
 14 council, and other state and federal agencies.  
 15 2. The Iowa flood center shall have all of the  
 16 following purposes:  
 17 a. To develop hydrologic models for physically  
 18 based flood frequency estimation and real-time  
 19 forecasting of floods, including hydraulic models of  
 20 flood plain inundation mapping.  
 21 b. To establish community-based programs to  
 22 improve flood monitoring and prediction along Iowa's  
 23 major waterways and to support ongoing flood research.  
 24 c. To share resources and expertise of the Iowa  
 25 flood center.  
 26 d. To assist in the development of a workforce in  
 27 the state knowledgeable regarding flood research,  
 28 prediction, and mitigation strategies."  
 29 17. Page 25, line 50, by striking the word "h"  
 30 and inserting the following: "h".  
 31 18. Page 28, line 3, by striking the word  
 32 "entity," and inserting the following: "entity or".  
 33 19. Page 28, by inserting after line 27 the  
 34 following:  
 35 "Sec.\_\_\_\_. 2008 Iowa Acts, chapter 1179, section  
 36 6, is amended to read as follows:  
 37 SEC. 6. DEPARTMENT OF CORRECTIONS. There is  
 38 appropriated from the rebuild Iowa infrastructure fund  
 39 to the department of corrections for the designated  
 40 fiscal years the following amounts, or so much thereof  
 41 as is necessary, to be used for the purposes

42 designated:  
 43 For expansion of the Iowa correctional facility for  
 44 women at Mitchellville:  
 45 FY ~~2010-2011~~ 2011-2012 ..... \$ 11,700,000  
 46 FY ~~2011-2012~~ 2012-2013 ..... \$ 8,779,000  
 47 Notwithstanding section 8.33, moneys appropriated  
 48 in this section for the fiscal year beginning July 1,  
 49 ~~2010-2011~~, and ending June 30, ~~2011-2012~~, shall not  
 50 revert at the close of the fiscal year for which they

Page 4

1 are appropriated but shall remain available for the  
 2 purpose designated until the close of the fiscal year  
 3 that begins July 1, ~~2013~~ 2014, or until the project  
 4 for which the appropriation was made is completed,  
 5 whichever is earlier.

6 Notwithstanding section 8.33, moneys appropriated  
 7 in this section for the fiscal year beginning July 1,  
 8 ~~2011-2012~~, and ending June 30, ~~2012-2013~~, shall not  
 9 revert at the close of the fiscal year for which they  
 10 are appropriated but shall remain available for the  
 11 purpose designated until the close of the fiscal year  
 12 that begins July 1, ~~2014~~ 2015, or until the project  
 13 for which the appropriation was made is completed,  
 14 whichever is earlier."

15 20. Page 28, line 39, by inserting after the  
 16 figures "2009-2010" the following: "notwithstanding  
 17 section 8.57C, subsection 2".

18 21. Page 29, line 22, by inserting after the word  
 19 "CODE" the following: "AND MISCELLANEOUS".

20 22. Page 32, by inserting after line 12 the  
 21 following:  
 22 "Sec. \_\_\_\_\_. 1989 Iowa Acts, chapter 131, section  
 23 63, is amended to read as follows:  
 24 SEC. 63. Sections 455G.6 and 455G.7 are repealed  
 25 effective July 1, ~~2009~~ 2010, except as such sections  
 26 apply with respect to any outstanding bonds issued  
 27 thereunder, or refinancing of such outstanding bonds."  
 28 23. By renumbering as necessary.

COHOON of Des Moines

H-1720

1 Amend the amendment, H-1675, to House File 822, as  
 2 follows:

- 3 1. By striking page 12, line 19, through page 21,  
 4 line 39.
- 5 2. By renumbering as necessary.

COHOON of Des Moines

H-1721

1 Amend the amendment, H-1675, to House File 822, as  
2 follows:

3 1. Page 31, by inserting after line 47 the  
4 following:

5 "Sec.\_\_\_\_. Section 103.22, subsection 7, Code  
6 2009, is amended to read as follows:

7 7. Prohibit an owner of property from performing  
8 work on the owner's ~~principal~~ residence, if such  
9 residence is an existing dwelling rather than new  
10 construction and is not an apartment that is attached  
11 to any other apartment or building, as those terms are  
12 defined in section 499B.2, and is not larger than a  
13 single-family dwelling, or farm property, excluding  
14 commercial or industrial installations or  
15 installations in public use buildings or facilities,  
16 or require such owner to be licensed under this  
17 chapter. ~~In order to qualify for inapplicability~~  
18 ~~pursuant to this subsection, a residence shall qualify~~  
19 ~~for the homestead tax exemption.~~

20 Sec.\_\_\_\_. Section 105.11, subsection 11, Code  
21 2009, if enacted by 2009 Iowa Acts, Senate File 224,  
22 is amended to read as follows:

23 11. Prohibit a private college, an accredited  
24 nonpublic school, or an owner or operator of a health  
25 care facility licensed pursuant to chapter 135C,  
26 assisted living center licensed pursuant to chapter  
27 231C, hospital licensed pursuant to chapter 135B,  
28 adult day care center licensed pursuant to chapter  
29 231D, or a retirement facility certified pursuant to  
30 chapter 523D from performing work on the facility or  
31 requiring such owner or operator to be licensed under  
32 this chapter; except for projects that exceed the  
33 dollar amount specified as the competitive bid  
34 threshold in section 26.3."

35 2. By renumbering as necessary.

QUIRK of Chickasaw  
STRUYK of Pottawattamie

H-1722

1 Amend House File 807 as follows:

2 1. Page 3, by inserting before line 16 the  
3 following:

4 "Sec.\_\_\_\_. Section 422.7, Code 2009, is amended by  
5 adding the following new subsection:

6 NEW SUBSECTION. 54. Subtract, to the extent  
7 included, the amount of unemployment benefits taxable  
8 under section 85 of the Internal Revenue Code as  
9 follows:

- 10 a. For the tax year beginning January 1, 2010,  
11 subtract the amount in excess of ninety percent of the  
12 amount of payments received.
- 13 b. For the tax year beginning January 1, 2011,  
14 subtract the amount in excess of eighty percent of the  
15 amount of payments received.
- 16 c. For the tax year beginning January 1, 2012,  
17 subtract the amount in excess of seventy percent of  
18 the amount of payments received.
- 19 d. For the tax year beginning January 1, 2013,  
20 subtract the amount in excess of sixty percent of the  
21 amount of payments received.
- 22 e. For the tax year beginning January 1, 2014, and  
23 for each subsequent tax year, subtract the amount in  
24 excess of fifty percent of the amount of payments  
25 received."
- 26 2. Page 7, by striking lines 18 through 20 and  
27 inserting the following:  
28 "Sec.\_\_\_\_. APPLICABILITY DATES.
- 29 1. The section of this Act enacting section 422.7,  
30 subsection 54, applies to tax years beginning on or  
31 after January 1, 2010.
- 32 2. The remainder of this Act applies retroactively  
33 to January 1, 2009, for tax years beginning on or  
34 after that date."
- 35 3. Title page, line 2, by inserting after the  
36 word "rates," the following: "exemption of certain  
37 unemployment benefits,".
- 38 4. Title page, by striking line 7 and inserting  
39 the following: "including retroactive and other  
40 applicability date provisions."
- 41 5. By renumbering as necessary.

SHOMSHOR of Pottawattamie

H-1723

- 1 Amend the amendment, H-1484, to House File 807 as  
2 follows:
- 3 1. By striking page 1, line 2, through page 2,  
4 line 38, and inserting the following:  
5 "\_\_\_\_. Page 1, by inserting before line 12 the  
6 following:  
7 "Sec.\_\_\_\_. Section 422.4, subsection 2, paragraph  
8 b, Code 2009, is amended to read as follows:  
9 b. "Cumulative standard deduction factor" means  
10 the product of the annual standard deduction factor  
11 for the ~~1989~~ 2009 calendar year and all annual  
12 standard deduction factors for subsequent calendar  
13 years as determined pursuant to this subsection. The  
14 cumulative standard deduction factor applies to all  
15 tax years beginning on or after January 1 of the

16 calendar year for which the latest annual standard  
17 deduction factor has been determined.

18 c. The annual standard deduction factor for the  
19 2009 calendar year is one hundred percent."

20 \_\_\_\_\_. Page 2, line 18, by striking the figure  
21 "4.18%" and inserting the following: "4.20%".

22 \_\_\_\_\_. Page 2, line 25, by striking the figure  
23 "5.42%" and inserting the following: "5.46%".

24 \_\_\_\_\_. Page 2, line 32, by striking the figure  
25 "5.42%" and inserting the following: "5.46%".

26 \_\_\_\_\_. Page 3, line 3, by striking the figure  
27 "5.73%" and inserting the following: "5.76%".

28 \_\_\_\_\_. Page 3, line 10, by striking the figure  
29 "6.16%" and inserting the following: "6.20%".

30 \_\_\_\_\_. Page 3, by inserting before line 16 the  
31 following:

32 "Sec. \_\_\_\_\_. Section 422.9, subsection 1, Code 2009,  
33 is amended to read as follows:

34 1. An optional standard deduction, after deduction  
35 of federal income tax, equal to ~~one two thousand two~~  
36 ~~seven hundred thirty ten~~ dollars for a married person  
37 who files separately or a single person or equal to  
38 ~~three five thousand thirty four hundred twenty~~ dollars  
39 for a husband and wife who file a joint return, a  
40 surviving spouse, or a head of household. The  
41 optional standard deduction shall not exceed the  
42 amount remaining after deduction of the federal income  
43 tax. The amount of federal income tax deducted shall  
44 be computed as provided in subsection 2, paragraph  
45 "b".

46 \_\_\_\_\_. Page 4, by inserting before line 2 the  
47 following:

48 "Sec. \_\_\_\_\_. **NEW SECTION.** 422.11X IOWA COLLEGE  
49 STUDENT TAX CREDIT.

50 1. The taxes imposed under this division, less the

Page 2

1 credits allowed under section 422.12, shall be reduced  
2 by an Iowa college student tax credit in an amount  
3 equal to one hundred dollars. Any credit in excess of  
4 the tax liability is refundable.

5 2. A taxpayer is entitled to claim the credit if  
6 the taxpayer meets all of the following requirements  
7 during the tax year:

8 a. The taxpayer is an Iowa resident.

9 b. The taxpayer is an undergraduate student  
10 enrolled at an institution of higher education. For  
11 purposes of this section, "institution of higher  
12 education" has the same meaning as defined in section  
13 12D.1.

14 c. The taxpayer is carrying at least one-half the

15 normal full-time workload for the course of study the  
16 student is pursuing.

17 3. The tax credit is only available under this  
18 subsection for the year beginning with the tax year in  
19 which the taxpayer is enrolled or the following year  
20 and is then available for the ensuing three tax years  
21 if the requirements of subsection 2 are met."

22 \_\_\_\_\_. Page 7, line 8, by striking the figure  
23 "1990" and inserting the following: "~~1990~~ 2010".

24 \_\_\_\_\_. Page 7, by inserting before line 18 the  
25 following:

26 "Sec. \_\_\_\_\_. Section 422.21, unnumbered paragraph 6,  
27 Code 2009, is amended to read as follows:

28 The department shall provide on income tax forms or  
29 in the instruction booklets in a manner that will be  
30 noticeable to the taxpayers a statement that, even  
31 though the taxpayer may not have any federal or state  
32 income tax liability, the taxpayer may be eligible for  
33 the federal earned income tax credit, the Iowa college  
34 student tax credit, or the state child and dependent  
35 care credit. The statement shall also contain notice  
36 of where the taxpayer may check on the taxpayer's  
37 eligibility for these credits."

38 \_\_\_\_\_. Page 7, by inserting before line 18 the  
39 following:

40 "Sec. \_\_\_\_\_. SEVERABILITY. If any provision of this  
41 Act, or the application of this Act to any person or  
42 circumstance, is for any reason held to be invalid,  
43 the remainder of the Act and the application of the  
44 provision to other persons or circumstances shall not  
45 be affected."

46 \_\_\_\_\_. Title page, line 2, by inserting after the  
47 word "rates," the following: "an increased standard  
48 deduction, a college student tax credit,".

49 \_\_\_\_\_. By renumbering as necessary."

SHOMSHOR of Pottawattamie

H-1724

1 Amend the amendment, H-1718, to House File 820, as  
2 follows:

3 1. Page 6, by inserting after line 40 the  
4 following:

5 "Sec. \_\_\_\_\_. AMERICAN RECOVERY AND REINVESTMENT ACT  
6 OF 2009 – ALLOCATION FOR INFANT AND TODDLER CARE  
7 QUALITY.

8 1. Of the moneys appropriated from the additional  
9 funding allocated under the federal American Recovery  
10 and Reinvestment Act of 2009 for the federal child  
11 care and development block grant to the department of  
12 human services for the fiscal year beginning July 1,

13 2009, and ending June 30, 2010, that are federally  
14 designated for activities that improve the quality of  
15 infant and toddler care, \$2,365,556 is transferred to  
16 the early childhood programs grant account in the Iowa  
17 empowerment fund and shall be used in accordance with  
18 this section for a program through community  
19 empowerment areas for supporting low-income families  
20 in securing high-quality child care.

21 2. The funds transferred pursuant to this section  
22 shall be distributed to community empowerment areas by  
23 applying the formula for the early childhood program  
24 grant account in section 28.9, subsection 4, paragraph  
25 "b". Notwithstanding section 8.33, the funds shall be  
26 available for expenditure by community empowerment  
27 areas in accordance with this section for the fiscal  
28 year beginning July 1, 2009, and the succeeding fiscal  
29 year.

30 3. For the purposes of this subsection, "federal  
31 poverty level" means the poverty level defined by the  
32 most recently revised poverty income guidelines  
33 published by the United States department of health  
34 and human services. The program shall provide  
35 financial assistance to families with infants and  
36 toddlers less than age two that have a family income  
37 of more than 145 percent but not more than 185 percent  
38 of the federal poverty level. However, the department  
39 may adjust the qualifying criteria or the financial  
40 assistance purpose provisions specified in this  
41 subsection as necessary for implementation to conform  
42 with federal requirements for the funding. The  
43 financial assistance shall be for any of the following  
44 purposes:

45 a. For making temporary payments to qualifying  
46 families whose members are recently unemployed and  
47 seeking work to use in meeting immediate family needs.

48 b. For providing sliding scale subsidies for  
49 qualifying families for child care provided to the  
50 families' infants and toddlers by providers who are

Page 2

1 accredited by the national association for the  
2 education of young children or the national  
3 association for family child care, or who have a  
4 rating at level 3 or higher under the child care  
5 quality rating system implemented pursuant to section  
6 237A.30."

7 2. By renumbering as necessary.



H-1725

- 1 Amend the amendment, H-1675, to House File 822, as  
2 follows:  
3 1. Page 4, by striking lines 11 through 16.  
4 2. By renumbering as necessary.

HUSEMAN of Cherokee

H-1726

- 1 Amend the amendment, H-1675, to House File 822 as  
2 follows:  
3 1. Page 2, by striking lines 19 through 35.  
4 2. By striking page 3, line 49, through page 4,  
5 line 10.  
6 3. Page 4, by striking lines 17 through 28.  
7 4. Page 4, by striking lines 38 through 45.  
8 5. Page 6, by striking lines 4 through 13.  
9 6. Page 7, by striking lines 1 through 9.  
10 7. Page 8, by striking lines 11 through 17.  
11 8. By renumbering as necessary.

HUSEMAN of Cherokee

H-1731

- 1 Amend Senate File 478, as amended, passed, and  
2 reprinted by the Senate, as follows:  
3 1. Page 31, by inserting after line 30 the  
4 following:  
5 "Sec. \_\_\_\_ . IOWA CAREER GUIDANCE TASK FORCE.  
6 1. An Iowa career guidance task force is created  
7 as a quasi-public instrumentality. The task force  
8 shall be located within the department of economic  
9 development for administrative purposes only. The  
10 task force shall examine the career guidance system  
11 currently in place in the state and make  
12 recommendations intended to do all of the following:  
13 a. Improve transition of students from secondary  
14 to postsecondary institutions.  
15 b. Decrease dropout rates from secondary and  
16 postsecondary institutions.  
17 c. Determine the essential components of a  
18 personalized career plan for students.  
19 d. Increase high school attendance rates.  
20 e. Encourage teachers to teach career awareness as  
21 it relates to a teacher's content area.  
22 f. Encourage students to explore occupations  
23 within the state.  
24 g. Encourage organizations engaged in workforce  
25 development within the state, including trade

26 associations representing business, industry, and  
 27 organized labor, to participate in a comprehensive  
 28 career guidance system.

29 h. Determine the role each sector should play in  
 30 the management of career information systems and  
 31 school-to-work programs.

32 2. The task force membership shall consist of all  
 33 of the following:

34 a. The director of the department of economic  
 35 development or the director's designee.

36 b. The director of the department of workforce  
 37 development or the director's designee.

38 c. The labor commissioner or the labor  
 39 commissioner's designee.

40 d. A representative of an organized labor group on  
 41 behalf of building trades appointed by the governor.

42 e. A representative of a business and industry  
 43 trade group appointed by the governor.

44 f. A representative of the Iowa state education  
 45 association selected by the association.

46 g. A representative of the department of education  
 47 selected by the director of the department.

48 h. A representative of the state board of regents  
 49 selected by the chairperson of the board.

50 i. A representative of the college student aid

Page 2

1 commission selected by the commission.

2 j. A representative of the Iowa association of  
 3 community college trustees selected by the  
 4 association.

5 k. A representative of the Iowa association of  
 6 independent colleges selected by the association.

7 3. The following members of the general assembly  
 8 shall serve as nonvoting, ex officio members:

9 a. The chairpersons and ranking members of the  
 10 senate and house standing committees on education.

11 b. The chairpersons and ranking members of the  
 12 senate and house standing committees on economic  
 13 growth.

14 c. The chairpersons and ranking members of the  
 15 senate and house standing committees on commerce.

16 d. The chairpersons and ranking members of the  
 17 senate standing committee on labor and business  
 18 relations and the house standing committee on labor.

19 4. The director of the department of economic  
 20 development and the director of the department of  
 21 workforce development shall serve as co-chairpersons  
 22 of the task force.

23 5. Moneys may be appropriated by the general  
 24 assembly for purposes of the task force. The task

25 force may accept private moneys for purposes of  
 26 conducting the examination required in subsection 1.  
 27 6. The department of economic development shall  
 28 provide staffing resources in support of the task  
 29 force.  
 30 7. The task force shall submit its findings and  
 31 recommendations by December 11, 2009, in a report  
 32 submitted to the governor, the general assembly, and  
 33 entities represented on the task force."  
 34 2. By renumbering as necessary.

WENDT of Woodbury  
 HUNTER of Polk  
 WATTS of Dallas  
 DOLECHECK of Ringgold  
 MAY of Dickinson

H-1733

1 Amend Senate File 478, as amended, passed, and  
 2 reprinted by the Senate, as follows:  
 3 1. Page 93, by inserting after line 17 the  
 4 following:  
 5 "DIVISION\_\_\_\_  
 6 URBAN RENEWAL PROJECTS  
 7 Sec.\_\_\_\_. Section 423B.1, subsection 6, paragraph  
 8 c, Code 2009, is amended to read as follows:  
 9 c. Notwithstanding any other provision in this  
 10 section, a change in use of the local sales and  
 11 services tax revenues for purposes of funding an urban  
 12 renewal project pursuant to section 423B.10 does not  
 13 require an election, except as provided in section  
 14 423B.10, subsection 2.  
 15 Sec.\_\_\_\_. Section 423B.10, subsection 2, Code  
 16 2009, is amended to read as follows:  
 17 2. a. An eligible city may by ordinance of the  
 18 city council provide for the use of a designated  
 19 amount of the increased local sales and services tax  
 20 revenues collected under this chapter which are  
 21 attributable to retail establishments in an urban  
 22 renewal area to fund urban renewal projects located in  
 23 the area. The designated amount may be all or a  
 24 portion of ~~such~~ the increased revenues allocable to  
 25 the eligible city under section 423B.7.  
 26 b. Prior to consideration of an ordinance under  
 27 this section, a city council shall adopt a resolution  
 28 stating its intent to propose the ordinance. If  
 29 within thirty days of the adoption of the resolution,  
 30 a petition is filed with the clerk of the city in the  
 31 manner provided by section 362.4 asking that the  
 32 question of the use of a designated amount of the  
 33 increased revenues allocable to the city be submitted

34 to the registered voters of the city, the council  
 35 shall either by resolution declare the proposal to  
 36 have been abandoned or shall direct the county  
 37 commissioner of elections to call a special election  
 38 to be held on a date specified in section 39.2,  
 39 subsection 4, paragraph "b". If the vote in favor of  
 40 the proposition is equal to at least a majority of the  
 41 total votes cast for and against the proposition, the  
 42 city council may proceed with consideration of an  
 43 ordinance authorizing funding of urban renewal  
 44 projects as provided in paragraph "a".  
 45 c. If no petition is filed, the council may  
 46 proceed with consideration of an ordinance authorizing  
 47 funding of urban renewal projects as provided in  
 48 paragraph "a".  
 49 Sec.\_\_\_\_. Section 423B.10, subsection 3,  
 50 unnumbered paragraph 1, Code 2009, is amended to read

Page 2

1 as follows:

2 To determine the revenue increase allocable to the  
 3 city for purposes of subsection 2, revenue amounts  
 4 shall be calculated by the department of revenue as  
 5 follows:

6 Sec.\_\_\_\_. TAXES RECEIVED PRIOR TO EFFECTIVE DATE.

7 The amount of the increased local sales and services  
 8 taxes received by a city under chapter 423B prior to  
 9 the effective date of this Act that have been  
 10 designated by a city by ordinance to fund urban  
 11 renewal projects pursuant to section 423B.10 shall be  
 12 deposited in the city's special fund created in  
 13 section 403.19, subsection 2, and shall be used to  
 14 fund urban renewal projects located in an urban  
 15 renewal area.

16 Sec.\_\_\_\_. OBLIGATIONS OF CITIES. This Act shall  
 17 not relieve, impair, or otherwise alter the  
 18 obligations of a city relating to bonds issued  
 19 pursuant to chapter 403 prior to the effective date of  
 20 this Act or contracts made prior to the effective date  
 21 of this Act in connection with an urban renewal  
 22 project."

23 2. By renumbering as necessary.

GASKILL of Wapello

H-1737

1 Amend Senate File 478, as amended, passed, and  
 2 reprinted by the Senate, as follows:  
 3 1. Page 59, by inserting after line 25 the  
 4 following:

5 "Sec.\_\_\_\_. Section 105.11, subsection 11, Code  
 6 2009, if enacted by 2009 Iowa Acts, Senate File 224,  
 7 is amended to read as follows:  
 8 11. Prohibit a private college, an accredited  
 9 nonpublic school, or an owner or operator of a health  
 10 care facility licensed pursuant to chapter 135C,  
 11 assisted living center licensed pursuant to chapter  
 12 231C, hospital licensed pursuant to chapter 135B,  
 13 adult day care center licensed pursuant to chapter  
 14 231D, or a retirement facility certified pursuant to  
 15 chapter 523D from performing work on the facility or  
 16 requiring such owner or operator to be licensed under  
 17 this chapter; except for projects that exceed the  
 18 dollar amount specified as the competitive bid  
 19 threshold in section 26.3."  
 20 2. By renumbering as necessary.

STRUYK of Pottawattamie

H-1738

1 Amend Senate File 478, as amended, passed, and  
 2 reprinted by the Senate, as follows:  
 3 1. Page 60, by inserting after line 1 the  
 4 following:  
 5 "Sec.\_\_\_\_. IOWA STATE UNIVERSITY. Iowa state  
 6 university of science and technology shall not reduce  
 7 the amount that it allocates to support the  
 8 cooperative extension service in agriculture and home  
 9 economics from any other source due to an  
 10 appropriation made for the fiscal year beginning July  
 11 1, 2009, and ending June 30, 2010.  
 12 This section does not apply to a reduction made to  
 13 support the cooperative extension service in  
 14 agriculture and home economics if the same percentage  
 15 of reduction imposed on the cooperative extension  
 16 service in agriculture and home economics is also  
 17 imposed on all of Iowa state university's budget  
 18 units."  
 19 2. By renumbering as necessary.

SWEENEY of Hardin

H-1740

1 Amend Senate File 478, as amended, passed, and  
 2 reprinted by the Senate, as follows:  
 3 1. By striking page 39, line 5, through page 40,  
 4 line 26.  
 5 2. By renumbering as necessary.

HORBACH of Tama

H-1741

- 1 Amend Senate File 478, as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. By striking page 38, line 26, through page 40,
- 4 line 26.
- 5 2. By striking page 80, line 16, through page 81,
- 6 line 31.
- 7 3. By renumbering as necessary.

HORBACH of Tama

H-1742

- 1 Amend Senate File 478, as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. By striking page 38, line 34, through page 39,
- 4 line 4.
- 5 2. By renumbering as necessary.

HORBACH of Tama

H-1743

- 1 Amend Senate File 478, as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. By striking page 80, line 16, through page 81,
- 4 line 31.
- 5 2. By renumbering as necessary.

HORBACH of Tama

H-1744

- 1 Amend Senate File 478, as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. By striking page 38, line 26, through page 39,
- 4 line 4.
- 5 2. By striking page 80, line 16, through page 81,
- 6 line 31.
- 7 3. By renumbering as necessary.

HORBACH of Tama

H-1746

- 1 Amend Senate File 478, as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. By striking page 93, line 18, through page 96,
- 4 line 21.
- 5 2. By renumbering as necessary.

WATTS of Dallas

H-1748

1 Amend Senate File 478, as amended, passed, and  
2 reprinted by the Senate, as follows:

- 3 1. Page 52, by inserting after line 27 the  
4 following:  
5 "Sec. \_\_\_\_\_. Section 455B.198, subsection 1,  
6 paragraph b, Code 2009, is amended to read as follows:  
7 b. The best management practices to address  
8 wastewater discharge. The rules shall provide that  
9 compliance with the best management practices shall be  
10 deemed to satisfy the commission's rules establishing  
11 general water quality criteria applicable to all  
12 surface waters."  
13 2. By renumbering as necessary.

THOMAS of Clayton

H-1750

1 Amend Senate File 478, as amended, passed, and  
2 reprinted by the Senate, as follows:

- 3 1. Page 33, by striking lines 26 through 34 and  
4 inserting the following:  
5 "**NEW SUBSECTION.** 6. The department of revenue  
6 shall issue a quarterly report containing the total  
7 amount of claims made by employers under this section,  
8 and the portion of the claims issued as refunds, for  
9 all claims processed during the previous calendar  
10 quarter, beginning with claims filed on or after July  
11 1, 2009. The report shall be organized according to  
12 the size of the employers making claims as follows:  
13 a. Employers with at least one but not more than  
14 twenty-five employees.  
15 b. Employers with at least twenty-six but not more  
16 than fifty employees.  
17 c. Employers with at least fifty-one but not more  
18 than one hundred employees.  
19 d. Employers with at least one hundred one but not  
20 more than five hundred employees.  
21 e. Employers with at least five hundred one  
22 employees."  
23 2. Page 47, by striking lines 7 through 15 and  
24 inserting the following:  
25 "**NEW SUBSECTION.** 6. The department shall issue a  
26 quarterly report containing the total amount of claims  
27 made by employers under this section and the portion  
28 of the claims issued as refunds, for all claims  
29 processed during the previous calendar quarter,  
30 beginning with claims filed on or after July 1, 2009.  
31 The report shall be organized according to the size of  
32 the employers making claims as follows:

33 a. Employers with at least one but not more than  
 34 twenty-five employees.  
 35 b. Employers with at least twenty-six but not more  
 36 than fifty employees.  
 37 c. Employers with at least fifty-one but not more  
 38 than one hundred employees.  
 39 d. Employers with at least one hundred one but not  
 40 more than five hundred employees.  
 41 e. Employers with at least five hundred one  
 42 employees."  
 43 3. Page 48, by striking lines 20 through 28 and  
 44 inserting the following:  
 45 "NEW PARAGRAPH. h. The department shall issue a  
 46 quarterly report containing the total amount of claims  
 47 made by employers under this subsection and the  
 48 portion of the claims issued as refunds, for all  
 49 claims processed during the previous calendar quarter,  
 50 beginning with claims filed on or after July 1, 2009.

Page 2

1 The report shall be organized according to the size of  
 2 the employers making claims as follows:  
 3 (1) Employers with at least one but not more than  
 4 twenty-five employees.  
 5 (2) Employers with at least twenty-six but not  
 6 more than fifty employees.  
 7 (3) Employers with at least fifty-one but not more  
 8 than one hundred employees.  
 9 (4) Employers with at least one hundred one but  
 10 not more than five hundred employees.  
 11 (5) Employers with at least five hundred one  
 12 employees."  
 13 4. By renumbering as necessary.

THOMAS of Clayton

H-1754

1 Amend Senate File 478, as amended, passed, and  
 2 reprinted by the Senate, as follows:  
 3 1. Page 41, by striking lines 31 through 33 and  
 4 inserting the following: "of their employment. An  
 5 employee of a farm shall not be required to hold a  
 6 license while acting within the scope of their  
 7 employment, as provided in this subsection, when that  
 8 employment includes the installation, modification, or  
 9 repair of equipment which generates, distributes, or  
 10 operates on an electric current of less than four  
 11 hundred amperes. A person shall not be considered an  
 12 employee of a farm for purposes of this subsection if  
 13 that person is engaged in the installation.



14 modification, or repair of equipment which generates,  
 15 distributes, or operates on an electric current of  
 16 four hundred amperes or more."

HUNTER of Polk

H-1756

1 Amend Senate File 478, as amended, passed, and  
 2 reprinted by the Senate, as follows:  
 3 1. Page 56, by striking lines 12 and 13.  
 4 2. Page 56, by striking lines 21 through 25.  
 5 3. By renumbering as necessary.

SWEENEY of Hardin

H-1757

1 Amend Senate File 478, as amended, passed, and  
 2 reprinted by the Senate, as follows:  
 3 1. By striking page 63, line 20, through page 65,  
 4 line 3.  
 5 2. By renumbering as necessary.

R. OLSON of Polk

H-1760

1 Amend Senate File 478, as amended, passed, and  
 2 reprinted by the Senate, as follows:  
 3 1. Page 41, by inserting after line 33 the  
 4 following:  
 5 "Sec. \_\_\_\_ Section 103.22, subsection 7, Code  
 6 2009, is amended to read as follows:  
 7 7. Prohibit an owner of property from performing  
 8 work on the owner's ~~principal~~ residence, if such  
 9 residence ~~is an existing dwelling rather than new~~  
 10 ~~construction and~~ is not an apartment that is attached  
 11 to any other apartment or building, as those terms are  
 12 defined in section 499B.2, and is not larger than a  
 13 single-family dwelling, or farm property, excluding  
 14 commercial or industrial installations or  
 15 installations in public use buildings or facilities,  
 16 or require such owner to be licensed under this  
 17 chapter. ~~In order to qualify for inapplicability~~  
 18 ~~pursuant to this subsection, a residence shall qualify~~  
 19 ~~for the homestead tax exemption."~~  
 20 2. By renumbering as necessary.

ROBERTS of Carroll

H-1766

- 1 Amend Senate File 478, as amended, passed, and  
 2 reprinted by the Senate, as follows:  
 3 1. Page 33, by striking lines 24 through 34.  
 4 2. Page 47, by striking lines 5 through 15.  
 5 3. Page 48, by striking lines 18 through 28.  
 6 4. By renumbering as necessary.

THOMAS of Clayton

H-1768

- 1 Amend House File 807 as follows:  
 2 1. Page 1, by inserting before line 1 the  
 3 following:  
 4 "DIVISION I  
 5 INCOME TAX CHANGES"  
 6 2. Page 7, line 18, by inserting after the word  
 7 "This" the following: "division of this".  
 8 3. Page 7, by inserting before line 21 the  
 9 following:  
 10 "DIVISION II  
 11 COMMERCIAL PROPERTY ASSESSMENT  
 12 Sec. \_\_\_\_ Section 441.21, subsection 5, Code 2009,  
 13 is amended to read as follows:  
 14 5. a. For valuations established as of January 1,  
 15 1979, commercial property and industrial property,  
 16 excluding properties referred to in section 427A.1,  
 17 subsection 8, shall be assessed as a percentage of the  
 18 actual value of each class of property. The  
 19 percentage shall be determined for each class of  
 20 property by the director of revenue for the state in  
 21 accordance with the provisions of this section. For  
 22 valuations established as of January 1, 1979, the  
 23 percentage shall be the quotient of the dividend and  
 24 divisor as defined in this section. The dividend for  
 25 each class of property shall be the total actual  
 26 valuation for each class of property established for  
 27 1978, plus six percent of the amount so determined.  
 28 The divisor for each class of property shall be the  
 29 valuation for each class of property established for  
 30 1978, as reported by the assessors on the abstracts of  
 31 assessment for 1978, plus the amount of value added to  
 32 the total actual value by the revaluation of existing  
 33 properties in 1979 as equalized by the director of  
 34 revenue pursuant to section 441.49. For valuations  
 35 established as of January 1, 1979, property valued by  
 36 the department of revenue pursuant to chapters 428,  
 37 433, 437, and 438 shall be considered as one class of  
 38 property and shall be assessed as a percentage of its  
 39 actual value. The percentage shall be determined by

40 the director of revenue in accordance with the  
41 provisions of this section. For valuations  
42 established as of January 1, 1979, the percentage  
43 shall be the quotient of the dividend and divisor as  
44 defined in this section. The dividend shall be the  
45 total actual valuation established for 1978 by the  
46 department of revenue, plus ten percent of the amount  
47 so determined. The divisor for property valued by the  
48 department of revenue pursuant to chapters 428, 433,  
49 437, and 438 shall be the valuation established for  
50 1978, plus the amount of value added to the total

Page 2

1 actual value by the revaluation of the property by the  
2 department of revenue as of January 1, 1979. For  
3 valuations established as of January 1, 1980,  
4 commercial property and industrial property, excluding  
5 properties referred to in section 427A.1, subsection  
6 8, shall be assessed at a percentage of the actual  
7 value of each class of property. The percentage shall  
8 be determined for each class of property by the  
9 director of revenue for the state in accordance with  
10 the provisions of this section. For valuations  
11 established as of January 1, 1980, the percentage  
12 shall be the quotient of the dividend and divisor as  
13 defined in this section. The dividend for each class  
14 of property shall be the dividend as determined for  
15 each class of property for valuations established as  
16 of January 1, 1979, adjusted by the product obtained  
17 by multiplying the percentage determined for that year  
18 by the amount of any additions or deletions to actual  
19 value, excluding those resulting from the revaluation  
20 of existing properties, as reported by the assessors  
21 on the abstracts of assessment for 1979, plus four  
22 percent of the amount so determined. The divisor for  
23 each class of property shall be the total actual value  
24 of all such property in 1979, as equalized by the  
25 director of revenue pursuant to section 441.49, plus  
26 the amount of value added to the total actual value by  
27 the revaluation of existing properties in 1980. The  
28 director shall utilize information reported on the  
29 abstracts of assessment submitted pursuant to section  
30 441.45 in determining such percentage. For valuations  
31 established as of January 1, 1980, property valued by  
32 the department of revenue pursuant to chapters 428,  
33 433, 437, and 438 shall be assessed at a percentage of  
34 its actual value. The percentage shall be determined  
35 by the director of revenue in accordance with the  
36 provisions of this section. For valuations  
37 established as of January 1, 1980, the percentage  
38 shall be the quotient of the dividend and divisor as

39 defined in this section. The dividend shall be the  
40 total actual valuation established for 1979 by the  
41 department of revenue, plus eight percent of the  
42 amount so determined. The divisor for property valued  
43 by the department of revenue pursuant to chapters 428,  
44 433, 437, and 438 shall be the valuation established  
45 for 1979, plus the amount of value added to the total  
46 actual value by the revaluation of the property by the  
47 department of revenue as of January 1, 1980. For  
48 valuations established as of January 1, 1981, and each  
49 year thereafter, the percentage of actual value as  
50 equalized by the director of revenue as provided in

Page 3

1 section 441.49 at which commercial property and  
2 industrial property, excluding properties referred to  
3 in section 427A.1, subsection 8, shall be assessed  
4 shall be calculated in accordance with the methods  
5 provided herein, except that any references to six  
6 percent in this subsection shall be four percent. For  
7 valuations established as of January 1, 1981, and each  
8 year thereafter, the percentage of actual value at  
9 which property valued by the department of revenue  
10 pursuant to chapters 428, 433, 437, and 438 shall be  
11 assessed shall be calculated in accordance with the  
12 methods provided herein, except that any references to  
13 ten percent in this subsection shall be eight percent.  
14 Beginning with valuations established as of January 1,  
15 1979, and each year thereafter, property valued by the  
16 department of revenue pursuant to chapter 434 shall  
17 also be assessed at a percentage of its actual value  
18 which percentage shall be equal to the percentage  
19 determined by the director of revenue for commercial  
20 property, industrial property, or property valued by  
21 the department of revenue pursuant to chapters 428,  
22 433, 437, and 438, whichever is lowest.

23 b. (1) For the assessment year beginning January  
24 1, 2009, the percentage of actual value, as equalized  
25 by the director of revenue as provided in section  
26 441.49, at which commercial property is assessed shall  
27 be the percentage of actual value determined in  
28 paragraph "a" of this subsection minus one percentage  
29 point.

30 (2) For the assessment year beginning January 1,  
31 2010, the percentage of actual value, as equalized by  
32 the director of revenue as provided in section 441.49,  
33 at which commercial property is assessed shall be the  
34 percentage of actual value determined in paragraph "a"  
35 of this subsection minus two percentage points.

36 (3) For the assessment year beginning January 1,  
37 2011, the percentage of actual value, as equalized by

38 the director of revenue as provided in section 441.49,  
 39 at which commercial property is assessed shall be the  
 40 percentage of actual value determined in paragraph "a"  
 41 of this subsection minus three percentage points.  
 42 (4) For the assessment year beginning January 1,  
 43 2012, the percentage of actual value, as equalized by  
 44 the director of revenue as provided in section 441.49,  
 45 at which commercial property is assessed shall be the  
 46 percentage of actual value determined in paragraph "a"  
 47 of this subsection minus four percentage points.  
 48 (5) For the assessment year beginning January 1,  
 49 2013, and for each assessment year thereafter, the  
 50 percentage of actual value, as equalized by the

Page 4

1 director of revenue as provided in section 441.49, at  
 2 which commercial property is assessed shall be the  
 3 percentage of actual value determined in paragraph "a"  
 4 of this subsection minus five percentage points.  
 5 Sec.\_\_\_\_. RETROACTIVE APPLICABILITY. This  
 6 division of this Act applies retroactively to January  
 7 1, 2009, for assessment years beginning on or after  
 8 that date."  
 9 4. Title page, line 1, by inserting after the  
 10 words "relating to" the following: "taxation by  
 11 providing for a commercial property assessment  
 12 adjustment and making changes to".  
 13 5. By renumbering as necessary.

JACOBY of Johnson

H-1769

1 Amend Senate File 478, as amended, passed, and  
 2 reprinted by the Senate, as follows:  
 3 1. Page 50, by inserting after line 11 the  
 4 following:  
 5 "Sec.\_\_\_\_. Section 423A.2, subsection 3, Code  
 6 2009, is amended to read as follows:  
 7 3. "Lodging" means rooms, apartments, or sleeping  
 8 quarters in a hotel, motel, inn, public lodging house,  
 9 rooming house, or manufactured or mobile home which is  
 10 tangible personal property, or in a tourist court, or  
 11 in any place where sleeping accommodations are  
 12 furnished to transient guests for rent, whether with  
 13 or without meals. Lodging does not include rooms that  
 14 are not used for sleeping accommodations."  
 15 2. By renumbering as necessary.

SHOMSHOR of Pottawattamie

H-1770

1 Amend Senate File 478, as amended, passed, and  
 2 reprinted by the Senate, as follows:  
 3 1. Page 41, line 28, by striking the word  
 4 "farms," and inserting the following: "farms when  
 5 installation, modification, or repair of equipment  
 6 which generates, distributes, or operates on an  
 7 electric current of less than four hundred amperes is  
 8 involved,".

HUNTER of Polk

H-1775

1 Amend Senate File 478, as amended, passed, and  
 2 reprinted by the Senate, as follows:  
 3 1. Page 41, by striking lines 8 through 15.  
 4 2. By renumbering as necessary.

REICHERT of Muscatine

H-1776

1 Amend Senate File 478, as amended, passed, and  
 2 reprinted by the Senate, as follows:  
 3 1. Page 29, by inserting after line 7 the  
 4 following:  
 5 "Sec.\_\_\_\_. Section 321J.12, subsection 2,  
 6 paragraph d, Code 2009, is amended to read as follows:  
 7 d. A person whose license or privileges have been  
 8 revoked under subsection 1, paragraph "b", for one  
 9 year shall not be eligible for any temporary  
 10 restricted license for forty-five days after the  
 11 effective date of the revocation if the person has had  
 12 one previous revocation under this chapter, or for one  
 13 year after the effective date of the revocation,~~and~~  
 14 ~~the~~ if the person has had more than one previous  
 15 revocation under this chapter. The person shall be  
 16 ordered to install an ignition interlock device of a  
 17 type approved by the commissioner of public safety on  
 18 all vehicles owned or operated by the defendant if the  
 19 defendant seeks a temporary restricted license at the  
 20 end of the minimum period of ineligibility. A  
 21 temporary restricted license shall not be granted by  
 22 the department until the defendant installs the  
 23 ignition interlock device."  
 24 2. By renumbering as necessary.

KAUFMANN of Cedar  
SWAIM of Davis

H-1777

- 1 Amend Senate File 478, as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. By striking page 89, line 9, through page 91,
- 4 line 12.
- 5 2. By renumbering as necessary.

REICHERT of Muscatine

H-1778

- 1 Amend the Senate amendment, H-1774, to House File
- 2 822, as amended, passed, and reprinted by the House,
- 3 as follows:
- 4 1. By striking page 2, line 18, through page 4,
- 5 line 14.
- 6 2. By renumbering as necessary.

COHOON of Des Moines

H-1779

- 1 Amend Senate File 478, as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 69, by striking line 21 and inserting the
- 4 following: "7,850,000".
- 5 2. Page 69, line 24, by striking the word
- 6 "~~disaster~~" and inserting the following: "disaster
- 7 recovery".
- 8 3. Page 70, by striking lines 2 through 21 and
- 9 inserting the following:
- 10 "Sec.\_\_\_\_. REBUILD IOWA OFFICE – APPROPRIATION.
- 11 1. There is appropriated from the Iowa economic
- 12 emergency fund created in section 8.55 to the rebuild
- 13 Iowa office for the fiscal year beginning July 1,
- 14 2008, and ending June 30, 2009, the following amount,
- 15 or so much thereof as is necessary, to be used for
- 16 purposes of this section:
- 17 ..... \$ 1,150,000
- 18 2. From the moneys appropriated in this section,
- 19 the rebuild Iowa office shall distribute \$1,150,000 to
- 20 cities adversely impacted by tornadoes during the
- 21 incident period identified by Presidential Disaster DR
- 22 1763-IA. The rebuild Iowa office shall distribute
- 23 moneys to all of the following adversely impacted
- 24 political subdivisions:
- 25 a. For Marion county for the benefit of Attica:
- 26 ..... \$ 25,000
- 27 b. For Dunkerton:
- 28 ..... \$ 50,000
- 29 c. For Fairbank:

30	.....	\$	50,000
31	d. For Hazleton:		
32	.....	\$	50,000
33	e. For New Hartford:		
34	.....	\$	200,000
35	f. For Delaware county for the benefit of Oneida:		
36	.....	\$	25,000
37	g. For Parkersburg:		
38	.....	\$	750,000"
39	4. Page 70, line 34, by striking the words		
40	"community recovery centers" and inserting the		
41	following: "area long-term recovery committees".		

T. OLSON of Linn  
GRASSLEY of Butler

H-1780

1 Amend Senate File 478, as amended, passed, and  
2 reprinted by the Senate, as follows:

3 1. Page 29, by inserting after line 14 the  
4 following:

5 "Sec.\_\_\_\_. There is appropriated from the general  
6 fund of the state to the council on homelessness for  
7 the fiscal year beginning July 1, 2009, and ending  
8 June 30, 2010, the following amount, or so much  
9 thereof as is necessary, to be used for the purposes  
10 designated:

11 For the payment of expenses provided under section  
12 16.100A, subsection 6, paragraph "d":

13	.....	\$	5,000
----	-------	----	-------

14 Sec.\_\_\_\_. FARMERS WITH DISABILITIES. There is  
15 appropriated from the general fund of the state to the  
16 department of education, vocational rehabilitation  
17 services division for the fiscal year beginning July  
18 1, 2009, and ending June 30, 2010, the following  
19 amount, or so much thereof as is necessary, to be used  
20 for the purposes designated:

21 For a program for farmers with disabilities:

22	.....	\$	108,000
----	-------	----	---------

23 Moneys appropriated for purposes of this section  
24 shall be used for the public purpose of providing a  
25 grant to a national nonprofit organization with over  
26 80 years of experience in assisting children and  
27 adults with disabilities and special needs. The funds  
28 shall be used for a nationally recognized program that  
29 began in 1986 and has been replicated in at least 30  
30 other states, but which is not available through any  
31 other entity in this state, that provides assistance  
32 to farmers with disabilities in all 99 counties to  
33 allow the farmers to remain in their own homes and be  
34 gainfully engaged in farming through provision of



35 agricultural worksite and home modification  
36 consultations, peer support services, services to  
37 families, information and referral, and equipment loan  
38 services."

39 2. Page 33, by striking lines 24 through 34.

40 3. By striking page 35, line 21, through page 38,  
41 line 10.

42 4. Page 43, by inserting after line 14 the  
43 following:

44 "Sec. \_\_\_\_\_. Section 216B.5, Code 2009, is amended  
45 to read as follows:

46 216B.5 DIRECTOR – COMMISSION EMPLOYEES.

47 1. The commission may employ staff who shall be  
48 qualified by experience to assume the responsibilities  
49 of the offices.

50 2. The governor shall appoint a director of the

Page 2

1 department for the blind subject to confirmation by  
2 the senate. The director shall possess a background  
3 in administrative experience and in programs and  
4 services for persons who are blind and shall serve at  
5 the pleasure of the governor. The director shall be  
6 the administrative officer of the commission and shall  
7 be responsible for implementing policy set by the  
8 commission. The director shall carry out programs and  
9 policies as determined by the commission.

10 Sec. \_\_\_\_\_. NEW SECTION. 261.4A DIRECTOR OF THE  
11 COMMISSION.

12 The governor shall appoint a director of the  
13 college student aid commission subject to confirmation  
14 by the senate. The director shall possess a  
15 background in student financial aid and administrative  
16 experience and shall serve at the pleasure of the  
17 governor."

18 5. Page 44, by striking lines 20 through 24.

19 6. Page 47, by striking lines 5 through 15.

20 7. Page 48, by striking lines 18 through 28.

21 8. Page 50, by inserting after line 11 the  
22 following:

23 "Sec. \_\_\_\_\_. Section 423A.2, subsection 3, Code  
24 2009, is amended to read as follows:

25 3. "Lodging" means rooms, apartments, or sleeping  
26 quarters in a hotel, motel, inn, public lodging house,  
27 rooming house, or manufactured or mobile home which is  
28 tangible personal property, or in a tourist court, or  
29 in any place where sleeping accommodations are  
30 furnished to transient guests for rent, whether with  
31 or without meals. Lodging does not include rooms that  
32 are not used for sleeping accommodations."

33 9. Page 53, by striking lines 25 through 28.

- 34 10. Page 57, by striking line 26 and inserting
- 35 the following:
- 36 "..... \$ 225,602"
- 37 11. By striking page 63, line 20, through page
- 38 65, line 3.
- 39 12. By striking page 66, line 5, through page 68,
- 40 line 19.
- 41 13. Page 70, line 34, by striking the words
- 42 "community recovery centers" and inserting the
- 43 following: "area long-term recovery committees".
- 44 14. Page 71, line 35, by inserting after the word
- 45 "for" the following: "medically necessary".
- 46 15. Page 72, line 6, by inserting after the word
- 47 "Such" the following: "medically necessary".
- 48 16. Page 96, by striking lines 7 through 18.
- 49 17. By renumbering as necessary.

OLDSON of Polk

H-1781

- 1 Amend House File 820, as amended, passed, and
- 2 reprinted by the House, as follows:
- 3 1. Page 27, by inserting after line 30 the
- 4 following:
- 5 "aa. For distribution to school districts for
- 6 professional development related to implementation of
- 7 the model core curriculum adopted by the state board
- 8 of education in accordance with section 256.7,
- 9 subsection 26, and implemented in accordance with
- 10 section 280.3, subsection 3:
- 11 ..... \$ 2,000,000
- 12 (1) The department of education shall distribute
- 13 funds appropriated in this lettered paragraph for the
- 14 purpose of this lettered paragraph based on the
- 15 average per diem contract salary for each district as
- 16 reported to the department for the school year
- 17 beginning July 1, 2008, multiplied by the total number
- 18 of full-time equivalent teachers in the base year.
- 19 These funds shall not supplant existing funding for
- 20 professional development activities.
- 21 (2) Notwithstanding any provision to the contrary,
- 22 moneys received by a school district under this
- 23 lettered paragraph shall not revert but shall remain
- 24 available for the same purpose in the succeeding
- 25 fiscal year.
- 26 (3) A school district shall submit a report to the
- 27 department of education in a manner determined by the
- 28 department describing its use of the funds received
- 29 under this lettered paragraph. The department shall
- 30 submit a report on school district use of the moneys
- 31 distributed pursuant to this lettered paragraph to the

32 department of management and the legislative services  
 33 agency not later than January 15 of the fiscal year  
 34 for which moneys are allocated for purposes of this  
 35 lettered paragraph.

36 aaa. For instructional support state aid under  
 37 section 257.20, for the fiscal year beginning July 1,  
 38 2009, in lieu of the appropriation made in section  
 39 257.20, subsection 2:

40 ..... \$ 13,103,950

41 Notwithstanding section 257.20, subsection 3, the  
 42 appropriation made in this lettered paragraph shall be  
 43 allocated in the same manner as the allocation of the  
 44 appropriation was made for the same purpose in the  
 45 previous fiscal year."

46 2. Page 28, by striking lines 16 and 17 and  
 47 inserting the following:

48 "b. For the department of inspections and appeals,  
 49 for health facility and dependent adult-related  
 50 investigations:

Page 2

1 ..... \$ 400,000"

2 3. Page 28, line 19, by striking the figure  
 3 "100,000" and inserting the following: "200,000".

4 4. Page 29, line 1, by striking the figure  
 5 "3,206,000" and inserting the following: "4,347,000".

6 5. Page 29, line 3, by striking the figure  
 7 "119,000" and inserting the following: "931,000".

8 6. Page 29, line 5, by striking the figure  
 9 "504,000" and inserting the following: "2,030,000".

10 7. Page 29, line 7, by striking the figure  
 11 "301,000" and inserting the following: "1,029,000".

12 8. Page 29, line 10, by striking the figure  
 13 "189,000" and inserting the following: "903,000".

14 9. Page 29, line 13, by striking the figure  
 15 "63,000" and inserting the following: "301,000".

16 10. Page 29, line 16, by striking the figure  
 17 "1,862,000" and inserting the following: "2,506,000".

18 11. Page 29, line 19, by striking the figure  
 19 "266,000" and inserting the following: "679,000".

20 12. Page 29, line 22, by striking the figure  
 21 "280,000" and inserting the following: "1,064,000".

22 13. Page 29, by inserting after line 24 the  
 23 following:

24 "4A. From funding designated for government  
 25 stabilization, for the department of public defense  
 26 for the military division:

27 ..... \$ 18,000

28 4B. From funding designated for government  
 29 stabilization, for the department of public safety:

30 ..... \$ 75,000

31 4C. From funding designated for government  
 32 stabilization, for the department of public health:  
 33 a. For elderly wellness:  
 34 ..... \$ 700,000  
 35 b. For community capacity:  
 36 ..... \$ 500,000  
 37 c. For resource management, to be allocated to the  
 38 areas of greatest need:  
 39 ..... \$ 1,800,000"  
 40 14. Page 30, line 31, by striking the figure  
 41 "605,596" and inserting the following: "680,596".  
 42 15. Page 30, by inserting after line 35 the  
 43 following:  
 44 "h. For child and family services:  
 45 ..... \$ 2,500,000  
 46 Of the amount appropriated in this lettered  
 47 paragraph, \$500,000 shall be used for additional  
 48 funding of shelter care."  
 49 16. Page 38, by inserting after line 19 the  
 50 following:

Page 3

1 "Sec.\_\_\_\_. 2009 Iowa Acts, Senate File 376,  
 2 section 13, subsection 5, unnumbered paragraph 1, if  
 3 enacted, is amended to read as follows:  
 4 For ~~public~~ broadband technology grants for the  
 5 deployment and sustainability of high-speed broadband  
 6 access:  
 7 ..... \$ 25,000,000"  
 8 17. By renumbering, relettering, or redesignating  
 9 and correcting internal references as necessary.

SENATE AMENDMENT

H-1782

1 Amend Senate File 478, as amended, passed, and  
 2 reprinted by the Senate, as follows:  
 3 1. Page 71, by inserting before line 29 the  
 4 following:  
 5 "Sec.\_\_\_\_. RISK POOL – FISCAL YEAR 2009-2010.  
 6 For purposes of the timeframes for applying for and  
 7 receiving risk pool assistance under section 426B.5,  
 8 for the fiscal year beginning July 1, 2009,  
 9 notwithstanding contrary provisions of section 426B.5,  
 10 subsection 2, a county must apply to the risk pool  
 11 board for assistance from the risk pool on or before  
 12 July 1, 2009. The risk pool board shall make its  
 13 final decisions on or before August 15, 2009,  
 14 regarding acceptance or rejection of the applications  
 15 for assistance and the total amount of assistance

16 applied for and approved shall be considered  
 17 obligated. The department of human services shall  
 18 authorize the issuance of warrants payable to the  
 19 county treasurer for the amounts due and the warrants  
 20 shall be issued on or before September 15, 2009."  
 21 2. By renumbering as necessary.

OLDSON of Polk

H-1783

1 Amend the Senate amendment, H-1781, to House File  
 2 820, as amended, passed, and reprinted by the House,  
 3 as follows:  
 4 1. Page 2, line 27, by striking the figure  
 5 "18,000" and inserting the following: "180,000".  
 6 2. Page 2, line 30, by striking the figure  
 7 "75,000" and inserting the following: "750,000".

WENTHE of Fayette

H-1784

1 Amend Senate File 478, as amended, passed, and  
 2 reprinted by the Senate, as follows:  
 3 1. Page 96, by inserting after line 21 the  
 4 following:  
 5 "DIVISION \_\_\_\_\_  
 6 REPORTS OF REFUND CLAIMS  
 7 Sec.\_\_\_\_. Section 15.335, Code 2009, is amended by  
 8 adding the following new subsection:  
 9 NEW SUBSECTION. 6. The department of revenue  
 10 shall by February 15 of each year issue an annual  
 11 report to the general assembly containing the total  
 12 amount of all claims made by employers under this  
 13 section, and the portion of the claims issued as  
 14 refunds, for all claims processed during the previous  
 15 calendar year, beginning with claims filed on or after  
 16 January 1, 2009. The report shall contain the name of  
 17 each claimant for whom a tax credit in excess of five  
 18 hundred thousand dollars was issued and the amount of  
 19 the credit received.  
 20 Sec.\_\_\_\_. Section 422.10, Code 2009, is amended by  
 21 adding the following new subsection:  
 22 NEW SUBSECTION. 6. The department shall by  
 23 February 15 of each year issue an annual report to the  
 24 general assembly containing the total amount of all  
 25 claims made by employers under this section and the  
 26 portion of the claims issued as refunds, for all  
 27 claims processed during the previous calendar year,  
 28 beginning with claims filed on or after January 1,  
 29 2009. The report shall contain the name of each

30 claimant for whom a tax credit in excess of five  
 31 hundred thousand dollars was issued and the amount of  
 32 the credit received.  
 33 Sec. \_\_. Section 422.33, Code 2009, subsection 5,  
 34 is amended by adding the following new paragraph:  
 35 NEW PARAGRAPH. h. The department shall by  
 36 February 15 of each year issue an annual report to the  
 37 general assembly containing the total amount of all  
 38 claims made by employers under this subsection and the  
 39 portion of the claims issued as refunds, for all  
 40 claims processed during the previous calendar year,  
 41 beginning with claims filed on or after January 1,  
 42 2009. The report shall contain the name of each  
 43 claimant for whom a tax credit in excess of five  
 44 hundred thousand dollars was issued and the amount of  
 45 the credit received."  
 46 2. By renumbering as necessary.

THOMAS of Clayton

H-1785

1 Amend Senate File 478, as amended, passed, and  
 2 reprinted by the Senate, as follows:  
 3 1. Page 31, by inserting after line 28 the  
 4 following:  
 5 "Sec. \_\_. DEPARTMENT OF REVENUE. There is  
 6 appropriated from the general fund of the state to the  
 7 department of revenue for the fiscal year beginning  
 8 July 1, 2009, and ending June 30, 2010, the following  
 9 amount, or so much thereof as is necessary, to be used  
 10 for the purposes designated:  
 11 For salaries, support, maintenance, and  
 12 miscellaneous purposes:  
 13 ..... \$ 2,500,000  
 14 Sec. \_\_. GOVERNOR AND LIEUTENANT GOVERNOR. There  
 15 is appropriated from the general fund of the state to  
 16 the offices of the governor and the lieutenant  
 17 governor for the fiscal year beginning July 1, 2009,  
 18 and ending June 30, 2010, the following amount, or so  
 19 much thereof as is necessary, to be used for the  
 20 purposes designated:  
 21 For salaries, support, maintenance, and  
 22 miscellaneous purposes for the general office of the  
 23 governor and the general office of the lieutenant  
 24 governor:  
 25 ..... \$ 400,000  
 26 Sec. \_\_. WORKFORCE DEVELOPMENT-FIELD OFFICES.  
 27 There is appropriated from the special employment  
 28 security contingency fund to the department of  
 29 workforce development for the fiscal year beginning  
 30 July 1, 2009, and ending June 30, 2010, the following

31 amount, or so much thereof as is necessary, to be used  
 32 for the purposes designated:  
 33 For field offices:  
 34 ..... \$ 360,000  
 35 Sec.\_\_\_\_. IOWA POWER FUND. There is appropriated  
 36 from the general fund of the state to the office of  
 37 energy independence for the fiscal year beginning July  
 38 1, 2009, and ending June 30, 2010, the following  
 39 amount, or so much thereof as is necessary, to be used  
 40 for the purposes designated:  
 41 For deposit in the Iowa power fund:  
 42 ..... \$ 4,000,000  
 43 Sec.\_\_\_\_. COMMERCIAL SERVICE AIRPORTS. There is  
 44 appropriated from the general fund of the state to the  
 45 department of transportation for the fiscal year  
 46 beginning July 1, 2009, and ending June 30, 2010, the  
 47 following amount, or so much thereof as is necessary,  
 48 to be used for the purposes designated:  
 49 For infrastructure improvements at the commercial  
 50 service airports within the state:

Page 2

1 ..... \$ 1,500,000  
 2 Fifty percent of the moneys appropriated in this  
 3 section shall be allocated equally between each  
 4 commercial air service airport, 40 percent of the  
 5 moneys shall be allocated based on the percentage that  
 6 the number of enplaned passengers at each commercial  
 7 air service airport bears to the total number of  
 8 enplaned passengers in the state during the previous  
 9 fiscal year, and 10 percent of the moneys shall be  
 10 allocated based on the percentage that the air cargo  
 11 tonnage at each commercial air service airport bears  
 12 to the total air cargo tonnage in the state during the  
 13 previous fiscal year. In order for a commercial air  
 14 service airport to receive funding under this section,  
 15 the airport shall be required to submit applications  
 16 for funding of specific projects to the department for  
 17 approval by the state transportation commission.  
 18 Sec.\_\_\_\_. JOBS FOR AMERICA'S GRADUATES. There is  
 19 appropriated from the general fund of the state to the  
 20 department of education for the fiscal year beginning  
 21 July 1, 2009, and ending June 30, 2010, the following  
 22 amount, or so much thereof as is necessary, to be used  
 23 for the purposes designated:  
 24 For school districts to provide direct services to  
 25 the most at-risk senior high school students enrolled  
 26 in school districts through direct intervention by a  
 27 jobs for America's graduates specialist:  
 28 ..... \$ 600,000  
 29 Sec.\_\_\_\_. EMPLOYEE MISCLASSIFICATION PROGRAM –

30 GENERAL FUND. There is appropriated from the general  
 31 fund of the state to the department of workforce  
 32 development for the fiscal year beginning July 1,  
 33 2009, and ending June 30, 2010, the following amount,  
 34 or so much thereof as is necessary, to be used for the  
 35 purposes designated:  
 36 For enhancing efforts to investigate employers that  
 37 misclassify workers:  
 38 ..... \$ 500,000  
 39 Sec.\_\_\_\_. EMPLOYEE MISCLASSIFICATION PROGRAM –  
 40 SPECIAL EMPLOYMENT SECURITY CONTINGENCY FUND. For the  
 41 fiscal year beginning July 1, 2009, and ending June  
 42 30, 2010, the department of workforce development may  
 43 use up to \$250,000 from the employment security  
 44 contingency fund for enhancing efforts to investigate  
 45 employers that misclassify workers.  
 46 Sec.\_\_\_\_. INDIGENT DEFENSE PROGRAM. There is  
 47 appropriated from the general fund of the state to the  
 48 office of state public defender of the department of  
 49 inspections and appeals for the fiscal year beginning  
 50 July 1, 2008, and ending June 30, 2009, the following

Page 3

1 amount, or so much thereof as is necessary, for the  
 2 purposes designated:  
 3 For the indigent defense program:  
 4 ..... \$ 2,200,000  
 5 Sec.\_\_\_\_. EFFECTIVE DATE. The section of this  
 6 division of this Act, relating to an appropriation to  
 7 the office of state public defender of the department  
 8 of inspections and appeals, being deemed of immediate  
 9 importance, takes effect upon enactment."  
 10 2. Page 54, by inserting after line 10 the  
 11 following:  
 12 "Sec.\_\_\_\_. 2009 Iowa Acts, House File 809, if  
 13 enacted, is amended by adding the following new  
 14 section:  
 15 Sec.\_\_\_\_. NEW SECTION. FUTURE REPEAL OF  
 16 DEPARTMENT OF COMMERCE REVOLVING FUND – COMPLIANCE.  
 17 1. Division VIII of this Act, relating to the  
 18 creation of a department of commerce revolving fund,  
 19 is repealed July 1, 2011. The Code editor shall  
 20 restore the language in the sections of the Code of  
 21 Iowa amended by the division to the language present  
 22 in those sections in the 2009 Code of Iowa.  
 23 2. The divisions of the department of commerce  
 24 shall comply with appropriate provisions of section  
 25 8.31 and with directions by the governor to executive  
 26 branch departments regarding restrictions on  
 27 out-of-state travel, hiring justifications,  
 28 association memberships, equipment purchases,



29 consulting contracts, and any other expenditure  
 30 efficiencies that the governor deems appropriate."

31 3. Page 80, by inserting after line 8 the  
 32 following:

33 "Sec.\_\_\_\_. 2008 Iowa Acts, chapter 1178, section  
 34 18, is amended by adding the following new subsection:  
 35 NEW SUBSECTION. 7. Notwithstanding section 8.33,  
 36 moneys appropriated in this section that remain  
 37 unencumbered or unobligated at the close of the fiscal  
 38 year shall not revert but shall remain available for  
 39 expenditure for the purposes designated until the  
 40 close of the succeeding fiscal year."

41 4. By striking page 89, line 9, through page 90,  
 42 line 30, and inserting the following:

43 "Sec.\_\_\_\_. Section 483A.1, subsection 2,  
 44 paragraphs c, d, e, f, and g, Code 2009, are amended  
 45 to read as follows:

46 c. Hunting license, eighteen years of	
47 age or older .....	\$ 80.00
48 .....	<u>110.00</u>
49 d. Hunting license, under eighteen	
50 years of age .....	\$ 30.00

Page 4

1 e. Deer hunting license, antlered or	
2 any sex deer .....	\$220.00
3 .....	<u>295.00</u>
4 f. Deer hunting license, antlerless	
5 deer only, required with the purchase	
6 of an antlered or any sex deer hunting	
7 license .....	\$100.00
8 .....	<u>125.00</u>
9 g. Deer hunting license, antlerless	
10 deer only .....	\$150.00
11 .....	<u>225.00</u>

12 Sec.\_\_\_\_. Section 483A.1, subsection 2, Code 2009,  
 13 is amended by adding the following new paragraph:

14 NEW PARAGRAPH. gg. Holiday deer hunting license  
 15 issued under section 483A.8, subsection 6,  
 16 antlerless deer only..... \$ 75.00"

17 5. By renumbering as necessary.

**RESOLUTIONS ADOPTED**

Resolutions adopted during the Eightieth-third General Assembly, 2009 Session, not otherwise printed in the House Journal.

1                   House Concurrent Resolution 7  
2                   By McCarthy and Paulsen  
3    A concurrent resolution relating to Pioneer Lawmakers.  
4    *Whereas*, The Eighty-third General Assembly is advised of a  
5    meeting of the Pioneer Lawmakers Association to be held  
6    Wednesday, April 1, 2009, and  
7    *Whereas*, The Pioneer Lawmakers request the opportunity to met  
8    formally with the General Assembly; *Now Therefore*,  
9    *Be it Resolved by the House of Representatives, the Senate*  
10 *Concurring*, That the General Assembly meet in joint session in  
11 the House Chamber on Wednesday, April 1, 2009, at 2:00 p.m. and  
12 that the Pioneer Lawmakers be invited to attend and present a  
13 program on that occasion, and that the Speaker of the House of  
14 Representatives and the President of the Senate be designated to  
15 deliver the invitation to them.

HCR 8 filed March 5, 2009; House Adopted April 1, 2009.

1                   House Resolution 3  
2                   By Murphy and Paulsen  
3    A resolution honoring the life and memory of former  
4    Representative and Senator Mary Lundby.  
5    *Whereas*, it is with sorrow and respect that the  
6    House of Representatives notes the passing of former  
7    Representative and Senator Mary Lundby; and  
8    *Whereas*, Mary Lundby came to the House of  
9    Representatives in 1986, beginning a 22-year  
10 legislative career; and  
11 *Whereas*, Ms. Lundby, a diligent and thoughtful  
12 legislator, took her obligations to the people of Iowa  
13 seriously, but never held herself above or apart from  
14 others; and  
15 *Whereas*, her legislative skills were recognized  
16 early and often, and over two decades she chaired or  
17 co-chaired a variety of committees and was the first  
18 woman elected Speaker Pro Tempore in the House of  
19 Representatives and the first woman chosen Co-Majority  
20 Leader of the Senate; and  
21 *Whereas*, as her health failed, Ms. Lundby met this  
22 new challenge with both determination and dignity, and  
23 finally with a sense of grace and peace; and  
24 *Whereas*, on Saturday, January 17, 2009, Mary Lundby  
25 passed away, but her lifetime of accomplishments and  
26 her wit and wisdom remain her enduring legacy; *Now*  
27 *Therefore*,

28 *Be it Resolved by the House of Representatives,*  
29 That the House of Representatives rises to honor the  
30 life and memory of former Representative and Senator

Page 2

1 Mary Lundby and to celebrate her work on behalf of the  
2 people of Iowa.

HR 3 filed January 22, 2009; House Adopted January 22, 2009.

1 House Resolution 4  
2 By Murphy and Paulsen  
3 A resolution to honor the memory of former Representative  
4 Rosemary Thomson.  
5 *Whereas*, Rosemary Thomson came to the House of  
6 Representatives in 1995 with an extensive background  
7 in education; and  
8 *Whereas*, with the experience and knowledge of a  
9 career educator and substance abuse prevention  
10 specialist, Representative Thomson served as the  
11 Vice-chair of the Committee on Education; and  
12 *Whereas*, in her years at the General Assembly,  
13 Representative Thomson also served on the Committees  
14 on Economic Development, Environmental Protection,  
15 Human Resources, Judiciary, Natural Resources, and  
16 State Government, and the Health and Human Rights  
17 Appropriations Subcommittee; and  
18 *Whereas*, her dedication to public education won her  
19 the respect of her legislative colleagues and  
20 constituents alike; *Now Therefore*,  
21 *Be it Resolved by the House of Representatives,*  
22 That the House of Representatives rises to honor the  
23 life and memory of Rosemary Thomson and to celebrate  
24 her work on behalf of the people of Iowa.

HR 4 filed January 27, 2009; House Adopted January 28, 2009.

1 House Resolution 5  
2 By Reichert, Cohoon, Jacoby, and Struyk  
3 A resolution to recognize the Iowa Small Business  
4 Development Centers and honor 2008 award winners  
5 Sally Nichols and John Lohman.  
6 *Whereas*, since 1981, the Iowa Small Business  
7 Development Centers have provided expert and  
8 confidential business counseling services and training  
9 workshops to entrepreneurs in all 99 Iowa counties;  
10 and  
11 *Whereas*, the Iowa Small Business Development  
12 Centers provide a wide variety of services to foster  
13 the growth of Iowa business, including one-to-one

14 professional business counseling; learning  
 15 opportunities – workshops, courses and classes,  
 16 internet-based learning, telephone and e-based  
 17 contact, and print and electronic materials; resource  
 18 connections – financing sources, state and federal  
 19 programs, associations, databases, local and regional  
 20 programs, host institutions, and communities; and  
 21 specialty programs and assistance – business  
 22 succession, market research, strategic planning,  
 23 MyEntreNet, introduction to international business,  
 24 and community building; and  
 25 *Whereas*, the Iowa Small Business Development  
 26 Centers have announced the 2008 award winners for its  
 27 two special entrepreneur of the year awards; and  
 28 *Whereas*, Sally Nichols is the 2008 Deb Dalziel  
 29 Woman Entrepreneur Achievement Award winner, an award  
 30 which honors an Iowa woman entrepreneur who has

Page 2

1 significantly changed or improved her life and the  
 2 lives of others; and  
 3 *Whereas*, John Lohman has been selected to receive  
 4 the Neal Smith Entrepreneur of the Year Award, an  
 5 award named in honor of the long-serving Iowa  
 6 congressman, given to an Iowa entrepreneur who has  
 7 been in business a minimum of three years and has been  
 8 significantly assisted by an Iowa Small Business  
 9 Development Center; *Now Therefore*,  
 10 *Be it Resolved by the House of Representatives*,  
 11 That the House of Representatives honors award winners  
 12 Sally Nichols and John Lohman and congratulates them  
 13 on their success, and recognizes and expresses its  
 14 thanks to the Iowa Small Business Development Centers  
 15 for their ongoing work in making Iowa a better place  
 16 to live and work.

HR 5 filed January 28, 2009; House Adopted January 29, 2009.

1 House Resolution 6  
 2 By Whitead, Smith, Whitaker, Bukta, Lykam,  
 3 Ford, Frevert, Reichert, Thede, Cohoon,  
 4 Berry, and Heddens  
 5 A resolution urging implementation of disability-friendly  
 6 principles for Iowa's health care coverage system.  
 7 *Whereas*, a higher proportion of working adult  
 8 Iowans with disabilities do not have health care  
 9 coverage as compared with the general population of  
 10 Iowans; and  
 11 *Whereas*, the lack of portability in health  
 12 insurance benefits often results in persons with  
 13 disabilities either being forced to remain in jobs to

14 retain health care coverage or to deliberately become  
15 impoverished to become eligible for publicly funded  
16 health care coverage; and  
17 *Whereas*, as the average age of Iowans continues to  
18 rise and health care coverage requirements become more  
19 restrictive, many more Iowans are likely to either  
20 become afflicted with a disability or otherwise  
21 experience health care coverage problems now  
22 experienced by persons with disabilities; and  
23 *Whereas*, as the needs and challenges relating to  
24 health care coverage have become increasingly  
25 difficult to address, it is essential to adopt a set  
26 of principles for the governor, the general assembly,  
27 other policymakers, and businesses to apply in  
28 addressing health care coverage needs of persons with  
29 disabilities and other Iowans; *Now Therefore*,  
30 *Be It Resolved by the House of Representatives*,

Page 2

1 That the governor, the general assembly, other  
2 policymakers, and businesses are urged to apply all of  
3 the following principles in addressing the health care  
4 coverage needs of persons with disabilities and other  
5 Iowans:  
6 1. An individual is able to maintain stable health  
7 care coverage despite changes in employment or  
8 accumulation of personal assets so that working adults  
9 with or without disabilities are not dropped from  
10 coverage due to the extent of a disability or the  
11 amount of service usage;  
12 2. Health care coverage is available to  
13 individuals at an affordable cost by using various  
14 cost-control strategies which may include pooling to  
15 share risks and costs over very large groups of  
16 individuals and the pools include both those who are  
17 generally healthy and those who have disabilities;  
18 3. An individual's contributions for the cost of  
19 health care coverage are based upon both the  
20 individual's ability to pay and the extent of the  
21 applicable employer or public contribution to the  
22 cost;  
23 4. Health care coverage is made both physically  
24 and cognitively accessible for all Iowans and the use  
25 of limitation measures such as exclusions of  
26 preexisting conditions is curtailed;  
27 5. The range of available health care coverage is  
28 made broad enough to cover an appropriate range of  
29 benefits, including but not limited to medications,  
30 mental health treatment, preventive services, personal

Page 3

1 health items, and special equipment. Coordination of  
 2 care and benefits among multiple providers is used so  
 3 that the needs of persons with disabilities are not  
 4 met through a system of second-class care;  
 5 6. The eligibility determination requirements used  
 6 for publicly supported health care available to  
 7 persons with disabilities is separated from the  
 8 requirements for other publicly supported benefits  
 9 available to such persons so that persons with  
 10 disabilities are not forced to become impoverished or  
 11 remain in poverty in order to secure health care  
 12 coverage and can instead purchase health care coverage  
 13 based on sliding fee scales or other flexible buy-in  
 14 options; and  
 15 7. The transition between the health care coverage  
 16 for children with disabilities and the coverage for  
 17 adults with disabilities is coordinated in order to  
 18 prevent gaps in care. The transition between the  
 19 coverage available through publicly supported programs  
 20 and private insurance is made seamless so that persons  
 21 with disabilities are able to pursue productive  
 22 employment and build personal assets; and  
 23 *Be it Further Resolved*, That the House of  
 24 Representatives finds that applying these principles  
 25 and providing better health care access for persons  
 26 with disabilities and other Iowans will result in  
 27 prevention of new health problems or secondary  
 28 conditions, reduce adverse medication effects, improve  
 29 preventive services and continuity of care, and  
 30 support greater independence for persons with

Page 4

1 disabilities and other Iowans.

HR 6 filed January 29, 2009; Adopted April 13, 2009.

1 House Resolution 9  
 2 By Murphy and Paulsen  
 3 A resolution to honor the memory of former state  
 4 representative Barbara Finch.  
 5 *Whereas*, when Barbara Finch came to the House of  
 6 Representatives in 2001, she represented a central  
 7 Iowa legislative district with a wide array of urban,  
 8 rural, and academic constituencies, and she ably  
 9 served the needs of each; and  
 10 *Whereas*, an active member of Farm Bureau,  
 11 Representative Finch also had a strong interest in  
 12 education; and  
 13 *Whereas*, Representative Finch was elected to the

14 79th General Assembly and served on the committees on  
15 education, environmental protection, ways and means,  
16 and served as the vice-chair of the health and human  
17 rights appropriations subcommittee; and  
18 *Whereas*, her dedication to public service won her  
19 the respect of her legislative colleagues and  
20 constituents alike; *Now Therefore*,  
21 *Be it Resolved by the House of Representatives*,  
22 That the House of Representatives rises to honor the  
23 life and the memory of former Representative Barbara  
24 Finch, to celebrate her work on behalf of the people  
25 of Iowa, and to offer its condolences to her husband,  
26 Robert, and their three children.

HR 9 filed February 9, 2009; House Adopted February 10, 2009.

1                   House Resolution 10  
2                   By Raecker and Smith  
3 A resolution recognizing the Uncommon Public Service  
4 Award.  
5 *Whereas*, Herbert Hoover was both a visionary and  
6 dedicated public servant and through his tireless  
7 efforts millions of lives were saved in the years  
8 after World War I; and  
9 *Whereas*, to honor that spirit of public service the  
10 Herbert Hoover Presidential Library Association has  
11 created the Uncommon Public Service Award; and  
12 *Whereas*, the association will annually present the  
13 Uncommon Public Service Award to Iowa legislators who  
14 exemplify Hoover's humanitarian efforts and have gone  
15 above and beyond the call of duty to demonstrate  
16 uncommon service and commitment to the people of Iowa;  
17 and  
18 *Whereas*, recipients of the award will become  
19 honorary members of the Herbert Hoover Presidential  
20 Library Association for one year and a plaque for each  
21 recipient will be hung on the "Wall of Uncommon  
22 Iowans" which will be on permanent display in the  
23 Herbert Hoover Presidential Library Museum; *Now*  
24 *Therefore*,  
25 *Be it Resolved by the House of Representatives*,  
26 That the House of Representatives recognizes the  
27 Herbert Hoover Presidential Library Association and  
28 thanks its members for the creation of the Uncommon  
29 Public Service Award.

HR 10 filed February 10, 2009; House Adopted March 24, 2009.

1                   House Resolution 12  
2                   By Zirkelbach and Whitaker  
3 A resolution honoring Major General Ron Dardis

4 and Brigadier General Mark Zirkelbach for their  
 5 service to this state and the nation.  
 6 *Whereas*, as Adjutant General for the Iowa National  
 7 Guard, Major General Ron Dardis commands 104 Army and  
 8 Air National Guard Units and over 9,600 Army and Air  
 9 National Guard members in the state of Iowa; and  
 10 *Whereas*, Brigadier General Mark Zirkelbach is the  
 11 Deputy Adjutant General, Army, Iowa National Guard;  
 12 and  
 13 *Whereas*, in 2009 Major General Dardis brings to a  
 14 close a military career of over four decades and  
 15 Brigadier General Zirkelbach retires after 36 years of  
 16 service; and  
 17 *Whereas*, Major General Dardis enlisted in the Iowa  
 18 Air National Guard in 1966 and was commissioned a  
 19 second lieutenant in 1967; and  
 20 *Whereas*, Brigadier General Zirkelbach was  
 21 commissioned a second lieutenant in 1972 upon  
 22 completion of the Iowa Military Academy Officer  
 23 Candidate School; and  
 24 *Whereas*, Major General Dardis has studied at the  
 25 Squadron Officer School, the Air Command and Staff  
 26 College, and the Air War College at Maxwell Air Force  
 27 Base in Alabama; and  
 28 *Whereas*, Brigadier General Zirkelbach has attended  
 29 the Combined Arms Services Staff School, taken the  
 30 Command General Staff Course and the National Security

Page 2

1 Course, and has graduated from the United States Army  
 2 War College; and  
 3 *Whereas*, in his long career, Major General Dardis  
 4 has been awarded the Legion of Merit; Meritorious  
 5 Service Medal; Air Medal; Air Force Achievement Medal;  
 6 Air Force Outstanding Unit Award; Combat Readiness  
 7 Medal; National Defense Service Medal; Air Force  
 8 Longevity Service Ribbon; Armed Forces Reserve Medal;  
 9 Small Arms Expert Marksmanship Ribbon; Air Force  
 10 Training Ribbon; Iowa Leadership Ribbon; Iowa National  
 11 Guard State Service Ribbon; Air Force Association  
 12 Citation for Superior Airmanship, Courage and  
 13 Professionalism; Iowa Eagle Award; and the Valley  
 14 Forge Cross for Heroism; and  
 15 *Whereas*, Brigadier General Zirkelbach has been  
 16 awarded a long list of awards, including the Legion of  
 17 Merit with a Bronze Oak Leaf Cluster; Meritorious  
 18 Service Medal with four Bronze Oak Leaf Clusters; Army  
 19 Commendation Medal; Army Achievement Medal; Army  
 20 Reserve Component Achievement Medal with one Silver  
 21 Oak Leaf Cluster and two Bronze Oak Leaf Clusters;  
 22 National Defense Service Medal; Humanitarian Service



23 Medal; Armed Forces Reserve Medal with one Gold Hour  
24 Glass Device; Army Service Ribbon; and the Army  
25 Reserve Components Overseas Training Ribbon; *Now*  
26 *Therefore,*  
27 *Be it Resolved by the House of Representatives,*  
28 That the House of Representatives rises to honor these  
29 two truly remarkable men, Major General Ron Dardis and  
30 Brigadier General Mark Zirkelbach who have dedicated

Page 3

1 their careers and risked their lives in service to  
2 Iowa and the nation.

HR 12 filed February 17, 2009; House Adopted February 18, 2009.

1 House Resolution 13  
2 By Zirkelbach, Windschitl, Bailey, Whitaker,  
3 Tymeson, Schultz, Gaskill, Marek, Alons,  
4 and S. Olson  
5 A resolution to welcome home Iowa's National Guard  
6 units.  
7 *Whereas,* the Iowa National Guard is the direct  
8 descendant of the state militias that served our  
9 country through the Civil War, with the Iowa Militia  
10 being designated in 1877 as the Iowa National Guard;  
11 and  
12 *Whereas,* in times of peace the members of the Iowa  
13 National Guard have long provided relief and  
14 assistance during floods, tornadoes, blizzards, and  
15 civil disturbances; and  
16 *Whereas,* in times of war, from Pea Ridge to Iraq  
17 and Afghanistan, the soldiers of Iowa's National  
18 Guard, all volunteers, have stepped forward in defense  
19 of our state and nation; and  
20 *Whereas,* in 2009, Iowa Guard units are on station  
21 in far-flung outposts around the world; *Now Therefore,*  
22 *Be it Resolved by the House of Representatives,*  
23 That the House of Representatives welcomes home the  
24 soldiers and airmen of the following Iowa National  
25 Guard units who have returned to Iowa in 2008 and  
26 thanks them for their service to the United States of  
27 America and to Iowa:  
28 The 186th Military Police Company, Johnston;  
29 The 1st Battalion, 194th Field Artillery, Fort  
30 Dodge, Estherville, Algona, and Eagle Grove;

Page 2

1 The 1st Battalion, 376th Security and Support,  
2 Waterloo;  
3 Company A, 1st Battalion, 133rd Infantry, Dubuque;

4 The 132nd Fighter Wing, Des Moines;  
 5 The 185th Air Refueling Wing, Sioux City;  
 6 Company D, 1st Battalion, 168th Infantry, Denison;  
 7 Troop A, 1st Squadron, 113th Cavalry, Johnston;  
 8 The 2nd Brigade Combat Team, 34th Infantry  
 9 Division, Boone;  
 10 Joint Forces Headquarters, Johnston; and  
 11 The 833rd Engineer Company, Ottumwa.

HR 12 filed February 2, 2009, House Adopted February 18, 2009.

1                   House Resolution 14  
 2                   By Zirkelbach  
 3 A resolution commending Jud Schneider for his work in  
 4 creating a case for the proper storage of the flag of  
 5 the United States of America.  
 6 *Whereas*, the flag of the United States of America,  
 7 "Old Glory," has been a source of pride and honor for  
 8 over two hundred years; and  
 9 *Whereas*, mindful of this heritage, Jud Schneider, a  
 10 student at Monticello Community Schools, has designed  
 11 and built cases for the proper storage of the flag  
 12 until it is retired; and  
 13 *Whereas*, Mr. Schneider's work, done as an Eagle  
 14 Scout project, both honors the flag and serves as a  
 15 testament to Mr. Schneider's character; and  
 16 *Whereas*, Mr. Schneider built three cases, one for  
 17 the Monticello Community Building, one for the  
 18 Statehouse, and one for the Jones County Courthouse;  
 19 *Now Therefore*,  
 20 *Be it Resolved by the House of Representatives*,  
 21 That the House of Representatives honors Jud Schneider  
 22 for his work creating storage cases for the American  
 23 flag and thanks him for his gift to the people of  
 24 Monticello and Jones County, and to the State of Iowa.

HR 14 filed February 17, 2009; House Adopted February 18, 2009.

1                   House Resolution 15  
 2                   By Abdul-Samad, Ford, H. Miller, Berry  
 3                   Thede, and Burt  
 4 A resolution designating February 2009 as Black History  
 5 Month.  
 6 *Whereas*, Black History Month in the United States  
 7 dates back to 1926, based upon the efforts of Dr.  
 8 Carter G. Woodson, a Harvard-educated scholar  
 9 descended from slave parents; and  
 10 *Whereas*, Black History Month is traditionally  
 11 observed in February of each year; and  
 12 *Whereas*, Black History Month is designated to  
 13 recognize and pay tribute to many African-Americans

14 long neglected by society and the history books; and  
 15 *Whereas*, Black History Month aims to bridge the gap  
 16 created by American history's failure to accurately  
 17 acknowledge, portray, and record the contributions of  
 18 Blacks in society; and  
 19 *Whereas*, Black History Month acknowledges the  
 20 achievements of Blacks in the military, the arts,  
 21 civil rights, education, entertainment, history, law,  
 22 literature, medicine, music, politics, science,  
 23 sports, and other areas; and  
 24 *Whereas*, the African-American population in Iowa  
 25 has grown from 1.4 percent of the state population in  
 26 1980 to 2.5 percent in 2006, and is projected to grow  
 27 to 3.5 percent by 2030; and  
 28 *Whereas*, African-Americans in Iowa are increasingly  
 29 assuming leadership roles in law, medicine,  
 30 government, education, the arts, and other areas; and

Page 2

1 *Whereas*, six African-Americans are currently  
 2 serving in the House of Representatives, the largest  
 3 number of African-Americans ever in the House; *Now*  
 4 *Therefore*,  
 5 *Be it Resolved by the House of Representatives*,  
 6 That the House of Representatives designates February  
 7 2009 as Black History Month and encourages schools,  
 8 community leaders, religious leaders, and all Iowans  
 9 to take this opportunity to discover the history of  
 10 African-Americans in Iowa, from George Washington  
 11 Carver to James B. Morris to Simon Estes to Luther and  
 12 Willie Glanton, and to learn about the contributions  
 13 African-Americans continue to make to Iowa's economic  
 14 and cultural well-being.

HR 15 filed February 18, 2009; House Adopted February 23, 2009.

1 HOUSE RESOLUTION 20  
 2 BY REICHERT, BERRY, THEDE, H. MILLER,  
 3 FORD, BURT, ABDUL-SAMAD, and KAUFMANN  
 4 A resolution to honor the life and work of Alexander G.  
 5 Clark.  
 6 *Whereas*, as a young man, Alexander G. Clark settled  
 7 in Bloomington, Iowa, now Muscatine, and made it his  
 8 home for a half century; and  
 9 *Whereas*, in his lifetime, Mr. Clark was a barber,  
 10 an investor, an entrepreneur, an educator, a soldier,  
 11 a politician, an attorney, a newspaper publisher, a  
 12 statesman, and the United States ambassador to  
 13 Liberia; and  
 14 *Whereas*, Mr. Clark was the second African-American  
 15 to graduate from the University of Iowa Law School --

16 the first being his own son; and  
 17 *Whereas*, Mr. Clark was a founder of the African  
 18 Methodist Episcopal Church of Muscatine and a founder  
 19 of Prince Hall Masonry throughout the Midwest; and  
 20 *Whereas*, Mr. Clark was a pioneer in humanitarian  
 21 and social justice issues in Muscatine, Iowa; and  
 22 *Whereas*, Mr. Clark led the legal fight to  
 23 desegregate Iowa's schools in 1867-1868; and  
 24 *Whereas*, Mr. Clark and his associates, white and  
 25 black, advanced the interests of all people in  
 26 establishing legal recognition for equal rights in the  
 27 State of Iowa; and  
 28 *Whereas*, Mr. Clark traveled the country speaking  
 29 for a diverse and egalitarian future for the United  
 30 States of America; and

Page 2

1 *Whereas*, Mr. Clark accepted an appointment and  
 2 served his country as Minister and Consul-General to  
 3 the Black Free State of Liberia; and  
 4 *Whereas*, Mr. Clark became known as the "Colored  
 5 Orator of the West," and the oration at his funeral  
 6 declared him "one of the underground railroad  
 7 engineers and conductors, whose field was the South,  
 8 whose depot was the North, and whose freight was human  
 9 souls"; and  
 10 *Whereas*, Mr. Clark was buried in 1891 at Greenwood  
 11 Cemetery in Muscatine; and  
 12 *Whereas*, February 25, 2009, is the 183rd  
 13 anniversary of the birth of this equal rights pioneer;  
 14 *Now Therefore*,  
 15 *Be It Resolved By The House Of Representatives*,  
 16 That the House of Representatives recognizes the week  
 17 of February 22 to February 28, 2009, as Alexander G.  
 18 Clark Week to honor his work for justice and fairness  
 19 and his memory as a truly great Iowan.

HR 20, filed February 24, 2009; House Adopted February 26, 2009.

1 House Resolution 23  
 2 By Winckler and L. Miller  
 3 A resolution designating March 2009 as Iowa Women's  
 4 History Month.  
 5 *Whereas*, Iowa women of every race, class, and  
 6 ethnic background have made historic contributions to  
 7 the growth and strength of our state and nation in  
 8 countless recorded and unrecorded ways, including  
 9 through the struggle for women's rights; and  
 10 *Whereas*, Iowa women have played and continue to  
 11 play a critical economic, cultural, and social role by  
 12 constituting a significant portion of the labor force

13 working inside and outside the home despite being  
14 underpaid; and  
15 *Whereas*, Iowa women were particularly important in  
16 the establishment of early charitable, philanthropic,  
17 and cultural institutions in our state and nation; and  
18 *Whereas*, Iowa women and men ratified the amendment  
19 to the Iowa Constitution, declaring that "All men and  
20 women are, by nature, free and equal, and have certain  
21 inalienable rights"; and  
22 *Whereas*, Iowa women have been leaders in the  
23 abolitionist movement, the emancipation movement, the  
24 industrial labor movement, the civil rights movement,  
25 the peace movement, and the women's suffrage movement,  
26 which created a more fair and just society for all  
27 people; and  
28 *Whereas*, despite these contributions, and those of  
29 women throughout the world, the role of women has been  
30 consistently overlooked and undervalued, in the

Page 2

1 literature, teaching, and study of history; *Now*  
2 *Therefore*,  
3 *Be it Resolved by the House of Representatives*,  
4 That the House of Representatives designates the month  
5 of March 2009 as Iowa Women's History Month and  
6 invites the citizens of Iowa to continue to uncover,  
7 recognize, and honor the roles women have played  
8 throughout history.

HR 23 filed March 4, 2009; House Adopted March 26, 2009.

1 House Resolution 26  
2 By Wessel-Kroeschell and Heddens  
3 A resolution honoring the 2008 Iowa State University  
4 Cyclones volleyball team for an outstanding 2008  
5 season that culminated in the team's appearance in  
6 the National Collegiate Athletic Association Women's  
7 Volleyball Tournament and an unprecedented appearance  
8 in the regional final.  
9 *Whereas*, the Iowa State University Cyclones  
10 volleyball team finished the 2008 season 22-13  
11 overall, and tied for fourth in the Big 12 Conference,  
12 earning its highest-ever national ranking; and  
13 *Whereas*, Hilton Coliseum again gave Iowa State  
14 University a decisive home court advantage and the  
15 Cyclones finished the season with a rank of 15th in  
16 the country in attendance and drew over 20,000 fans  
17 for the first time in school history; and  
18 *Whereas*, the Cyclones defeated four  
19 nationally-ranked opponents, including a  
20 come-from-behind win over seventh-ranked Oregon to

21 advance to the regional final, making the Ducks the  
 22 highest-ever ranked team yet to fall in Iowa State's  
 23 wake; and  
 24 *Whereas*, the Cyclones' impressive season brought  
 25 individual recognition to five team members, with  
 26 Kaylee Manns being named a second-team All-American  
 27 and first-team All-Big 12 Conference team member;  
 28 Ashley Mass earning the distinction of being the Big  
 29 12 Conference's Libero of the Year and a third-team  
 30 All-American; Victoria Henson being named an honorable

Page 2

1 mention All-American and first-team All-Big 12  
 2 Conference pick; Jen Malcom being recognized as an  
 3 All-Big 12 Conference honorable mention selection;  
 4 Rachel Hockaday being selected as a member of the Big  
 5 12 all-freshman squad with an ISU freshman record 353  
 6 kills; and  
 7 *Whereas*, junior setter Kaylee Manns broke her own  
 8 school record and led the Big 12 Conference with 1,508  
 9 assists, and became the 11th player in school history  
 10 to reach 1,000 career digs; sophomore libero Ashley  
 11 Mass shattered the school record and led the Big 12  
 12 with 646 digs, and became the fastest player in school  
 13 history to reach 1,000 career digs; senior Jen Malcom  
 14 set the school record with a .343 hitting percentage;  
 15 sophomore Victoria Henson led the Big 12 with 540  
 16 kills, including 25 in NCAA Tournament wins over  
 17 Northern Iowa and Minnesota; and senior defensive  
 18 specialist Amy Vos had 171 digs, including 13 in the  
 19 Cyclones' win over Minnesota; *Now Therefore*,  
 20 *Be it Resolved by the House of Representatives*,  
 21 That the House of Representatives congratulates and  
 22 honors the members and coaches of the 2008 Iowa State  
 23 University Cyclones volleyball team: Mary Bisenius,  
 24 Victoria Henson, Rachel Hockaday, Carly Jenson, Diane  
 25 Kieger, Caitlin Mahoney, Jen Malcom, Kaylee Manns,  
 26 Ashley Mass, Kelsey Petersen, Cassie Pratt, Debbie  
 27 Stadick, Amy Vos, Rachel Williams, Head Coach Christy  
 28 Johnson, Assistant Coach Joe Lynch, Assistant Coach  
 29 Dawn Sullivan, and Director of Volleyball Operations  
 30 Jessica Klein for a phenomenal season climaxing with

Page 3

1 their appearance in the National Collegiate Athletic  
 2 Association regional final.

HR 26 filed March 10, 2009; House Adopted March 23, 2009.

1                   House Resolution 27  
2                   By Ford and Murphy  
3       A resolution urging the government of Turkey to grant  
4 the Ecumenical Patriarch appropriate international  
5 recognition, ecclesiastical succession, and the right  
6 to train clergy of all nationalities and to respect  
7 the property rights and human rights of the Ecumenical  
8 Patriarchate.  
9       *Whereas*, the Ecumenical Patriarchate, located in  
10 Istanbul, Turkey, is the Sacred See that presides in a  
11 spirit of brotherhood over a communion of  
12 self-governing churches of the Orthodox Christian  
13 world; and  
14       *Whereas*, the See is led by Ecumenical Patriarch  
15 Bartholomew, who is the 269th in direct succession to  
16 the Apostle Andrew and holds titular primacy as *primus*  
17 *inter pares*, meaning "first among equals" in the  
18 community of Orthodox churches worldwide; and  
19       *Whereas*, in 1994, Ecumenical Patriarch Bartholomew,  
20 along with leaders of the Appeal of Conscience  
21 Foundation, cosponsored the Conference on Peace and  
22 Tolerance, which brought together Christian, Jewish,  
23 and Muslim religious leaders for an interfaith  
24 dialogue to help end the Balkan conflict and the  
25 ethnic conflict in the Caucasus region; and  
26       *Whereas*, in 1997, the Congress of the United States  
27 awarded Ecumenical Patriarch Bartholomew with the  
28 Congressional Gold Medal; and  
29       *Whereas*, following the terrorist attacks on our  
30 nation on September 11, 2001, Ecumenical Patriarch

Page 2

1       Bartholomew gathered a group of international  
2 religious leaders to produce the first joint statement  
3 with Muslim leaders that condemned the 9/11 attacks as  
4 "antireligious"; and  
5       *Whereas*, in October 2005, the Ecumenical Patriarch,  
6 along with Christian, Jewish, and Muslim leaders,  
7 cosponsored the Conference on Peace and Tolerance II  
8 to further promote peace and stability in southeastern  
9 Europe, the Caucasus region, and Central Asia via  
10 religious leaders' interfaith dialogue, understanding,  
11 and action; and  
12       *Whereas*, the Orthodox Christian Church, in  
13 existence for nearly 2,000 years, numbers  
14 approximately 300 million members worldwide with more  
15 than 2 million members in the United States; and  
16       *Whereas*, since 1453, the continuing presence of the  
17 Ecumenical Patriarchate in Turkey has been a living  
18 testament to the religious coexistence of Christians  
19 and Muslims; and

20 *Whereas*, this religious coexistence is in jeopardy  
21 because the Ecumenical Patriarchate is considered a  
22 minority religion by the Turkish government; and  
23 *Whereas*, the government of Turkey has limited the  
24 candidates available to hold the office of Ecumenical  
25 Patriarch to only Turkish nationals, and from the  
26 millions of Orthodox Christians living in Turkey at  
27 the turn of the 20th century and due to the continued  
28 policies during this period by the Turkish government,  
29 there remain less than 3,000 of the Ecumenical  
30 Patriarch's flock left in Turkey today; and

Page 3

1 *Whereas*, the government of Turkey closed the  
2 Theological School on the island of Halki in 1971 and  
3 has refused to allow it to reopen, thus impeding  
4 training for Orthodox Christian clergy; and  
5 *Whereas*, the Turkish government has confiscated  
6 nearly 94 percent of the Ecumenical Patriarchate's  
7 properties and has placed a 42 percent tax,  
8 retroactive to 1999, on the Baloukli Hospital and Home  
9 for the Aged, a charity hospital run by the Ecumenical  
10 Patriarchate; and  
11 *Whereas*, the European Union, a group of nations  
12 with a common goal of promoting peace and the  
13 well-being of its peoples, began accession  
14 negotiations with Turkey on October 3, 2005; and  
15 *Whereas*, the European Union defined membership  
16 criteria for accession at the Copenhagen European  
17 Council in 1993, obligating candidate countries to  
18 achieve certain levels of reform, including stability  
19 of institutions guaranteeing democracy, adherence to  
20 the rule of law, and respect for and protection of  
21 minorities and human rights; and  
22 *Whereas*, the Turkish government's current treatment  
23 of the Ecumenical Patriarchate is inconsistent with  
24 the membership conditions and goals of the European  
25 Union; and  
26 *Whereas*, Orthodox Christians in this State and  
27 throughout the United States stand to lose their  
28 spiritual leader because of the continued actions of  
29 the Turkish government; and  
30 *Whereas*, the Archons of the Ecumenical Patriarchate

Page 4

1 of the Order of St. Andrew the Apostle, a group of  
2 laymen who each have been honored with a patriarchal  
3 title, or "offikion", by the Ecumenical Patriarch for  
4 their outstanding service to the Orthodox Church, will  
5 send an American delegation to Turkey to meet with



6 Turkish government officials, as well as the United  
7 States Ambassador to the Republic of Turkey, regarding  
8 the Turkish government's treatment of the Ecumenical  
9 Patriarchate; *Now Therefore,*  
10 *Be it Resolved by the House of Representatives,*  
11 That the House of Representatives urges the government  
12 of Turkey to uphold and safeguard religious and human  
13 rights without compromise; cease its discrimination of  
14 the Ecumenical Patriarchate; grant the Ecumenical  
15 Patriarch appropriate international recognition,  
16 ecclesiastic succession, and the right to train clergy  
17 of all nationalities; and respect the property rights  
18 and human rights of the Ecumenical Patriarchate; and  
19 *Be it Further Resolved,* That the Clerk of the House  
20 of Representatives is authorized and directed to  
21 transmit appropriate copies of this resolution to the  
22 President of the United States, the United States  
23 Ambassador to the Republic of Turkey, the Ambassador  
24 of the Republic of Turkey to the United States, and to  
25 the members of Iowa's congressional delegation.

HR 27 filed March 12, 2009; House Adopted March 23, 2009.

1                   House Resolution 31  
2           By Abdul-Samad, Ford, H. Miller,  
3           Berry, Burt, and Thede  
4 A resolution honoring Iowa's women military veterans.  
5   *Whereas,* since the Revolutionary War, over 2.5  
6 million women have served in the United States Armed  
7 Forces; and  
8   *Whereas,* during the Civil War, Spanish-American  
9 War, and World War I, while their husbands and fathers  
10 were in the Army, Iowa women ran the farms and the  
11 stores, sent food and medicine to wounded soldiers,  
12 and cared for wounded and sick soldiers; and  
13   *Whereas,* during the second World War, Fort Des  
14 Moines hosted the formation and first training center  
15 for the Women's Army Auxiliary Corps, later renamed  
16 the Women's Army Corps, training 72,000 troops and  
17 commissioning the first female officers for noncombat  
18 duty between 1942 and 1945; and  
19   *Whereas,* Fort Des Moines produced 118 black female  
20 officers and 3,656 black enlisted women by war's end,  
21 representing 4 percent of all Women's Army Corps  
22 troops; and  
23   *Whereas,* the women who trained at Fort Des Moines  
24 were the first women other than nurses to serve within  
25 the ranks of the United States Army; and  
26   *Whereas,* over 150,000 American women served in the  
27 Women's Army Corps during World War II, freeing  
28 250,000 male soldiers for combat duty in Europe and  
29 the South Pacific and helping in a large way to make

30 the war effort successful; and

Page 2

1       *Whereas*, thousands of Iowa women were deployed  
2 during the Vietnam War and Operations Desert Shield  
3 and Desert Storm and served stateside in essential  
4 mission support roles; and

5       *Whereas*, over 14,500 Iowa women continue to serve  
6 their country in ever increasing numbers; and

7       *Whereas*, Iowa women have fulfilled the promise that  
8 began at Fort Des Moines by attaining high ranks in  
9 the military, including two Iowa women serving as  
10 Brigadier Generals, Janet Phipps and State  
11 Representative Jodi Tymeson; and

12       *Whereas*, over 14,000 women veterans make Iowa their  
13 home today, and the Fort Des Moines Museum, which has  
14 been open for five years, preserves and tells the  
15 story of the women pioneers of Fort Des Moines; *Now*  
16 *Therefore*,

17       *Be it Resolved by the House of Representatives*

18 That the House of Representatives recognizes and  
19 honors the service and achievements of women veterans  
20 of Iowa, thanks them for their service to the United  
21 States of America and to Iowa, and encourages all  
22 Iowans to recognize the contributions of women, past  
23 and present, in the armed forces.

HR 31 filed March 16, 2009; House Adopted March 17, 2009.

1                   House Resolution 33  
2                   By Upmeyer and Bell

3 A resolution to recognize the Iowa landmark the  
4 Surf Ballroom.

5       *Whereas*, in 1933 the Surf Ballroom opened its doors  
6 in Clear Lake, Iowa, providing music, dancing, and a  
7 chance to escape, for a few hours, the worries and  
8 cares of the Great Depression; and

9       *Whereas*, as the decades passed virtually every big  
10 name entertainer stopped at the Surf, including: Duke  
11 Ellington, the Little River Band, Loverboy, The  
12 Righteous Brothers, The Temptations, The Beach Boys,  
13 Waylon Jennings, and Bobby Rydell; and

14       *Whereas*, the Surf Ballroom has also known great  
15 tragedy – the original ballroom burned to the ground  
16 in 1947 and on February 3, 1959, three of the most  
17 popular rock and roll stars from the 1950s, Buddy  
18 Holly, Ritchie Valens, and The Big Bopper, died in a  
19 plane crash after performing at the Surf Ballroom; and

20       *Whereas*, the Surf Ballroom hosts the last stop of  
21 the "Winter Dance Party Tour", an annual tribute, on  
22 the anniversary of Holly's last performance; and

23 *Whereas*, on January 28, 2009, nearly 50 years after  
 24 that sad day, the Surf Ballroom was designated an  
 25 official Rock and Roll Hall of Fame historical  
 26 landmark; *Now Therefore*,  
 27 *Be it Resolved by the House of Representatives*,  
 28 That the House of Representatives recognizes the Surf  
 29 Ballroom as a cultural icon in Iowa and applauds the  
 30 ongoing efforts of local citizens who have dedicated

Page 2

1 themselves to making sure that the music, and the Surf  
 2 Ballroom, never dies.

HR 33 filed March 19, 2009; House Adopted April 7, 2009.

1                   HOUSE RESOLUTION 37  
 2                   BY RAECKER, FORD, and HELLAND  
 3 A resolution commemorating the 100th anniversary of  
 4 the Drake Relays.  
 5 *Whereas*, Drake University, in the heart of Des  
 6 Moines, Iowa, will host the centennial Drake Relays in  
 7 April 2009; and  
 8 *Whereas*, just five years after being held in a  
 9 blizzard in 1910, the Drake Relays was recognized as  
 10 the third-largest track and field event in the world;  
 11 and  
 12 *Whereas*, the Drake Relays is one of Iowa's premier  
 13 events, an annual multiday festival that has expanded  
 14 beyond the campus of Drake University to encompass  
 15 several venues throughout the Des Moines area; and  
 16 *Whereas*, the Relays' high school track and field  
 17 events attract hundreds of young men and women  
 18 athletes and their supporters and families from all  
 19 over Iowa; and  
 20 *Whereas*, upon entering its second century the Drake  
 21 Relays have grown to become one of the largest and  
 22 most important track meets in the United States,  
 23 attracting top collegiate and professional talent; and  
 24 *Whereas*, over the decades a host of famous athletes  
 25 and personalities have participated in the Drake  
 26 Relays, including: fabled Olympic sprinter Jesse  
 27 Owens; radio announcer and future President Ronald  
 28 Reagan; Big Eight champion high jumper and future NBA  
 29 Hall-of-Famer Wilt Chamberlain; world-record miler Jim  
 30 Ryun; world-record decathlete Bruce Jenner; nine-time

Page 2

1 Olympic gold medal winner Carl Lewis; Pan American  
 2 Games silver medal distance runner Cindy Bremser; NCAA  
 3 champion distance runner Steve Scott; four-time

4 Olympian high jumper Amy Acuff; and Iowa athletes Lori  
 5 "Lolo" Jones and Natasha Kaiser-Brown; and  
 6 *Whereas*, as part of this centennial event, 10 men  
 7 and 10 women who have competed in the Relays will be  
 8 named as Athletes of the Century; *Now Therefore*,  
 9 *Be It Resolved By The House Of Representatives*,  
 10 That the House of Representatives honors and  
 11 congratulates Drake University as the Drake Relays is  
 12 poised to enter its second century of excellence,  
 13 achievement, and excitement.

HR 37 filed March 3, 2009; House Adopted April 15, 2009.

1                   House Resolution 39  
 2       By Alons, Jacoby, Smith, Schueller, Wendt,  
 3       Thomas, Quirk, Kelley, Ficken, Wenthe,  
 4       Palmer, Huser, Abdul-Samad, Reasoner, T. Olson,  
 5       R. Olson, Marek, Swaim, Bailey, Gayman, Zirkelbach,  
 6       Petersen, D. Olson, Oldson, Shomshor,  
 7       Bukta, Whitaker, Whitead, Gaskill, Frevort,  
 8       Mascher, Reichert, Cohoon, Bell, Lykam,  
 9       Thede, Berry, H. Miller, Kressig, Heddens,  
 10      T. Taylor, D. Taylor, Schultz, Rayhons,  
 11      Drake, Tymeson, Soderberg, Pettengill,  
 12      Baudler, Raecker, Hagenow, Grassley, Cownie,  
 13      Windschitl, Sorenson, Horbach, Arnold,  
 14      Huseman, Sweeney, Koester, De Boef, Paulsen,  
 15      Roberts, Worthan, Helland, Tjepkes, Watts,  
 16      L. Miller, Deyoe, Forristall, Rants, Dolecheck,  
 17      Sands, Lukan, S. Olson, Schulte, Heaton,  
 18      May, Van Engelenhoven, Upmeyer, Wagner,  
 19      Kaufmann, and Struyk  
 20 A resolution honoring those Iowans who volunteered  
 21 their time and efforts providing aid and assistance  
 22 during the June 2008 flood.  
 23 *Whereas*, the June 2008 Iowa flood exceeded what  
 24 were considered 500-year-flood limits, with nine Iowa  
 25 rivers cresting at record levels and causing vast  
 26 amounts of damage; and  
 27 *Whereas*, as a result of the flood 83 counties were  
 28 declared disaster areas, hundreds of Iowa cities and  
 29 towns were impacted, and Iowa's agricultural economic  
 30 losses are estimated to exceed \$2 billion; and

Page 2

1       *Whereas*, volunteers were desperately needed to help  
 2 restore homes, businesses, and the University of Iowa  
 3 facilities damaged by the ravaging flood, and Iowans  
 4 from all walks of life stepped forward to provide that  
 5 help; and  
 6       *Whereas*, during the summer and fall of 2008

7 thousands of volunteers from Iowa and from surrounding  
8 states worked tirelessly, filling sandbags, shoring up  
9 sagging levees, and later clearing debris and  
10 restoring flood-damaged homes and businesses; and  
11 *Whereas*, the recovery effort continues to this day,  
12 evidenced by Governor Culver's signing of House File  
13 64 on February 2, 2009, which appropriated \$56 million  
14 for flood recovery efforts; *Now Therefore*,  
15 *Be it Resolved by the House of Representatives*,  
16 That the House of Representatives honors all Iowans  
17 who stepped forward in a time of crisis providing aid,  
18 comfort, and hope to their fellow Iowans following the  
19 flood of 2008.

HR 39 filed March 23, 2009; House Adopted April 2, 2009.

1 House Resolution 42  
2 By Jacoby  
3 A resolution to honor the 2008-2009 University of Iowa  
4 Wrestling Team.  
5 *Whereas*, the University of Iowa wrestling program  
6 is one of the most storied in National Collegiate  
7 Athletic Association (NCAA) Division I athletics; and  
8 *Whereas*, the University of Iowa Hawkeyes are a  
9 member of the Big Ten Athletic Conference and are the  
10 reigning NCAA wrestling champions; and  
11 *Whereas*, the 2008-2009 University of Iowa wrestling  
12 team finished undefeated in dual meets with a record  
13 of 24 wins and no losses; and  
14 *Whereas*, the Hawkeyes won the 2009 Cliff Keen  
15 National Duals Tournament; and  
16 *Whereas*, the Hawkeyes won the Midlands Wrestling  
17 Tournament and the Big Ten Wrestling Tournament; and  
18 *Whereas*, the team qualified nine wrestlers for the  
19 NCAA Wrestling Championships in St. Louis from March  
20 19 through 21, including Charlie Falck (125 pounds),  
21 Alex Tsirtsis (141 pounds), Jay Borschel (174 pounds),  
22 and Chad Beatty (197 pounds); and five qualifiers  
23 achieved All-American status, Daniel Dennis (7th  
24 place, 133 pounds), Brent Metcalf (2nd place, 149  
25 pounds), Ryan Morningstar (3rd place, 165 pounds),  
26 Phillip Keddy (4th place, 184 pounds), and Dan Erikson  
27 (4th place, heavyweight); and  
28 *Whereas*, the team won the 2009 NCAA Wrestling  
29 Championships held in St. Louis, accounting for their  
30 22nd national championship; and

Page 2

1 *Whereas*, the team achieved its athletic success and  
2 demonstrated sportsmanship under the coaching of Tom  
3 Brands, Terry Brands, Doug Schwab, and Mike Zadick;

4 *Now Therefore,*  
 5 *Be it Resolved by the House of Representatives,*  
 6 That the House of Representatives honors the wrestlers  
 7 and coaches of the 2008-2009 University of Iowa  
 8 wrestling team.

HR 42 filed April 2, 2009; House Adopted April 23, 2009.

1 House Resolution 43  
 2 By Jacoby  
 3 A resolution honoring the Kirkwood Eagles Women's  
 4 Basketball Team and Coach Kim Muhl.  
 5 *Whereas*, for most of its 44-year history, Kirkwood  
 6 Community College has offered intercollegiate sports  
 7 to encourage the development of the whole individual,  
 8 to promote collegiate, civic, and community pride, and  
 9 to foster goodwill with other colleges and their  
 10 students; and  
 11 *Whereas*, during the past 20 years, Kirkwood  
 12 basketball programs have risen to national prominence  
 13 through outstanding performance and distinguished  
 14 sportsmanship, including numerous appearances at the  
 15 National Junior College Athletic Association Division  
 16 II national tournaments; and  
 17 *Whereas*, in those past two decades, Women's  
 18 Basketball Coach Kim Muhl, his assistants, and their  
 19 teams have achieved one of the most impressive records  
 20 in the nation, earning Coach Muhl a combined 587-111  
 21 career record, plus numerous state, regional, and  
 22 national coaching awards; and  
 23 *Whereas*, in the 2008-09 basketball season, the  
 24 Kirkwood Eagles Women's Basketball program finished  
 25 the season with a 36-1 record, including a 30-game  
 26 winning streak that culminated in a third straight  
 27 National Junior College Athletic Association Division  
 28 II National Championship, a record unsurpassed in Iowa  
 29 community college athletic history; and  
 30 *Whereas*, Coach Muhl's record over the past three

Page 2

1 complete seasons is 101-8, with the 2009 National  
 2 Championship the fifth for Kirkwood under his  
 3 leadership; and  
 4 *Whereas*, beyond these incredible accomplishments on  
 5 the court, Coach Muhl, his assistants, and the faculty  
 6 of Kirkwood have all contributed to the success of  
 7 many hundreds of accomplished student-athletes, many  
 8 of whom have been recognized for great scholastic as  
 9 well as athletic accomplishments; and  
 10 *Whereas*, in addition to these remarkable sports  
 11 milestones, Coach Kim Muhl and the leadership of

12 Kirkwood Community College can enjoy the satisfaction  
 13 of their roles in the development of personal and team  
 14 leadership, the attainment of high goals, and the  
 15 encouragement of exemplary character in its  
 16 student-athletes for more than four decades; *Now*  
 17 *Therefore,*  
 18 *Be it Resolved by the House of Representatives,*  
 19 That the House of Representatives congratulates the  
 20 Kirkwood Eagles Women's Basketball Team and Coach Kim  
 21 Muhl on winning a third straight National Junior  
 22 College Athletic Association Division II National  
 23 Championship.

HR 43, filed April 2, 2009; House Adopted April 23, 2009.

1                   House Resolution 44  
 2 By Abdul-Samad, Smith, Wessel-Kroeschell, Thede,  
 3 Upmeyer, L. Miller, Heddens, and Heaton  
 4 A resolution expressing support for improved adolescent  
 5 health.  
 6 *Whereas,* adolescence is a critical time to develop  
 7 positive habits and skills that can lead to healthy  
 8 lifestyles and behavior over an individual's lifetime;  
 9 and  
 10 *Whereas,* many adolescents and young adults struggle  
 11 to adopt behaviors that could decrease their risk of  
 12 sustaining serious injuries or developing chronic  
 13 diseases in adulthood – behaviors such as avoiding  
 14 dangerous situations and taking appropriate safety  
 15 precautions, eating nutritiously, engaging in physical  
 16 activity, avoiding tobacco and drugs, and choosing not  
 17 to abuse alcohol; and  
 18 *Whereas,* environmental factors such as family, peer  
 19 group, school, and community characteristics also  
 20 contribute to the challenges that adolescents face;  
 21 and  
 22 *Whereas,* the Institute of Medicine and the National  
 23 Research Council have concluded that "prevention,  
 24 early intervention and timely treatment improve health  
 25 status for adolescents and prepare them for healthy  
 26 adulthood; such services also decrease the incidence  
 27 of many chronic diseases in adulthood"; and  
 28 *Whereas,* 1.4 million Iowans are already overweight  
 29 or obese, a sample of Iowa children found that nearly  
 30 20 percent were at risk for being overweight and more

Page 2

1 than 18 percent are already overweight, only 16.6  
 2 percent of 9th through 12th grade students reported  
 3 eating five or more servings of fruits and vegetables  
 4 daily, and total annual health care costs attributable

5 to adult obesity in Iowa are estimated at \$783  
6 million; and  
7 *Whereas*, type 2 diabetes, which is linked to  
8 obesity and physical inactivity and most often appears  
9 in people older than 40, is now being found in younger  
10 people and even in children and teenagers; and  
11 *Whereas*, the leading causes of death for Iowans  
12 ages 15-24 are motor vehicle crashes and suicide, and  
13 this age group also has the highest rate of  
14 hospitalizations and emergency department visits for  
15 these injuries; and  
16 *Whereas*, the United States Department of Health and  
17 Human Services' Substance Abuse and Mental Health  
18 Services Administration recommends that adolescents be  
19 screened for alcohol use and depression at regular  
20 health screenings so they can be referred for  
21 appropriate services; and  
22 *Whereas*, the national Advisory Committee on  
23 Immunization Practices, American Academy of  
24 Pediatrics, American Academy of Family Physicians, and  
25 the American Medical Association recommend a routine  
26 health care visit for adolescents aged 11-12 to  
27 receive recommended immunizations and other  
28 evidence-based preventive health care services; and  
29 *Whereas*, the Center for Disease Control's National  
30 Immunization Survey found that immunization coverage

Page 3

1 levels among adolescents in 2006 did not meet the  
2 Healthy People 2010 objective of 90 percent coverage  
3 for 13-15 year olds for any of the vaccines measured;  
4 and  
5 *Whereas*, the Society for Adolescent Medicine has  
6 found that adolescent well visits are one of the best  
7 tools of preventive care to ensure continued health  
8 and safety from childhood to adulthood and that  
9 children and adolescents who regularly visit a primary  
10 care physician are less likely to have emergency room  
11 visits and preventable injuries or hospitalizations;  
12 and  
13 *Whereas*, the United States Department of Health and  
14 Human Services' Health Resources and Services  
15 Administration has developed, in conjunction with the  
16 American Academy of Pediatrics, the Bright Futures  
17 Initiative, which provides a set of guidelines  
18 including recommendations on immunizations and routine  
19 health screenings for adolescents; and  
20 *Whereas*, because adolescents remain under the  
21 guardianship of their parents, parental awareness of  
22 the need for an adolescent well visit plays an  
23 enormous role in the incidence of adolescent well



24 visits; *Now Therefore,*  
 25 *Be it Resolved by the House of Representatives,*  
 26 That the House of Representatives encourages the  
 27 Department of Public Health to educate parents on the  
 28 importance of an adolescent well physical to prevent  
 29 chronic diseases, avoid injury, appropriately  
 30 intervene to better treat chronic disease, and update

Page 4

1 immunizations.

HR 44 filed April 7, 2009; House Adopted April 14, 2009.

1 House Resolution 45  
 2 By Kressig, Smith, T. Olson, Willems, May,  
 3 Pettengill, Ficken, Heddens, Winckler,  
 4 Mascher, Thede, Lykam, Bell, Zirkelbach,  
 5 Reichert, Gaskill, Frevert, Whitead, Bukta,  
 6 Whitaker, Mertz, T. Taylor, Berry, Petersen,  
 7 Jacoby, Mertz, Schueller, Thomas, Kelley, Marek,  
 8 Palmer, Wenthe, Abdul-Samad, Hunter,  
 9 Wessel-Kroeschell, Lensing, Kearns,  
 10 D. Taylor, Beard, Reasoner, Cohoon, Oldson,  
 11 Burt, Wendt, and Quirk  
 12 A resolution honoring and commemorating the University  
 13 of Northern Iowa Panther Men's Basketball Team and  
 14 Head Coach Ben Jacobson.  
 15 *Whereas*, the citizens of Iowa are greatly pleased  
 16 that the University of Northern Iowa Men's Basketball  
 17 Team finished its season with an overall record of 23  
 18 wins and 11 losses, and played in its fifth NCAA  
 19 Division I Men's Basketball Tournament, its fourth  
 20 appearance since 2004; and  
 21 *Whereas*, the University of Northern Iowa Men's  
 22 Basketball Team finished in a tie for first in the  
 23 Missouri Valley Conference standings, its first-ever  
 24 outright or shared Missouri Valley Conference  
 25 regular-season title; and  
 26 *Whereas*, the Panthers won the State Farm Missouri  
 27 Valley Conference Tournament, their second-ever  
 28 Missouri Valley Conference Tournament title; and  
 29 *Whereas*, the Panthers tied the school record for  
 30 wins in a season with a record of 23 wins, including

Page 2

1 14 wins in the Missouri Valley Conference; and  
 2 *Whereas*, the Panthers played competitively, set new  
 3 and tied old school records, and individual players  
 4 received athletic awards at the local and regional  
 5 levels; and

6       *Whereas*, Panther Head Coach Ben Jacobson was named  
 7 the 2008-2009 Missouri Valley Conference Coach of the  
 8 Year in his third year as the University of Northern  
 9 Iowa Men's Basketball Team Head Coach; was a finalist  
 10 for the 2009 Hugh Durham national coach of the year  
 11 award; holds a 59-38 cumulative coaching record in his  
 12 first three years as head coach, the best cumulative  
 13 record of any Panther men's basketball coach's first  
 14 three years at the helm; and, along with the assistant  
 15 coaching staff, encouraged, directed, and inspired the  
 16 team to great success this season; *Now Therefore*,  
 17 *Be it Resolved by the House of Representatives*,  
 18 That the House of Representatives congratulates the  
 19 University of Northern Iowa Panther Men's Basketball  
 20 Team, Head Coach Ben Jacobson, and the assistant  
 21 coaching staff on their successful season, thanks them  
 22 for the honor and excitement they brought to the State  
 23 of Iowa, and wishes them the very best in the future.  
 24 *Be it Further Resolved*, That, upon adoption, the  
 25 Chief Clerk of the House of Representatives prepare a  
 26 copy of this Resolution for presentation to Head Coach  
 27 Ben Jacobson and the University of Northern Iowa  
 28 Panther Men's Basketball Team.

HR 45 filed April 13, 2009; House Adopted April 14, 2009.

1                                   House Resolution 47  
 2 By Kearns, T. Taylor, Hunter, Ficken, Steckman,  
 3 Wenthe, Wendt, Thomas, Smith, Thede, Whitead,  
 4 Beard, T. Olson, Bukta, Kuhn, Kressig, Bell,  
 5 Isenhardt, Lensing, Mascher, Frevert, Jacoby,  
 6 Lykam, Willems, Reasoner, Abdul-Samad, Reichert,  
 7 D. Taylor, Gayman, Murphy, Whitaker, Shomshor,  
 8 D. Olson, Quirk, Schueller, Marek, Palmer,  
 9 Zirkelbach, Berry, Heddens, Winckler, Mertz,  
 10 R. Olson, Swaim, Burt, Cohoon, Kelley, Oldson,  
 11 Bailey, Huser, Koester, Lukan, Gaskill,  
 12 Petersen, and H. Miller  
 13 A resolution urging the spending of federal economic  
 14 recovery funds on products that are made and services  
 15 that are performed in the United States.  
 16 *Whereas*, the economic downturn is having a critical  
 17 impact on everyday Americans who are struggling to  
 18 maintain or find jobs in an increasingly difficult  
 19 environment; and  
 20 *Whereas*, those same Americans are the taxpayers  
 21 that provide the revenue needed to operate essential  
 22 government services; and  
 23 *Whereas*, the Congress of the United States passed,  
 24 and President Obama recently signed into law, an  
 25 economic recovery package that will provide billions  
 26 of dollars to help economically devastated cities and

27 states immediately provide jobs to millions of  
 28 out-of-work Americans through considerable  
 29 infrastructure rebuilding, green energy projects, and  
 30 other projects that will require manufactured

Page 2

1 components; and  
 2 *Whereas*, our taxpayer dollars should be spent to  
 3 maximize the creation of American jobs and restore the  
 4 economic vitality of our communities; and  
 5 *Whereas*, any domestically produced products that  
 6 are purchased with economic recovery plan funds will  
 7 immediately help struggling businesses and American  
 8 families and will help stabilize the greater economy;  
 9 and  
 10 *Whereas*, any economic recovery plan spending for  
 11 products and services should, to the extent possible,  
 12 include a commitment from this state to buy materials,  
 13 goods, and services that are produced or performed by  
 14 companies within the United States, thus employing the  
 15 workers that pay taxes for the economic recovery plan  
 16 spending; *Now Therefore*,  
 17 *Be it Resolved by the House of Representatives*,  
 18 That the House of Representatives will work to  
 19 maximize the creation of American jobs and restore  
 20 economic growth and opportunity by urging the spending  
 21 of economic recovery plan funds on products and  
 22 services that both create jobs and help keep Americans  
 23 employed; and  
 24 Be It Further Resolved, That the House of  
 25 Representatives urges that economic recovery funds  
 26 received by the state of Iowa be used to purchase,  
 27 when possible, products that are made and services  
 28 that are performed in the United States; and  
 29 Be it Further Resolved, That the House of  
 30 Representatives calls upon all state agencies to

Page 3

1 promptly establish procurement priorities so as to  
 2 give American workers and producers the opportunity to  
 3 identify and provide American products and services to  
 4 maximize the success of this nation's economic  
 5 recovery program.

HR 47 filed April 14, 2009; House Adopted April 21, 2009.

1 House Resolution 49  
 2 By Wessel-Kroeschell  
 3 A resolution honoring the Iowa State University  
 4 Cyclones Women's Basketball team.

5     *Whereas*, by any measure the 2008-2009 Iowa State  
6     University Women's Basketball season has been a  
7     remarkable success as the team finished number three  
8     in the nation in attendance, winning 27 games,  
9     finishing third in the Big 12 Conference, and making  
10    the Elite Eight of the 2009 National Collegiate  
11    Athletic Association (NCAA) Championship; and  
12    *Whereas*, following a 23-7 regular season, where the  
13    Cyclones played nine games against nationally ranked  
14    opponents, the team, led by seniors Heather Ezell,  
15    Amanda Nisleit, Nicky Wieben, Toccara Ross, and  
16    Jocelyn Anderson earned a fourth seed in the NCAA  
17    Championship's Berkeley, California Region; and  
18    *Whereas*, in the tournament the Cyclones beat  
19    Michigan State University 69-68 to advance to the NCAA  
20    Championship's Elite Eight for the second time in  
21    school history, with that remarkable victory including  
22    one of the greatest rallies in Iowa State history as  
23    the Cyclones trailed by seven points with less than a  
24    minute and a half remaining in the game; and  
25    *Whereas*, the Cyclones NCAA Championship run  
26    included wins over East Tennessee State University and  
27    Ball State University; and  
28    *Whereas*, following the tournament, senior Amanda  
29    Nisleit was named to the NCAA All-Region team; and  
30    *Whereas*, for 14 seasons the Cyclones have been led

Page 2

1     by Iowa-born coach Bill Fennelly, the dean of Big 12  
2     Conference coaches who is a three-time finalist for  
3     the Naismith Women's College Coach of the Year Award  
4     (2001, 2002, 2005), who has been voted Women's  
5     Basketball Coaches Association District 5 Coach of the  
6     Year twice (1999, 2005), and finished second in the  
7     Associated Press' Women's Coach of the Year balloting  
8     in 1998; and  
9     *Whereas*, Coach Fennelly is ably assisted by  
10    associate head coach Jack Easley, assistant coach Jodi  
11    Steyer, assistant coach Latoja Schaben, director of  
12    basketball operations Josh Carper, and graduate  
13    assistant Molly Parrott; and  
14    *Whereas*, under Coach Fennelly the women's  
15    basketball program has blossomed, attendance has grown  
16    from an average of less than 1,000 per game to almost  
17    10,000 per game currently, and the Cyclones have  
18    posted their ninth 20-win season and 10th NCAA  
19    appearance; *Now Therefore*,  
20    *Be it Resolved by the House of Representatives*,  
21    That the House of Representatives congratulates Coach  
22    Fennelly, his staff, and the members of the Iowa State  
23    University Cyclones Women's Basketball team for their

24 outstanding performance in the 2008-2009 season, and  
25 thanks them all for the honor they have brought both  
26 to their university and to the State of Iowa.

HR 49 filed April 20, 2009; House Adopted April 23, 2009.

1                               House Resolution 51  
2           By Watts, Koester, May, Gaskill, Helland,  
3           Hagenow, Drake, Alons, Anderson, Deyoe,  
4           Tymeson, Wagner, Cownie, Raecker, Sorenson,  
5           De Boef, Sweeney, Schultz, Huseman, Worthan,  
6           Arnold, Horbach, Baudler, Windschitl, Heaton,  
7           Soderberg, Upmeyer, Kaufmann, S. Olson,  
8           Roberts, Tjepkes, Hunter, Ford, D. Taylor,  
9           Struyk, T. Taylor, R. Olson, Swaim, Thede,  
10          H. Miller, Lykam, Cohoon, and Gayman  
11 A resolution to honor the athletes and staff of the  
12 Woodward Academy for their fourth consecutive high  
13 school national powerlifting championship.  
14 *Whereas*, Woodward Academy is a 144-bed residential  
15 home for boys between the ages of 12 and 18; and  
16 *Whereas*, for the past three years the Woodward  
17 Academy powerlifting team, the Knights of Iron, has  
18 been the reigning U.S.A. Powerlifting High School  
19 National Champion; and  
20 *Whereas*, in April 2009, the Knights continued their  
21 winning streak with a national championship in  
22 Killeen, Texas; and  
23 *Whereas*, in that contest the team also claimed  
24 three individual national champions: Trenard Powell,  
25 Luke Tofanelli, and Deshaun Marks; *Now Therefore*,  
26 *Be it Resolved by the House of Representatives*,  
27 That the House of Representatives honors the members  
28 of the Woodward Academy powerlifting team for their  
29 continued efforts to excel personally and as a team  
30 and for their fourth consecutive U.S.A. Powerlifting

Page 2

1 High School National Championship, and honors the  
2 staff of the Academy for their excellent support of  
3 this effort and other efforts to improve the lives of  
4 our youth.

HR filed April 23, 2009; House Adopted April 24, 2009.

# IN MEMORIAM

## HOUSE OF REPRESENTATIVES

A memorial adopted by the House of Representative, 2009 Regular Session of the Eighty-third General Assembly, commemorating the life, character, and public service of the former members of the House of Representatives.

VERNON BENNETT	August 18, 1936 — November 30, 2008
BLYTHE CHARLES CONN	May 19, 1908 — July 4, 2007
JOHN CONNORS	December 2, 1922 — March 7, 2009
VIRGIL EDWIN COREY	September 23, 1916 — July 27, 2008
NORMAN P. DUNLAP	December 17, 1917 — May 21, 2008
BARBARA ANN FINCH	November 17, 1952 — December 17, 2009
RAYMOND JOSEPH HANRAHAN	July 1, 1922 – November 18, 2007
RAYMOND A. LAGESCHULTE	August 2, 1922 – September 1, 2007
DANIEL L. NAGLE	February 9, 1937 — March 2, 2007
CLYDE J. REX	September 8, 1922 — November 2, 2008
ROSEMARY THOMSON	December 22, 1935 — January 19, 2009

## VERNON BENNETT

VERNON BENNETT was born on August 18, 1936 in Winterset, the son of Mr. and Mrs. Harry Bennett. Vernon graduated from East High School and lived in the Polk County area his entire life.

Vernon worked as a truck driver and was an active union leader. He served as business representative, vice-president, and president of Teamsters Union 147 in Des Moines. Vernon also worked as a real estate agent.

Vernon loved politics and was an avid NASCAR fan. He particularly enjoyed the races at Talladega. He also was a fan of the Iowa Hawkeyes and the Chicago Bears.

A Democrat, Mr. Bennett was a member of the Sixty-second, Sixty-third and Sixty-fourth General Assemblies. (1967-1972)

Vernon Bennett died on November 30, 2008 at the age of 72.

*Now, Therefore, Be It Resolved By The House Of Representatives Of The Eighty-Third General Assembly Of Iowa,* That in the passing of the Honorable Vernon Bennett, the State has lost an honored citizen and a faithful and useful public servant, and the House by this Resolution would express its appreciation of his service.

*Be It Further Resolved,* That a copy of this Resolution be spread upon the Journal of the House, and that the Chief Clerk be directed to forward an enrolled copy to the family of the deceased.

BRUCE HUNTER  
KEVIN M. MCCARTHY  
RICK OLSON  
Committee

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 BLYTHE CHARLES CONN
 

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BLYTHE CHARLES CONN was born May 19, 1908 in Burlington, the son of John Thomas Conn and Mary Louise Sleeter. He graduated from Burlington High School and received his B.S. and J.D. degrees from the University of Iowa.

Blythe married Gladys Viola Trailer in 1935. They lived in Burlington where Blythe practiced law.

Blythe compiled an extensive lifetime record of public service. He served as the Des Moines County Attorney, Judge for the Burlington Municipal Court and President of the Burlington School Board. He was very involved and held many leadership positions in community, fraternal and professional activities which included: the Burlington Chamber of Congress, the Southeast Iowa Council of the Boy Scouts, the Iowa State and Des Moines County Bar Associations, Masons, Elks, Farm Bureau, Alpha Sigma Phi and Phi Delta Phi. He was voted Burlington Citizen Number One in 1960.

In 1962, Blythe moved with his family to Des Moines where he served as the Executive Secretary of the Iowa Association of School Boards until his retirement.

A Republican, Mr. Conn was elected in a Special Election held just one month after the General Election. He served a full term as a member of the Fifty-sixth General Assembly. (1955-1956)

Blythe Charles Conn died on July 4, 2007 at the age of 99.

*Now, Therefore, Be It Resolved By The House Of Representatives Of The Eighty-Third General Assembly Of Iowa, That in the passing of the Honorable Blythe Charles Conn, the State has lost an honored citizen and a faithful and useful public servant, and the House by this Resolution would express its appreciation of his service.*

*Be It Further Resolved, That a copy of this Resolution be spread upon the Journal of the House, and that the Chief Clerk be directed to forward an enrolled copy to the family of the deceased.*

THOMAS R. SANDS  
DENNIS M. COHOON  
DAVID HEATON  
Committee

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JOHN CONNORS

Mr. Speaker: Your committee, appointed to prepare a suitable resolution commemorating the life character, and public service of the late Honorable John Connors begs to submit the following Memorial:

John Connors was born December 2, 1922 in Des Moines, the son of John J. and Edna Connors. After graduation from Des Moines North High School in 1942, John joined the Merchant Marines, serving from 1943 to 1946. In 1945 John and Marjorie (Leonard) were married.

John began his career as a Des Moines Firefighter in 1950 and served until retiring as a Captain in 1977. An active member of the union, John served for 20 years as president of the Des Moines Association of Professional Firefighters. Prior to his election to the House of Representatives, John worked at the Statehouse as a lobbyist for the Firefighters Union.

John's community leadership included service as chair or president of many organizations, including: the Board of Trustees of Des Moines General Hospital, the Muscular Dystrophy Association, the Des Moines Friendship and Sister City Commission and the Polk County Society for Crippled Children and Adults. He was also a member of the American Legion, Masonic Orders and the First Christian Church.

As president of Golden Gloves Boxing and chairman of the Council of State Governments, John brought both the Golden Gloves National Boxing Championships and the National Annual Meeting of the Council of State Governments to Des Moines.



A Democrat, Mr. Connors was a member of the Sixty-fifth, Sixty-sixth, Sixty-seventh, Sixty-seventh Extra, Sixty-eighth, Sixty-ninth, Sixty-ninth Extra, Sixty-ninth Second-extra, Seventieth, Seventy-first, Seventy-second, Seventy-second Extra, Seventy-second Second-extra, Seventy-third, Seventy-fourth, Seventy-fourth Extra, Seventy-fourth Second-extra, Seventy-fifth, Seventy-sixth, Seventy-seventh, Seventy-eighth, Seventy-ninth, Seventy-ninth Extra, Seventy-ninth Second-extra, Eightieth, Eightieth Extra and Eightieth Second-extra General Assemblies (1973-2004)

John Connors died on March 7, 2009 at the age of 86.

*Now, Therefore, Be It Resolved By The House Of Representatives Of The Eighty-Third General Assembly Of Iowa,* That in the passing of the Honorable John Connors, the State has lost an honored citizen and a faithful and useful public servant, and the House by this Resolution would express its appreciation of his service.

*Be It Further Resolved,* That a copy of this Resolution be spread upon the Journal of the House, and that the Chief Clerk be directed to forward an enrolled copy to the family of the deceased.

RICK OLSON  
BRUCE L. HUNTER  
KEVIN M. MCCARTHY  
Committee

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VIRGIL EDWIN COREY

VIRGIL EDWIN COREY, SR, was born September 23, 1916 in Morning Sun, Iowa, the son of John L. and Maxine Martin Corey. Virgil attended Morning Sun Grade School and graduated from Morning Sun High School in 1933. He attended Cornell College and earned a B.S. in Agricultural Education from Iowa State University in 1942.

Virgil and Elsie farmed and Virgil taught vocational agriculture in Manilla, Coggon, Mediapolis and Lone Tree.

His work in the community included service as president of the Eastern Iowa Power and Light Cooperative and as president of the Louisa County Farm Bureau. Virgil was also a Louisa County District Soils Commissioner, a member of the Louisa County Board of Review and a member of the Southeast Iowa Regional Planning Commission.

Prior to and during his service in the House, Virgil was a long-time Lay Leader of the Wapello United Methodist Church and Lay Delegate to the Iowa Annual Conference of the United Methodist Church. In recent years, Virgil was an officer and had a jail ministry at the Solid Rock Baptist Church. He was also a member of the Masonic Order.

A Republican, Mr. Corey was a member of the Sixty-eighth, Sixty-ninth, Sixty-ninth Extra, Sixty-ninth Second-extra, Seventieth, Seventy-first and Seventy-second General Assemblies. (1979-1988)

Virgil Edwin Corey died on July 27, 2008 at the age of 91.

*Now, Therefore, Be It Resolved By The House Of Representatives Of The Eighty-Third General Assembly Of Iowa,* That in the passing of the Honorable Virgil Edwin Corey, the State has lost an honored citizen and a faithful and useful public servant, and the House by this Resolution would express its appreciation of his service.

*Be It Further Resolved,* That a copy of this Resolution be spread upon the Journal of the House, and that the Chief Clerk be directed to forward an enrolled copy to the family of the deceased.

THOMAS R. SANDS  
DAVID HEATON  
NATHAN REICHERT  
Committee

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NORMAN P. DUNLAP

NORMAN P. DUNLAP was born December 17, 1917 in Nevada, Iowa, the son of Ethel and Harry Dunlap. He received his education in Ames, graduating from Ames High School and earning a degree in Industrial Economics from Iowa State University. After college, Norman served in the Army Air Corps.

Norman worked for Coca-Cola before he and his wife, Jackie, returned to Ames where he began a twenty-five year career as an automobile dealer. Norman was an active member of the Iowa Auto Dealers Association and he served one term as association president. He also served on the Dodge Dealer Advisory Council. In 1966 he earned the “Boss of the Year” award.

Norman was active in Ames community affairs. His served as president of the Ames Board of Adjustment, Industrial Development Corporation, Kiwanis Club, Chamber of Commerce and Civil Service Commission and as a member of the Ames Community Chest.

His loyal support of Iowa State University included service as an advisor to Phi Delta Theda, and membership on the ISU Athletic Council. He was also an elected member of the Order of the Knoll. Norman served on the vestry of St. John’s by the Campus Episcopal Church.

A Republican, Mr. Dunlap was a member of the Sixty-fifth General Assembly. (1973-1974)

Norman P. Dunlap died on May 21, 2008 at the age of 90.

*Now, Therefore, Be It Resolved By The House Of Representatives Of The Eighty-Third General Assembly Of Iowa,* That in the passing of the Honorable Norman P. Dunlap, the State has lost an honored citizen and a faithful and useful public servant, and the House by this Resolution would express its appreciation of his service.

*Be It Further Resolved*, That a copy of this Resolution be spread upon the Journal of the House, and that the Chief Clerk be directed to forward an enrolled copy to the family of the deceased.

DAVE DEYOE  
LISA HEDDENS  
BETH WESSEL-KROSCHHELL  
Committee

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BARBARA ANN FINCH

BARBARA ANN FINCH was born November 17, 1952 in New York City, to James and Ruth Davis. After high school Barbara attended Nassau Community College and Creighton University. Barbara farmed, with her husband Robert, in the Ames area and she worked at the Mary Greeley Medical Center in Ames.

Barbara loved public service. Prior to her legislative service, she had been very active in Ballard schools. She served as a member of the Athletic Booster Club and as a member and president of the Ballard School Board.

Barbara also actively worked to promote agriculture. She was a member of the Story County Farm Bureau, Story County Cattleman's Association, and served on the Governor's Task Force for Sustainable Agriculture.

A Republican, Ms. Finch was a member of the Seventy-ninth, Seventy-ninth Extra and Seventy-ninth Second-extra General Assemblies. (2001-2002)

Barbara Ann Finch died on December 17, 2008 at the age of 56.

*Now, Therefore, Be It Resolved By The House Of Representatives Of The Eighty-Third General Assembly Of Iowa*, That in the passing of the Honorable Barbara Ann Finch, the State has lost an honored citizen and a faithful and useful public servant, and the House by this Resolution would express its appreciation of her service.

*Be It Further Resolved*, That a copy of this Resolution be spread upon the Journal of the House, and that the Chief Clerk be directed to forward an enrolled copy to the family of the deceased.

DAVE DEYOE  
LISA HEDDENS  
BETH WESSEL-KROESCHELL  
Committee

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RAYMOND JOSEPH HANRAHAN

RAYMOND JOSEPH HANRAHAN was born July 1, 1922 in Des Moines. He attended St. Augustine's School and graduated from Roosevelt High School. Ray was the all-city baseball pitcher for the City of Des Moines in 1940.

Ray lived in the Des Moines area all of his life except for the time he spent in the Army Air Corps. During World War II Ray served as a fighter pilot in Italy where he flew P-47 Thunderbolts. After the war Ray returned to Des Moines and, in 1948, married Alice Mae Paulsen. He enrolled at Drake University where he earned a B.A. in Accounting and, in 1950, a law degree.

After graduating from law school Ray began practicing with the firm, Hanrahan and Wasker. He then served as an Assistant Polk County Attorney prior to his election to two terms as Polk County Attorney. In 1976 Ray was sworn in as a Polk County District Court Judge, a position he held until his retirement in 1991.

A Democrat, Judge Hanrahan was a member of the Fifty-ninth General Assembly. (1961-1962)

Raymond Joseph Hanrahan died on November 18, 2007 at the age of 85.

*Now, Therefore, Be It Resolved By The House Of Representatives Of The Eighty-Third General Assembly Of Iowa,* That in the passing of the Honorable Raymond Joseph Hanrahan, the State has lost an honored citizen and a faithful and useful public servant, and the House by this Resolution would express its appreciation of his service.

*Be It Further Resolved,* That a copy of this Resolution be spread upon the Journal of the House, and that the Chief Clerk be directed to forward an enrolled copy to the family of the deceased.

RICK OLSON  
GERI HUSER  
WAYNE FORD  
Committee

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RAYMOND ARTHUR LAGESCHULTE

RAYMOND ARTHUR LAGESCHULTE was born August 2, 1922 in Bremer County, the son of Frank and Sarah (Koenig) Lageschulte. Ray attended Warren #2 rural school and graduated from Waverly High School in 1941. As a youth Ray participated in 4-H and FFA.

Ray and his wife Virginia farmed the home farm which they purchased in 1951. Besides operating the farm, Ray worked as a crop and cattle insurance adjuster for Farm Bureau. Ray and Virginia enjoyed travel. They visited 49 states and numerous foreign countries.

Ray was pleased when he was labeled a maverick lawmaker. He felt a responsibility to, in his words, "represent all the people in my district, not just those in my party." Ray was especially proud of his role in enacting the Iowa Bottle Deposit law. When Ray retired from the legislature he spoke proudly of his work to remove the sales tax from draft horses. That effort kept the world's largest sale of draft horses in Waverly, Iowa.

A Republican, Mr. Lageschulte was a member of the Sixty-sixth, Sixty-seventh, Sixty-seventh Extra, Sixty-eighth, Sixty-ninth, Sixty-ninth Extra, Sixty-ninth Second-extra, Seventieth, Seventy-first, Seventy-second, Seventy-third, Seventy-fourth and Seventy-fifth General Assemblies. (1975-1992)

Raymond Arthur Lageschulte died on September 1, 2007 at the age of 85.

*Now, Therefore, Be It Resolved By The House Of Representatives Of The Eighty-Third General Assembly Of Iowa*, That in the passing of the Honorable Raymond Arthur Lageschulte, the State has lost an honored citizen and a faithful and useful public servant, and the House by this Resolution would express its appreciation of his service.

*Be It Further Resolved*, That a copy of this Resolution be spread upon the Journal of the House, and that the Chief Clerk be directed to forward an enrolled copy to the family of the deceased.

PAT GRASSLEY  
LANCE HORBACH  
ANDREW WENTHE  
Committee

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DANIEL L. NAGLE

DANIEL L. NAGLE was born February 9, 1937 in Davenport, the son of James R. and Roma E. Nagle. Dan graduated from Davenport Central High School and received a B.A. in Business Administration from St. Ambrose College.

Dan enjoyed a 30-year career with the Scott County Parks System, retiring in 1998 as Director of Scott County Parks. He was involved in the creation of many park areas, including West Lake Park, the Cody Homestead, the Wapsi River Environmental Education Center and his namesake, the Dan Nagle Walnut Grove Historic Village.

Dan's memberships included St. Ann's Catholic Church, Donahue American Legion Post #532 and Long Grove Volunteer Fire Department. He also served as a member of the National Guard, the Riverboat Development Authority and for 30 years he served as a member of the Long Grove City Council.

Dan loved fishing and antiques. Many of the artifacts on display at the Pioneer Village are from his personal collection.

A Democrat, Mr. Nagle was a member of the Sixty-first General Assembly. (1965-1966)

Daniel L. Nagle died on March 2, 2007 at the age of 70.

*Now, Therefore, Be It Resolved By The House Of Representatives Of The Eighty-Third General Assembly Of Iowa*, That in the passing of the Honorable Daniel L.

Nagle, the State has lost an honored citizen and a faithful and useful public servant, and the House by this Resolution would express its appreciation of his service.

*Be It Further Resolved*, That a copy of this Resolution be spread upon the Journal of the House, and that the Chief Clerk be directed to forward an enrolled copy to the family of the deceased.

JIM LYKAM  
ELESHA GAYMAN  
CINDY WINCKLER  
Committee

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CLYDE J. REX

CLYDE J. REX was born September 8, 1922 in Webster City, Iowa, the son of Clyde and Alice (Wilson) Rex. Clyde graduated from Ellsworth High School in 1941 and then enrolled in a two-year vocational agriculture course in Story City. After receiving his education, Clyde served in the U.S. Army.

Clyde farmed in the Ellsworth/Radcliffe area for thirty years. He served for nine years as a Hamilton County Supervisor. During that time he also served as the president of the Iowa District I County Officers Association. Prior to his retirement Clyde spent 11 years as a State Field Auditor.

Clyde was especially proud of his role in establishing Terrace Hill as the Iowa Governor's Mansion.

In retirement Clyde enjoyed wintering in Apache Junction, Arizona. He also enjoyed golfing, playing cards, ballroom dancing, and observing nature on his daughter's farm in Dallas County.

Clyde was a member of the Iowa Pioneer Lawmakers, Moose Lodge, Eagles Lodge, and the American Legion.

A Republican, Mr. Rex was a member of the Sixty-third and Sixty-fourth General Assemblies. (1969-1972)

Clyde J. Rex died on November 2, 2008 at the age of 86.

*Now, Therefore, Be It Resolved By The House Of Representatives Of The Eighty-Third General Assembly Of Iowa*, That in the passing of the Honorable Clyde J. Rex, the State has lost an honored citizen and a faithful and useful public servant, and the House by this Resolution would express its appreciation of his service.

*Be It Further Resolved*, That a copy of this Resolution be spread upon the Journal of the House, and that the Chief Clerk be directed to forward an enrolled copy to the family of the deceased.

DAVE DEYOE  
MCKINLEY BAILEY  
DAVID TJEPKES  
Committee

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ROSEMARY THOMSON

ROSEMARY THOMSON was born December 22, 1935 in Wyoming, Illinois, the daughter of Ray A. and Emilie Kroepel Clinebell. She graduated from Elmwood High School in Elmwood, Illinois and from Bradley University in Peoria, Illinois. Rosemary married Jim Thomson in 1957. She taught school in Peoria and later served as student assistance coordinator for the Linn-Mar school system in Marion. Rosemary also worked in community development for Iowa State University Extension and had written for Christian publications.

Rosemary was dedicated to public service and enjoyed working in grass roots Republican politics. Her political career began when she was an "I Like Ike" girl in President Eisenhower's 1956 campaign. Throughout her life she continued to serve as a leader in the Republican Party and won election to many local, state and national positions. Her public service career included work in the U.S. Department of Education and an appointment to the National Commission on Drug-Free Schools. She was a member of the Grace Presbyterian Church in Peoria, Illinois and attended New Covenant Bible Church in Cedar Rapids.

Rosemary was proud of using her experience as a state-certified substance abuse prevention specialist to play a leading role as the General Assembly enacted tough new legislation on illicit drug trafficking, drunken driving and limiting youth access to tobacco. She was named the Legislator of the Year in 1999 by the Iowa Council of the American Cancer Society and also received statewide recognition as the 1996 recipient of the Iowa Traffic Safety Award.

A Republican, Mrs. Thomson was a member of the Seventy-sixth, Seventy-seventh and Seventy-eighth General Assemblies. (1995-2001)

Rosemary Thomson died on January 19, 2009 at the age of 73.

*Now, Therefore, Be It Resolved By The House Of Representatives Of The Eighty-Third General Assembly Of Iowa*, That in the passing of the Honorable Rosemary Thomson, the State has lost an honored citizen and a faithful and useful public servant, and the House by this Resolution would express its appreciation of her service.

*Be It Further Resolved*, That a copy of this Resolution be spread upon the Journal of the House, and that the Chief Clerk be directed to forward an enrolled copy to the family of the deceased.

NICK WAGNER  
KRAIG PAULSEN  
RENEE SCHULTE  
Committee

## JOURNAL INDEX

### ABDUL-SAMAD, AKO—Representative **Polk** County, Assistant Majority Leader

- Amendments filed—658, 684, 1405, 2082
- Amendment offered—718
- Amendment withdrawn—718
- Bills introduced—63, 112, 195, 294, 374, 464, 586, 592, 632
- Committee appointments—19, 20, 21, 22
- Placed the portrait of President Barack Obama above the Speaker's station—104
- Presided at session of the House—1951
- Resolutions filed—461, 510, 572, 818, 991, 1251, 1392, 1450
- Resolutions offered—512, 588, 827, 1395
- Subcommittee assignments—86, 141, 142, 199, 200, 239, 240, 396, 507, 515, 652, 654, 906, 941, 1026, 1072

### ADDRESSED THE HOUSE—

(See also JOINT CONVENTION and/or SPECIAL PRESENTATION)

- The Honorable Patrick J. Murphy, Speaker of the House—7-9, 2112-2114
- The Honorable Polly Butka, Speaker Pro Tempore—12-13
- The Honorable Kraig Paulsen, Minority Leader—15-16, 2109-2111
- The Honorable Kevin McCarthy, Majority Leader—17, 2111-2112
- The Honorable Chester J. Culver, Governor—50-58
- The Honorable Marsha K. Ternus, Chief Justice of the Iowa Supreme Court—66-76
- Jim Thomson, husband of the late Rosemary Thomson—194
- Sally Nichols and John Lohman—210
- The Honorable Major Ron Dardis, Adjutant General of the Iowa National Guard—429-441
- The Honorable Delores Mertz gave a short eulogy of the Honorable John Connors in honor of St. Patrick's Day—822
- Amanda Hynak sang "Danny Boy"—822
- Morgan Kuiper, Queen of the 2009 Pella Tulip Festival—1097
- O. Kay Henderson, News Director of Radio Iowa—1099-1101

### ADMINISTRATION AND RULES, COMMITTEE ON—

- Appointed—19
- Recommendations—284, 418, 1105, 1612
- Reports—91-96, 2124-2125
- Resolutions filed—286, 1612
- Subcommittee assignments—344, 1072

### AGRICULTURE, COMMITTEE ON—

- Appointed—19
- Bills introduced—443, 776, 805, 821, 822, 823, 855
- Recommendations—419, 695, 758-759, 789, 1036, 1049
- Subcommittee assignments—344, 458, 504, 505, 506, 653, 654, 677, 692, 711, 766, 1026

### ALONS, DWAYNE—Representative Lyon-**Sioux** Counties

- Amendments filed—583, 770, 889, 1105, 1106, 1157, 1158, 1159, 1323, 1339, 1344, 1385, 1451, 1528, 1602, 1630, 1701, 2075
- Amendments offered—1152, 1161, 1212, 1218, 1245, 1339, 1344, 1385, 1461, 2075
- Amendments withdrawn—1214, 1661, 1663



Bills introduced—189, 190, 191, 192, 194, 207, 278, 287, 288, 296, 391, 392, 586, 626, 627, 643, 644, 661, 663, 666, 669, 699, 700, 706, 746, 748, 749, 750, 773, 796, 1077  
 Committee appointments—19, 20, 21, 22  
 Explanations of vote—1093, 1627  
 Leaves of absence—1043, 1604  
 Resolutions filed—420, 510, 803, 908, 991, 992, 1028, 1700  
 Resolutions offered—426, 1111  
 Subcommittee assignments—86, 151, 184, 220, 240, 367, 506, 652, 654, 690, 691, 756, 1026, 1027

## AMENDMENTS—

(See also INDIVIDUAL HEADINGS)

Amendments out of order—481, 502, 609, 610, 729, 778, 808, 858, 963, 975, 1013, 1016, 1045, 1148, 1210, 1285, 1301, 1334, 1380, 1382, 1408, 1419, 1434, 1512, 1534, 1570, 1590, 1591, 1597, 1811, 1842, 1929, 1932, 2075, 2076  
 Filed—147, 158, 206, 223, 347, 369-370, 383, 398, 421-422, 461-462, 510, 520, 572, 583-584, 642, 658, 684, 698, 713, 762, 770, 794-795, 803, 818, 850-851, 888-889, 909, 992-993, 1029, 1038-1039, 1051, 1056, 1075-1076, 1094-1095, 1105-1106, 1157-1159, 1187, 1251-1252, 1290, 1361-1362, 1392-1393, 1450-1452, 1485-1486, 1528, 1531, 1602, 1612, 1629-1630, 1701-1702, 1947  
 Filed from the floor—163, 170, 171, 172, 215, 470, 472, 477, 481, 482, 495, 502, 605, 897, 959, 962, 963, 972, 975, 1005, 1013, 1016, 1019, 1044, 1045, 1085, 1119, 1145, 1146, 1147, 1149, 1215, 1232, 1241, 1242, 1275, 1280, 1281, 1283, 1285, 1323, 1325, 1326, 1328, 1329, 1330, 1332, 1333, 1334, 1335, 1337, 1338, 1339, 1340, 1341, 1343, 1344, 1345, 1347, 1348, 1349, 1351, 1352, 1353, 1379, 1380, 1384, 1385, 1396, 1404, 1409, 1410, 1411, 1426, 1434, 1437, 1438, 1439, 1454, 1464, 1466, 1500, 1536, 1570, 1584, 1594, 1598, 1675, 1676, 1687, 1715, 1761, 1813, 1837, 1841, 1843, 1847, 1885, 1924, 1929, 1932, 1936, 1937, 1939, 1940, 1949, 1952, 1963, 1978, 1979, 1982, 1988, 1990, 2066, 2069, 2070, 2071, 2072, 2075, 2076, 2078, 2079, 2080, 2082, 2083, 2084, 2090, 2091, 2093, 2094, 2100, 2103, 2107, 2115, 2116  
 Senate amendments considered—1190, 1191, 1193, 1469, 1476, 1504, 1605, 1619, 1621, 1633, 1669, 1674, 1678, 1985, 2104  
 Senate amendments filed—1094, 1106, 1157, 1251, 1252, 1361, 1393, 1528, 1612, 1630  
 Withdrawn—162, 212, 451, 453, 471, 472, 476, 485, 487, 608, 646, 673, 718, 808, 812, 858, 869, 871, 954, 959, 968, 983, 999, 1010, 1012, 1017, 1018, 1116, 1141, 1144, 1147, 1154, 1166, 1181, 1214, 1224, 1265, 1281, 1340, 1345, 1347, 1351, 1353, 1370, 1371, 1379, 1457, 1459, 1462, 1495, 1503, 1522, 1534, 1536, 1597, 1661, 1663, 1665, 1677, 1687, 1716, 1811, 1817, 1847, 1885, 1929, 1932, 1979, 2075, 2076, 2082, 2090, 2116

## ANDERSON, RICHARD—Representative Fremont-Mills-Page Counties

Amendments filed—421, 583, 795, 992, 1157, 1187, 1323, 1334, 1451, 1466, 1602  
 Amendments offered—484, 1334, 1459, 1466  
 Amendment withdrawn—1459  
 Bills introduced—153, 288, 376, 513, 643, 644, 667, 700, 706, 746, 1077  
 Committee appointments—20, 21, 65  
 Leave of absence—1254  
 Presided at session of the House—447  
 Resolutions filed—992, 1028, 1700  
 Subcommittee assignments—184, 567, 690, 693, 767, 788, 888, 1025

## APPROPRIATIONS, COMMITTEE ON—

- Amendments filed—147, 1187, 1451, 1531
- Amendments offered—1379, 1454
- Amendments withdrawn—162, 1847
- Appointed—19
- Bills introduced—514, 910, 1102, 1270, 1356, 1357, 1530, 1888
- Recommendations—147, 519, 783, 907, 1105, 1186-1187, 1290, 1360-1361, 1383-1384, 1392, 1450, 1527-1528, 1531, 1947
- Subcommittee assignments—367, 756, 849, 905, 906, 907, 1072, 1094, 1104, 1249, 1360, 1449, 1484, 1527

## APPROPRIATIONS SUBCOMMITTEES—

- Appointments to—22-23

ARNOLD, RICHARD—Representative **Lucas-Mahaska-Marion-Monroe** Counties

- Amendments filed—583, 1157, 1323
- Bills introduced—112, 245, 274, 277, 278, 287, 296, 627, 700, 706, 749, 1077
- Committee appointments—21, 22
- Leaves of absence—212, 1040, 1063, 1078, 1815, 1949
- Resolutions filed—510, 991, 992, 1028, 1700
- Subcommittee assignments—141, 183, 239, 281, 385, 458, 515

## ASSISTANT MAJORITY LEADERS—

- Ako Abdul-Samad—Representative **Polk** County  
(See ABDUL-SAMAD, AKO—Representative **Polk** County, Assistant Majority Leader)
- Elesha Gayman—Representative **Scott** County  
(See GAYMAN, ELESHA—Representative **Scott** County, Assistant Majority Leader)
- Mike Reasoner—Representative Clarke-Decatur-**Union** Counties  
(See REASONER, MIKE—Representative Clarke-Decatur-**Union** Counties, Assistant Majority Leader)
- John Whitaker—Representative Jefferson-**Van Buren**-Wapello Counties  
(See WHITAKER, JOHN—Representative Jefferson-**Van Buren**-Wapello Counties, Assistant Majority Leader)

## ASSISTANT MINORITY LEADERS—

- Jeff Kaufmann—Representative **Cedar**-Johnson-Muscatine Counties  
(See KAUFMANN, JEFF—Representative **Cedar**-Johnson-Muscatine Counties, Assistant Minority Leader)
- Steve Lukan—Representative Delaware-**Dubuque** Counties  
(See LUKAN, STEVE—Representative Delaware-**Dubuque** Counties, Assistant Minority Leader)
- Rod Roberts—Representative **Carroll**-Crawford-Sac Counties  
(See ROBERTS, ROD—Representative **Carroll**-Crawford-Sac Counties, Assistant Minority Leader)
- Jodi Tymeson—Representative Dallas-**Madison**-Warren Counties  
(See TYMESON, JODI—Representative Dallas-**Madison**-Warren Counties, Assistant Minority Leader)
- Linda L. Upmeyer—Representative Cerro Gordo-Franklin-**Hancock** Counties  
(See UPMEYER, LINDA L.—Representative Cerro Gordo-Franklin-**Hancock** Counties, Assistant Minority Leader)

## ATHLETES—

## Resolutions relating to:

- House Resolution 26—honor 2008 Iowa State University Cyclones volleyball team for outstanding 2008 season that culminated in team's appearance in NCAA Women's Volleyball Tournament and appearance in regional final—761, 945 adopted.
- House Resolution 32—commemorate the 100<sup>th</sup> anniversary of the Drake Relays—850,
- House Resolution 37—commemorating 100<sup>th</sup> anniversary of Drake Relays—991, 1469 adopted.
- House Resolution 42—honor 2008-2009 University of Iowa Wrestling Team—1156, 1632 adopted.
- House Resolution 43—honor Kirkwood Eagles Women's Basketball Team and coach Kim Muhl—1157, 1633 adopted.
- House Resolution 45—honor and commemorate University of Northern Iowa Panthers Men's Basketball Team and Head Coach Ben Jacobson—1392, 1395 adopted.
- House Resolution 46—honor Morningside College Women's Basketball Team on their national championship—1392,
- House Resolution 49—honor Iowa State University Cyclones Women's Basketball team—1602, 1632 adopted.
- House Resolution 51—honor athletes and staff of Woodward Academy for their fourth consecutive high school national powerlifting championship—1700, 1701, 1704 adopted.

## AWARDS AND GIFTS—

- Special presentation to House Pages—1704-1705

BAILEY, MCKINLEY—Representative **Hamilton**-Webster-Wright Counties

- Amendments filed—461, 502, 1076
- Bills introduced—90, 126, 274, 294, 373, 392, 399, 669, 700, 750
- Committee appointments—19, 20, 22, 428, 1058
- Leave of absence—274
- Resolutions filed—420, 908, 991, 1450
- Resolution offered—426
- Subcommittee assignments—142, 150, 155, 220, 256, 367, 368, 416, 458, 504, 506, 515, 580, 693, 756, 766, 767, 788

BAUDLER, CLEL—Representative **Adair**-Audubon-Cass-Guthrie Counties

- Amendments filed—583, 762, 889, 959, 963, 1051, 1157, 1187, 1323, 1341, 1393, 1701
- Amendments offered—895, 959, 1341, 1431, 1718
- Bills introduced—89, 91, 149, 192, 208, 245, 262, 278, 287, 288, 296, 626, 627, 643, 644, 661, 663, 665, 666, 668, 669, 699, 700, 701, 706, 746, 749, 1077
- Committee appointments—20, 21
- Explanation of vote—197
- Leaves of absence—162, 298, 443, 1889, 1949
- Resolutions filed—642, 803, 908, 991, 992, 1028, 1700
- Subcommittee assignments—100, 142, 150, 183, 219, 220, 240, 256, 257, 270, 343, 367, 630, 653, 654, 677, 690, 691, 692, 693, 756, 757, 766, 787, 788, 941, 1025, 1027, 1047

**BEARD, JOHN**—Representative Allamakee-**Winneshiek** Counties

Amendments filed—1157, 1450, 1485

Bills introduced—274, 373, 399, 400, 464, 466, 586, 664, 686, 750, 796

Committee appointments—19, 21, 49

Resolutions filed—1392, 1450

Subcommittee assignments—100, 143, 156, 183, 200, 257, 291, 380, 396, 506, 568, 654, 691, 711, 757, 765, 767, 1026, 1047

**BELL, PAUL**—Representative **Jasper** County

Amendments filed—698, 889, 959

Amendments offered—955, 959, 1111

Bills introduced—17, 149, 274, 297, 535, 750

Committee appointments—19, 21, 22

Presented to the House May May Ng from the New C K International Cultural and Economic Center in West Des Moines—1394

Resolutions filed—510, 684, 908, 991, 1392, 1450

Resolution offered—1189

Seconded the nomination of the Honorable Polly Bukta as Speaker Pro Tempore—11

Subcommittee assignments—100, 141, 220, 239, 457, 458, 692, 886, 888, 941, 990, 1602

**BERRY, DEBORAH L.**—Representative **Black Hawk** County

Amendments filed—347, 818, 1252, 1701, 2084

Amendment offered—1443

Amendment withdrawn—1166

Bills introduced—112, 274, 288, 294, 295, 372, 443, 464, 466, 467, 586, 701, 750

Committee appointments—20, 21

Leaves of absence—670, 688

Resolutions filed—223, 461, 572, 818, 991, 1392, 1450

Resolutions offered—512, 827, 1394

Subcommittee assignments—86, 156, 368, 516, 567, 630, 690, 756, 907, 941, 1026, 1027, 1047

**BILLS**—

(See also action on HOUSE JOINT RESOLUTIONS, HOUSE FILES, SENATE JOINT RESOLUTIONS and SENATE FILES in LEGISLATIVE INDEX VOLUME)

Approved by governor—227, 394, 620, 638, 702, 710, 816, 847, 904, 1023, 1033-1034, 1052, 1155-1156, 1184-1185, 1288, 1358, 1388, 1526, 1601, 1608, 1628, 1699-1700, 1945-1946, 2129-2137

Approved, vetoed or item vetoed subsequent to adjournment—2128-2144

Consideration of—162, 212, 276, 298, 377, 400, 406, 448, 470, 575, 594, 646, 670, 688, 718, 777, 806, 829, 858, 868, 894, 947, 996, 1030, 1041, 1044, 1063, 1079, 1111, 1161, 1255, 1294, 1365, 1396, 1453, 1489, 1532, 1572, 1618, 1676, 1705, 1949

Deferred, retained on calendar—720, 1423, 1578, 1665, 2104

Introduction of—17, 63-64, 80-82, 89-91, 103, 112-113, 125-127, 148-149, 152-154, 159-160, 161, 189-193, 194-197, 207-209, 210-212, 224-227, 243-244, 244-246, 262-263, 264-265, 274-275, 277-278, 287-288, 289, 294-295, 296-298, 349, 363-364, 371-372, 372-377, 384-385, 389-390, 391-393, 399-400, 404-405, 424-425, 442-443, 463-464, 466-469, 511-512, 513-514, 534-536, 574, 585-586, 588-593, 626-629, 631-632, 643-645, 659-669, 685-687, 699-701, 705-708, 717-718, 744-751, 763-764, 773-

777, 796-798, 804-805, 805-806, 819-821, 822-825, 852-856, 866-867, 890, 910, 1043, 1070, 1077, 1102, 1248, 1270-1271, 1292, 1294, 1356-1357, 1378, 1469, 1504, 1525, 1530, 1667, 1888

Item veto messages after session—2137-2144

Passed on file—380, 638, 710, 754, 764, 846, 847, 1248

Placed on calendar—690, 846, 904, 988, 1287, 1357

Placed on unfinished business calendar—1357-1358, 1525

Referred to committee—219, 413, 675, 709, 816, 846, 885, 904, 987, 988, 1046, 1052, 1092, 1358, 1447-1448, 1600, 2127

Rereferred to committee—154, 219, 619, 675, 690, 753, 786, 846, 988, 1052, 1698

Sent to governor—227, 536, 786, 800, 847, 988, 1023, 1071, 1093, 1184, 1248, 1448, 1482, 1530, 1608, 1699, 2128

Sent to secretary of state—2128

Substitutions—408, 411, 578, 609, 610, 671, 673, 721, 729, 734, 742, 778, 808, 814, 828, 833, 836, 837, 842, 881, 883, 952, 965, 968, 976, 981, 982, 983, 985, 1018, 1082, 1091, 1144, 1195, 1295, 1296, 1301, 1382, 1471, 1480, 1512, 1534, 1708, 1761, 1817, 1962, 2066

Withdrawn—263, 390, 409, 412, 579, 614, 722, 730, 735, 744, 785, 810, 815, 829, 834, 837, 838, 843, 882, 953, 966, 974, 977, 982, 983, 984, 986, 1021, 1083, 1127, 1155, 1198, 1296, 1297, 1302, 1383, 1472, 1481, 1520, 1535, 1717, 1821, 1965

#### BILLS SENT TO GOVERNOR—

(See **BILLS**, subheading, Sent to Governor)

#### BOARDS, COMMISSIONS, COMMITTEES AND/OR COUNCILS—

(See **APPOINTMENTS** and/or **COMMUNICATIONS FROM**, subheading Reports and/or **INDIVIDUAL HEADINGS**)

#### BUDGET MESSAGE—

(See **STATE OF THE STATE** and **BUDGET MESSAGE**)

#### BUKTA, POLLY—Representative **Clinton** County, Speaker Pro Tempore

Amendment filed—1485

Bills introduced—153, 274, 372, 424, 466, 467, 535, 586, 628, 643, 664

Bills referred and rereferred to committee (as acting Speaker)—816

Committee appointments—19, 20, 21, 22, 428, 1604

Elected—11

Presided at sessions of the House—534, 805, 858, 1030, 1032, 1077, 1110, 1469

Remarks by—12-13

Report—1671-1673

Resolutions filed—13, 223, 908, 991, 1392, 1450

Ruling made (as acting Speaker)—807

Subcommittee assignments—86, 184, 200, 220, 368, 396, 506, 653, 756, 849, 887, 888, 905, 1026, 1527

#### BURT, KERRY—Representative **Black Hawk** County

Amendments filed—713, 1701, 2082

Amendment offered—722

Bills introduced—153, 400, 586, 664, 668, 701, 750

Committee appointments—10, 21, 1604, 1623

Reports—1671-1673, 1693-1694

Resolutions filed—461, 572, 818, 1392, 1450

Resolutions offered—512, 588, 827, 1394

Subcommittee assignments—142, 220, 257, 385, 653, 756, 941, 1025, 1026

#### CALL OF THE HOUSE—

Requested:

House Joint Resolution 6—1293

Ruled out of order:

House Joint Resolution 6—1293

#### CERTIFICATES OF RECOGNITION—

40, 60-61, 77-78, 82-86, 96-100, 106-108, 114-119, 128-141, 150, 176-183, 197-199, 219, 229-239, 246-255, 266-270, 279-280, 289-290, 342-343, 365-367, 380, 394-395, 413-415, 456-457, 514, 537-567, 620-621, 638-640, 648-651, 675-677, 689-690, 710, 754-756, 765, 786-787, 816-817, 847-849, 885-886, 905, 915-941, 988-989, 1023-1025, 1034-1036, 1046, 1071-1072, 1103-1104, 1156, 1185-1186, 1249, 1288-1289, 1358-1359, 1389-1391, 1448-1449, 1482-1484, 1526-1527, 1601-1602, 1608-1611, 1700, 1946, 2126

CHAMBERS, ROYD E.—Representative Clay-O'Brien-Osceola-Sioux Counties  
(Currently deployed to Iraq)

#### CHAPLAINS—

Resolution relating to:

Senate Concurrent Resolution 2 - compensation of chaplains, officers, and employees of the eighty-third general assembly—188, 192 adopted & msgd., 222 - H.J. - 264, 273, 344, 418, 534 adopted, 536 msgd. - S.J. - 400.

#### CHIEF CLERK OF THE HOUSE, Mark Brandsgard

Administered oath of office to temporary Speaker—2

Communications received and on file—38-40, 58-60, 76-77, 104-105, 123-124, 147, 154-155, 187-188, 205, 223, 227-229, 260-261, 272-273, 279, 284-285, 292-293, 346, 369, 382-383, 387-388, 397-398, 418-420, 461, 519, 536-537, 570-572, 582-583, 623-624, 641-642, 657-658, 675, 680-684, 695-697, 703-704, 712-713, 758-761, 768-770, 783, 789-794, 801-803, 817, 850, 907-908, 990-991, 1027-1028, 1036-1038, 1048-1051, 1052-1053, 1054-1056, 1073-1075, 1093-1094, 1104-1105, 1186-1187, 1207, 1250-1251, 1289-1290, 1360-1361, 1383-1384, 1389, 1391-1392, 1449-1450, 1482, 1485, 1527-1528, 1531, 1611-1612, 1628, 1628-1629, 1631, 1946-1947

Elected acting Chief Clerk—1

Elected permanent Chief Clerk—9

Reports:

Certificates of recognition—40, 60-61, 77-78, 82-86, 96-100, 106-108, 114-119, 128-141, 150, 176-183, 197-199, 219, 229-239, 246-255, 266-270, 279-280, 289-290, 342-343, 365-367, 380, 394-395, 413-415, 456-457, 514, 537-567, 620-621, 638-640, 648-651, 675-677, 689-690, 710, 754-756, 765, 786-787, 816-817, 847-849, 885-886, 905, 915-941, 988-989, 1023-1025, 1034-1036, 1046, 1071-1072, 1103-1104, 1156, 1185-1186, 1249, 1288-1289, 1358-1359, 1389-1391, 1448-1449, 1482-1484, 1526-1527, 1601-1602, 1608-1611, 1700, 1946, 2126

Certification of engrossment—503, 1446, 2125-2126, 2128

Committee recommendations—123-124, 147, 187-188, 205, 223, 260-261, 272-273, 284-285, 292-293, 346, 369, 382-383, 387-388, 397-398, 418-420, 461, 519, 570-572, 582-583, 623-624, 641-642, 657-658, 680-684, 695-697, 703-704, 712-713, 758-761, 768-770, 783, 789-794, 801-803, 817, 850, 907-908, 990-991, 1027-1028,

1036-1038, 1048-1051, 1054-1056, 1073-1075, 1104-1105, 1186-1187, 1207,  
 1250-1251, 1289-1290, 1360-1361, 1383-1384, 1391-1392, 1449-1450, 1485,  
 1527-1528, 1531, 1611-1612, 1628-1629, 1946-1947  
 Enrolled bills—227, 536, 786, 800, 847, 988, 1023, 1071, 1093, 1184, 1248, 1448,  
 1482, 1530, 1608, 1699, 2128  
 Took oath of office—1

CHIEF JUSTICE OF THE SUPREME COURT, The Honorable Marsha K. Ternus  
 (See SUPREME COURT OF IOWA)

CLOSE DEBATE—

House File 333—Representative McCarthy—469

COHOON, DENNIS M.—Representative **Des Moines** County

Amendments filed—993, 1486, 1630, 1701, 1837, 1847, 1924, 1932, 1952, 1988

Amendments offered—1837, 1847, 1889, 1924, 1932, 1934, 1952, 1988

Amendment withdrawn—1847

Bills introduced—372, 466, 586, 687

Committee appointments—19, 20, 21, 22, 1059, 1098

Leave of absence—601

Resolutions filed—206, 223, 991, 1392, 1450, 1700

Resolutions offered—210, 1063

Subcommittee assignments—120, 143, 156, 199, 200, 256, 281, 291, 385, 507, 621,  
 691, 711, 849, 905, 906, 907, 1104, 1360

COMMERCE, COMMITTEE ON—

Amendments filed—1056

Amendments offered—1137, 1175, 1199

Appointed—19

Bills introduced—226, 385, 443, 628, 718, 764, 797, 798, 821, 824

Recommendations—223, 382, 419, 570, 680-681, 695, 768, 1028, 1054-1055

Subcommittee assignments—141, 142, 143, 256, 281, 282, 291, 415, 515, 516, 580,  
 652, 653, 654, 677, 691, 692, 693, 756, 906, 907, 1025

COMMISSIONS, COMMITTEES, BOARDS AND/OR COUNCILS—

(See APPOINTMENTS and/or COMMUNICATIONS, sub-heading Reports and/or  
 INDIVIDUAL HEADINGS)

COMMITTEE ASSIGNMENTS—

(See HOUSE COMMITTEE ASSIGNMENTS)

COMMITTEE RECOMMENDATIONS—

Administration and Rules—284, 418, 1105, 1612

Agriculture—419, 695, 758-759, 789, 1036, 1049

Appropriations—147, 519, 783, 907, 1105, 1186-1187, 1290, 1360-1361, 1383-1384,  
 1392, 1450, 1527-1528, 1531, 1947

Commerce—223, 382, 419, 570, 680-681, 695, 768, 1028, 1054-1055

Economic Growth—284, 346, 419, 681, 703, 789-790, 801, 1037, 1049

Education—284-285, 292, 369, 397, 519, 582, 642, 695, 759, 790, 990, 1037

Environmental Protection—623, 657, 696, 759, 790-791, 1037

Ethics—260, 346

Government Oversight—1485

Human Resources—188, 205, 259-260, 285, 382-383, 419-420, 461, 583, 657-658, 759-760, 791-792, 990, 1028, 1055-1056  
 Judiciary—273, 285, 369, 387, 681-682, 703-704, 712, 769, 801-802, 1028, 1073-1074  
 Labor—398, 420, 682, 704, 769, 792, 1074  
 Local Government—260-261, 293, 369, 623-624, 658, 682-683, 696, 792, 990, 1037-1038  
 Natural Resources—205, 704, 713, 1028  
 Public Safety—285, 387-388, 571, 683, 696, 760, 792-793, 1038, 1049  
 Rebuild Iowa and Disaster Recovery—123-124, 188, 696-697, 760-761, 793, 991, 1049  
 State Government—293, 383, 388, 420, 571, 683-684, 697, 713, 761, 794, 802-803, 1038, 1050, 1074-1075  
 Transportation—571-572, 658, 770, 793-794, 1050  
 Veterans Affairs—261, 285, 346, 420, 624, 697, 803, 817, 1038, 1051, 1075  
 Ways and Means—205, 850, 908, 1075, 1207, 1250-1251, 1290, 1361, 1528, 1629

#### COMMITTEES, COMMISSIONS, BOARDS AND/OR COUNCILS—

(See APPOINTMENTS and/or COMMUNICATIONS, sub-heading Reports and/or INDIVIDUAL HEADINGS)

#### COMMITTEES, SPECIAL—

Appointments—2, 7, 10, 11, 48, 49, 64, 65  
 Credentials—2  
 Escorted Pioneer Lawmakers—1098  
 Escorted Speaker, Patrick J. Murphy, to his chair—7  
 Escorted Speaker Pro Tempore, Polly Bukta, to the Speaker's station—12  
 From Senate—13  
 Notify and escort Governor Chester J. Culver—49, 50, 65, 428  
 Notify and escort Major General Ron Dardis—428  
 Notify Chief Justice Marsha K. Ternus—65  
 Notify the Senate—10, 48, 64, 427, 1097  
 Notify the Governor—9, 49  
 Reports—13, 48, 64, 427, 1098

#### COMMUNICATIONS FROM—

The Governor—227, 394, 620, 638, 702, 710, 816, 847, 904, 1023, 1033-1034, 1052, 1155-1156, 1184-1185, 1288, 1358, 1388, 1526, 1601, 1608, 1628, 1699-1700, 1945-1946, 2137-2144

#### Reports:

Administrative Services, Department of—77, 154, 228, 279  
 Agriculture and Land Stewardship, Department of—77  
 Air Quality Bureau—58  
 Attorney General, Office of—58  
 Auditor of State—58, 1389  
 Blind, Department for the—537  
 Citizens' Aide/Ombudsman—536, 633-634  
 Consumer Advocate for Insurance—104  
 Corrections, Department of—228  
 Criminal and Juvenile Justice Planning—154, 279  
 Economic Development, Department of—228, 279  
 Education, Board of—38  
 Education, Department of—38, 59, 77, 104-105, 154, 228, 1482  
 Elder Affairs, Department of—154, 228



Governor's Office of Drug Control Policy—155  
 Human Rights, Department of—38, 279, 675  
 Human Services, Department of—38, 59, 105, 154, 228, 279, 537, 1053  
 Inspections and Appeals, Department of—39, 1053  
 Institute for Tomorrow's Workforce—105  
 Iowa Capital Investment Board—229  
 Iowa Capital Investment Corporation—229  
 Iowa College Student Aid Commission—155  
 Iowa Communications Network—39  
 Iowa County Engineers Association Service Bureau—155  
 Iowa Division of Banking—39, 105  
 Iowa Healthcare Collaborative—675  
 Iowa Homeland Security and Emergency Management—77, 105  
 Iowa Legislative Services Agency—39  
 Iowa Public Employee's Retirement System—40, 60  
 Iowa Student Loan—105  
 Iowa Telecommunication and Technology Commission—40  
 Iowa Utilities Board—40, 77, 229  
 Iowa Veterans Home—105  
 Iowa Workforce Development, Department of—40, 155, 1389  
 Justice, Department of—59  
 Legislative Services Agency—155, 634-638  
 Management, Department of—77  
 Municipal Fire and Police Retirement System of Iowa—60  
 Natural Resources, Department of—59, 105, 155, 228, 279, 537  
 Parole, Board of—58  
 Public Defense, Department of (Iowa National Guard)—77  
 Public Health, Department of—59, 229, 1093, 1628  
 Public Safety, Department of—39  
 Regents, Board of—38, 59, 77, 104, 154, 228, 1053  
 Revenue, Department of—39, 59, 155, 229, 279, 537, 1053, 1094  
 State Library—60  
 State Public Defender's Office—60  
 Statewide Interoperable Communications System Board—279  
 Transportation, Department of—39, 60, 155, 229  
 Treasurer of State—60  
 University of Northern Iowa—105  
 Veterans Affairs, Department of—39, 105

#### COMPANION BILLS—

(See HOUSE AND SENATE COMPANION BILLS listed in LEGISLATIVE INDEX VOLUME)

#### CONDITION OF THE STATE MESSAGE—

(See STATE OF THE STATE and BUDGET MESSAGE)

#### CONFERENCE COMMITTEE—

Appointed—1604, 1614, 1623, 1627, 1633, 1698

#### Report:

House File 671—1671-1673

Senate File 224—1822-1823

Senate File 389—1835-1836

Senate File 437—1693-1694  
 Senate File 457—1806-1809  
 Senate File 470—1824-1834

Reports adopted:

House File 671—1673  
 Senate File 224—1823  
 Senate File 389—1836  
 Senate File 437—1694  
 Senate File 457—1809  
 Senate File 470—1834

Reports called up:

House File 671—1671  
 Senate File 224—1822  
 Senate File 389—1835  
 Senate File 437—1693  
 Senate File 457—1806  
 Senate File 470—1824

Reports filed:

House File 671—1671  
 Senate File 224—1822  
 Senate File 389—1835  
 Senate File 437—1693  
 Senate File 457—1698  
 Senate File 470—1824

CONGRESS AND/OR PRESIDENT OF THE UNITED STATES—

(See PRESIDENT OF THE UNITED STATES, CONGRESS AND/OR FEDERAL AGENCIES)

COWNIE, PETER—Representative **Polk** County

Amendments filed—421, 583, 795, 818, 1038, 1105, 1145, 1157, 1252, 1323, 1451, 1630

Amendments offered—1145, 1256, 1260, 1262, 1265

Amendments withdrawn—485, 1265

Bills introduced—385, 463, 590, 591, 627, 663, 667, 668, 669, 685, 700, 706, 707, 819, 1077

Committee appointments—19, 20, 21

Presided at sessions of the House—946, 1063

Resolutions filed—642, 908, 991, 992, 1028, 1700

Subcommittee assignments—141, 142, 183, 220, 240, 282, 367, 506, 516, 630, 756, 766, 767, 849, 905, 1026, 1072

CREDENTIALS, COMMITTEE ON—

Appointed—2

Report—2-5

Report adopted—5

DE BOEF, BETTY—Representative Iowa-**Keokuk**-Poweshiek-Tama Counties

Amendments filed—583, 889, 909, 1051, 1106, 1157, 1159, 1252, 1275, 1285, 1323, 1337, 1393

Amendments offered—1274, 1275, 1276, 1337, 1432

Bills introduced—192, 195, 207, 265, 274, 278, 287, 288, 296, 385, 391, 392, 404, 425, 468, 469, 590, 627, 643, 644, 661, 663, 666, 699, 700, 706, 745, 746, 747, 749, 1077  
 Committee appointments—19, 21  
 Leaves of absence—1363, 1697, 1704, 1949  
 Resolutions filed—510, 642, 908, 991, 992, 1028, 1700  
 Subcommittee assignments—654, 766, 849, 907

DEYOE, DAVE—Representative Hamilton-**Story** Counties

Amendments filed—461, 583, 889, 1076, 1157, 1252, 1281, 1323, 1451  
 Amendments offered—497, 1151, 1278, 1281  
 Bills introduced—159, 160, 192, 207, 211, 244, 265, 274, 296, 372, 385, 391, 392, 404, 469, 591, 626, 627, 663, 699, 700, 706, 707, 749, 1077  
 Committee appointments—14, 20, 21, 1057, 1058, 1061, 1098  
 Presented to the House Bob Finch, husband of the Honorable Barbara Finch, former member of the House—296  
 Resolutions filed—510, 642, 908, 991, 992, 1028, 1700  
 Resolution offered—296  
 Subcommittee assignments—100, 220, 241, 257, 281, 282, 395, 677, 905, 941

DISSENT FILED—

Senate File 376—1885-1886

DOLECHECK, CECIL—Representative Adams-Montgomery-**Ringgold**-Taylor-Union Counties

Amendments filed—481, 482, 572, 993, 1075, 1157, 1159, 1323, 1351, 1393, 2075  
 Amendments offered—482, 1140, 1416  
 Amendment withdrawn—1351  
 Bills introduced—112, 274, 278, 287, 288, 296, 385, 392, 469, 589, 590, 661, 663, 706, 1077  
 Committee appointments—19, 20, 1627  
 Leaves of absence—377, 1043  
 Resolutions filed—991, 992, 1028  
 Subcommittee assignments—142, 280, 395, 507, 677, 766, 849, 1027, 1104

DRAKE, JACK—Representative Cass-**Pottawattamie**-Shelby Counties

Amendments filed—583, 1105, 1106, 1157, 1158, 1159, 1323  
 Amendment offered—1244  
 Bills introduced—103, 189, 190, 191, 192, 193, 194, 207, 209, 244, 265, 274, 278, 287, 296, 385, 392, 467, 591, 626, 627, 644, 661, 668, 699, 749, 750, 1077  
 Committee appointments—19, 20, 21  
 Resolutions filed—510, 908, 991, 992, 1028, 1700  
 Subcommittee assignments—120, 200, 220, 505, 516, 640, 690, 711, 767, 941, 1026

ECONOMIC GROWTH, COMMITTEE ON—

Amendment filed—1051  
 Amendment offered—1372  
 Appointed—20  
 Bills introduced—371, 374, 389, 443, 708, 717, 744, 748, 751, 773, 775, 821, 824, 854  
 Recommendations—284, 346, 419, 681, 703, 789-790, 801, 1037, 1049  
 Subcommittee assignments—155, 184, 220, 630, 678, 693, 756, 766, 767, 788, 849, 906, 1026

## EDUCATION, COMMITTEE ON—

Amendment filed—762

Amendment offered—1182

Appointed—20, 175

Bills introduced—289, 363, 374, 393, 442, 514, 627, 631, 632, 699, 764, 775, 805, 819, 823

Recommendations—284-285, 292, 369, 397, 519, 582, 642, 695, 759, 790, 990, 1037

Subcommittee assignments—86, 141, 142, 156, 183, 184, 199, 200, 239, 240, 257, 280, 281, 282, 367, 368, 395, 396, 506, 507, 516, 568, 622, 652, 653, 654, 677, 691, 693, 756, 765, 766, 767, 907, 1027, 1053, 1094

## EIGHTY-THIRD GENERAL ASSEMBLY—

(See GENERAL ASSEMBLY—HOUSE)

## EMPLOYEES—

(See OFFICERS AND EMPLOYEES)

## ENROLLED BILLS—

(See BILLS, subheading, Sent to Governor; CHIEF CLERK OF THE HOUSE, Mark Brandsgard, Reports; and/or SPEAKER OF THE HOUSE, Patrick J. Murphy, subheading, Bills signed by)

## ENVIRONMENTAL PROTECTION, COMMITTEE ON—

Amendments filed—1038

Amendments offered—1085, 1130

Appointed—20

Bills introduced—627, 632, 717, 777, 819, 821, 822, 823, 824, 853, 867, 890

Recommendations—623, 657, 696, 759, 790-791, 1037

Subcommittee assignments—220, 241, 416, 458, 506, 516, 621, 630, 640, 678, 711, 757, 905, 906, 941, 1025, 1026

## ETHICS, COMMITTEE ON—

Appointed—22

Recommendations—260, 346

Resolutions filed—273, 347

## EXPLANATION OF VOTE—

House Joint Resolution 1—Representative Rayhons—413

House File 64—Representative Baudler—197

House File 420—Representative Alons—1093

House File 562—Representative Alons—1627

House File 712—Representative Mertz—1600

House File 824—Representative Sweeney—1600

Senate File 151—Representative Raecker—1155

Senate File 176—Representative Raecker—1155

Senate File 289—Representative Raecker—1155

Senate File 336—Representative Raecker—1155

Senate File 340—Representatives Raecker and Wenthe—1944

Senate File 356—Representative Raecker—1155

Senate File 366—Representative Raecker—1155

Senate File 377—Representative Raecker—1155

Senate File 389—Representative Sweeney—1600

Senate File 389—Representative Wenthe—1944  
 Senate File 432—Representative Wenthe—1944  
 Senate File 437—Representative Alons—1627  
 Senate File 457—Representative Wenthe—1944  
 Senate File 465—Representative Raecker—1944  
 Senate File 467—Representatives Schulte and Wessel-Kroeschell—1287  
 Senate File 470—Representative Wenthe—1944  
 Senate File 472—Representative Koester—1448  
 Senate File 481—Representative Sweeney—1600  
 Senate File 483, H-1713—Representative Koester—1944  
 Senate File 483—Representative Koester—1944

#### FEDERAL AGENCIES—

(See PRESIDENT OF THE UNITED STATES, CONGRESS and/or FEDERAL AGENCIES)

#### FICKEN, GENE—Representative Black Hawk-**Buchanan**-Fayette Counties

Amendment filed—1405  
 Bills introduced—195, 373, 399, 400, 513, 586, 643, 664, 750  
 Committee appointments—20, 21, 22, 65, 1627  
 Leave of absence—831  
 Report—1824-1834  
 Resolutions filed—510, 908, 991, 1392, 1450  
 Resolution offered—1603  
 Subcommittee assignments—184, 200, 240, 257, 281, 368, 386, 396, 458, 568, 653, 767, 1027, 1053, 1094

#### FINAL ADJOURNMENT—2127

#### FORD, WAYNE—Representative **Polk** County

Amendments filed—770, 1347, 2082  
 Amendments offered—777, 2082  
 Amendment withdrawn—1347  
 Bills introduced—112, 208, 246, 364, 373, 464, 466, 535, 586, 589, 590, 591, 629, 632, 659, 660, 663, 664, 666, 686, 687, 701, 708, 717, 745, 746, 747, 748, 749, 774, 890, 910  
 Committee appointments—20, 21, 1060, 1698  
 Place the portrait of President Barack Obama above the Speaker's station—104  
 Presented to the House John Papajohn—946  
 Report—1835-1836  
 Resolutions filed—223, 461, 572, 625, 697, 794, 818, 850, 908, 991, 1700  
 Resolutions offered—512, 827, 946, 1469  
 Subcommittee assignments—142, 183, 221, 256, 257, 395, 506, 567, 630, 654, 756, 757, 765, 766, 767, 788

#### FORRISTALL, GREG—Representative Mills-**Pottawattamie** Counties

Amendments filed—583, 909, 1157, 1252, 1323, 1335, 1411, 1438  
 Amendments offered—1259, 1335, 1438  
 Bills introduced—189, 190, 191, 193, 208, 274, 404, 425, 626, 627, 663, 668, 706, 749, 1077  
 Committee appointments—20, 22  
 Leaves of absence—465, 1604, 2115

Resolutions filed—908, 991, 992, 1028

Subcommittee assignments—78, 155, 240, 281, 344, 367, 395, 504, 506, 630, 690, 691, 711, 767, 849, 886, 887, 888, 906, 1289

**FREVERT, MARCELLA R.**—Representative Emmet-Kossuth-**Palo Alto** Counties

Amendments filed—1013, 1016, 1029, 1094, 1105, 1410

Amendments offered—1203, 1410

Bills introduced—195, 274, 277, 372, 464, 513, 586, 629, 632, 643, 664, 750

Committee appointments—11, 19, 20, 21, 22

Nominated the Honorable Polly Bukta as Speaker Pro Tempore—11

Petition presented—1948

Resolutions filed—14, 223, 991, 1392, 1450

Subcommittee assignments—143, 156, 199, 200, 256, 344, 396, 458, 506, 507, 516, 568, 640, 677, 691, 692, 711, 757, 766, 887, 906, 1026, 1027, 1047, 1359, 1360, 1527, 1628

**GASKILL, MARY**—Representative **Wapello** County

Amendments filed—818, 851, 889, 992, 1029, 1158, 1405, 1485, 2091

Amendments offered—948, 1705, 2091

Bills introduced—80, 112, 125, 153, 189, 192, 211, 372, 464, 466, 468, 513, 586, 664, 701

Committee appointments—20, 21, 22, 104

Resolutions filed—420, 510, 991, 1392, 1450, 1700

Resolution offered—426

Subcommittee assignments—120, 200, 239, 256, 282, 291, 368, 396, 458, 459, 506, 517, 654, 677, 691, 757, 767, 941, 1025

**GAYMAN, ELESHA**—Representative **Scott** County, Assistant Majority Leader

Amendments filed—383, 851, 909, 992, 1486

Amendments offered—875, 1573

Bills introduced—125, 153, 298, 400, 442, 464, 466, 467, 643, 667, 669, 750

Committee appointments—19, 20, 22, 1059

Resolutions filed—510, 908, 991, 1450, 1701, 2126

Resolution offered—1603

Subcommittee assignments—220, 367, 368, 386, 621, 654, 677

**GENERAL ASSEMBLY—HOUSE—**

(See also **ADMINISTRATION AND RULES COMMITTEE** in the **GENERAL INDEX** and/or **HOUSE CONCURRENT RESOLUTIONS**, **HOUSE RESOLUTIONS** and **SENATE CONCURRENT RESOLUTIONS** listed in **LEGISLATIVE INDEX VOLUME**)

Resolutions relating to:

House Concurrent Resolution 1—a joint convention on Tuesday, January 13, 2009 at 10:00 a.m. for Governor Chester J. Culver to deliver his condition of the state and budget message—10 adopted, 11 msgd. – S.J. – 18 adopted, 19 msgd. – H.J. 35.

House Concurrent Resolution 2—a joint convention on Wednesday, January 14, 2009 at 10:00 a.m. for Chief Justice Ternus to deliver her condition of the judicial branch message—10 adopted, 11 msgd. – S.J. 18, 19 adopted & msgd. – H.J. – 35.

- House Concurrent Resolution 3—joint rules of the Senate and House of Representatives for the Eighty-third General Assembly—H.J. 286, 362 adopted & msgd. – S.J. – 284, 308, 350, 359 adopted & msgd, 369 – H.J. – 464.
- House Concurrent Resolution 4—amending joint rules of the Senate and House of Representatives relating to consideration of bills and joint resolutions in successive regular session of same general assembly—383,
- House Concurrent Resolution 5—a joint convention on Wednesday, February 18, 2009 at 10:00 a.m. for Major Ron Dardis to deliver his condition of the Iowa National Guard message—398, 405, 406 adopted & msgd. – S.J. – 320, 321 adopted & msgd. – H.J. – 423.
- House Concurrent Resolution 8—suspend joint rule 20 of joint rules of Senate and House of Representatives for Eighty-third General Assembly to allow for consideration of House Joint Resolution 6—1485,
- House Concurrent Resolution 9—relating to legislative health care coverage commission—1947,
- House Concurrent Resolution 10—provide for adjournment sine and die on Sunday, April 26, 2009—2122 adopted & msgd. – S.J. – 1271, 1273 adopted.
- House Resolution 1—each member entitled to a secretary to perform secretarial duties of the House—14 adopted.
- House Resolution 2—committee of one be appointed to arrange for opening sessions with prayer—14 adopted.
- House Resolution 3—honor life and memory of former Representative and Senator Mary Lundby—128 adopted.
- House Resolution 4—honor memory of former Representative Rosemary Thomson—194 adopted.
- House Resolution 7—relating to House code of ethics—273, 313 adopted.
- House Resolution 8—permanent rules of the House for the eighty-third general assembly—286, 342 adopted.
- House Resolution 9—honoring memory of former state representative Barbara Finch—293, 296 adopted.
- House Resolution 11—rules governing lobbyists in the House of Representatives—347, 447 adopted.
- House Resolution 50—relating to daily operations of House of Representatives—1612,
- Senate Concurrent Resolution 2 – compensation of chaplains, officers, and employees of the eighty-third general assembly—188, 192 adopted & msgd., 222 – H.J. – 264, 273, 344, 418, 534 adopted, 536 msgd. – S.J. – 400.

#### GIFTS—

(See AWARDS AND GIFTS)

#### GOVERNMENT OVERSIGHT, COMMITTEE ON—

Appointed—20

Bill introduced—1469

Recommendation—1485

#### GOVERNOR CULVER, CHESTER J.—

Addressed joint convention—50-58

Bills signed by—227, 394, 620, 638, 702, 710, 816, 847, 904, 1023, 1033-1034, 1052, 1155-1156, 1184-1185, 1288, 1358, 1388, 1526, 1601, 1608, 1628, 1699-1700, 1945-1946, 2129-2137

Committee to notify and escort—49, 50, 65, 428

Communications from—227, 394, 620, 638, 702, 710, 816, 847, 904, 1023, 1033-1034, 1052, 1155-1156, 1184-1185, 1288, 1358, 1388, 1526, 1601, 1608, 1628, 1699-1700, 1945-1946, 2129-2144

Delivered the condition of the State and Budget Message—50-58

Item veto messages after session—2137-2144

Resolution relating to the condition of the State and Budget Message, House Concurrent Resolution 1, a joint convention on Tuesday, January 13, 2009 at 10:00 a.m. for Governor Chester J. Culver to deliver his condition of the state and budget message—10 adopted, 11 msgd. – S.J. – 18 adopted, 19 msgd. – H.J. 35.

Resolutions relating to:

House Concurrent Resolution 1—a joint convention on Tuesday, January 13, 2009 at 10:00 a.m. for Governor Chester J. Culver to deliver his condition of the state and budget message—10 adopted, 11 msgd. – S.J. – 18 adopted, 19 msgd. – H.J. 35.

House Resolution 21—urge Governor of Iowa to declare a state of economic emergency relating to real estate mortgage foreclosures—625,

#### GRASSLEY, PAT—Representative Bremer-**Butler** Counties

Amendments filed—421, 583, 818, 850, 851, 992, 1094, 1106, 1157, 1252, 1280, 1323, 1361, 2083

Amendments offered—486, 860, 1114, 1279, 1280, 1368

Amendments withdrawn—1116, 1370, 1371

Bills introduced—392, 511, 512, 627, 644, 669, 700, 706, 746, 749, 1077

Committee appointments—21, 22, 1060, 1633

Report—1806-1809

Resolutions filed—908, 991, 992, 1028

Subcommittee assignments—256, 505, 887, 888, 1485

#### HAGENOW, CHRIS—Representative **Polk** County

Amendments filed—583, 1094, 1106, 1157, 1323, 1701

Amendments offered—1130, 1131, 1210, 1932

Bills introduced—274, 278, 287, 288, 296, 391, 392, 463, 590, 626, 627, 644, 663, 668, 669, 700, 1077

Committee appointments—20, 21, 22, 64, 428, 1097

Resolutions filed—642, 908, 991, 992, 1028, 1700

Subcommittee assignments—142, 220, 239, 621, 640, 677, 692, 711, 756, 757, 886, 887, 905, 906, 1026, 1359, 1360, 1527

#### HEATON, DAVID E.—Representative **Henry-lee** Counties

Amendments filed—583, 818, 1051, 1105, 1157, 1323, 1328, 1329, 1330, 1332, 1334, 1338, 1347, 1348, 1349, 1351, 1393

Amendments offered—594, 1166, 1172, 1328, 1330, 1332, 1338, 1347-1348, 1349, 1422, 1424

Amendment withdrawn—1347

Bills introduced—148, 149, 189, 190, 191, 194, 224, 274, 294, 373, 392, 425, 627, 644, 659, 660, 664, 665, 668, 685, 700, 706, 707, 747, 749, 1077

Committee appointments—11, 19, 20, 1058, 1059

Leaves of absence—705, 714

Resolutions filed—803, 991, 992, 1028, 1251, 1700

Resolution offered—1395

Seconded the nomination of the Honorable Polly Bukta as Speaker Pro Tempore—11



Subcommittee assignments—184, 343, 344, 367, 380, 416, 458, 568, 692, 766, 849, 906, 1047, 1104

**HEDDENS, LISA**—Representative Boone-**Story** Counties

Amendments filed—462, 572, 684, 1290, 1325, 1326, 1352, 1353, 1687, 1982, 2071  
 Amendments offered—731, 732, 814, 1303, 1325, 1326, 1352, 1441, 1687, 1982, 2071  
 Amendment withdrawn—1687  
 Bills introduced—90, 112, 113, 211, 372, 466, 513, 586, 701, 707, 746  
 Committee appointments—19, 20, 21, 1058, 1061  
 Presented to the House the Iowa State University Cyclones volleyball team—946  
 Presided at session of the House—995  
 Resolutions filed—223, 761, 803, 991, 1251, 1392, 1450  
 Resolutions offered—945, 1395, 1632  
 Subcommittee assignments—78, 142, 150, 156, 240, 257, 367, 368, 506, 630, 654, 692, 711, 756, 788, 849, 1026, 1484, 1527

**HELLAND, ERIK**—Representative **Polk** County

Amendments filed—206, 421, 583, 1157, 1158, 1159, 1323, 1361, 1451, 1701  
 Amendments offered—213, 214, 491, 1220, 1224, 1921  
 Amendment withdrawn—212  
 Bills introduced—149, 159, 160, 189, 191, 193, 194, 209, 244, 274, 278, 287, 288, 296, 377, 391, 392, 425, 590, 643, 644, 668, 669, 700, 706, 744, 749, 797, 820, 1077, 1667  
 Committee appointments—10, 19, 20, 21, 22, 1633  
 Leave of absence—1078  
 Report—1806-1809  
 Resolutions filed—642, 908, 991, 992, 1029, 1700  
 Resolution offered—1469  
 Subcommittee assignments—155, 221, 415, 504, 515, 567, 580, 652, 653, 654, 691, 693, 757, 787, 887, 888, 905, 1025, 1053, 1249, 1484, 1602, 1628

**HORBACH, LANCE**—Representative Grundy-**Tama** Counties

Amendments filed—421, 461, 470, 495, 583, 762, 889, 1095, 1157, 1323, 1393, 1451, 1452, 1602, 2076, 2090  
 Amendments offered—470, 487, 494, 495, 780, 868, 1478, 2076  
 Amendments withdrawn—476, 485, 487, 1141, 2076, 2090  
 Bills introduced—18, 148, 189, 190, 191, 192, 193, 194, 207, 274, 405, 425, 513, 644, 700, 706, 749, 1077  
 Committee appointments—20, 21, 1060  
 Leaves of absence—1040, 1631  
 Resolutions filed—991, 992, 1029, 1700  
 Subcommittee assignments—220, 630, 654, 710

**HOUSE COMMITTEE ASSIGNMENTS—23-35**

**HOUSE CONCURRED—**

House File 266, H-1361—1190  
 House File 311, H-1390—1192  
 House File 488, H-1402—1194  
 House File 562, H-1443—1605  
 House File 670, H-1442—1505  
 House File 705, H-1440—1477

House File 756, H-1660—1620  
 House File 759, H-1559, as amended—1675  
 House File 809, H-1662, as amended—1666  
 House File 811, H-1630, as amended—1691  
 House File 820, H-1781, as amended—2107  
 House File 822, H-1774, as amended—1989  
 Senate File 137, H-1453—1470  
 Senate File 433, H-1670—1670  
 Senate File 475, H-1654—1622

## HOUSE INSISTS—

Senate File 224—1614

## HOUSE REFUSED TO CONCUR—

House File 671, H-1441—1508  
 Senate File 389, H-1661—1668  
 Senate File 437, H-1560—1605  
 Senate File 457, H-1655—1627  
 Senate File 470, H-1659—1616

## HUMAN RESOURCES, COMMITTEE ON—

Amendments filed—795, 1056  
 Amendments offered—1171, 1441  
 Amendment withdrawn—1536  
 Appointed—20  
 Bills introduced—194, 197, 226, 262, 289, 390, 466, 511, 512, 631, 667, 686, 750, 773, 822, 825  
 Recommendations—188, 205, 260, 285, 382-383, 419-420, 461, 583, 657-658, 759-760, 791-792, 990, 1028, 1055-1056  
 Subcommittee assignments—78, 86, 150, 151, 184, 219, 240, 256, 270, 281, 344, 380, 458, 515, 516, 567, 568, 621, 630, 652, 654, 678, 690, 691, 692, 693, 711, 765, 766, 788, 849, 906, 907, 941, 1025, 1026, 1027, 1047

HUNTER, BRUCE L.—Representative **Polk** County

Amendments filed—1029, 1187, 1242, 1451, 1630, 2075, 2076  
 Amendments offered—1044, 1239, 1242, 1661, 1664  
 Amendments withdrawn—1224, 1457, 1663, 2076  
 Bills introduced—64, 80, 81, 82, 90, 112, 153, 224, 372, 464, 466, 535, 586, 591, 592, 662, 666, 687, 750,  
 Bills placed on calendar (as acting Speaker)—1287  
 Committee appointments—2, 19, 20, 21, 1061, 1062  
 Presided at session of the House—1281  
 Resolutions filed—510, 803, 1392, 1450, 1700  
 Resolution offered—1603  
 Ruling made (as acting Speaker)—1283  
 Subcommittee assignments—78, 141, 142, 151, 220, 240, 256, 270, 344, 380, 458, 568, 630, 690, 691, 692, 693, 710, 765, 788, 906, 941, 1025, 1104

HUSEMAN, DANIEL A.—Representative **Cherokee**-Plymouth-Woodbury Counties

Amendments filed—583, 1094, 1157, 1159, 1323, 1334, 1701, 1939, 1940, 1963  
 Amendments offered—1939, 1940, 1963

Bills introduced—159, 160, 189, 191, 193, 244, 265, 274, 278, 287, 288, 296, 391, 392, 404, 425, 468, 469, 590, 627, 661, 663, 666, 668, 700, 749, 1077  
 Committee appointments—19, 21, 22  
 Resolutions filed—510, 642, 908, 991, 992, 1029, 1392, 1700  
 Subcommittee assignments—256, 458, 580, 653, 692, 849, 905, 906, 907, 990, 1360

HUSER, GERI D.—Representative **Polk** County

Amendments filed—794, 851, 889, 972, 992, 993, 1051, 1095, 1105, 1106, 1147, 1157, 1252, 1290, 1584, 1701, 1715  
 Amendments offered—881, 968, 972, 1090, 1126, 1147, 1150, 1180, 1584, 1715  
 Amendment withdrawn—968  
 Bills introduced—152, 189, 190, 191, 193, 194, 208, 274, 277, 663, 750  
 Committee appointments—20, 21, 1060, 1623  
 Leaves of absence—207, 465  
 Report—1693-1694  
 Resolutions filed—991, 1450  
 Subcommittee assignments—184, 219, 257, 380, 385, 395, 506, 653, 907, 1027, 1047

INTERIM COMMITTEES—

(See also LEGISLATIVE COUNCIL and/or STUDY COMMITTEES)

Resolutions relating to:

House Resolution 24—request information of interim study committee by Legislative Council to make recommendations relating to development and implementation of statewide wireless broadband network—697,  
 House Resolution 30—request legislative council authorize interim study of county emergency management system—803,

IOWA NATIONAL GUARD—

Condition of the Iowa National Guard message—429-441

Joint Convention—427-441

Resolutions relating to:

House Concurrent Resolution 5—a joint convention on Wednesday, February 18, 2009 at 10:00 a.m. for Major Ron Dardis to deliver his condition of the Iowa National Guard message—398, 405, 406 adopted & msgd. – S.J. – 320, 321 adopted & msgd. – H.J. – 423.  
 House Resolution 12—honoring Major General Ron Dardis and Brigadier General Mark Zirkelbach for their service to state and nation—420, 425, 426 adopted.  
 House Resolution 13—welcome home Iowa's National Guard units—420, 426 adopted.  
 House Resolution 17—honor sacrifices and service of the Ottumwa National Guard—510,

ISENHART, CHARLES—Representative **Dubuque** County

Amendments filed—1485, 1594, 2093  
 Amendments offered—1087, 1574, 1594, 2093  
 Bills introduced—154, 464, 467, 586, 686, 707, 750, 774  
 Committee appointments—21, 22, 64, 1633  
 Report—1806-1809  
 Resolutions filed—1392, 1450  
 Resolution offered—1603

Subcommittee assignments—119, 120, 156, 200, 256, 257, 282, 291, 368, 395, 396, 459, 506, 516, 568, 580, 621, 640, 677, 692, 711, 766, 886, 887, 941, 1027, 1053, 1249, 1484, 1485, 1530

#### JACOBY, DAVID—Representative **Johnson** County

Amendments filed—1157, 1612, 1676

Amendment offered—1676

Amendment withdrawn—1677

Bills introduced—225, 244, 297, 364, 466, 467, 468, 586, 668, 717, 750, 774

Committee appointments—19, 20, 21, 48

Presented to the House Sally Nichols and John Lohman—210

Presented to the House a delegation from Panama—1062

Resolutions filed—383, 991, 1156, 1157, 1392, 1450

Resolutions offered—206, 210, 1111, 1632

Subcommittee assignments—184, 367, 415, 515, 630, 652, 654, 756, 849, 905, 906, 907, 1026, 1072, 1094, 1249, 1449, 1484, 1527

#### JOINT CONVENTIONS—

Condition of the Iowa National Guard—427-441

Condition of the Judicial Department Message—65-76

Condition of the State and Budget Message—49-58

Pioneer Lawmakers—1098-1102

Resolutions relating to:

House Concurrent Resolution 1—a joint convention on Tuesday, January 13, 2009 at 10:00 a.m. for Governor Chester J. Culver to deliver his condition of the state and budget message—10 adopted, 11 msgd. – S.J. – 18 adopted, 19 msgd. – H.J. 35.

House Concurrent Resolution 2—a joint convention on Wednesday, January 14, 2009 at 10:00 a.m. for Chief Justice Ternus to deliver her condition of the judicial branch message—10 adopted, 11 msgd. – S.J. 18, 19 adopted & msgd. – H.J. – 35.

House Concurrent Resolution 5—a joint convention on Wednesday, February 18, 2009 at 10:00 a.m. for Major Ron Dardis to deliver his condition of the Iowa National Guard message—398, 405, 406 adopted & msgd. – S.J. – 320, 321 adopted & msgd. – H.J. – 423.

House Concurrent Resolution 7—relating to Pioneer Lawmakers—697, 1063 adopted & msgd. – S.J. – 894, 905, 909 adopted & msgd. – H.J. – 1096.

#### JOINT RULES—

Resolutions relating to:

House Concurrent Resolution 3—joint rules of the Senate and House of Representatives for the Eighty-third General Assembly—H.J. 286, 362 adopted & msgd. – S.J. – 284, 308, 350, 359 adopted & msgd, 369 – H.J. – 464.

House Concurrent Resolution 4—amending joint rules of the Senate and House of Representatives relating to consideration of bills and joint resolutions in successive regular session of same general assembly—383,

House Concurrent Resolution 8—suspend joint rule 20 of joint rules of Senate and House of Representatives for Eighty-third General Assembly to allow for consideration of House Joint Resolution 6—1485,

#### JUDICIARY, COMMITTEE ON—

Amendments filed—889, 1075

Amendment offered—1090

Appointed—20

Bills introduced—265, 349, 374, 751, 774, 776, 777, 798, 804, 805, 823, 824, 825, 852  
 Recommendations—273, 285, 369, 387, 681-682, 703-704, 712, 769, 801-802, 1028,  
 1073-1074

Subcommittee assignments—155, 184, 219, 220, 221, 240, 343, 344, 380, 415, 416,  
 567, 568, 569, 652, 653, 654, 690, 692, 693, 757, 767, 787, 788, 888, 1025, 1026,  
 1027, 1047

**KAUFMANN, JEFF**—Representative **Cedar**-Johnson-Muscatine Counties, Assistant  
 Minority Leader

Amendments filed—481, 584, 818, 851, 992, 1051, 1094, 1095, 1149, 1157, 1187,  
 1251, 1323, 1393, 1409, 1411, 1485, 2072

Amendments offered—1112, 1148, 1149, 1367, 1409, 1429, 1501, 2072

Amendments withdrawn—954, 1181, 1370, 1371, 1522

Bills introduced—159, 160, 193, 208, 211, 244, 245, 265, 274, 277, 278, 287, 296, 365,  
 373, 385, 391, 392, 399, 424, 425, 442, 467, 468, 469, 511, 512, 590, 592, 626, 643,  
 644, 665, 699, 700, 706, 745, 746, 747, 749, 763, 773, 1077

Committee appointments—19, 20, 21, 22, 1058, 1698

Leaves of absence—777, 1821

Report—1835-1836

Resolutions filed—572, 642, 908, 991, 992, 1029, 1700

Subcommittee assignments—143, 155, 184, 200, 291, 368, 415, 568, 569, 653, 692,  
 711, 757, 788, 886, 887, 888, 1026, 1527

**KEARNS, JERRY**—Representative **Lee** County

Amendment filed—1485

Amendment offered—1079

Bills introduced—274, 373, 400, 466, 513, 586, 701, 750

Committee appointments—20, 21, 22

Resolutions filed—510, 908, 991, 1392, 1450

Resolution offered—1603

Seconded the nomination of the Honorable Patrick J. Murphy as Speaker of the  
 House—6

Subcommittee assignments—184, 220, 367, 386, 416, 506, 516, 630, 678, 711, 757,  
 766, 905, 1025, 1026

**KELLEY, DORIS**—Representative **Black Hawk** County

Amendment filed—1701

Bills introduced—112, 192, 274, 373, 385, 443, 665, 668, 701, 750

Committee appointments—19, 20, 22

Resolutions filed—908, 991, 1392, 1450

Resolutions offered—13, 14, 1394

Subcommittee assignments—141, 142, 220, 239, 256, 257, 396, 515, 516, 640, 678,  
 693, 711, 887, 906, 990, 1025

**KOESTER, KEVIN**—Representative **Polk** County

Amendments filed—584, 851, 1051, 1157, 1159, 1323, 1393

Amendment offered—1329

Amendment withdrawn—1522

Bills introduced—159, 160, 265, 392, 468, 513, 590, 627, 644, 669, 706, 749, 1077

Committee appointments—20, 21, 22, 1614

Explanations of vote—1448, 1944  
 Leave of absence—1840  
 Report—1822-1823  
 Resolutions filed—642, 803, 991, 992, 1029, 1450, 1700  
 Resolution offered—1603  
 Subcommittee assignments—78, 141, 150, 199, 200, 219, 240, 281, 457, 458, 506, 568, 630, 640, 641, 690, 691, 766

**KRESSIG, BOB**—Representative **Black Hawk** County

Amendments filed—1085, 1157, 1450  
 Amendments offered—1085, 1137  
 Bills introduced—113, 127, 153, 192, 195, 274, 294, 372, 376, 466, 513, 668, 701  
 Bills passed on file (as acting Speaker)—846, 847  
 Bills placed on calendar (as acting Speaker)—846  
 Bills referred and rereferred to committee (as acting Speaker)—846  
 Committee appointments—10, 19, 20, 21, 1604, 1623, 1627  
 Presided at sessions of the House—819, 838, 1110, 1453  
 Reports—1671-1673, 1693-1694, 1824-1834  
 Resolutions filed—510, 991, 1392, 1450  
 Resolution offered—1394  
 Subcommittee assignments—142, 156, 200, 256, 396, 515, 580, 653, 757, 766, 849, 906, 941, 1025

**KUHN, MARK**—Representative Cerro Gordo-**Floyd**-Howard-Mitchell Counties

Amendments filed—520, 642, 889, 897, 1051, 1157, 1187, 1285  
 Amendments offered—646, 897, 1285, 1817  
 Amendment withdrawn—646  
 Bills introduced—211, 224, 264, 373, 464, 466, 586, 662, 663, 750  
 Committee appointments—19, 21  
 Resolution filed—1450  
 Subcommittee assignments—183, 396, 580, 654, 691, 756, 757, 849

**LABOR, COMMITTEE ON**—

Appointed—21  
 Bills introduced—393, 535, 708, 763, 764, 775, 797, 798, 852, 855, 856  
 Recommendations—398, 420, 682, 704, 769, 792, 1074  
 Subcommittee assignments—141, 142, 220, 416, 652, 702, 710, 766, 1025, 1026, 1027

**LEAVE OF ABSENCE**—162, 207, 212, 274, 298, 377, 399, 441, 443, 464, 465, 575, 601, 607, 670, 688, 705, 714, 777, 805, 831, 859, 861, 894, 947, 1017, 1040, 1043, 1063, 1078, 1110, 1111, 1166, 1191, 1212, 1254, 1291, 1363, 1364, 1404, 1454, 1532, 1533, 1604, 1607, 1617, 1631, 1697, 1704, 1815, 1821, 1840, 1889, 1949, 2104, 2109, 2115

**LEGISLATIVE COUNCIL**—

Resolutions relating to:  
     House Resolution 24—697,  
     House Resolution 30—803,

**LEGISLATIVE EMPLOYEES**—

(See **OFFICERS AND EMPLOYEES**)

LENSING, VICKI—Representative **Johnson** County

Amendments filed—818, 1157, 1290, 1500

Amendments offered—872, 952, 1489, 1496, 1500

Bills introduced—125, 373, 464, 466, 513, 535, 586, 668, 687, 750

Committee appointments—20, 21, 1057, 1098

Resolutions filed—1392, 1450

Subcommittee assignments—119, 120, 143, 155, 221, 241, 257, 291, 368, 458, 459, 507, 567, 568, 580, 640, 652, 654, 690, 692, 693, 711, 757, 767, 787, 1026, 1027

## LOBBYISTS—

(See ETHICS, COMMITTEE ON)

## LOCAL GOVERNMENT, COMMITTEE ON—

Amendment filed—1038

Amendment offered—1088

Appointed—21

Bills introduced—363, 385, 632, 643, 644, 645, 669, 707, 717, 820

Recommendations—260-261, 293, 369, 623-624, 658, 683, 696, 792, 990, 1037-1038

Subcommittee assignments—155, 200, 256, 257, 281, 385, 395, 506, 677, 711, 766, 941, 1027, 1036

LUKAN, STEVEN F.—Representative Delaware-**Dubuque** Counties, Assistant Minority Leader

Amendments filed—170, 421, 583, 584, 713, 909, 1038, 1105, 1157, 1323, 1451

Amendments offered—170, 496, 806

Amendment withdrawn—453

Bills introduced—90, 112, 152, 153, 154, 159, 160, 190, 192, 194, 207, 225, 226, 245, 265, 287, 375, 385, 391, 467, 661, 668, 669, 700, 745, 746, 747, 749, 763, 1077

Committee appointments—19, 20, 21, 1604

Report—1671-1673

Resolutions filed—642, 991, 992, 1029, 1392, 1450

Subcommittee assignments—221, 788, 1072

LYKAM, JIM—Representative **Scott** County

Amendments filed—1051, 1075, 1106, 1486, 1701

Amendments offered—1143, 1144, 1150

Bills introduced—90, 274, 372, 466, 586

Committee appointments—21, 22, 1059

Resolutions filed—223, 991, 1392, 1450, 1700

Subcommittee assignments—142, 183, 281, 457, 458, 515, 516, 654, 941

MAJORITY LEADER, Kevin McCarthy—Representative **Polk** County

(See MCCARTHY, KEVIN—Representative **Polk** County, Majority Leader)

## MANAGEMENT, DEPARTMENT OF—

Communication from—77

MAREK, LARRY K.—Representative Jefferson-Johnson-**Washington** Counties

Amendment filed—1405

Bills introduced—274, 294, 297, 372, 385, 400, 591, 628, 664, 685, 750

Committee appointments—2, 19, 20, 21, 22

Resolutions filed—420, 510, 991, 1392, 1450

Resolution offered—426

Subcommittee assignments—183, 256, 344, 416, 504, 568, 630, 653, 654, 677, 756, 849

MASCHER, MARY—Representative **Johnson** County

Amendments filed—421, 520, 658, 698, 794, 850, 909, 1039, 1187, 1405

Amendments offered—869, 870, 1510, 1518

Amendments withdrawn—869, 871

Bills introduced—294, 372, 376, 384, 464, 466, 513, 535, 586, 590, 665

Committee appointments—20, 21, 22, 427, 1097

Presided at sessions of the House—822, 1004, 1302, 1328, 1363, 1593, 1594, 1810, 1939

Resolutions filed—803, 908, 991, 1392, 1450

Subcommittee assignments—78, 141, 142, 143, 151, 200, 240, 257, 281, 282, 344, 367, 380, 396, 416, 458, 507, 621, 630, 640, 652, 654, 691, 692, 693, 711, 765, 766, 767, 1025, 1026

MAY, MIKE—Representative Clay-**Dickinson** Counties

Amendments filed—572, 583, 584, 684, 698, 889, 959, 963, 1029, 1075, 1095, 1157, 1252, 1323, 1393, 1451, 2075

Amendments offered—607, 1147, 1414

Amendment withdrawn—959

Bills introduced—160, 196, 208, 212, 226, 265, 278, 287, 288, 296, 384, 385, 391, 392, 424, 425, 469, 644, 663, 664, 666, 669, 699, 706, 745, 748, 749, 750, 1043, 1077

Committee appointments—20, 21, 22

Leave of absence—2109

Presided at session of the House—1131

Resolutions filed—908, 991, 992, 1029, 1392, 1700

Subcommittee assignments—142, 156, 183, 184, 200, 240, 368, 380, 396, 416, 506, 640, 652, 693, 711, 756, 765, 767, 907, 990, 1053, 1094

MCCARTHY, KEVIN—Representative **Polk** County, Majority Leader

Bill introduced—1378

Committee appointments—19, 1061, 1062

Presided at session of the House—384

Remarks by—17, 2111-2112

Resolutions filed—10, 398, 697, 2122

Resolutions offered—10, 405, 2122

Special presentation to House pages—1704-1705

MEMORIALS—

Committees appointed—1057-1062

In Memoriam List—1108-1109

Joint Memorial Service—1107-1109

MERTZ, DOLORES M.—Representative Humboldt-**Kossuth**-Pocahontas-Webster Counties

Amendments filed—1385, 1528, 1701

Amendment offered—1574

Bills deferred, retained on calendar (as acting Speaker)—720

Bills introduced—63, 153, 189, 190, 191, 193, 274, 377, 391, 392, 463, 466, 586, 590, 632, 643, 666, 685, 701, 706, 796



Committee appointments—19, 20, 21, 1057  
 Explanation of vote—1600  
 Leaves of absence—212, 274, 298  
 Presented to the House a short eulogy of the Honorable John Connors in honor of St. Patrick's Day—822  
 Presided at session of the House—720  
 Resolutions filed—510, 908, 1392, 1450  
 Subcommittee assignments—183, 184, 256, 257, 281, 458, 505, 653, 766, 1026

#### MESSAGES—

(See also COMMUNICATIONS)

From Senate—35, 161, 174-175, 209, 263-264, 348-349, 390-391, 423, 464-465, 573, 579-580, 587-588, 614-615, 645, 701-702, 714-717, 771-772, 782-783, 825-827, 874-875, 880, 891-892, 910-914, 951, 964-965, 974, 996, 1007-1008, 1032, 1043, 1078, 1096, 1102, 1124-1125, 1132-1133, 1179, 1188-1189, 1196-1198, 1206, 1253, 1254, 1286-1287, 1291-1292, 1293-1294, 1364-1365, 1388, 1395, 1424, 1475, 1487, 1488-1489, 1529, 1572, 1603, 1607, 1613-1614, 1617-1618, 1631-1632, 1692, 1698, 1703, 1821-1822, 1846, 1887-1888, 1948, 1966, 1984, 2104, 2122-2124  
 From Governor—227, 394, 620, 638, 702, 710, 816, 847, 904, 1023, 1033-1034, 1052, 1155-1156, 1184-1185, 1288, 1358, 1388, 1526, 1601, 1608, 1628, 1699-1700, 1945-1946, 2129-2144  
 Immediate messages—11, 175, 219, 277, 299, 362, 379, 403, 405, 413, 456, 536, 580, 610, 614, 648, 673, 675, 689, 731, 737, 741, 744, 785, 815, 835, 838, 842, 846, 862, 865, 866, 884, 900, 904, 955, 976, 983, 987, 1003, 1008, 1023, 1032, 1042, 1046, 1063, 1070, 1088, 1092, 1128, 1135, 1139, 1143, 1155, 1175, 1184, 1195, 1203, 1206, 1208, 1212, 1248, 1302, 1355, 1372, 1378, 1383, 1388, 1446, 1475, 1481, 1509, 1520, 1525, 1535, 1571, 1592, 1594, 1597, 1600, 1605, 1607, 1616, 1627, 1667, 1669, 1671, 1674, 1676, 1678, 1692, 1695, 1697, 1717, 1805, 1811, 1815, 1821, 1824, 1837, 1840, 1845, 1944, 1952, 1965, 1984, 1990, 2115, 2121, 2122  
 Item veto messages after session—2137-2144  
 Senate messages considered—161-162, 175, 193, 275-276, 295, 364-365, 394, 469, 574-575, 586-587, 593-594, 633, 669-670, 709, 720, 731, 733-734, 752-753, 798-800, 856-858, 890-891, 892-894, 914-915, 942-945, 987, 994-995, 1022, 1033, 1043, 1096-1097, 1103, 1140, 1190, 1253, 1271, 1292-1293, 1355, 1377, 1378, 1395-1396, 1446, 1475, 1488, 1530, 1704, 1888, 1949

#### MILEAGE, COMMITTEE ON—

Appointed—14  
 Report—46-48  
 Report adopted—48

#### MILLER, HELEN—Representative Webster County

Amendments filed—1038, 1094  
 Amendment offered—1372  
 Bills introduced—263, 274, 372, 404, 467, 586, 667  
 Committee appointments—19, 20, 22, 65  
 Leaves of absence—274, 575, 1212, 1254, 1404  
 Resolutions filed—461, 572, 818, 991, 1450, 1700  
 Resolutions offered—300, 512, 588, 827  
 Subcommittee assignments—155, 184, 220, 458, 678, 692, 693, 941, 1025, 1026

MILLER, LINDA—Representative **Scott** County

- Amendments filed—223, 383, 584, 889, 1106, 1157, 1323, 1347
- Amendment offered—1347
- Amendment withdrawn—1347
- Bills introduced—103, 148, 149, 209, 278, 288, 294, 391, 392, 590, 627, 644, 700, 706, 745, 747, 774, 1077
- Committee appointments—20, 22
- Leaves of absence—1043, 2115
- Presented to the House winners of the “Write Women Back Into History” essay contest—1040-1041
- Resolutions filed—684, 803, 991, 992, 1029, 1251
- Resolutions offered—1040, 1395
- Subcommittee assignments—100, 142, 239, 281, 344, 380, 396, 630, 653, 654, 678, 691, 692, 693, 766, 767, 788, 887, 906, 907, 941, 1025, 1027, 1047

MINORITY LEADER, Kraig Paulsen—Representative **Linn** County

(See PAULSEN, KRAIG—Representative **Linn** County, Minority Leader)

## MOTIONS TO RECONSIDER—

Filed:

- House File 332—754
- House File 333—503
- Senate File 137—1481
- Senate File 467—1287
- Senate File 469—1287
- Senate File 470—1944
- Senate File 475—1627

Failed (pursuant to Rule 73.6):

- House File 333--2127

Prevailed:

- House File 332—827

Unanimous Consent:

- House File 213, H-1176—1017
- Senate File 478, H-1777—2116

Withdrawn:

- Senate File 137—1504
- Senate File 467—1355
- Senate File 469—1355
- Senate File 470—2121
- Senate File 475—2121

MURPHY, PATRICK J.—Representative **Dubuque** County, Speaker of the House

(See SPEAKER OF THE HOUSE, Patrick J. Murphy, Representative **Dubuque** County)

## NATURAL RESOURCES, COMMITTEE ON—

- Appointed—21
- Bill introduced—797
- Recommendations—205, 704, 713, 1028
- Subcommittee assignments—100, 183, 256, 257, 281, 282, 380, 386, 416, 458, 568, 653, 654, 765, 941

## NOMINATIONS—

- For Acting Chief Clerk—1
- For Speaker of the House—6
- For Speaker Pro Tempore—11
- For Temporary Speaker—1

## OATH OF OFFICE—

- By Acting Chief Clerk—1
- By members—5-6
- By Patrick J. Murphy, Speaker of the House—7
- By Polly Bukta, Speaker Pro Tempore—12

## OBJECTIONS—

- Raised—454, 728, 1153, 1225, 1522, 1523, 2092

## OFFICERS AND EMPLOYEES—

- Elected—5-6, 9, 11, 42-46
- Employees of the House—91-96, 615-619, 2124-2125
- House employees classification, grades and steps—91-96, 615-619, 2124-2125
- Pages (groups I & II)—45-46, 95, 618-619
- Resignations—95, 96
- Resolutions relating to:
  - House Resolution 1—each member entitled to a secretary to perform secretarial duties of the House—14 adopted.
  - House Resolution 2—committee of one be appointed to arrange for opening sessions with prayer—14 adopted.
  - House Resolution 7—relating to House code of ethics—273, 313 adopted.
  - House Resolution 8—permanent rules of the House for the eighty-third general assembly—286, 342 adopted.
  - House Resolution 50—relating to daily operations of House of Representatives—1612,
  - Senate Concurrent Resolution 2 – compensation of chaplains, officers, and employees of the eighty-third general assembly—188, 192 adopted & msgd., 222 – H.J. – 264, 273, 344, 418, 534 adopted, 536 msgd. – S.J. – 400.
- Special presentation to House Pages—1704-1705
- Took oath of office—1, 5-6, 7, 12

OLDSON, JO—Representative **Polk** County

- Amendments filed—584, 1990, 2072, 2076, 2103, 2116
- Amendments offered—603, 604, 1990, 2072, 2103, 2116
- Amendment withdrawn—2076
- Bills introduced—372, 466, 586
- Committee appointments—14, 19, 20
- Presided at session of the House—1529
- Resolutions filed—991, 1392, 1450
- Subcommittee assignments—143, 256, 281, 367, 415, 652, 654, 693, 849, 905, 906, 907, 1360

OLSON, DONOVAN—Representative **Boone**-Dallas Counties

- Amendments filed—889, 1158, 1362, 1393, 1602, 1630, 1949
- Amendments offered—1472, 1695, 1696, 1811, 1949
- Amendment withdrawn—1817

Bills deferred, retained on calendar (as acting Speaker)—1423, 1578  
Bills introduced—112, 195, 288, 372, 390, 400, 466, 467, 469, 513, 535, 586, 662, 686, 687, 706, 749, 750  
Bills passed on file (as acting Speaker)—1248  
Committee appointments—10, 19, 20, 21, 22, 1633  
Presentation of visitors (as acting Speaker)—1248  
Presided at sessions of the House—1192, 1195, 1212, 1403, 1424, 1572, 1578  
Report—1806-1809  
Resolutions filed—991, 1450  
Rulings made (as acting Speaker)—1225, 1412, 1421, 1434  
Subcommittee assignments—256, 281, 282, 385, 416, 458, 506, 515, 516, 630, 653, 654, 677, 678, 691, 692, 710, 711, 757, 767, 886, 887, 888, 905, 906, 990, 1027, 1036, 1053, 1250, 1359, 1360, 1484, 1527, 1602

**OLSON, RICK**—Representative **Polk** County

Amendments filed—462, 477, 605, 1095, 1106, 1157, 1187, 1251, 1252, 1362, 1451, 1602, 1701, 1885, 2075  
Amendments offered—476, 477, 605, 1146  
Amendments withdrawn—1885, 1929  
Bills introduced—274, 466, 586  
Committee appointments—20, 21, 1060, 1061, 1062, 1698  
Presided at session of the House—699  
Report—1835-1836  
Resolutions filed—991, 1450, 1700  
Subcommittee assignments—221, 257, 343, 344, 367, 380, 415, 416, 567, 568, 654, 692, 710, 756, 757, 787, 788, 1027, 1047

**OLSON, STEVEN N.**—Representative **Clinton-Scott** Counties

Amendments filed—584, 1157, 1187, 1323, 1451  
Bills introduced—160, 192, 207, 209, 274, 392, 425, 661, 665, 686, 746, 1077  
Committee appointments—19, 20, 21  
Leave of absence—2115  
Resolutions filed—420, 991, 992, 1029, 1700  
Resolution offered—426  
Subcommittee assignments—220, 344, 416, 504, 516, 678, 711, 757, 906

**OLSON, TYLER**—Representative **Linn** County

Amendments filed—163, 398, 698, 713, 992, 1119, 1361, 1404, 1675, 1701, 2083  
Amendments offered—163, 807, 810, 1005, 1119, 1374, 1675, 2083  
Amendment withdrawn—808  
Bills introduced—264, 277, 294, 372, 513, 586, 592, 668, 669  
Committee appointments—19, 20, 21, 22, 1633  
Presentation of visitors (as acting Speaker)—1482  
Presided at sessions of the House—486, 723, 730, 995, 1096, 1342, 1378, 1456, 1475, 1512, 1717, 2104  
Report—1806-1809  
Resolutions filed—803, 991, 1392, 1450  
Resolution offered—1603  
Rulings made (as acting Speaker)—728, 1386, 1515  
Subcommittee assignments—141, 142, 155, 240, 281, 282, 291, 380, 415, 416, 504, 505, 515, 516, 567, 630, 653, 654, 677, 692, 757, 766, 787, 886, 887, 888, 906, 907, 941, 1025, 1047, 1249

## PAGES—

Appointment of—45-46

Resolutions relating to:

Senate Concurrent Resolution 2 - compensation of chaplains, officers, and employees of the eighty-third general assembly—188, 192 adopted & msgd., 222 - H.J. - 264, 273, 344, 418, 534 adopted, 536 msgd. - S.J. - 400.

Special presentation to—1704-1705

PALMER, ERIC—Representative **Mahaska**-Poweshiek Counties

Amendments filed—1187, 1251, 1252, 1451

Amendments offered—1299, 1301

Bills introduced—112, 467, 513, 586, 629, 643, 669, 750

Committee appointments—20, 21, 22, 65

Resolutions filed—510, 991, 1392, 1450

Resolution offered—444

Subcommittee assignments—220, 240, 257, 281, 282, 380, 386, 395, 396, 415, 416, 506, 567, 677, 691, 757, 765, 766, 767, 788, 888, 907, 1027, 1047

PAULSEN, KRAIG—Representative **Linn** County, Minority Leader

Amendments filed—583, 818, 1157, 1323, 1451, 1485, 1761

Amendment offered—1761

Amendments withdrawn—1522, 1534

Bills introduced—149, 159, 160, 192, 207, 265, 277, 363, 371, 372, 373, 374, 375, 377, 404, 466, 590, 592, 627, 749, 804, 1077

Committee appointments—19, 1061

Leave of absence—859

Remarks by—15-16, 2109-2111

Resolutions filed—10, 188, 293, 398, 642, 697, 908, 991, 992, 1029, 1485, 2122

Seconded the nomination of the Honorable Patrick J. Murphy as Speaker of the House—6

Special presentation to House pages—1704-1705

## PERMANENT RULES—

Resolution relating to:

House Resolution 8—permanent rules of the House for the eighty-third general assembly—286, 342 adopted.

## PERSONNEL COMMITTEE

(See ADMINISTRATION AND RULES, COMMITTEE ON)

PETERSEN, JANET—Representative **Polk** County

Amendments filed—818, 1051, 1362, 1405, 1947, 1979

Amendments offered—901, 902, 1949, 1979

Amendment withdrawn—1979

Bills deferred, retained on calendar (as acting Speaker)—1665

Bills introduced—125, 294, 372, 466, 535, 586, 591, 669, 687

Committee appointments—19, 20, 22

Committee appointments by (as acting Speaker)—1633

Placed the portrait of President Barack Obama above the Speaker's station—104

Presided at sessions of the House—577, 1631

Requested to be withdrawn as a sponsor of HF 588—1023

Resolutions filed—704, 803, 991, 1392, 1450

Subcommittee assignments—141, 142, 219, 240, 256, 281, 282, 291, 344, 415, 515, 516, 567, 580, 621, 630, 652, 653, 677, 678, 690, 691, 692, 693, 766, 887, 888, 906, 1025, 1602

#### PETITIONS—

(See also INDIVIDUAL HEADINGS)

Filed—1631, 1948

#### PETTENGILL, DAWN E.—Representative **Benton**—Iowa Counties

Amendments filed—223, 421, 584, 605, 642, 889, 909, 992, 1095, 1106, 1157, 1187, 1232, 1323, 1411, 1439, 1451, 1602, 2079, 2080

Amendments offered—605, 871, 1012, 1228, 1232, 1439, 1663, 2079, 2080

Amendments withdrawn—1010, 1012, 1141, 1665

Bills introduced—18, 64, 113, 160, 189, 190, 191, 192, 193, 194, 195, 196, 207, 244, 264, 265, 274, 278, 287, 288, 425, 442, 626, 627, 663, 666, 699, 700, 706, 707, 746, 749, 1077

Committee appointments—2, 19, 21, 22

Leave of absence—1604

Resolutions filed—642, 908, 991, 992, 1029, 1392

Subcommittee assignments—120, 141, 143, 156, 200, 256, 257, 282, 396, 415, 459, 504, 505, 506, 515, 516, 568, 580, 640, 653, 654, 692, 1025

#### PIONEER LAWMAKERS ASSOCIATION OF IOWA—

Address by O. Kay Henderson, News director of Radio Iowa—1099-1101

Resolution relating to:

House Concurrent Resolution 7—relating to Pioneer Lawmakers—697, 1063 adopted & msgd. – S.J. – 894, 905, 909 adopted & msgd. – H.J. – 1096.

#### PLEDGE OF ALLEGIANCE—1, 89, 148, 384, 626, 699, 796, 910, 1188, 1529

Led by special guest and Pages:

42, 63, 80, 103, 112, 125, 152, 159, 189, 207, 224, 243, 262, 274, 287, 294, 348, 371, 389, 399, 423, 463, 511, 521, 573, 585, 631, 643, 659, 685, 705, 714, 763, 771, 804, 819, 852, 890, 942, 994, 1030, 1040, 1052, 1057, 1077, 1096, 1110, 1160, 1253, 1291, 1363, 1394, 1453, 1487, 1532, 1603, 1613, 1631, 1703, 1948

#### POINTS OF ORDER RAISED—

House File 238, H-1108—Representative Lensing—728

House File 257, H-1119—Representative T. Olson—807

House File 311, H-1055—Representative Smith—452

House File 311, H-1051—Representative Kressig—454

House File 328, H-1052—Representative Ficken—673

House File 333, H-1059—Representative R. Olson—499

House File 333, H-1060—Representative R. Olson—501

House File 414, H-1101—Representative Oldson—605

House File 725, H-1234—Representative Thomas—978

House File 725, H-1235—Representative Thomas—979

House File 809, H-1419—Representative Hunter—1225

House File 811, H-1521—Representative McCarthy—1324

House File 811, H-1487—Representative Heddens—1351

House File 822, H-1721—Representative Cohoon—1937

House File 822, H-1709—Representative Cohoon—1938

Senate File 81, invoked Rule 32—Representative Sands—1184

Senate File 151, H-1256—Representative Bell—1114  
 Senate File 151, H-1257—Representative Bell—1116  
 Senate File 152, H-1322—Representative Hunter—1168  
 Senate File 218, H-1091—Representative Wendt—611  
 Senate File 419, H-1395—Representative Lykam—1153  
 Senate File 445, invoked Rule 32—Representative Raecker—1142  
 Senate File 451, H-1617—Representative Zirkelbach—1515  
 Senate File 467, H-1477—Representative Kuhn—1283  
 Senate File 469, H-1475—Representative Jacoby—1264  
 Senate File 470, H-1582—Representative Winckler—1412  
 Senate File 470, H-1556—Representative Winckler—1421  
 Senate File 470, H-1574B—Representative Raecker—1434  
 Senate File 472, H-1538—Representative T. Taylor—1386  
 Senate File 475, H-1621—Representative T. Taylor—1455  
 Senate File 478, H-1763—Representative Oldson—2077  
 Senate File 478, H-1771—Representative Oldson—2079  
 Senate File 478, H-1764—Representative Oldson—2079  
 Senate File 478, H-1767—Representative Oldson—2080  
 Senate File 478, H-1733—Representative Raecker—2092  
 Senate File 478, H-1762—Representative Oldson—2099  
 Withdrawn:  
 House File 328, H-1052—Representative Ficken—673

PRESIDENT OF THE UNITED STATES, CONGRESS AND/OR FEDERAL AGENCIES—

Resolutions relating to:

Special presentation—Speaker Murphy, Representative Ford, Representative Petersen, Representative Smith and Representative Abdul-Samad placed the portrait of President Barack Obama above the Speaker's station—104  
 House Concurrent Resolution 6—claiming state sovereignty under Tenth Amendment to Constitution of United States over certain mandates imposed on states by federal government—642,  
 House Resolution 16—request Congress give due consideration to readiness of Republic of China on Taiwan for membership in United Nations—510,  
 House Resolution 18—support proposal to invite Republic of China (Taiwan) to participate in upcoming meeting of the World Health Assembly as an observer—510,  
 House Resolution 19—urge members of Iowa congressional delegation to sponsor and support Sales Tax Fairness and Simplification Act—510,  
 House Resolution 22—support free trade agreement between the Republic of China on Taiwan and the United States—684,  
 House Resolution 27—urge government of Turkey to grant Ecumenical Patriarch appropriate international recognition, ecclesiastical succession, and right to train clergy of all nationalities and respect property rights and human rights of Ecumenical Patriarchate—794, 964 adopted.  
 House Resolution 29—urge U.S. Congress to take action to shorten almost two-year delay in resolving claims for Social Security disability benefits—803,  
 House Resolution 40—urge Iowa's congressional delegation to oppose legislation that disenfranchises workers by removing their right to private ballot union election—992,  
 House Resolution 47—urge spending of federal economic recovery funds on products made and services performed in the United States—1450, 1603 adopted.

House Resolution 52—support commitment President Barack Obama to energy efficiency and renewable energy initiatives and affirming this state's role as national leader in renewable energy industry—2126,

**PUBLIC SAFETY, COMMITTEE ON—**

Amendments filed—1038, 1051

Amendment offered—1069

Appointed—21, 104

Bills introduced—289, 393, 574, 631, 748, 750, 751, 776, 804, 820, 821, 823, 824

Recommendations—285, 387-388, 571, 683, 696, 760, 792-793, 1038, 1049

Subcommittee assignments—142, 156, 183, 200, 220, 257, 281, 343, 367, 368, 396, 506, 580, 621, 640, 653, 654, 677, 692, 693, 756, 757, 788, 849, 1026

**QUIRK, BRIAN—Representative Chickasaw-Howard-Winneshiek Counties**

Amendments filed—794, 850, 909, 993, 1075, 1106, 1531, 1598, 1701, 1936

Amendments offered—842, 966, 1017, 1018, 1121, 1597, 1598, 1842, 1936

Amendments withdrawn—1018, 1597

Bills introduced—225, 274, 298, 442, 701

Committee appointments—19, 21, 22, 1614

Report—1822-1823

Resolutions filed—908, 991, 1392, 1450

Subcommittee assignments—120, 141, 142, 200, 239, 282, 415, 457, 458, 507, 515, 516, 580, 640, 652, 678, 690, 691, 693, 711, 766, 990, 1025, 1026

**QUORUM CALLS—212, 298, 444, 465, 574, 839, 868, 947, 1079, 1111, 1212, 1424, 1469, 1617, 1665, 1806, 1846, 2104**

**RAECKER, J. SCOTT—Representative Polk County**

Amendments filed—369, 572, 583, 713, 850, 992, 1013, 1016, 1038, 1157, 1158, 1159, 1187, 1215, 1241, 1323, 1345, 1347, 1393, 1451, 1485, 1630, 2066, 2069

Amendments offered—595, 598, 601, 1012, 1013, 1214, 1215, 1221, 1241, 1402, 1408, 1417, 1435, 1458, 1521, 1661, 2066, 2069

Amendments withdrawn—608, 1214, 1345, 1347

Bills introduced—152, 190, 193, 245, 278, 287, 288, 296, 391, 392, 404, 592, 627, 659, 747, 1077

Committee appointments—19, 20, 21, 22

Explanations of vote—1155, 1944

Leaves of absence—441, 464, 1078, 1111, 1533, 1704

Petition presented—1631

Resolutions filed—346, 642, 850, 991, 992, 1029, 1700

Resolution offered—1469

Subcommittee assignments—156, 281, 291, 396, 757

**RANTS, CHRISTOPHER C.—Representative Woodbury County**

Amendments filed—171, 369, 642, 818, 992, 1094, 1095, 1157, 1251, 1252, 1283, 1290, 1323, 1353, 1392, 1393, 1450, 1451, 1454, 1485, 1978

Amendments offered—171, 1013, 1263, 1283, 1323, 1351, 1421, 1454, 1978

Amendments withdrawn—1265, 1353, 1379

Bills introduced—190, 192, 208, 265, 274, 467, 593, 662, 669, 1077

Committee appointments—19, 21, 22

Leaves of absence—212, 705, 1110, 1532, 1604, 1617, 1631, 2104

Resolutions filed—510, 908, 991, 992, 1392



Subcommittee assignments—119, 344, 459, 506, 507, 516

**RAYHONS, HENRY**—Representative **Hancock**-Winnebago-Worth Counties

Amendments filed—583, 909, 962, 1157, 1159, 1323, 1343

Amendments offered—960, 962, 1343

Bills introduced—189, 190, 191, 193, 194, 207, 209, 274, 392, 627, 659, 661, 666, 749, 750, 1077

Committee appointments—19, 21

Explanation of vote—413

Leaves of absence—399, 1043, 1607, 1631, 1889, 2115

Resolutions filed—991, 992, 1029

Subcommittee assignments—100, 281, 386, 568, 654, 677

**REASONER, MICHAEL J.**—Representative Clarke-Decatur-**Union** Counties, Assistant Majority Leader

Amendments filed—794, 1157

Amendments offered—844, 1175, 1177

Bills introduced—196, 586, 590

Bills referred and rereferred to committees (as acting Speaker)—1052

Committee appointments—19, 22

Presided at sessions of the House—626, 910, 1042, 1052

Resolutions filed—510, 991, 1392, 1450

Subcommittee assignments—142, 143, 221, 344, 504, 505, 506, 515, 516, 652, 653, 654, 756, 906, 907, 1025, 1527

**REBUILD IOWA AND DISASTER RECOVERY, COMMITTEE ON**—

Appointed—21

Bills introduced—127, 161, 775, 798, 806, 820, 823, 854

Recommendations—123-124, 188, 696-697, 760-761, 793, 991, 1049

Resolution filed—803

Subcommittee assignments—652, 691, 906, 907, 1025, 1026

**REICHERT, NATHAN**—Representative **Muscatine** County

Amendments filed—1157, 1187, 1384, 1451, 1464, 1485, 1594, 2076, 2090

Amendments offered—1069, 1199, 1379, 1384, 1462, 1464, 2090

Amendments withdrawn—1181, 2076, 2116

Bills introduced—113, 125, 196, 211, 243, 245, 263, 264, 294, 296, 297, 376, 384, 404, 405, 466, 467, 513, 534, 535, 632, 662, 665, 750

Committee appointments—19, 20, 21, 64, 1058

Presented to the House the Honorable Walter Conlon, former member of the House—1062

Resolutions filed—206, 572, 991, 1392, 1450

Resolutions offered—210, 588

Subcommittee assignments—141, 256, 281, 282, 343, 515, 580, 621, 652, 653, 691, 756, 757, 849, 906, 941, 1025, 1026, 1094, 1104, 1249, 1449

**REPORTS**—

(See **COMMUNICATIONS** and/or **INDIVIDUAL HEADINGS**)

**RESIGNATIONS**—

(See **OFFICERS AND EMPLOYEES**)

## RESOLUTIONS—

(See also LEGISLATIVE INDEX VOLUME)

## Adopted:

House Concurrent Resolution 1—10  
House Concurrent Resolution 2—11  
House Concurrent Resolution 3—362  
House Concurrent Resolution 5—406  
House Concurrent Resolution 7—1063  
House Concurrent Resolution 10—2122  
House Resolution 1—14  
House Resolution 2—14  
House Resolution 3—128  
House Resolution 4—194  
House Resolution 5—210  
House Resolution 6—1364  
House Resolution 7—313  
House Resolution 8—342  
House Resolution 9—296  
House Resolution 10—995  
House Resolution 11—447  
House Resolution 12—426  
House Resolution 13—426  
House Resolution 14—426  
House Resolution 15—513  
House Resolution 20—588  
House Resolution 23—1040  
House Resolution 26—945  
House Resolution 27—946  
House Resolution 31—827  
House Resolution 33—1189  
House Resolution 37—1469  
House Resolution 39—1111  
House Resolution 42—1632  
House Resolution 43—1633  
House Resolution 44—1395  
House Resolution 45—1395  
House Resolution 47—1603  
House Resolution 49—1632  
House Resolution 51—1704  
Senate Concurrent Resolution 2—534

## Filed:

House Concurrent Resolution 3—286  
House Concurrent Resolution 4—383  
House Concurrent Resolution 5—398  
House Concurrent Resolution 6—642  
House Concurrent Resolution 7—697  
House Concurrent Resolution 8—1485  
House Concurrent Resolution 9—1947  
House Resolution 4—188  
House Resolution 5—206  
House Resolution 6—223  
House Resolution 7—273

House Resolution 8—286  
House Resolution 9—293  
House Resolution 10—346  
House Resolution 11—347  
House Resolution 12—420  
House Resolution 13—420  
House Resolution 14—421  
House Resolution 15—461  
House Resolution 16—510  
House Resolution 17—510  
House Resolution 18—510  
House Resolution 19—510  
House Resolution 20—572  
House Resolution 21—625  
House Resolution 22—684  
House Resolution 23—684  
House Resolution 24—697  
House Resolution 25—704  
House Resolution 26—761  
House Resolution 27—794  
House Resolution 28—794  
House Resolution 29—803  
House Resolution 30—803  
House Resolution 31—818  
House Resolution 32—850  
House Resolution 33—908  
House Resolution 34—908  
House Resolution 35—908  
House Resolution 36—908  
House Resolution 37—991  
House Resolution 38—991  
House Resolution 39—991  
House Resolution 40—992  
House Resolution 41—1028  
House Resolution 42—1156  
House Resolution 43—1157  
House Resolution 44—1251  
House Resolution 45—1392  
House Resolution 46—1392  
House Resolution 47—1450  
House Resolution 48—1450  
House Resolution 49—1602  
House Resolution 50—1612  
House Resolution 51—1701  
House Resolution 52—2126  
Senate Concurrent Resolution 2—273

Filed from the floor:

House Concurrent Resolution 1—10  
House Concurrent Resolution 2—10  
House Concurrent Resolution 5—405  
House Concurrent Resolution 10—2122  
House Resolution 1—13

- House Resolution 2—14
- House Resolution 3—128
- Laid over under Rule 25:
  - House Concurrent Resolution 5—398
  - House Concurrent Resolution 6—642
  - House Concurrent Resolution 7—697
  - House Concurrent Resolution 9—1947
- House Resolution 4—188
- House Resolution 5—206
- House Resolution 6—223
- House Resolution 9—293
- House Resolution 10—346
- House Resolution 12—420
- House Resolution 13—420
- House Resolution 14—421
- House Resolution 15—461
- House Resolution 16—510
- House Resolution 17—510
- House Resolution 18—510
- House Resolution 19—510
- House Resolution 20—572
- House Resolution 21—625
- House Resolution 22—684
- House Resolution 23—684
- House Resolution 24—697
- House Resolution 25—704
- House Resolution 26—761
- House Resolution 27—794
- House Resolution 28—794
- House Resolution 29—803
- House Resolution 30—803
- House Resolution 31—818
- House Resolution 32—850
- House Resolution 33—908
- House Resolution 34—908
- House Resolution 35—908
- House Resolution 36—909
- House Resolution 37—991
- House Resolution 38—991
- House Resolution 39—991
- House Resolution 40—992
- House Resolution 41—1029
- House Resolution 42—1156
- House Resolution 43—1157
- House Resolution 44—1251
- House Resolution 45—1392
- House Resolution 46—1392
- House Resolution 47—1450
- House Resolution 48—1450
- House Resolution 49—1602
- House Resolution 51—1701
- House Resolution 52—2126

## Placed on calendar:

- House Concurrent Resolution 3—286
- House Resolution 7—273
- House Resolution 8—286
- House Resolution 11—347
- House Resolution 50—1612

## Referred to committee:

- House Concurrent Resolution 4—383
- House Concurrent Resolution 8—1485
- Senate Concurrent Resolution 2—273

ROBERTS, ROD—Representative **Carroll**-Crawford-Sac Counties, Assistant Minority Leader

- Amendments filed—584, 1029, 1157, 1323, 2075, 2076
- Amendments withdrawn—1144, 1154, 2076
- Bills introduced—103, 243, 262, 349, 385, 391, 392, 628, 661, 663, 668, 749, 1077
- Committee appointments—2, 19, 21, 22
- Presented to the House the Honorable George Eichhorn, former member of the House—464
- Presented to the House the Honorable Louis Muhlhauer, former member of the House—1363
- Resolutions filed—991, 992, 1029, 1700
- Subcommittee assignments—120, 156, 256, 282, 368, 380, 396, 458, 654, 691, 711, 941, 990, 1072

## RULES INVOKED—

- Rule 32 (commitment of appropriation and revenue bills):
  - House File 722—963
  - Senate File 81—1184
  - Senate File 197—782
  - Senate File 445—1142
- Rule 75 (duty of voting):
  - Senate File 470, H-1564—1403
  - Senate File 470, H-1573—1413
  - Senate File 478, H-1762—2099
- Rule 76 (conflict of interest):
  - Senate File 481—1535

## RULES—MOTIONS TO SUSPEND—

- House Joint Resolution 6—1293
- House File 238, H-1108—728
- House File 257, H-1119—807
- House File 311, H-1051—454
- House File 333, H-1059—499
- House File 333, H-1060—501
- House File 725, H-1234—978
- House File 725, H-1235—980
- House File 809, H-1419—1225
- House File 811, change to Joint Resolution—1324
- House File 811, H-1487—1351
- House File 822, H-1709—1938
- Senate File 152, H-1322—1168

Senate File 218, H-1091—611  
 Senate File 344, H-1633—1523  
 Senate File 419, H-1395—1153  
 Senate File 451, H-1617—1515  
 Senate File 451, H-1634—1518  
 Senate File 467, H-1477—1284  
 Senate File 469, H-1475—1264  
 Senate File 470, H-1582—1412  
 Senate File 470, H-1556—1421  
 Senate File 472, H-1538—1386  
 Senate File 475, H-1621—1455  
 Senate File 478, H-1763—2077  
 Senate File 478, H-1764—2079  
 Senate File 478, H-1767—2081  
 Senate File 478, H-1762—2099

## Failed:

House File 238, H-1108—729  
 House File 257, H-1119—807  
 House File 311, H-1051—455  
 House File 333, H-1059—500  
 House File 333, H-1060—501  
 House File 725, H-1234—979  
 House File 725, H-1235—980  
 House File 809, H-1419—1225  
 House File 811, H-1487—1352  
 House File 822, H-1709—1939  
 Senate File 152, H-1322—1169  
 Senate File 218, H-1091—612  
 Senate File 419, H-1395—1154  
 Senate File 451, H-1617—1516  
 Senate File 451, H-1634—1519  
 Senate File 467, H-1477—1284  
 Senate File 469, H-1475—1265  
 Senate File 470, H-1582—1413  
 Senate File 470, H-1556—1422  
 Senate File 472, H-1538—1387  
 Senate File 475, H-1621—1456  
 Senate File 478, H-1763—2077  
 Senate File 478, H-1764—2079  
 Senate File 478, H-1767—2081  
 Senate File 478, H-1762—2100

## Out of order:

House File 811, change to Joint Resolution—1325  
 Senate File 344, H-1633—1524

## RULES—SUSPENDED—

House Resolution 4—193  
 Senate File 44—212

## Rule 31.8 (timely filing of amendments):

House File 64, H-1003—163  
 House File 811—1327  
 House File 811, H-1526—1353

Senate File 44, H-1010—215  
 Senate File 452, H-1541—1380  
 Senate File 470—1396  
 Senate File 470, H-1596, H-1597 and H-1598—1436  
 Senate File 472—1383  
 Senate File 475—1454  
 Senate File 475, H-1622—1466

Rule 57 (committee notice and agenda):

Committee on Administration and Rules for 1/12—19  
 Committee on Appropriations for 3/12—782

#### RULES—UNDER PROVISIONS OF & PURSUANT TO—

Pursuant to Rule 31.7 (commitment of bills):

House File 397—696  
 House File 777—1074  
 Senate File 231—1055  
 Senate File 304—1049  
 Senate File 471—1528

Under provision of Rule 31.8 (timely filing of amendments):

House File 375, H-1255 and H-1261—975  
 House File 722, H-1238 and H-1260—963  
 House File 801, H-1279 and H-1283—1016  
 Senate File 452, H-1539 and H-1541—1380  
 Senate File 467, H-1481—1285

Pursuant to Rule 42 (certification of engrossment):

House File 311—503  
 House File 822—2128  
 Senate File 376—2125-2126  
 Senate File 415—1446

Pursuant to Rule 45 (disposition of bills):

2127

Pursuant to Rule 73.6 (final disposition of motions to reconsider):

House File 333—2127

Pursuant to Rule 78 (call of the House):

House Joint Resolution 6—1294

#### SANDS, THOMAS R.—Representative Des Moines-Louisa-Muscatine Counties

Amendments filed—421, 572, 583, 909, 975, 992, 993, 1005, 1019, 1029, 1106, 1157, 1187, 1323, 1701, 1813, 1841

Amendments offered—453, 612, 1005, 1019, 1813

Amendment withdrawn—1017

Bills introduced—274, 275, 278, 287, 288, 296, 385, 391, 392, 424, 425, 585, 590, 626, 644, 661, 665, 668, 686, 700, 745, 747, 773, 1077

Committee appointments—19, 21, 22, 1058, 1059

Committee change (as acting Speaker)—175

Leave of absence—688

Presided at sessions of the House—161, 162

Resolutions filed—510, 642, 991, 992, 1029

Subcommittee assignments—183, 220, 504, 505, 506, 580, 691, 849, 886, 887, 888, 906, 1360

SCHUELLER, THOMAS J.—Representative Clinton-Dubuque-**Jackson** Counties

Amendments filed—1187, 1285, 1885

Amendment offered—1088

Amendment withdrawn—1885

Bills introduced—153, 192, 226, 274, 278, 384, 385, 389, 399, 467, 468, 586, 592, 665, 686, 701, 749, 750, 797

Committee appointments—20, 21, 1062

Resolutions filed—991, 1392, 1450

Resolution offered—1603

Subcommittee assignments—395, 677, 691, 711, 756, 1027

SCHULTE, RENEE—Representative **Linn** County

Amendments filed—223, 421, 572, 583, 909, 1051, 1157, 1323, 1326, 1340, 1345

Amendments offered—610, 977, 1326, 1340, 1345

Amendment withdrawn—1340

Bills introduced—265, 277, 296, 590, 627, 644, 659, 666, 668, 669, 700, 706, 708, 745, 747, 1077

Committee appointments—20, 21, 49, 427, 1061

Explanation of vote—1287

Resolutions filed—908, 991, 992, 1029

Subcommittee assignments—78, 120, 143, 200, 221, 256, 257, 281, 291, 458, 516, 517, 567, 568, 621, 622, 677, 691, 692, 693, 757, 765, 766, 788, 1025

SCHULTZ, JASON—Representative **Crawford-Ida-Monona-Woodbury** Counties

Amendments filed—347, 370, 850, 851, 1157, 1187, 1252, 1323, 2076

Amendments offered—1257, 1266, 2076

Bills introduced—159, 160, 190, 191, 193, 194, 207, 244, 265, 274, 288, 296, 385, 391, 392, 425, 468, 469, 590, 661, 665, 666, 668, 699, 700, 749, 1077

Committee appointments—20, 21, 48

Leaves of absence—212, 894, 1111

Resolutions filed—420, 642, 991, 992, 1029, 1392, 1700

Resolution offered—426

Subcommittee assignments—240, 257, 282, 458, 567, 568, 621, 630, 652, 693, 757, 787, 905, 1025, 1026, 1027

## SEATS—

Assignment of, to members—36-38

Special order—35

## SECRETARY OF STATE, Michael Mauro

Communications from—2-5

SHOMSHOR, PAUL C., JR.—Representative **Pottawattamie** County

Amendments filed—1290, 1841, 1947, 2075

Bills introduced—153, 372, 586

Committee appointments—19, 21, 22

Nominated the Honorable Patrick J. Murphy for Speaker of the House—6

Resolutions filed—991, 1450

Subcommittee assignments—141, 504, 505, 506, 507, 640, 652, 886, 1026

SMITH, MARK—Representative **Marshall** County

Amendments filed—684, 850, 992, 1353, 1392, 1451, 1536, 1570, 2082



Amendments offered—810, 1536, 1570  
 Amendment withdrawn—1536  
 Bills introduced—18, 148, 191, 192, 195, 224, 295, 375, 464, 466, 513, 586, 591, 644, 750  
 Committee appointments—20, 1698  
 Placed the portrait of President Barack Obama above the Speaker's station—104  
 Report—1835-1836  
 Resolutions filed—223, 346, 510, 991, 1251, 1392, 1450, 1947  
 Resolutions offered—995, 1395  
 Subcommittee assignments—78, 86, 184, 270, 343, 568, 569, 630, 654, 690, 691, 692, 693, 711, 757, 766, 787, 788, 906, 941, 1025, 1026, 1027, 1047

**SODERBERG, CHUCK**—Representative **Plymouth-Sioux Counties**

Amendments filed—223, 421, 422, 584, 762, 795, 818, 889, 1158, 1252, 1323, 1333, 1380, 1393  
 Amendments offered—451, 779, 845, 1255, 1268, 1333, 1380, 1427  
 Amendment withdrawn—451  
 Bills introduced—244, 265, 274, 278, 287, 288, 296, 391, 392, 469, 627, 661, 700, 706, 746, 747, 749, 1077  
 Bills referred to committee (as acting Speaker)—1698  
 Committee appointments—19, 20, 1698  
 Committee appointments by (as acting Speaker)—1698  
 Presented to the House Juliana Pennings, Queen of the 2009 Orange City Tulip Festival and her court—1160  
 Presided at session of the House—1697  
 Report—1835-1836  
 Resolutions filed—642, 803, 991, 992, 1029, 1392, 1700  
 Subcommittee assignments—143, 150, 220, 256, 281, 282, 506, 515, 621, 630, 640, 652, 691, 756, 941, 1025

**SORENSEN, KENT**—Representative **Warren County**

Amendments filed—584, 851, 1106, 1158, 1159, 1323, 2094  
 Amendment offered—2094  
 Bills introduced—159, 160, 265, 296, 391, 392, 425, 469, 590, 626, 663, 666, 668, 669, 700, 706, 746, 1077  
 Committee appointments—19, 20, 21, 65  
 Leave of absence—298  
 Resolutions filed—510, 642, 908, 991, 1029, 1700  
 Subcommittee assignments—142, 200, 256, 291, 415, 515, 652, 693, 756, 766, 906, 907, 1026

**SPEAKER OF THE HOUSE**—Patrick J. Murphy—Representative **Dubuque County**

Bills deferred, retained on calendar—2104  
 Bills introduced—112, 372, 467, 586, 796  
 Bills passed on file—380, 638, 710, 754, 764  
 Bills placed on calendar—690, 904, 988  
 Bills referred and rereferred to committees—154, 219, 619, 675, 690, 709, 753, 782, 786, 885, 904, 987, 988, 1046, 1092, 1447-1448, 1600  
 Bills signed by—227, 536, 786, 800, 847, 988, 1023, 1071, 1093, 1184, 1248, 1448, 1482, 1530, 1608, 1699, 2128  
 Changes in committees—104

- Committees appointed by—19-22, 48, 64, 104, 427, 1057, 1058, 1059, 1060, 1061, 1062, 1097, 1604, 1614
- Committee appointments—10, 11, 14, 19
- Elected—6
- Final adjournment—2126
- Leave of absence—1364
- Placed the portrait of President Barack Obama above the Speaker's station—104
- Presentation of visitors—620
- Presented to the House the Honorable United States Congressman Leonard Boswell—9
- Presented to the House the Honorable Mike Peters, former member of the House—349
- Presented to the House the Honorable Brad Hansen, former member of the House—454
- Presented to the House the Honorable Rich Running, former member of the House—878
- Presided at sessions of the House—35, 42, 48, 58, 63, 64, 80, 89, 103, 112, 125, 148, 152, 159, 189, 194, 207, 210, 212, 224, 243, 244, 262, 263, 274, 277, 287, 289, 294, 296, 348, 363, 371, 372, 389, 390, 399, 403, 423, 426, 441, 443, 451, 463, 464, 465, 481, 484, 486, 511, 513, 521, 573, 574, 585, 588, 608, 631, 643, 646, 659, 673, 685, 705, 714, 741, 744, 763, 771, 777, 778, 782, 796, 804, 852, 862, 866, 867, 890, 892, 894, 942, 946, 954, 994, 1012, 1030, 1040, 1042, 1057, 1070, 1086, 1097, 1102, 1110, 1139, 1160, 1188, 1190, 1212, 1253, 1254, 1291, 1293, 1294, 1324, 1346, 1394, 1395, 1396, 1443, 1453, 1467, 1471, 1532, 1570, 1597, 1603, 1607, 1613, 1616, 1667, 1703, 1704, 1840, 1935, 1948, 1949, 1984, 2066, 2104, 2108, 2116
- Remarks by—7-9, 2112-2114
- Resolutions filed—188, 293, 794, 1450
- Rulings made—452, 454, 498, 501, 606, 611, 782, 963, 978, 980, 1114, 1116, 1142, 1153, 1168, 1184, 1264, 1293, 1324, 1351, 1455, 1937, 1938, 2077, 2079, 2081, 2092, 2099
- Special presentation to House Pages—1704-1705
- Took oath of office—7

SPEAKER PRO TEMPORE,—Polly Bukta—Representative **Clinton** County  
(See BUKTA, POLLY—Representative **Clinton** County, Speaker Pro Tempore)

SPECIAL COMMITTEES—  
(See COMMITTEES, SPECIAL)

SPECIAL ORDER—  
Assignment of seats—13, 35-38

SPECIAL PRESENTATION—  
Representative Whitaker presented to the House the Honorable United States Senator, Charles Grassley—1  
Representative Murphy presented to the House the Honorable United States Congressman, Leonard Boswell—9  
Representative Wagner presented to the House Jim Thomson, husband of the late Rosemary Thomson—194  
Representative Jacoby presented to the House Sally Nichols and John Lohman—210  
Representative Zirkelbach presented to the House the Honorable Paul Scherrman, former member of the House—263

- Representative Deyoe presented to the House Bob Finch, husband of the Honorable Barbara Finch, former member of the House—296
- Representative Murphy presented to the House the Honorable Mike Peters, former member of the House—349
- Representative Murphy presented to the House the Honorable Brad Hansen, former member of the House—454
- Representative Roberts presented to the House the Honorable George Eichhorn, former member of the House—464
- Representative Mertz presented a short eulogy in honor of the Honorable John Connors—822
- Representative Murphy presented to the House the Honorable Rich Running, former member of the House—878
- Representative Van Engelenhoven presented to the House the Honorable Harold Van Maanen, former Speaker and member of the House—894
- Representatives Wessel-Kroeschell and Heddens presented to the House the Iowa State University Cyclones volleyball team—946
- Representative Ford presented to the House John Papajohn—946
- Representatives Winckler and L. Miller presented winners of the “Write Women Back Into History” essay contest—1040-1041
- Representative Jacoby presented to the House a delegation from Panama—1062
- Representative Reichert presented to the House the Honorable Walter Conlon, former member of the House—1062
- Representative Van Engelenhoven presented to the House Morgan Kuiper, Queen of the 2009 Pella Tulip Festival and her court—1097
- Representative Soderberg presented to the House Juliana Pennings, Queen of the 2009 Orange City Tulip Festival and her court—1160
- Representative Upmeyer presented to the House Laura Leitz, Shane Cooney and Paul Stevenson from the Surf Ballroom—1189
- Representative Wendt presented to the House the Morningside College Women’s Basketball team—1205
- Representative Roberts presented to the House the Honorable Louis Muhlauer, former member of the House—1363
- Representative Bell presented to the House a delegation from the Zhejiang fareast Leather Industrial Company, Ltd. From China—1394
- Representative Wessel-Kroeschell presented to the House Bill Fenley, head coach of the Iowa State University Cyclone Women’s Basketball Team—1632
- Representatives Murphy, McCarthy and Paulsen presented certificates to the House pages—1704-1705

#### SPONSOR—

##### Added:

- House File 47—Representative De Boef—175
- House File 74—Representative S. Olson—175

##### Withdrawn:

- House File 588—Representative Petersen—1023

#### ST. PATRICK’S DAY OBSERVATION—822

#### STATE GOVERNMENT, COMMITTEE ON—

- Amendments filed—713, 1039, 1075
- Amendments offered—872, 1087, 1489
- Appointed—21, 104

Bills introduced—275, 295, 391, 469, 591, 628, 699, 750, 751, 764, 776, 824, 853, 854, 855, 866, 867  
 Recommendations—293, 383, 388, 420, 571, 683-684, 697, 713, 761, 794, 802-803, 1038, 1050, 1074-1075  
 Subcommittee assignments—119, 120, 143, 156, 199, 200, 256, 257, 282, 291, 344, 368, 380, 396, 458, 459, 506, 516, 568, 580, 621, 640, 641, 654, 677, 690, 691, 692, 693, 711, 757, 767, 941, 1026, 1027, 1047

#### STATE OF THE STATE AND BUDGET MESSAGE—

Delivered by Governor Chester J. Culver—50-58  
 Resolution relating to the condition of the State Message and Budget Message, House Concurrent Resolution 1, a joint convention on Tuesday, January 13, 2009 at 10:00 a.m. for Governor Chester J. Culver to deliver his condition of the state and budget message—10 adopted, 11 msgd. – S.J. – 18 adopted, 19 msgd. – H.J. 35.

#### STECKMAN, SHARON—Representative **Cerro Gordo** County

Amendments filed—1404, 1929  
 Amendment offered—1929  
 Bills introduced—274, 373, 400, 464, 466, 586, 669, 701, 750  
 Committee appointments—10, 20, 21, 22  
 Resolutions filed—510, 803, 1450  
 Resolution offered—1603  
 Subcommittee assignments—100, 141, 142, 150, 183, 184, 200, 240, 256, 281, 282, 368, 506, 516, 568, 652, 690, 691, 766, 886, 887, 888, 906, 941, 1025, 1027, 1289, 1602, 1628

#### STRUYK, DOUG—Representative **Pottawattamie** County

Amendments filed—461, 584, 642, 658, 794, 803, 992, 1044, 1045, 1095, 1106, 1158, 1323, 1353, 1361, 1362, 1393, 1411, 1438, 1701, 1936, 1937, 2082  
 Amendments offered—498, 500, 723, 739, 1009, 1015, 1044, 1353, 1578, 1937  
 Amendments withdrawn—1141, 1147, 1932, 2082  
 Bills introduced—125, 126, 149, 159, 160, 189, 190, 191, 192, 193, 194, 195, 207, 208, 209, 210, 244, 265, 274, 278, 287, 288, 392, 404, 468, 469, 643, 663, 700, 745, 747, 749, 1077  
 Committee appointments—19, 20, 21, 22, 1614  
 Leave of absence—212  
 Report—1822-1823  
 Resolutions filed—206, 991, 992, 1029, 1700  
 Subcommittee assignments—343, 344, 504, 505, 506, 507, 515, 640, 653, 654, 691, 692, 711, 767, 787, 886, 887, 906, 1025, 1026, 1027, 1047, 1530

#### STUDY BILL COMMITTEE ASSIGNMENTS—

Administration & Rules—259, 272  
 Agriculture—204, 259, 272  
 Appropriations—387, 418, 517, 758, 1072, 1250, 1360, 1527, 1946  
 Commerce—123, 146, 157, 258, 283-284, 417, 570, 655, 656, 695  
 Economic Growth—87, 88, 102, 109, 158, 202, 222, 258, 345, 417, 518, 641, 656  
 Education—61, 88, 100, 102, 241, 242, 292, 518, 679, 758  
 Environmental Protection—121, 122, 186, 345, 369, 460, 509, 518, 641, 679, 712, 758  
 Ethics—40, 41, 61  
 Government Oversight—1289

Human Resources—61, 62, 110, 111, 203, 222, 258, 272, 518, 581, 679  
 Judiciary—101, 102, 110, 146, 156, 157, 186, 187, 204, 258, 292, 381, 418, 460, 510,  
 518, 519, 570, 582, 622, 655, 657, 680, 712, 907  
 Labor—122, 202, 283, 656, 758  
 Local Government—202, 203, 291, 292, 509, 679  
 Natural Resources—222, 258  
 Public Safety—109, 110, 146, 147, 157, 186, 187, 203, 204, 242, 368, 397, 679  
 Rebuild Iowa and Disaster Recovery—121, 122, 345, 417, 508, 509, 622, 641, 679,  
 712, 788  
 State Government—86, 87, 101, 121, 146, 157, 158, 187, 204, 258, 259, 397, 416, 460,  
 461, 508, 509, 519, 581, 582, 622, 656, 1628  
 Transportation—121, 203, 204, 345, 418  
 Veteran's Affairs—78, 79, 122, 123, 146, 258, 292, 417, 768  
 Ways and Means—201, 202, 460, 788-789, 850, 888, 1047-1048, 1054, 1073

#### STUDY BILL SUBCOMMITTEE ASSIGNMENTS—

Assigned—78, 100, 108-109, 120-121, 143-146, 151, 184-186, 201, 221-222, 241, 257-  
 258, 270-272, 282-283, 291, 344, 368, 381, 386, 416, 459-460, 507-508, 517, 569-  
 570, 581, 622, 630, 641, 655, 678, 693-694, 712, 757, 768, 888, 1027, 1053-1054,  
 1072, 1094  
 Reassigned—86, 184, 185, 201, 241, 381

#### STUDY COMMITTEES—

(See also LEGISLATIVE COUNCIL)

Resolutions relating to:  
 House Resolution 24—697  
 House Resolution 30—803

#### SUBCOMMITTEE ASSIGNMENTS—

Assigned—78, 86, 100, 119, 120, 141-143, 150-151, 155-156, 183-184, 199-200, 219-  
 221, 239-241, 256-257, 270, 280-282, 291, 343-344, 367-368, 380, 385-386, 395-396,  
 415-416, 457-459, 504-507, 515-517, 567-569, 580, 621-622, 630, 640-641, 652-654,  
 677-678, 690-693, 702, 710-711, 756-757, 765-767, 787-788, 849, 886-888, 905-907,  
 941, 990, 1025-1027, 1036, 1047, 1053, 1072, 1094, 1104, 1249-1250, 1289, 1359-  
 1360, 1449, 1484-1485, 1527, 1530, 1602, 1628  
 Reassigned—183, 184, 281, 580, 677, 711, 756, 1072

#### SUPREME COURT OF IOWA—

(Chief Justice Marsha K. Ternus)

Delivered the Condition of the Judicial Department's Message—66-76

Resolutions relating to:  
 House Concurrent Resolution 2—a joint convention on Wednesday, January 14,  
 2009 at 10:00 a.m. for Chief Justice Ternus to deliver her condition of the  
 judicial branch message—10 adopted, 11 msgd. – S.J. 18, 19 adopted & msgd. –  
 H.J. – 35.

#### SWAIM, KURT—Representative Appanoose-Davis-Wayne Counties

Amendments filed—795, 850, 909, 1029, 1187, 1251, 1451, 2072  
 Amendments offered—1297, 1573  
 Amendments withdrawn—858, 983  
 Bills introduced—153, 274, 277, 278, 364, 372, 400, 464, 466, 513, 586, 590, 643, 668,  
 746

Committee appointments—19, 20, 1097  
 Presided at sessions of the House—1845, 1846, 1885, 1888  
 Resolutions filed—510, 991, 1450, 1700  
 Subcommittee assignments—767, 888

SWEENEY, ANNETTE—Representative Franklin-**Hardin**-Marshall Counties  
 Amendments filed—889, 909, 1051, 1158, 1159, 1252, 1323, 1411, 1437, 2082  
 Amendments offered—998, 1271, 1273, 1411, 1437  
 Amendments withdrawn—999, 2082  
 Bills introduced—274, 392, 404, 590, 627, 643, 661, 663, 699, 700, 706, 1077  
 Committee appointments—10, 19, 20, 21, 22, 1627  
 Explanation of vote—1600  
 Leave of absence—1532  
 Resolutions filed—908, 991, 992, 1029, 1700  
 Subcommittee assignments—86, 183, 199, 257, 368, 396, 416, 458, 765

TAYLOR, DICK—Representative **Linn** County  
 Bills introduced—112, 274, 277, 464, 535, 668  
 Committee appointments—19, 21, 22  
 Resolutions filed—908, 991, 1392, 1450, 1700  
 Subcommittee assignments—184, 200, 256, 282, 368, 385, 395, 415, 515, 580, 652, 711, 906, 1025

TAYLOR, TODD—Representative **Linn** County  
 Amendments filed—850, 1187  
 Amendments offered—1368, 1454  
 Bills introduced—195, 277, 278, 372, 385, 464, 466, 535, 585, 586, 662, 664, 668  
 Bills placed on calendar (as acting Speaker)—1357  
 Bills placed on unfinished business calendar (as acting Speaker)—1357-1358  
 Bills referred to committees (as acting Speaker)—1358  
 Committee appointments—19, 21  
 Presided at sessions of the House—1356, 1665  
 Resolutions filed—991, 1392, 1450, 1700  
 Resolution offered—1603  
 Subcommittee assignments—120, 199, 200, 380, 396, 416, 568, 640, 641, 652, 702, 906, 1026

TEMPORARY OFFICERS—  
 Elected—2  
 Took oath of office—1, 2

TEMPORARY RULES—  
 Adopted—14

THEDE, PHYLLIS—Representative **Scott** County  
 Amendments filed—1405, 1486  
 Bills introduced—294, 372, 400, 467, 513, 586, 643, 669  
 Committee appointments—20, 21, 48  
 Leave of absence—805  
 Resolutions filed—223, 461, 572, 803, 818, 991, 1251, 1392, 1450, 1700  
 Resolutions offered—512, 588, 827, 1395

Subcommittee assignments—183, 219, 240, 257, 281, 282, 386, 396, 416, 506, 516, 568, 622, 678, 690, 693, 765, 766, 767, 788, 849, 941, 1047

**THOMAS, ROGER**—Representative **Clayton-Delaware-Fayette** Counties

Amendments filed—158, 684, 818, 1157, 1361, 1362, 1450, 1451, 1630, 1701, 2075, 2076, 2084, 2115

Amendments offered—1002, 1381, 1478, 1840, 1841, 1929, 2084, 2115

Amendments withdrawn—162, 2076

Bills introduced—274, 297, 405, 425, 463, 664, 668, 669, 745, 746, 750

Committee appointments—20, 21, 22, 427, 1614

Leave of absence—1604

Report—1822-1823

Resolutions filed—510, 908, 991, 1392, 1450

Subcommittee assignments—220, 386, 504, 505, 580, 630, 691, 693, 886, 887, 888, 1025, 1053, 1250, 1289, 1530

**TJEPKES, DAVID A.**—Representative **Calhoun-Greene-Webster** Counties

Amendments filed—584, 1051, 1158, 1323, 1451, 1701

Amendments withdrawn—1459, 1462

Bills introduced—89, 152, 274, 392, 627, 699, 700, 749, 1077

Committee appointments—21, 22

Leaves of absence—298, 1166

Resolutions filed—908, 991, 992, 1029, 1392, 1700

Subcommittee assignments—156, 256, 343, 385, 396, 458, 516, 653, 654, 711, 756, 767, 849, 1026, 1027

**TRANSPORTATION, COMMITTEE ON**—

Amendments filed—1051

Amendments offered—1111, 1121

Appointed—22

Bills introduced—629, 666, 667, 764, 853, 854, 867

Recommendations—571-572, 658, 770, 793-794, 1050

Subcommittee assignments—141, 142, 239, 457, 458, 515, 516, 580, 640, 677, 678, 710, 711, 766, 767, 990

**TYMESON, JODI**—Representative **Dallas-Madison-Warren** Counties, Assistant Minority Leader

Amendments filed—421, 584, 658, 713, 770, 794, 850, 888, 889, 1029, 1094, 1106, 1157, 1158, 1323, 1393, 1434, 1450

Amendments offered—471, 492, 673, 812, 997, 1082, 1183, 1419

Amendments withdrawn—471, 472, 485, 673, 812, 1370, 1371, 1495, 1503

Bills introduced—127, 159, 160, 193, 196, 211, 212, 225, 245, 274, 297, 373, 385, 391, 392, 511, 512, 535, 592, 593, 626, 627, 644, 661, 668, 685, 699, 700, 706, 707, 749, 1077

Committee appointments—19, 20, 21, 22

Leaves of absence—947, 1017, 1043

Resolutions filed—420, 510, 642, 908, 991, 992, 1029, 1700

Resolution offered—425

Subcommittee assignments—142, 156, 200, 221, 240, 257, 281, 282, 344, 386, 416, 516, 652, 654, 766, 767

UNANIMOUS CONSENT—10, 11, 13, 14, 127, 193, 210, 212, 296, 405, 425, 426, 512, 1254, 1271, 1302, 1383, 1394, 1395, 1396, 1424, 1453, 1532, 1840

UNFINISHED BUSINESS CALENDAR—

Bills placed on—1357-1358, 1525

UPMEYER, LINDA L.—Representative Cerro Gordo-Franklin-**Hancock** Counties, Assistant Minority Leader

Amendments filed—223, 422, 481, 583, 584, 762, 818, 889, 1158, 1323, 1347, 1451, 1536, 1570

Amendments offered—451, 481, 599, 778

Amendments withdrawn—451, 1347

Bills introduced—149, 192, 207, 244, 265, 424, 425, 442, 535, 536, 588, 589, 627, 644, 659, 662, 663, 664, 668, 745, 747, 749, 774, 1077

Committee appointments—19, 20, 21

Leave of absence—861

Presented to the House Laura Leitz, Shane Cooney and Paul Stevenson from the Surf Ballroom—1189

Presided at session of the House—1525

Resolutions filed—642, 803, 908, 991, 992, 1029, 1251, 1700, 1947

Resolutions offered—1189, 1395

Subcommittee assignments—256, 678, 756, 1026

VAN ENGELENHOVEN, JIM—Representative Jasper-**Marion** Counties

Amendments filed—421, 584, 1105, 1158, 1323, 1393

Amendments offered—489, 1172, 1414

Bills introduced—244, 274, 627, 700, 701, 1077

Committee appointments—21, 22

Leaves of absence—465, 1604, 1617, 1631, 1889, 1949

Presented to the House the Honorable Harold Van Maanen, former Speaker and member of the House—894

Presented to the House Morgan Kuiper, Queen of the 2009 Pella Tulip Festival and her court—1097

Resolutions filed—908, 991, 992, 1029

Subcommittee assignments—142, 184, 220, 415, 416, 652, 702

VETERANS—

Resolutions relating to:

House Resolution 12—honoring Major General Ron Dardis and Brigadier General Mark Zirkelbach for their service to state and nation—420, 425, 426 adopted.

House Resolution 13—welcome home Iowa's National Guard units—420, 426 adopted.

House Resolution 17—honor sacrifices and service of the Ottumwa National Guard—510,

House Resolution 31—honor Iowa's women military veterans—818, 827 adopted.

VETERANS AFFAIRS, COMMITTEE ON—

Amendments filed—1038, 1076

Amendment offered—1079

Appointed—22

Bills introduced—275, 374, 391, 467, 644, 661, 775, 822

Recommendations—261, 285, 420, 624, 697, 803, 817, 1038, 1051, 1075



Subcommittee assignments—142, 150, 184, 346, 367, 368, 385, 386, 415, 416, 580, 787, 1025, 1026, 1027

VISITORS—

Presentation of—620, 1248-1249, 1482

VOTES—

Non-record—807, 827, 871, 896, 898, 1141, 1148, 1151, 1154, 1402, 1665, 1839, 1842, 1885, 1950

Record—170-171, 171-172, 173, 213-214, 214-215, 452, 454-455, 471, 473, 474-475, 475-476, 482, 483-484, 484-485, 486-487, 488, 489-490, 490-491, 491-492, 492-493, 494, 495-496, 496-497, 498, 499, 501-502, 595, 596-597, 597-598, 599, 600-601, 602-603, 608, 611-612, 612-613, 728-729, 778-779, 780, 781-782, 869, 963, 978-979, 980, 997-998, 999, 1010, 1011-1012, 1013-1014, 1020, 1168-1169, 1183-1184, 1209-1210, 1210-1211, 1213-1214, 1215-1216, 1217-1218, 1219-1220, 1220-1221, 1222, 1223-1224, 1225-1226, 1227, 1238-1239, 1242-1243, 1243-1244, 1245, 1246, 1255-1256, 1256-1257, 1258, 1259-1260, 1261, 1262-1263, 1264-1265, 1266, 1267-1268, 1268-1269, 1272-1273, 1274, 1276, 1277-1278, 1278-1279, 1280-1281, 1282-1283, 1284, 1324-1325, 1327, 1328-1329, 1330, 1331, 1332-1333, 1333-1334, 1335, 1336-1337, 1337-1338, 1338-1339, 1339-1340, 1341, 1342, 1343-1344, 1345, 1346-1347, 1348, 1349, 1350, 1352, 1370, 1384-1385, 1386-1387, 1404, 1407-1408, 1408-1409, 1410, 1412-1413, 1413-1414, 1415-1416, 1417, 1418-1419, 1420, 1422, 1423, 1425-1426, 1426-1427, 1429, 1430-1431, 1432, 1433, 1434-1435, 1436, 1437-1438, 1438-1439, 1440, 1455-1456, 1457, 1459, 1460-1461, 1461-1462, 1464-1465, 1466, 1467-1468, 1502, 1516, 1517-1518, 1518-1519, 1521-1522, 1523-1524, 1591, 1621-1622, 1662-1663, 1664-1665, 1690-1691, 1714, 1715, 1804, 1842-1843, 1844, 1923-1924, 1928-1929, 1933-1934, 1934-1935, 1936, 1938-1939, 1939-1940, 1941-1942, 1942-1943, 1964, 1978-1979, 1981, 2068, 2070, 2078, 2079-2080, 2081, 2100, 2102-2103

Quorum call—212, 298, 444, 465, 574, 839, 868, 947, 1079, 1111, 1212, 1424, 1469, 1617, 1665, 1806, 1846, 2104

WAGNER, NICK—Representative **Linn** County

Amendments filed—172, 572, 583, 584, 909, 1106, 1158, 1159, 1323, 1361, 1450, 1701, 1715, 1843

Amendments offered—172, 472, 979, 1208, 1216, 1226, 1243, 1714, 1716, 1843

Amendment withdrawn—476

Bills introduced—265, 277, 374, 425, 590, 627, 668, 669, 700, 705, 706, 1077

Committee appointments—19, 21, 22, 1057, 1061, 1098, 1623

Presented to the House Jim Thomson, husband of the late Rosemary Thomson—194 Report—1693-1694

Resolutions filed—642, 991, 992, 1029, 1700

Resolution offered—194

Subcommittee assignments—141, 256, 282, 395, 415, 457, 458, 506, 515, 516, 652, 678, 691, 711, 886, 887, 906, 1025, 1053, 1250, 1484, 1602

WATTS, RALPH—Representative Boone-**Dallas** Counties

Amendments filed—215, 421, 472, 583, 584, 818, 889, 992, 1158, 1159, 1323, 1379, 1380, 1451, 1676, 1701, 2075, 2100

Amendments offered—215, 473, 475, 490, 493, 597, 1010, 1045, 1223, 1379, 1516, 2100

Amendments withdrawn—476, 485, 487

Bills introduced—274, 287, 288, 296, 391, 392, 425, 590, 626, 644, 661, 663, 700, 749, 1077  
Committee appointments—19, 20, 21, 22  
Leaves of absence—607, 705, 1191, 1254, 1291, 1454  
Resolutions filed—642, 908, 991, 992, 1029, 1700  
Resolution offered—1704  
Subcommittee assignments—141, 184, 367, 386, 652, 1025, 1094, 1449, 1484, 1527

WAYS AND MEANS, COMMITTEE ON—

Amendments filed—1629, 1630  
Amendments offered—1840, 1949  
Amendment withdrawn—1811  
Appointed—22  
Bills introduced—1070, 1248, 1270, 1271, 1292, 1294, 1356, 1504, 1525  
Recommendations—205, 850, 908, 1075, 1207, 1250-1251, 1290, 1361, 1528, 1629  
Subcommittee assignments—504, 505, 506, 886, 887, 888, 905, 906, 1053, 1249, 1250, 1289, 1359, 1360, 1484, 1485, 1527, 1530, 1602, 1628

WENDT, ROGER F.—Representative **Woodbury** County

Amendments filed—572, 1029, 1392, 1702, 2075  
Amendments offered—607, 1080, 1434  
Amendments withdrawn—1811, 2075  
Bills introduced—112, 160, 196, 197, 225, 245, 274, 376, 586, 750  
Committee appointments—20, 21, 22  
Presented to the House the Morningside College Women's Basketball team—1205  
Presided at session of the House—481  
Resolutions filed—510, 803, 991, 1392, 1450  
Subcommittee assignments—78, 142, 150, 156, 184, 200, 240, 280, 281, 344, 396, 506, 515, 568, 630, 652, 653, 677, 690, 691, 692, 693, 756, 766, 767, 849, 906, 907, 941, 1025, 1027, 1053, 1094, 1289, 1360

WENTHE, ANDREW—Representative Black Hawk-Bremer-**Fayette** Counties

Amendments filed—698, 1187, 1450, 1947, 1979, 1982, 2107  
Amendments offered—953, 1966, 1979, 1982, 2107  
Bills introduced—89, 91, 274, 425, 513, 586, 667, 669, 750  
Bills referred to committee (as acting Speaker)—413  
Committee appointments—14, 19, 20, 22, 1060  
Explanation of vote—1944  
Leave of absence—1704  
Presided at session of the House—407  
Resolutions filed—991, 1392, 1450  
Subcommittee assignments—142, 239, 458, 516, 640, 653, 677, 692, 710, 711, 756, 766, 767, 849, 905, 1026, 1072, 1104

WESSELL-KROESCHELL, BETH—Representative **Story** County

Amendments filed—1075, 1105  
Amendment offered—1171  
Bills introduced—113, 125, 294, 372, 373, 374, 464, 513, 535, 643, 664, 707, 746, 750  
Committee appointments—19, 20, 1058, 1061  
Explanation of vote—1287  
Presented to the House the Iowa State University Cyclones volleyball team—946

Presented to the House Bill Finley, head coach of the Iowa State University Cyclone Women's Basketball Team—1632  
 Resolutions filed—761, 803, 1251, 1392, 1450, 1602  
 Resolutions offered—313, 350, 521, 945, 1395, 1632  
 Subcommittee assignments—78, 219, 221, 256, 343, 344, 380, 652, 692, 693, 757, 787, 788, 906, 1026, 1072

WHITAKER, JOHN—Representative Jefferson-**Van Buren**-Wapello Counties, Assistant Majority Leader  
 Amendments filed—992, 1051, 1187, 1450, 1701, 1947  
 Amendments offered—1030, 1065, 1819  
 Amendment withdrawn—1817  
 Bills introduced—81, 112, 126, 149, 197, 209, 275, 372, 377, 400, 464, 467, 513, 535, 536, 586, 627, 663, 748, 750, 773  
 Committee appointments—19, 20, 21, 22  
 Elected temporary Speaker—2  
 Presented to the House the Honorable United States Senator Charles Grassley—1  
 Presided at sessions of the House—1, 441  
 Resolutions filed—223, 420, 510, 991, 1392, 1450  
 Resolution offered—426  
 Subcommittee assignments—100, 183, 220, 256, 281, 282, 458, 516, 568, 580, 621, 640, 654, 677, 693, 711, 756, 767, 788, 906

WHITEAD, WESLEY—Representative **Woodbury** County  
 Bills introduced—112, 160, 196, 197, 225, 372, 376, 399, 400, 464, 466, 535, 586  
 Committee appointments—20, 21, 22, 104, 428  
 Leave of absence—894  
 Resolutions filed—223, 510, 908, 991, 1392, 1450  
 Resolution offered—1364  
 Subcommittee assignments—150, 155, 184, 220, 241, 256, 257, 343, 367, 385, 415, 416, 458, 506, 580, 621, 640, 654, 677, 692, 693, 711, 756, 787, 788, 1025, 1027, 1036

WILLEMS, NATE—Representative Johnson-**Linn** Counties  
 Amendments filed—818, 1404, 2070  
 Amendments offered—883, 1182, 2070  
 Bills introduced—153, 364, 400, 467, 468, 643, 662, 668, 750  
 Committee appointments—20, 21, 22, 65, 1062, 1614  
 Presided at session of the House—606  
 Report—1822-1823  
 Resolutions filed—1392, 1450  
 Subcommittee assignments—120, 142, 155, 156, 184, 200, 220, 239, 240, 257, 281, 282, 291, 343, 344, 367, 368, 396, 459, 517, 567, 569, 622, 641, 652, 653, 654, 691, 693, 702, 757, 787, 788, 888, 1025, 1027, 1047, 1053, 1484, 1485

WINCKLER, CINDY—Representative **Scott** County  
 Amendments filed—383, 510, 584, 698, 1396, 1404, 1410, 1486, 2082  
 Amendments offered—734, 1396, 1404, 1434  
 Bills introduced—125, 243, 244, 372, 464, 466, 513, 535, 586, 668, 747, 750  
 Committee appointments—2, 19, 21, 49, 175, 1059, 1627  
 Presented to the House winners of the “Write Women Back Into History” essay contest—1041-1042

Report—1824-1834

Resolutions filed—510, 684, 1392, 1450

Resolution offered—1040

Subcommittee assignments—141, 155, 183, 184, 200, 240, 256, 280, 281, 282, 367, 385, 395, 396, 506, 516, 652, 654, 693, 765, 766, 767, 849, 1104

**WINDSCHITL, MATT**—Representative **Harrison**-Monona-Pottawattamie Counties  
Amendments filed—584, 1094, 1158, 1159, 1290, 1323, 1361, 1426, 1451, 1701, 1702, 2076, 2078

Amendments offered—1426, 1513, 1708, 1935, 2078

Amendment withdrawn—1716

Bills introduced—159, 160, 189, 190, 191, 193, 194, 207, 244, 265, 274, 275, 278, 287, 288, 296, 376, 391, 392, 404, 425, 467, 468, 469, 590, 628, 632, 644, 665, 668, 700, 706, 1077

Committee appointments—19, 21, 22, 428, 1623

Report—1693-1694

Resolutions filed—420, 510, 642, 908, 991, 992, 1029, 1392, 1700

Subcommittee assignments—141, 142, 150, 155, 257, 281, 282, 367, 368, 385, 386, 416, 504, 505, 516, 580, 652, 653, 677, 692, 766, 787, 887, 888, 1026, 1027, 1036, 1053

**WORTHAN, GARY**—Representative **Buena Vista**-Sac Counties

Amendments filed—584, 1076, 1158, 1323, 1451, 1452

Amendments offered—1152, 1456, 1465

Bills introduced—225, 244, 278, 287, 296, 297, 385, 392, 468, 590, 627, 663, 700, 749, 1077

Committee appointments—19, 21, 22, 1604

Leave of absence—1617

Report—1671-1673

Resolutions filed—991, 992, 1029, 1392, 1700

Subcommittee assignments—200, 239, 368, 458, 653, 710, 756, 906, 1104, 1249

**ZIRKELBACH, RAYMOND**—Representative Dubuque-**Jones** Counties

Amendments filed—1039, 1146, 1187, 1252, 1450

Amendments offered—1146, 1816

Amendment withdrawn—1281

Bills introduced—18, 81, 90, 112, 113, 148, 275, 294, 372, 404, 466, 467, 513, 535, 586, 669, 701

Bills placed on unfinished business calendar (as acting Speaker)—1525

Committee appointments—19, 21, 22, 428, 1062

Committee appointments by (as acting Speaker)—1623, 1627

Leave of absence—894

Presented to the House the Honorable Paul Scherrman, former member of the House—263

Presided at sessions of the House—778, 946, 1487, 1488, 1504, 1521, 1604, 1617, 1665, 1670, 1692, 1697, 1806, 1821, 1837, 1965, 1966

Resolutions filed—420, 421, 510, 908, 991, 1392, 1450

Resolutions offered—425, 426

Ruling made (as acting Speaker)—1523

Subcommittee assignments—100, 142, 183, 256, 282, 385, 415, 416, 458, 580, 711, 787