

PROOF

STATE OF IOWA

House Journal

TUESDAY, APRIL 8, 2008

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JOURNAL OF THE HOUSE

Eighty-sixth Calendar Day - Fifty-ninth Session Day

Hall of the House of Representatives
Des Moines, Iowa, Tuesday, April 8, 2008

The House met pursuant to adjournment at 9:12 a.m., Speaker Murphy in the chair.

Prayer was offered by Jack Ohle, President of Wartburg College. He was the guest of Representative Ro Foege from Linn County and Representative Pat Grassley from Butler County.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Case Hemming, legislative secretary to Representative Wes Whitehead of Woodbury County.

The Journal of Monday, April 7, 2008 was approved.

PETITION FILED

The following petition was received and placed on file:

By Frevert of Palo Alto, from sixty-six constituents of district seven favoring [House File 2212](#), to reduce the use of tobacco and exposure to second hand smoke.

ADOPTION OF [HOUSE RESOLUTION 146](#)

Foege of Linn and Grassley of Butler called up for consideration [House Resolution 146](#), a resolution honoring Wartburg College's wrestling team for winning the National Collegiate Athletic Association Division III Wrestling Championship, and moved its adoption.

The motion prevailed and the resolution was adopted.

Foege of Linn introduced to the House, Jim Miller, Head Coach of the Wartburg College wrestling team.

The House rose and expressed its welcome.

ADOPTION OF [HOUSE RESOLUTION 131](#)

Bailey of Hamilton and Schickel of Cerro Gordo called up for consideration [House Resolution 131](#), a resolution celebrating the 100th birthday of the United States Army Reserve, honoring the commitment, dedication, and service to America, and wishing for its continued support to our soldiers, and moved its adoption.

The motion prevailed and the resolution was adopted.

The House stood at ease at 9:30 a.m., until the fall of the gavel.

The House resumed session at 11:23 a.m., Bell of Jasper in the chair.

QUORUM CALL

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

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

[House File 2384](#), a bill for an act relating to the deposit of public funds with corporate credit unions.

Also: That the Senate has on April 7, 2008, amended and passed the following bill in which the concurrence of the House is asked:

[House File 2539](#), a bill for an act relating to health care reform including health care coverage intended for children and adults, health information technology, end-of-life care decision making, preexisting conditions and dependent children coverage, medical homes, prevention and chronic care management, a buy-in provision for certain individuals under the medical assistance program, disease prevention and wellness initiatives, health care transparencies, and including an applicability provision.

Also: That the Senate has on April 8, 2008, passed the following bill in which the concurrence of the Senate was asked:

[House File 2570](#), a bill for an act relating to solid waste disposal and environmental management by providing for the designation of environmental management systems, providing incentives, and creating a solid waste alternatives program advisory council, and modifying fees and allocations of funds.

Also: That the Senate has on April 8, 2008, passed the following bill in which the concurrence of the Senate was asked:

[House File 2620](#), a bill for an act relating to the conduct of elections and voter registration, making penalties applicable, and including effective date, applicability date, and transition provisions.

Also: That the Senate has on April 7, 2008, concurred in the House amendment and passed the following bill in which the concurrence of the Senate was asked:

[Senate File 2361](#), a bill for an act providing for the procurement of designated biobased products by state government.

MICHAEL E. MARSHALL, Secretary

CONFERENCE COMMITTEE REPORT RECEIVED
([House File 2212](#))

A conference committee report signed by the following Senate and House members was filed April 8, 2008, on [House File 2212](#), a bill for an act creating a smokefree air Act and providing penalties:

ON THE PART OF THE SENATE:
APPEL, CHAIR
BOLKOM
DOTZLER

ON THE PART OF THE HOUSE:
T. OLSON, CHAIR
PETERSEN
REASONER

Speaker Murphy in the chair at 11:43 a.m.

ADOPTION OF THE REPORT OF THE
CONFERENCE COMMITTEE
([House File 2212](#))

T. Olson of Linn called up for consideration the report of the conference committee on [House File 2212](#) and moved the adoption of the conference committee report and the amendments contained therein as follows:

REPORT OF THE CONFERENCE COMMITTEE
ON [HOUSE FILE 2212](#)

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 2212](#), a bill for an Act creating a smokefree air Act and providing penalties, respectfully make the following report:

1. That the House recedes from its amendment, S-5087.

2. That the Senate recedes from its amendment, H-8054.

3. That [House File 2212](#), as amended, passed, and reprinted by the House, is amended to read as follows:

1. By striking everything after the enacting clause, and inserting the following:

"Section 1. NEW SECTION. 142D.1 TITLE – FINDINGS – PURPOSE.

1. This chapter shall be known and may be cited as the "Smokefree Air Act".

2. The general assembly finds that environmental tobacco smoke causes and exacerbates disease in nonsmoking adults and children. These findings are sufficient to warrant measures that regulate smoking in public places, places of employment, and outdoor areas in order to protect the public health and the health of employees.

3. The purpose of this chapter is to reduce the level of exposure by the general public and employees to environmental tobacco smoke in order to improve the public health of Iowans.

Sec. 2. NEW SECTION. 142D.2 DEFINITIONS.

As used in this chapter, unless the context otherwise requires:

1. "Bar" means an establishment where one may purchase alcoholic beverages as defined in section 123.3, for consumption on the premises and in which the serving of food is only incidental to the consumption of those beverages.

2. "Business" means a sole proprietorship, partnership, joint venture, corporation, association, or other business entity, either for-profit or not-for-profit, including retail establishments where goods or services are sold; professional corporations and other entities where legal, medical, dental, engineering, architectural, or other professional services are delivered; and private clubs.

3. "Common area" means a reception area, waiting room, lobby, hallway, restroom, elevator, stairway or stairwell, the common use area of a multiunit residential property, or other area to which the public is invited or in which the public is permitted.

4. "Employee" means a person who is employed by an employer in consideration for direct or indirect monetary wages or profit, or a person who provides services to an employer on a voluntary basis.

5. "Employer" means a person including a sole proprietorship, partnership, joint venture, corporation, association, or other business entity whether for-profit or not-for-profit, including state government and its political subdivisions, that employs the services of one or more individuals as employees.

6. "Enclosed area" means all space between a floor and ceiling that is contained on all sides by solid walls or windows, exclusive of doorways, which extend from the floor to the ceiling.

7. "Farm tractor" means farm tractor as defined in section 321.1.

8. "Farm truck" means a single-unit truck, truck-tractor, tractor, semitrailer, or trailer used by a farmer to transport agricultural, horticultural, dairy, or other farm products, including livestock, produced or finished by the farmer, or to transport any other personal property owned by the farmer, from the farm to market, and to transport property and supplies to the farm of the farmer.

9. "Farmer" means any of the following:

a. A person who files schedule F as part of the person's annual form 1040 or form 1041 filing with the United States internal revenue service, or an employee of such person while the employee is actively engaged in farming.

b. A person who holds an equity position in or who is employed by a business association holding agricultural land where the business association is any of the following:

(1) A family farm corporation, authorized farm corporation, family farm limited partnership, limited partnership, family farm limited liability company, authorized limited liability company, family trust, or authorized trust, as provided in chapter 9H.

(2) A limited liability partnership as defined in section 486A.101.

c. A natural person related to the person actively engaged in farming as provided in paragraph "a" or "b" when the person is actively engaged in farming. The natural person must be related as spouse, parent, grandparent, lineal ascendant of a grandparent or a grandparent's spouse, other lineal descendant of a grandparent or a grandparent's spouse, or a person acting in a fiduciary capacity for persons so related. For purposes of this subsection: "actively engaged in farming" means participating in physical labor on a regular, continuous, and substantial basis, or making day-to-day management decisions, where such participation or decision making is directly related to raising and harvesting crops for feed, food, seed, or fiber, or to the care and feeding of livestock.

10. "Health care provider location" means an office or institution providing care or treatment of disease, whether physical, mental, or emotional, or other medical, physiological, or psychological conditions, including but not limited to a hospital as

defined in section 135B.1, a long-term care facility, an adult day services program as defined in section 231D.1, clinics, laboratories, and the locations of professionals regulated pursuant to Title IV, subtitle III, and includes all enclosed areas of the location including waiting rooms, hallways, other common areas, private rooms, semiprivate rooms, and wards within the location.

11. "Implement of husbandry" means implement of husbandry as defined in section 321.1.

12. "Long-term care facility" means a health care facility as defined in section 135C.1, an elder group home as defined in section 231B.1, or an assisted living program as defined in section 231C.2.

13. "Place of employment" means an area under the control of an employer and includes all areas that an employee frequents during the course of employment or volunteering, including but not limited to work areas, private offices, conference and meeting rooms, classrooms, auditoriums, employee lounges and cafeterias, hallways, medical facilities, restrooms, elevators, stairways and stairwells, and vehicles owned, leased, or provided by the employer unless otherwise provided under this chapter. "Place of employment" does not include a private residence, unless the private residence is used as a child care facility, a child care home, or as a health care provider location.

14. "Political subdivision" means a city, county, township, or school district.

15. "Private club" means an organization, whether or not incorporated, that is the owner, lessee, or occupant of a location used exclusively for club purposes at all times and that meets all of the following criteria:

a. Is operated solely for a recreational, fraternal, social, patriotic, political, benevolent, or athletic purpose, but not for pecuniary gain.

b. Sells alcoholic beverages only as incidental to its operation.

c. Is managed by a board of directors, executive committee, or similar body chosen by the members.

d. Has established bylaws or another document to govern its activities.

e. Has been granted an exemption from the payment of federal income tax as a club pursuant to 26 U.S.C. § 501.

16. "Public place" means an enclosed area to which the public is invited or in which the public is permitted, including common areas, and including but not limited to all of the following:

a. Financial institutions.

b. Restaurants.

c. Bars.

d. Public and private educational facilities.

e. Health care provider locations.

f. Hotels and motels.

g. Laundromats.

h. Public transportation facilities and conveyances under the authority of the state or its political subdivisions, including buses and taxicabs, and including the ticketing, boarding, and waiting areas of these facilities.

i. Aquariums, galleries, libraries, and museums.

j. Retail food production and marketing establishments.

k. Retail service establishments.

l. Retail stores.

m. Shopping malls.

n. Entertainment venues including but not limited to theaters; concert halls; auditoriums and other facilities primarily used for exhibiting motion pictures, stage performances, lectures, musical recitals, and other similar performances; bingo facilities; and indoor arenas including sports arenas.

o. Polling places.

p. Convention facilities and meeting rooms.

q. Public buildings and vehicles owned, leased, or operated by or under the control of the state government or its political subdivisions and including the entirety of the private residence of any state employee any portion of which is open to the public.

r. Service lines.

s. Private clubs only when being used for a function to which the general public is invited.

t. Private residences only when used as a child care facility, a child care home, or health care provider location.

u. Child care facilities and child care homes.

v. Gambling structures, excursion gambling boats, and racetrack enclosures.

17. "Restaurant" means eating establishments, including private and public school cafeterias, which offer food to the public, guests, or employees, including the kitchen and catering facilities in which food is prepared on the premises for serving elsewhere, and including a bar area within a restaurant.

18. "Retail tobacco store" means a retail store utilized primarily for the sale of tobacco products and accessories and in which the sale of other products is incidental to the sale of tobacco products.

19. "Service line" means an indoor line in which one or more individuals are waiting for or receiving service of any kind, whether or not the service involves the exchange of money.

20. "Shopping mall" means an enclosed public walkway or hall area that serves to connect retail or professional establishments.

21. "Smoking" means inhaling, exhaling, burning, or carrying any lighted cigar, cigarette, pipe, or other tobacco product in any manner or in any form. "Smoking" does not include smoking that is associated with a recognized religious ceremony, ritual, or activity, including but not limited to burning of incense.

22. "Sports arena" means a sports pavilion, stadium, gymnasium, health spa, boxing arena, swimming pool, roller or ice rink, bowling alley, or other similar place where members of the general public assemble to engage in physical exercise, participate in athletic competition, or witness sports or other events.

Sec. 3. NEW SECTION. 142D.3 PROHIBITION OF SMOKING – PUBLIC PLACES, PLACES OF EMPLOYMENT, AND OUTDOOR AREAS.

1. Smoking is prohibited and a person shall not smoke in any of the following:

a. Public places.

b. All enclosed areas within places of employment including but not limited to work areas, private offices, conference and meeting rooms, classrooms, auditoriums, employee lounges and cafeterias, hallways, medical facilities, restrooms, elevators, stairways and stairwells, and vehicles owned, leased, or provided by the employer unless otherwise provided under this chapter.

2. In addition to the prohibitions specified in subsection 1, smoking is prohibited and a person shall not smoke in or on any of the following outdoor areas:

a. The seating areas of outdoor sports arenas, stadiums, amphitheaters and other entertainment venues where members of the general public assemble to witness entertainment events.

b. Outdoor seating or serving areas of restaurants.

c. Public transit stations, platforms, and shelters under the authority of the state or its political subdivisions.

d. School grounds, including parking lots, athletic fields, playgrounds, tennis courts, and any other outdoor area under the control of a public or private educational facility, including inside any vehicle located on such school grounds.

e. The grounds of any public buildings owned, leased, or operated by or under the control of the state government or its political subdivisions, including the grounds of a

private residence of any state employee any portion of which is open to the public with the following exceptions:

(1) This paragraph shall not apply to the Iowa state fairgrounds, or fairgrounds as defined in section 174.1.

(2) This paragraph shall not apply to institutions administered by the department of corrections, except that smoking on the grounds shall be limited to designated smoking areas.

(3) This paragraph shall not apply to facilities of the Iowa national guard as defined in section 29A.1, except that smoking on the grounds shall be limited to designated smoking areas.

Sec. 4. NEW SECTION. 142D.4 AREAS WHERE SMOKING NOT REGULATED.

Notwithstanding any provision of this chapter to the contrary, the following areas are exempt from the prohibitions of section 142D.3:

1. Private residences, unless used as a child care facility, child care home, or a health care provider location.

2. Hotel and motel rooms that are rented to guests and are designated as smoking rooms; provided that not more than twenty percent of the rooms of a hotel or motel rented to guests are designated as smoking rooms, all smoking rooms on the same floor are contiguous, and smoke from smoking rooms does not infiltrate into areas in which smoking is otherwise prohibited under this chapter. The status of smoking and nonsmoking rooms shall not be changed, except to provide additional nonsmoking rooms.

3. Retail tobacco stores, provided that smoke from these locations does not infiltrate into areas in which smoking is otherwise prohibited under this chapter.

4. Private and semiprivate rooms in long-term care facilities, occupied by one or more individuals, all of whom are smokers and have requested in writing to be placed in a room where smoking is permitted, provided that smoke from these locations does not infiltrate into areas in which smoking is otherwise prohibited under this chapter.

5. Private clubs that have no employees, except when being used for a function to which the general public is invited, provided that smoke from these locations does not infiltrate into areas in which smoking is otherwise prohibited under this chapter. This exemption shall not apply to any entity that is established for the purpose of avoiding compliance with this chapter.

6. Outdoor areas that are places of employment except those areas where smoking is prohibited pursuant to section 142D.3, subsection 2.

7. Limousines under private hire; vehicles owned, leased, or provided by a private employer that are for the sole use of the driver and are not used by more than one person in the course of employment either as a driver or passenger; privately owned vehicles not otherwise defined as a place of employment or public place; and cabs of motor trucks or truck tractors if no nonsmoking employees are present.

8. An enclosed area within a place of employment or public place that provides a smoking cessation program or a medical or scientific research or therapy program, if smoking is an integral part of the program.

9. Farm tractors, farm trucks, and implements of husbandry when being used for their intended purposes.

10. Only the gaming floor of a premises licensed pursuant to chapter 99F exclusive of any bar or restaurant located within the gaming floor which is an enclosed area and subject to the prohibitions of section 142D.3.

11. The Iowa veterans home.

Sec. 5. NEW SECTION. 142D.5 DECLARATION OF AREA AS NONSMOKING.

1. Notwithstanding any provision of this chapter to the contrary, an owner, operator, manager, or other person having custody or control of an area otherwise exempt from the prohibitions of section 142D.3 may declare the entire area as a nonsmoking place.

2. Smoking shall be prohibited in any location of an area declared a nonsmoking place under this section if a sign is posted conforming to the provisions of section 142D.6.

Sec. 6. NEW SECTION. 142D.6 NOTICE OF NONSMOKING REQUIREMENTS – POSTING OF SIGNS.

1. Notice of the provisions of this chapter shall be provided to all applicants for a business license in this state, to all law enforcement agencies, and to any business required to be registered with the office of the secretary of state.

2. All employers subject to the prohibitions of this chapter shall communicate to all existing employees and to all prospective employees upon application for employment the smoking prohibitions prescribed in this chapter.

3. The owner, operator, manager, or other person having custody or control of a public place, place of employment, area declared a nonsmoking place pursuant to section 142D.5, or outdoor area where smoking is prohibited under this chapter shall clearly and conspicuously post in and at every entrance to the public place, place of employment, area declared a nonsmoking place pursuant to section 142D.5, or outdoor area, "no smoking" signs or the international "no smoking" symbol. Additionally, a "no smoking" sign or the international "no smoking" symbol shall be placed in every vehicle that constitutes a public place, place of employment, or area declared a nonsmoking place pursuant to section 142D.5 under this chapter, visible from the exterior of the vehicle. All signs shall contain the telephone number for reporting complaints and the internet site of the department of public health. The owner, operator, manager, or other person having custody or control of the public place, place of employment, area declared a nonsmoking place pursuant to section 142D.5, or outdoor area may use the sample signs provided on the department of public health's internet site, or may use another sign if the contents of the sign comply with the requirements of this subsection.

4. The owner, operator, manager, or other person having custody or control of a public place, place of employment, area declared a nonsmoking place pursuant to section 142D.5, or outdoor area where smoking is prohibited under this chapter shall remove all ashtrays from these locations.

Sec. 7. NEW SECTION. 142D.7 NONRETALIATION – NONWAIVER OF RIGHTS.

1. A person or employer shall not discharge, refuse to employ, or in any manner retaliate against an employee, applicant for employment, or customer because that employee, applicant, or customer exercises any rights afforded under this chapter, registers a complaint, or attempts to prosecute a violation of this chapter.

2. An employee who works in a location where an employer allows smoking does not waive or surrender any legal rights the employee may have against the employer or any other person.

Sec. 8. NEW SECTION. 142D.8 ENFORCEMENT.

1. This chapter shall be enforced by the department of public health or the department's designee. The department of public health shall adopt rules to administer this chapter, including rules regarding enforcement. The department of public health shall provide information regarding the provisions of this chapter and related compliance issues to employers, owners, operators, managers, and other persons having custody or control of a public place, place of employment, area declared a nonsmoking place pursuant to section 142D.5, or outdoor area where smoking is prohibited, and the general public via the department's internet site. The internet site shall include sample signage and the telephone number for reporting complaints. Judicial magistrates shall hear and determine violations of this chapter.

2. If a public place is subject to any state or political subdivision inspection process or is under contract with the state or a political subdivision, the person performing the inspection shall assess compliance with the requirements of this chapter and shall report any violations to the department of public health or the department's designee.

3. An owner, operator, manager, or other person having custody or control of a public place, place of employment, area declared a nonsmoking place pursuant to section 142D.5, or outdoor area regulated under this chapter shall inform persons violating this chapter of the provisions of this chapter.

4. An employee or private citizen may bring a legal action to enforce this chapter. Any person may register a complaint under this chapter by filing a complaint with the department of public health or the department's designee.

5. In addition to the remedies provided in this section, the department of public health or the department's designee or any other person aggrieved by the failure of the owner, operator, manager, or other person having custody or control of a public place, place of employment, area declared a nonsmoking place pursuant to section 142D.5, or outdoor area regulated by this chapter to comply with this chapter may seek injunctive relief to enforce this chapter.

Sec. 9. NEW SECTION. 142D.9 CIVIL PENALTIES.

1. A person who smokes in an area where smoking is prohibited pursuant to this chapter shall pay a civil penalty pursuant to section 805.8C, subsection 3, paragraph "a", for each violation.

2. A person who owns, operates, manages, or otherwise has custody or control of a public place, place of employment, area declared a nonsmoking place pursuant to section 142D.5, or outdoor area regulated under this chapter and who fails to comply with this chapter shall pay a civil penalty as follows:

a. For a first violation, a monetary penalty not to exceed one hundred dollars.

b. For a second violation within one year, a monetary penalty not to exceed two hundred dollars.

c. For each violation in excess of a second violation within one year, a monetary penalty not to exceed five hundred dollars for each additional violation.

3. An employer who discharges or in any manner discriminates against an employee because the employee has made a complaint or has provided information or instituted a legal action under this chapter shall pay a civil penalty of not less than two thousand dollars and not more than ten thousand dollars for each violation.

4. In addition to the penalties established in this section, violation of this chapter by a person who owns, operates, manages, or who otherwise has custody or control of a public place, place of employment, area declared a nonsmoking place pursuant to section 142D.5, or outdoor area regulated under this chapter may result in the suspension or revocation of any permit or license issued to the person for the premises on which the violation occurred.

5. Violation of this chapter constitutes a public nuisance which may be abated by the department of public health or the department's designee by restraining order, preliminary or permanent injunction, or other means provided by law, and the entity abating the public nuisance may take action to recover the costs of such abatement.

6. Each day on which a violation of this chapter occurs is considered a separate and distinct violation.

7. Civil penalties paid pursuant to this chapter shall be deposited in the general fund of the state, unless a local authority as designated by the department in administrative rules is involved in the enforcement, in which case the civil penalties paid shall be deposited in the general fund of the respective city or county.

Sec. 10. Section 135.1, unnumbered paragraph 1, Code 2007, is amended to read as follows:

For the purposes of chapter 155 and Title IV, subtitle 2, excluding chapters ~~142B~~, ~~145B~~, and 146, unless otherwise defined:

Sec. 11. Section 135.11, subsection 14, Code Supplement 2007, is amended to read as follows:

14. Establish, publish, and enforce rules not inconsistent with law for the enforcement of the provisions of chapters 125 and 155, and Title IV, subtitle 2, excluding chapters ~~142B, 145B,~~ and 146 and for the enforcement of the various laws, the administration and supervision of which are imposed upon the department.

Sec. 12. Section 237A.3A, subsection 5, Code 2007, is amended by striking the subsection.

Sec. 13. NEW SECTION. 237A.3B SMOKING PROHIBITED.

Smoking, as defined in section 142D.2, shall not be permitted in a child care facility or child care home.

Sec. 14. Section 331.427, subsection 1, unnumbered paragraph 1, Code Supplement 2007, is amended to read as follows:

Except as otherwise provided by state law, county revenues from taxes and other sources for general county services shall be credited to the general fund of the county, including revenues received under sections 9I.11, 101A.3, 101A.7, 123.36, 123.143, ~~142B.6,~~ 142D.9, 176A.8, 321.105, 321.152, 321G.7, 321I.8, section 331.554, subsection 6, sections 341A.20, 364.3, 368.21, 423A.7, 428A.8, 433.15, 434.19, 445.57, 453A.35, 458A.21, 483A.12, 533.329, 556B.1, 583.6, 602.8108, 904.908, and 906.17, and the following:

Sec. 15. Section 805.8C, subsection 3, paragraph a, Code Supplement 2007, is amended to read as follows:

a. For violations ~~of section 142B.6 described in section 142D.9, subsection 1,~~ the scheduled fine is ~~twenty-five~~ fifty dollars, and is a civil penalty, and the criminal penalty surcharge under section 911.1 shall not be added to the penalty, and the court costs pursuant to section 805.9, subsection 6, shall not be imposed. If the civil penalty assessed for a violation ~~of described in section 142B.6~~ 142D.9, subsection 1, is not paid in a timely manner, a citation shall be issued for the violation in the manner provided in section 804.1. However, a person under age eighteen shall not be detained in a secure facility for failure to pay the civil penalty. The complainant shall not be charged a filing fee.

Sec. 16. Chapter 142B, Code 2007, is repealed."

ON THE PART OF THE HOUSE

ON THE PART OF THE SENATE

TYLER OLSON, Chairperson
JANET PETERSEN
MIKE REASONER

STACI APPEL, Chairperson
JOE BOLKCOM
WILLIAM DOTZLER

T. Olson of Linn moved the adoption of the conference committee report.

A non-record roll call was requested.

The ayes were 52, nays 48.

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?" ([H.F. 2212](#))

The ayes were, 54:

Abdul-Samad	Anderson	Baudler	Bell
Berry	Bukta	Clute	Cohoon
Dandekar	Davitt	Foege	Ford
Frevert	Gaskill	Gayman	Heddens
Hunter	Jacobs	Jacoby	Jochum
Kelley	Kressig	Kuhn	Lensing
Mascher	May	McCarthy	Miller, H.
Oldson	Olson, D.	Olson, R.	Olson, T.
Palmer	Petersen	Rayhons	Reasoner
Reichert	Schickel	Shomshor	Smith
Staed	Swaim	Taylor, D.	Taylor, T.
Tomenga	Wendt	Wessel-Kroeschell	Whitaker
Whitead	Wienczek	Winckler	Wise
Zirkelbach	Mr. Speaker		
	Murphy		

The nays were, 45:

Alons	Arnold	Bailey	Boal
Chambers	De Boef	Deyoe	Dolecheck
Drake	Forristall	Gipp	Granzow
Grassley	Greiner	Heaton	Hoffman
Horbach	Huseman	Huser	Kaufmann
Lukan	Lykam	Mertz	Miller, L.
Olson, S.	Paulsen	Pettengill	Quirk
Raecker	Rants	Rasmussen	Roberts
Sands	Schueller	Soderberg	Struyk
Thomas	Tjepkes	Tymeson	Van Engelenhoven
Van Fossen	Watts	Wenthe	Windschitl
Worthan			

Absent or not voting, 1:

Upmeyer

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 2212](#) be immediately messaged to the Senate.

On motion by McCarthy of Polk, the House was recessed at 12:09 p.m., until 12:30 p.m.

AFTERNOON SESSION

The House reconvened at 12:42 p.m., Whitaker of Van Buren in the chair.

QUORUM CALL

A non-record roll call was requested to determine that a quorum was present. The vote revealed ninety-seven members present, three 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 8, 2008, passed the following bill in which the concurrence of the House is asked:

[Senate File 2405](#), a bill for an act relating to renewable energy, providing for state bank acquisition of equity interests in wind energy production facilities, providing for qualification for specified tax credits and refunds by state banks and by owners or manufacturing facilities generating wind energy for on-site consumption rather than sale, providing for the establishment or participation in a program to track, record, or verify the trading of credits for electricity generated from specified sources, and providing effective and retroactive applicability dates.

MICHAEL E. MARSHALL, Secretary

CONSIDERATION OF BILLS
Appropriations Calendar

[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, was taken up for consideration.

Rants of Woodbury offered the following amendment [H-8447](#) filed by him from the floor and moved its adoption:

[H-8447](#)

- 1 Amend [House File 2662](#) as follows:
- 2 1. Page 4, by inserting after line 13, the
- 3 following:
- 4 "Sec.____. AGRICHEMICAL REMEDIATION FUND – SOIL
- 5 AND WATER CONSERVATION NEEDS ASSESSMENT ASSOCIATED
- 6 WITH THE LITTLE SIOUX RIVER. There is appropriated
- 7 from the agrichemical remediation fund created in
- 8 section 161.7 to the department of agriculture and
- 9 land stewardship for the fiscal year beginning July 1,
- 10 2008, and ending June 30, 2009, the following amount,
- 11 or so much thereof as is necessary, to be used for the
- 12 purposes designated:
- 13 For a grant to the governing body of a soil and
- 14 water conservation district of a county bordering the
- 15 Missouri river through which the Little Sioux and Big
- 16 Sioux rivers flow for purposes of supporting a needs
- 17 assessment of soil and water conservation structures
- 18 associated with the Little Sioux river, which may
- 19 include the identification and evaluation of aging and
- 20 deteriorating soil and water conservation structures
- 21 subject to major renovation in the watershed:
- 22 \$15,000"
- 23 2. By renumbering as necessary.

Amendment [H-8447](#) was adopted.

H. Miller of Webster offered amendment [H-8367](#) filed by H. Miller et al., as follows:

[H-8367](#)

- 1 Amend [House File 2662](#) as follows:
- 2 1. Page 9, by inserting after line 1, the
- 3 following:
- 4 "Sec.____. UNASSIGNED REVENUE FUND – FUNDING
- 5 RESTORATION.
- 6 There is appropriated from the unassigned revenue
- 7 fund administered by the Iowa comprehensive
- 8 underground storage tank fund board to the department
- 9 of natural resources for the fiscal year beginning
- 10 July 1, 2008, and ending June 30, 2009, the following
- 11 amounts, or so much thereof as is necessary, to be
- 12 used for the purposes designated:
- 13 1. To be credited to and used for snowmobile
- 14 programs as provided for the special snowmobile fund

15 created under section 321G.7, in order to restore
 16 funding transferred pursuant to 2002 Iowa Acts, Second
 17 Extraordinary Session, chapter 1001, section 10:
 18 \$ 950,000
 19 2. To be credited to and used for all-terrain
 20 vehicle programs as provided for the special
 21 all-terrain vehicle fund created under section 321I.8,
 22 in order to restore funding transferred pursuant to
 23 2002 Iowa Acts, Second Extraordinary Session, chapter
 24 1001, section 11:
 25 \$ 775,000".
 26 2. By renumbering as necessary.

Speaker Murphy in the chair at 1:22 p.m.

Raecker of Polk offered amendment [H-8404](#), to amendment [H-8367](#), filed by Raecker et al., as follows:

[H-8404](#)

1 Amend the amendment, [H-8367](#), to [House File 2662](#) as
 2 follows:
 3 1. Page 1, by inserting after line 25 the
 4 following:
 5 "____. Page 17, by inserting after line 5 the
 6 following:
 7 "DIVISION _____
 8 SENIOR LIVING TRUST FUND
 9 Sec.____. Section 249H.2, subsection 1, paragraph
 10 f, Code 2007, is amended to read as follows:
 11 f. ~~Grants are necessary to cover the expenditures~~
 12 ~~related to the development of alternative health care~~
 13 ~~services. Development of these long-term care~~
 14 alternatives will improve access to and delivery of
 15 long-term care services to underserved individuals or
 16 in underserved areas, which will in turn contain or
 17 reduce the cost and improve the quality of health care
 18 services.
 19 Sec.____. Section 249H.3, subsection 3, Code 2007,
 20 is amended by striking the subsection.
 21 Sec.____. Section 249H.5, subsection 1, Code 2007,
 22 is amended to read as follows:
 23 1. Moneys deposited in the senior living trust
 24 fund created in section 249H.4 shall be used only as
 25 provided in appropriations from the trust fund to the
 26 department of human services and the department of
 27 elder affairs; and for purposes, ~~including the~~
 28 ~~awarding of grants~~, as specified in this chapter.
 29 Sec.____. Section 249H.5, subsection 2, Code 2007,
 30 is amended by striking the subsection and inserting in

31 lieu thereof the following:

32 2. Moneys in the trust fund are allocated, subject
33 to their appropriation by the general assembly, as
34 follows:

35 a. To the department of elder affairs, an amount
36 necessary, annually, for expenses incurred in
37 implementation and administration of the long-term
38 care alternatives programs and for delivery of
39 long-term care services to seniors with low or
40 moderate incomes.

41 b. To the department of human services, an amount
42 necessary, annually, for expenses incurred in
43 administration of and service delivery through medical
44 assistance home and community-based services waivers
45 and the PACE program.

46 Sec. 5. Section 249H.5, subsection 3, Code 2007,
47 is amended to read as follows:

48 3. a. Any funds remaining after disbursement of
49 moneys under subsection 2 shall be invested with the
50 interest earned to be available in subsequent fiscal

Page 2

1 years for the purposes provided in subsection 2,
2 ~~paragraph "b", and subsection 2, paragraph "c",~~
3 ~~subparagraphs (1) and (2).~~

4 b. Moneys in the fund shall not be appropriated
5 for purposes other than those specified in subsection
6 2, and shall not be appropriated in amounts that
7 reduce the fund balance below two hundred million
8 dollars."

9 _____. Title page, by striking line 3 and inserting
10 the following: "environmental protection, and the
11 senior living trust fund.""

H. Miller of Webster rose on a point of order that amendment [H-8404](#) was not germane, to amendment [H-8367](#).

The Speaker ruled the point well taken and amendment [H-8404](#) not germane, to amendment [H-8367](#).

Raecker of Polk asked for unanimous consent to suspend the rules to consider amendment [H-8404](#).

Objection was raised.

Raecker of Polk moved to suspend the rules to consider amendment [H-8404](#).

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

On the question "Shall the rules be suspended to consider amendment [H-8404](#) to amendment [H-8367](#)?" ([H.F. 2662](#))

The ayes were, 45:

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

The nays were, 55:

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

Absent or not voting, none

The motion to suspend the rules lost.

Sands of Louisa offered amendment [H-8405](#), to amendment [H-8367](#), filed by Sands et al., as follows:

[H-8405](#)

- 1 Amend the amendment, [H-8367](#), to [House File 2662](#) as
- 2 follows:

3 1. Page 1, by inserting after line 25 the
 4 following:
 5 "____. Page 17, by inserting after line 5 the
 6 following:

7 "DIVISION____
 8 STATE GENERAL FUND EXPENDITURE LIMITATION
 9 Sec.____. Section 8.54, subsection 2, Code 2007,
 10 is amended to read as follows:

11 2. There is created a state general fund
 12 expenditure limitation for each fiscal year calculated
 13 as provided in this section. An expenditure
 14 limitation shall be used for ~~the portion of~~ the budget
 15 process commencing on the date the revenue estimating
 16 conference agrees to a revenue estimate for the
 17 following fiscal year in accordance with section
 18 8.22A, subsection 3, and ending with the ~~governor's~~
 19 ~~final approval or disapproval of the appropriations~~
 20 ~~bills applicable to that fiscal year that were passed~~
 21 ~~prior to July 1 of that fiscal year in a regular or~~
 22 ~~extraordinary legislative session close of the fiscal~~
 23 year for which the expenditure limitation was
 24 calculated. Once the fiscal year for which the
 25 expenditure limitation was calculated commences, the
 26 expenditure limitation for that fiscal year is not
 27 subject to adjustment or readjustment except by law
 28 enacted for that purpose.

29 Sec.____. Section 8.54, Code 2007, is amended by
 30 adding the following new subsections:
 31 NEW SUBSECTION. 8. a. The requirements of this
 32 subsection are only applicable under the state general
 33 fund expenditure limitation for a fiscal year when the
 34 adjusted revenue estimate used to establish the
 35 expenditure limitation for that fiscal year represents
 36 an increase of more than two percent over the adjusted
 37 revenue estimate used to establish the expenditure
 38 limitation for the immediately preceding fiscal year.
 39 b. If an appropriation is made for a fiscal year
 40 from a source other than the general fund of the state
 41 for a designated purpose and in either of the two
 42 fiscal years immediately preceding that fiscal year
 43 the designated purpose was funded by an appropriation
 44 from the general fund of the state, for the purposes
 45 of the state general fund expenditure limitation, the
 46 amount of the appropriation from the other source
 47 shall be considered to have been transferred to and
 48 appropriated from the general fund of the state and
 49 shall be counted as both a new revenue causing
 50 readjustment of the expenditure limitation amount and

Page 2

1 as an appropriation made under the expenditure

2 limitation amount. Subject to the applicability
3 condition in paragraph "a", the requirements of this
4 subsection shall apply to either or both the initial
5 and immediately succeeding fiscal years for which the
6 appropriation is made from the other funding source.
7 NEW SUBSECTION. 9. a. Commencing during the
8 fiscal year that begins July 1, 2008, if the adjusted
9 revenue estimate used to establish the expenditure
10 limitation for the succeeding fiscal year represents
11 an increase over the adjusted revenue estimate used to
12 establish the expenditure limitation for the fiscal
13 year in progress by a percentage amount listed in this
14 paragraph, there is appropriated from the general fund
15 of the state to the office of the treasurer of state
16 for the succeeding fiscal year, the indicated amount.
17 An appropriation made pursuant to this subsection
18 shall be counted under the state general fund
19 expenditure limitation amount for the fiscal year for
20 which the appropriation is made. The treasurer of
21 state shall distribute the appropriation as provided
22 in paragraph "b" to be used to restore funding that
23 was transferred to the general fund of the state or
24 appropriated from various funds and accounts in lieu
25 of funding from the general fund of the state. The
26 appropriation made in this paragraph shall continue on
27 an annual basis until the amounts listed in paragraph
28 "b" have all been distributed. If the amount
29 appropriated would exceed the amount remaining to be
30 distributed, the appropriation shall be reduced by the
31 excess.

32 (1) For an increase in the adjusted revenue
33 estimate of more than two percent but less than four
34 percent, the appropriation made in this paragraph "a"
35 shall be an amount equal to one-half of one percent of
36 the adjusted revenue estimate used to establish the
37 state general fund expenditure limitation for the
38 fiscal year for which the appropriation is made.

39 (2) For an increase in the adjusted revenue
40 estimate of at least four percent but less than six
41 percent, the appropriation made in this paragraph "a"
42 shall be an amount equal to one percent of the
43 adjusted revenue estimate used to establish the state
44 general fund expenditure limitation for the fiscal
45 year for which the appropriation is made.

46 (3) For an increase in the adjusted revenue
47 estimate of at least six percent but less than eight
48 percent, the appropriation made in this paragraph "a"
49 shall be an amount equal to one and one-half percent
50 of the adjusted revenue estimate used to establish the

Page 3

1 state general fund expenditure limitation for the
2 fiscal year for which the appropriation is made.

3 (4) For an increase in the adjusted revenue
4 estimate of eight percent or more, the appropriation
5 made in this paragraph "a" shall be an amount equal to
6 two percent of the adjusted revenue estimate used to
7 establish the state general fund expenditure
8 limitation for the fiscal year for which the
9 appropriation is made.

10 b. The appropriation made in paragraph "a" shall
11 be annually, if necessary, distributed as provided in
12 this paragraph "b". Unless otherwise provided by law,
13 notwithstanding section 8.33, moneys distributed in
14 accordance with this paragraph that remain
15 unencumbered or unobligated at the close of the fiscal
16 year shall not revert but shall remain available for
17 expenditure for the purposes designated until
18 expended.

19 (1) Moneys appropriated in paragraph "a" shall be
20 distributed to the funds and departments listed in
21 this subparagraph, in the order and amounts listed
22 until the full amounts listed have been distributed.
23 To the extent the appropriation for a fiscal year is
24 insufficient to fully fund an amount listed or
25 remaining, the amount of the insufficiency shall be
26 distributed from the next succeeding appropriation or
27 appropriations. When all amounts listed in this
28 subparagraph have been distributed in full, any
29 remaining amounts of the appropriation made in
30 paragraph "a" shall be distributed as provided in
31 subparagraph (2). Moneys distributed pursuant to this
32 subparagraph (1) shall be used for the purposes of the
33 fund or department to which distributed, unless a
34 purpose is stated with the amount:

35 (a) The innovations fund created in section 8.63,
36 four hundred thousand dollars.

37 (b) The state department of transportation to be
38 used for aviation hangars, three hundred sixty
39 thousand dollars, and for airport engineering studies
40 and improvement projects, three hundred forty-seven
41 thousand dollars.

42 (c) The special all-terrain vehicle fund created
43 pursuant to section 321I.8, twenty-five thousand
44 dollars.

45 (d) The victim compensation fund established in
46 section 915.94, one million dollars.

47 (e) The special snowmobile fund created pursuant
48 to section 321G.7, fifty thousand dollars.

49 (f) The revolving fund created in section
50 602.1302, for the purpose of paying jury and witness

Page 4

1 fees and mileage by the judicial branch, and for
2 payment of other trial-related expenses, one million
3 dollars.

4 (g) The brucellosis and tuberculosis eradication
5 fund created in section 165.18, one million dollars.

6 (h) The agricultural drainage well water quality
7 assistance fund created in section 460.303, one
8 million one hundred thousand dollars.

9 (i) The property tax relief fund risk pool created
10 in section 426B.5, subsection 2, three million five
11 hundred thousand dollars.

12 (j) The title guaranty fund created in section
13 16.91, two million seven hundred thousand dollars.

14 (k) The waste tire management fund created in
15 section 455D.11C, four million six hundred thousand
16 dollars.

17 (l) The groundwater protection fund established in
18 section 455E.11, five million two hundred thousand
19 dollars.

20 (m) The state department of transportation to be
21 used for recreational trails projects, five million
22 five hundred thousand dollars.

23 (n) The strategic investment fund created in
24 section 15.313, three million dollars.

25 (o) The physical infrastructure assistance fund
26 created in section 15E.175, two million five hundred
27 thousand dollars.

28 (p) The value-added agricultural products and
29 processes financial assistance fund created in section
30 15E.112, seven hundred fifty thousand dollars.

31 (q) The school infrastructure fund created in
32 section 12.82, twenty-two million dollars.

33 (2) When the amounts listed in subparagraph (1)
34 have all been distributed, any remaining amounts of
35 the appropriation made in paragraph "a" shall be
36 annually distributed to the account and funds listed
37 in this subparagraph (2) until the full amounts listed
38 have been distributed. If the appropriation is
39 insufficient to fully fund all amounts listed or
40 remaining, the appropriation shall be prorated among
41 the account and funds based upon an amount's
42 proportion of the total amount to be distributed. The
43 distribution of the appropriation made in paragraph
44 "a" shall continue in succeeding fiscal years until
45 the entire amount listed for each account or fund in
46 this subparagraph (2) has been distributed. Moneys
47 distributed shall be used for the purposes of the
48 account or fund to which distributed:

49 (a) The environment first fund created in section
50 8.57A, sixty-nine million five hundred thousand

Page 5

1 dollars.

2 (b) The rebuild Iowa infrastructure fund created
3 in section 8.57, subsection 6, sixty million five
4 hundred sixty thousand dollars.

5 (c) The Iowa comprehensive petroleum underground
6 storage tank fund created in section 455G.3,
7 forty-eight million dollars.

8 c. This subsection is repealed on July 1 following
9 the fiscal year in which all amounts listed in
10 paragraph "b" have been paid in full. The treasurer
11 of state shall notify the Code editor when the amounts
12 have been paid in full.

13 Sec. ____ EFFECTIVE AND APPLICABILITY DATES. The
14 section of this Act amending section 8.54, subsection
15 2, and the provision of the section of this Act
16 enacting section 8.54, subsection 8, take effect July
17 1, 2008, and are first applicable to the state general
18 fund expenditure limitation established for the fiscal
19 year beginning July 1, 2009."

20 ____ Title page, line 3, by inserting after the
21 word "protection" the following: ", and addressing
22 the state general fund expenditure limitation".

H. Miller of Webster rose on a point of order that amendment [H-8405](#) was not germane, to amendment [H-8367](#).

The Speaker ruled the point well taken and amendment [H-8405](#) not germane, to amendment [H-8367](#).

Sands of Louisa asked for unanimous consent to suspend the rules to consider amendment [H-8405](#).

Objection was raised.

Sands of Louisa moved to suspend the rules to consider amendment [H-8405](#).

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

On the question "Shall the rules be suspended to consider amendment [H-8405](#) to amendment [H-8367](#)" ([H.F. 2662](#))

The ayes were, 45:

Alons

Anderson

Arnold

Baudler

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

The nays were, 52:

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

Absent or not voting, 3:

Quirk	Struyk	Zirkelbach
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The motion to suspend the rules lost.

H. Miller of Webster moved the adoption of amendment [H-8367](#).

A non-record roll call was requested.

The ayes were 50, nays 50.

Amendment [H-8367](#) lost.

Kuhn of Floyd offered the following amendment [H-8435](#) filed by him and De Boef of Keokuk from the floor, and moved its adoption:

[H-8435](#)

- 1 Amend [House File 2662](#) as follows:
 2 1. Page 9, line 19, by striking the word
 3 "AGRICULTURAL" and inserting the following:
 4 "AGRICHEMICAL".
 5 2. Page 17, by inserting after line 5 the
 6 following:
 7 "DIVISION _____
 8 CODE PROVISIONS
 9 Sec.____. Section 466A.3, Code 2007, is amended by
 10 adding the following new subsection:
 11 NEW SUBSECTION. 1A. A voting member other than a
 12 representative of a state agency shall be compensated
 13 as provided in section 7E.6 and is allowed actual and
 14 necessary expenses incurred in the performance of
 15 their duties. The moneys used to pay for compensation
 16 and expenses shall be paid from available interest or
 17 earnings on moneys in the fund."
 18 3. By renumbering as necessary.

Amendment [H-8435](#) was adopted.

De Boef of Keokuk asked and received unanimous consent to withdraw amendment [H-8445](#) filed by her from the floor, placing out of order amendment [H-8446](#) filed by De Boef of Keokuk from the floor.

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?" ([H.F. 2662](#))

The ayes were, 53:

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

Whitead Mr. Speaker Murphy	Winckler	Wise	Zirkelbach
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The nays were, 47:

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

Absent or not voting, none.

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 2662](#) be immediately messaged to the Senate.

On motion by McCarthy of Polk, the House was recessed at 2:10 p.m., until the completion of the afternoon committee blocks.

EVENING SESSION

The House reconvened at 6:05 p.m., Speaker Murphy in the chair.

INTRODUCTION OF BILLS

[House File 2676](#), by McCarthy, a bill for an act relating to uninsured and underinsured motor vehicle liability coverage requirements.

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

[House File 2677](#), by McCarthy, a bill for an act requiring that certain liability insurance policy information be given to claimants.

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

[House File 2678](#), by McCarthy, a bill for an act prohibiting the use of campaign funds as compensation to a candidate and providing an effective date.

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

[House File 2679](#), 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 including effective date provisions.

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

SENATE MESSAGE CONSIDERED

[Senate File 2405](#), by committee on ways and means, a bill for an act relating to renewable energy, providing for state bank acquisition of equity interest in wind energy production facilities, providing for qualification for specified tax credits and refunds by state banks and by owners or manufacturing facilities generating wind energy for on-site consumption rather than sale, providing for the establishment or participation in a program to track, record, or verify the trading of credits for electricity generated from specified sources, and providing effective and retroactive applicability dates.

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

MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on April 8, 2008, adopted the conference committee report and passed [House File 2212](#), a bill for an act creating a smokefree air Act and providing penalties.

Also: That the Senate has on April 8, 2008, concurred in the House amendment and passed the following bill in which the concurrence of the Senate was asked:

Senate file 2281, a bill for an act prohibiting employment discrimination against an employee witness in certain civil proceedings.

Also: That the Senate has on April 8, 2008, concurred in the House amendment and passed the following bill in which the concurrence of the Senate was asked:

[Senate File 2325](#), a bill for an act relating to the grow Iowa values fund by allocating moneys for the physical infrastructure assistance program and changing certain job and wage requirements, and providing an effective date.

Also: That the Senate has on April 8, 2008, concurred in the House amendment and passed the following bill in which the concurrence of the Senate was asked:

Senate file 2349, a bill for an act relating to the preneed sale of cemetery and funeral merchandise and funeral services.

Also: That the Senate has on April 8, 2008, concurred in the House amendment and passed the following bill in which the concurrence of the Senate was asked:

[Senate File 2354](#), a bill for an act concerning the home ownership assistance program for members of the military.

MICHAEL E. MARSHALL, Secretary

[SENATE FILE 587](#) REFERRED

The Speaker announced that [Senate File 587](#), previously referred to committee on **ways and means** was **passed on file**.

EXPLANATION OF VOTE

I was necessarily absent from the House chamber on April 8, 2008. Had I been present, I would have voted "nay" on [House File 2212](#).

UPMEYER of Hancock

BILLS SIGNED BY THE GOVERNOR

A communication was received from the Governor announcing that on April 8, 2008, he approved and transmitted to the Secretary of State the following bills:

[House File 2119](#), an Act relating to taking the fingerprints of a child by a governmental unit.

[House File 2195](#), an Act relating to certain county distress criteria under the enterprise zone program.

[House File 2196](#), an Act requiring the department of transportation to study the acceptance of electronic payments at its customer service sites and sites operated by county treasurers.

[House File 2364](#), an Act relating to school district financing arrangements, specifying funds into which loan proceeds shall be deposited and from which principal and interest payments shall be expended, and authorizing utilization of physical plant and equipment levy revenue to guarantee school district energy savings contracts.

[House File 2407](#), an Act relating to the annual registration fee for certain motor vehicles equipped for persons with disabilities or used by persons with wheelchairs.

[House File 2423](#), an Act relating to the risk pool for county mental health, mental retardation, and developmental disabilities services by revising procedural and qualifying requirements.

[House File 2452](#), an Act relating to vehicle titles and registration plates for specialty vehicles, and providing a penalty and an effective date.

[House File 2551](#), an Act providing requirements for a nonresident of this state engaged in the aerial application of pesticides, making penalties applicable, and providing an effective date.

[House File 2553](#), an Act relating to per diem compensation for directors of the Iowa soybean association board.

[House File 2554](#), an Act providing monetary thresholds for actions by governing boards of drainage districts.

[House File 2609](#), an Act relating to the public release of information relating to elder group homes, assisted living facilities, and adult day services programs and providing for an effective date.

[House File 2626](#), an Act relating to the appointment or election of state judicial nominating commission members.

[House File 2642](#), an Act relating to issuance of a treasurer's deed after expiration of the period of redemption and including an effective and applicability date provision.

[Senate File 2198](#), an Act relating to the appointment of the membership of the Brushy creek recreation area trails advisory board.

[Senate File 2230](#), an Act authorizing the issuance of special nonresident turkey and deer hunting licenses to certain persons who have severe physical disabilities or a terminal illness.

[Senate File 2328](#), an Act relating to the deer depredation management program, establishing a deer study advisory committee, 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

- 2008\2690 Leroy and Betty Rothfus, Pleasantville – For celebrating their 50th wedding anniversary.
- 2008\2691 Taylor Jay Edelman, Atlantic – For receiving the rank of Eagle Scout, the highest rank in the Boy Scouts of America.
- 2008\2692 Anthony Gacke, Rock Valley – For celebrating his 90th birthday.
- 2008\2693 Frieda Smit, Boyden – For celebrating her 90th birthday.
- 2008\2694 Jenieva Kastein, Rock Rapids – For celebrating her 90th birthday.
- 2008\2695 Paul and Sharon Kilzer, Madrid – For celebrating their 50th wedding anniversary.
- 2008\2696 Morris Trimble, Clear Lake – For celebrating his 85th birthday.
- 2008\2697 Henrietta Eekhoff, Kanawha – For celebrating her 85th birthday.
- 2008\2698 Lucille McKigney, Dougherty – For celebrating her 90th birthday.
- 2008\2699 Dorothea Erickson, Clear Lake – For celebrating her 90th birthday.
- 2008\2700 Edward Prause, Hampton – For celebrating his 85th birthday.
- 2008\2701 Joseph and Rose Schlueter, Mason City – For celebrating their 50th wedding anniversary.
- 2008\2702 Grace Stiles, Rockwell – For celebrating her 80th birthday.
- 2008\2703 Jim and Mary Sue McIntosh, Tingley – For celebrating their 50th wedding anniversary.
- 2008\2704 Ed Farrell, Strawberry Point – For celebrating his 90th birthday.
- 2008\2705 Art and Pat Nefzger, Earlville – For celebrating their 50th wedding anniversary.
- 2008\2706 Kenny and Velma Kuehl, Farmersburg – For celebrating their 50th wedding anniversary.

- 2008\2707 Jerry and Helen Jack, Wapello – For celebrating their 50th wedding anniversary.
- 2008\2708 Billy and Wanda Marshall, Wapello – For celebrating their 58th wedding anniversary.
- 2008\2709 Robert Tiemeyer, Burlington – For celebrating his 85th birthday.
- 2008\2710 Mary Morgan, Wapello – For celebrating her 84th birthday.
- 2008\2711 Mildred Pilling, Mediapolis – For celebrating her 90th birthday.
- 2008\2712 Joe Colon, Clear Lake – For becoming the school's first wrestler to earn All-American honors.
- 2008\2713 Bob Mead, Manchester – For celebrating 50 years of membership with the Manchester Masonic Lodge.
- 2008\2714 Dubuque County Conservation Society, Dubuque County – For celebrating its 75th anniversary.
- 2008\2715 Joseph and Mary Jane Gallery, Winthrop – For celebrating their 50th anniversary.
- 2008\2716 Herb and Agnes Ludwig, Waterloo – For celebrating their 65th wedding anniversary.
- 2008\2717 Robert and Sharon Jacobs, Ladora – For celebrating their 50th wedding anniversary.
- 2008\2718 Robert and Dorothy Martinson, Williamsburg – For celebrating their 60th wedding anniversary.
- 2008\2719 Louis and Lillian Winslow, Belle Plaine – For celebrating their 60th wedding anniversary.
- 2008\2720 Harm and Esther Krull, Parkersburg – For celebrating their 50th wedding anniversary.
- 2008\2721 Violet Luhrs, Fontanelle – For celebrating her 80th birthday.
- 2008\2722 Frank Seivier, Greenfield – For celebrating his 99th birthday.
- 2008\2723 Judy Wagner, Audubon – For her 22 years of dedicated service with AMVC.
- 2008\2724 Johnny and Janice Coder, Ames – For celebrating their 50th wedding anniversary.
- 2008\2725 Don and Marlys Phipps, Ames – For celebrating their 50th wedding anniversary.

- 2008\2726 Ed and Mary Faris, New Providence – For celebrating their 60th wedding anniversary.
- 2008\2727 Eugene and Loretta Rieks, Hubbard – For celebrating their 50th wedding anniversary.
- 2008\2728 Josie Rundlett, Vinton – For being selected to represent the State of Iowa at the National Cherry Blossom Festival in Washington, D.C.
- 2008\2729 Elwyn and Joyce Brouwer, Sheffield – For celebrating their 60th wedding anniversary.
- 2008\2730 Bud and Lucille Coykendall, Red Oak – For celebrating their 69th wedding anniversary.

SUBCOMMITTEE ASSIGNMENTS

[House File 2652](#)

Ways and Means: Thomas, Chair; Quirk and Struyk.

[House File 2671](#)

Ways and Means: T. Olson, Chair; Kaufmann, Reasoner, Van Fossen and Wise.

[House File 2674](#)

Appropriations: Hunter, Chair; Alons and Berry.

[Senate File 2306](#)

Appropriations: Jacoby, Chair; Foege and Heaton.

[Senate File 2399](#)

Ways and Means: Davitt, Chair; Grassley and Palmer.

[Senate File 2401](#)

Ways and Means: Shomshor, Chair; Reasoner and Sands.

HOUSE STUDY BILL COMMITTEE ASSIGNMENTS

[H.S.B. 790](#) Ways and Means

Relating to a sales and use tax exemption for paint and materials used in coating water tanks, providing refunds, and including effective and retroactive applicability date provisions.

[H.S.B. 791](#) Ways and Means

Relating to a sales and use tax exemption on environmental test laboratory 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 APPROPRIATIONS

[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.

Fiscal Note is not required.

Recommended **Do Pass** April 8, 2008.

Committee Bill (Formerly [House File 2487](#)), relating to student achievement and teacher quality program definitions and requirements and extending or changing program allocations.

Fiscal Note is not required.

Recommended **Amend and Do Pass** April 8, 2008.

Committee Bill (Formerly [House Study Bill 787](#)), 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 including an effective date provision.

Fiscal Note is not required.

Recommended **Amend and Do Pass** April 8, 2008.

COMMITTEE ON GOVERNMENT OVERSIGHT

Committee Bill (Formerly [House Study Bill 788](#)), relating to student loans, including the protection of students and parents from certain lenders and institutions of higher education with conflicts of interest, establishing a student lending education fund, establishing penalties, and providing for related matters.

Fiscal Note is not required.

Recommended **Amend and Do Pass** April 8, 2008.

RESOLUTIONS FILED

[HR 148](#), by Chambers, a resolution honoring the city of Sutherland on its quasiquicentennial anniversary.

Laid over under **Rule 25**.

[HR 149](#), by Chambers, a resolution honoring the city of Paullina on its quasiquicentennial anniversary.

Laid over under **Rule 25**.

[HR 150](#), by Ford, Jacobs, Raecker, 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, Hoffman, Horbach, Hunter, Huseman, Huser, Jacoby, Jochum, Kaufmann, Kelley, Kressig, Kuhn, Lensing, Lukan, Lykam, Mascher, May, McCarthy, Mertz, H. Miller, L. Miller, Murphy, Oldson, D. Olson, R. Olson, S. Olson, T. Olson, Palmer, Paulsen, Petersen, Pettengill, Quirk, Rants, Rasmussen, Rayhons, Reasoner, Reichert, Roberts, Sands, Schickel, Schueller, Shomshor, Smith, Soderberg, Staed, Struyk, Swaim, D. Taylor, T. Taylor, Thomas, Tjepkes, Tomenga, Tymeson, Upmeyer, Van Engelenhoven, Van Fossen, Watts, Wendt, Wenthe, Wessel-Kroeschell, Whitaker, Whitead, Wiencek, Winckler, Windschitl, Wise, Worthan and Zirkelbach, a resolution to honor Drake University's men's and women's basketball teams.

Laid over under **Rule 25**.

AMENDMENTS FILED

H-8436	S.F. 2337	Hoffman of Crawford
H-8437	H.F. 2498	Grassley of Butler
H-8438	H.F. 2670	Schueller of Jackson
H-8439	H.F. 2539	Senate Amendment
H-8440	S.F. 2392	Wise of Lee
H-8441	H.F. 2498	T. Olson of Linn
H-8442	H.F. 2602	Kressig of Black Hawk
H-8443	H.F. 2652	Gaskill of Wapello
H-8444	H.F. 2384	Senate Amendment

<u>H-8448</u>	<u>S.F. 2337</u>	Grassley of Butler Windschitl of Harrison Horbach of Tama Van Fossen of Scott
<u>H-8449</u>	<u>S.F. 2400</u>	Alons of Sioux
<u>H-8450</u>	<u>H.F. 2663</u>	Paulsen of Linn Struyk of Pottawattamie
<u>H-8451</u>	<u>S.F. 2392</u>	Wise of Lee
<u>H-8452</u>	<u>S.F. 2394</u>	Alons of Sioux
<u>H-8453</u>	<u>S.F. 2394</u>	S. Olson of Clinton
<u>H-8454</u>	<u>S.F. 2394</u>	Paulsen of Linn
<u>H-8455</u>	<u>S.F. 2394</u>	Pettengill of Benton
<u>H-8456</u>	<u>S.F. 2394</u>	Pettengill of Benton

On motion by McCarthy of Polk the House adjourned at 6:09 p.m., until 9:00 a.m., Wednesday, April 9, 2008.