

PROOF

STATE OF IOWA

House Journal

WEDNESDAY, MARCH 24, 2010

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JOURNAL OF THE HOUSE

Seventy-third Calendar Day - Fifty-second Session Day

Hall of the House of Representatives
Des Moines, Iowa, Wednesday, March 24, 2010

The House met pursuant to adjournment at 9:07 a.m., Speaker Murphy in the chair.

Prayer was offered by Reverend Dennis Martin, pastor of St. Joseph's Catholic Church, West Liberty. He was the guest of Representative Nathan Reichert of Muscatine County.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by "Dream Catchers of West Liberty" a group of students from West Liberty. They were the guests of Representative Nathan Reichert of Muscatine County.

The Journal of Tuesday, March 23, 2010 was approved.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Wendt of Woodbury on request of McCarthy of Polk.

INTRODUCTION OF BILLS

[House File 2532](#), by committee on ways and means, a bill for an act exempting from the computation of the state individual income tax certain amounts received from the veterans trust fund and including a retroactive applicability provision.

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

[House File 2533](#), by committee on appropriations, a bill for an act relating to the nursing workforce and providing for an Iowa needs nurses now initiative.

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

SENATE MESSAGES CONSIDERED

[Senate Joint Resolution 2009](#), By Gronstal and McKinley, a joint resolution to nullify administrative rules of the department of public safety concerning automatic residential fire sprinkler systems and providing an effective date.

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

[Senate File 2242](#), by committee on environment & energy independence, a bill for an act relating to the Iowa comprehensive petroleum underground storage tank fund and including effective date and retroactive applicability provisions.

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

MESSAGE FROM THE SENATE

The following message was received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on March 23, 2010, amended and passed the following bill in which the concurrence of the House is asked:

[House File 2526](#), a bill for an act relating to and making appropriations for health and human services and including other related provisions and appropriations, and providing effective, retroactive, and applicability date provisions.

MICHAEL E. MARSHALL, Secretary

ADOPTION OF [HOUSE RESOLUTION 126](#)

Smith of Marshall and Raecker of Polk called up for consideration [House Resolution 126](#), a resolution recognizing the Uncommon Public Service Award, and moved its adoption.

The motion prevailed and the resolution was adopted.

SPECIAL PRESENTATION

Kaufmann of Cedar introduced to the House the Honorable Lance Horbach, state representative from Tama County, the winner of the 2010 Uncommon Public Service Award

The House rose and expressed its congratulations.

CONSIDERATION OF BILLS
Unfinished Business Calendar

The House resumed consideration of [Senate File 2381](#), 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, providing for properly related matters, and making penalties applicable, previously deferred and found on pages 1162-1164 of the House Journal.

Schultz of Crawford offered the following amendment [H-8563](#) filed by him and moved its adoption:

[H-8563](#)

- 1 Amend [Senate File 2381](#), as passed by the Senate, as
- 2 follows:
- 3 1. Page 2, by striking lines 17 through 19.
- 4 2. By renumbering as necessary.

Amendment [H-8563](#) lost.

Tjepkes of Webster offered the following amendment [H-8566](#) filed by him and Abdul-Samad from the floor and moved its adoption:

[H-8566](#)

- 1 Amend [Senate File 2381](#), as passed by the Senate, as
- 2 follows:
- 3 1. Page 6, after line 15 by inserting:
- 4 <Sec. ____ Section 321.445, subsection 3, Code
- 5 2009, is amended to read as follows:
- 6 3. The driver and front seat passengers may be
- 7 each charged separately for improperly used or nonused
- 8 equipment under subsection 2. However, the driver
- 9 shall not be charged for a violation committed by a
- 10 passenger who is fourteen years of age or older unless
- 11 the passenger is unable to properly fasten a seat belt
- 12 due to a temporary or permanent disability. The owner
- 13 of the motor vehicle may be charged for equipment
- 14 violations under subsection 1.>
- 15 2. Page 7, after line 7 by inserting:
- 16 <Sec. ____ Section 321.446, subsection 4, Code
- 17 2009, is amended by striking the subsection and
- 18 inserting in lieu thereof the following:
- 19 4. A person who violates this section is guilty

20 of a simple misdemeanor punishable as a scheduled
21 violation under section 805.8A, subsection 14,
22 paragraph "c". Violations shall be charged as follows:
23 a. An operator who transports a passenger under
24 fourteen years of age in violation of subsection 1 or 2
25 may be charged with a violation of this section.
26 b. If a passenger fourteen years of age or older is
27 unable to properly fasten a seatbelt due to a temporary
28 or permanent disability, an operator who transports
29 such a person in violation of subsection 2 may be
30 charged with a violation of this section. Otherwise, a
31 passenger fourteen years of age or older who violates
32 subsection 2 shall be charged in lieu of the operator.
33 c. If a child under fourteen years of age, or a
34 child fourteen years of age or older who is unable
35 to fasten a seatbelt due to a temporary or permanent
36 disability, is being transported in a taxicab in a
37 manner that is not in compliance with subsection 1 or
38 2, the parent, legal guardian, or other responsible
39 adult traveling with the child shall be served with a
40 citation for a violation of this section in lieu of
41 the taxicab operator. Otherwise, if a passenger being
42 transported in the taxicab is fourteen years of age or
43 older, the citation shall be served on the passenger in
44 lieu of the taxicab operator.>
45 3. By renumbering as necessary.

Amendment [H-8566](#) was adopted.

MOTION TO RECONSIDER PREVAILED

Quirk of Chickasaw asked and received unanimous consent to reconsider the vote by which amendment [H-8514](#) passed the House on March 23, 2010.

Palmer of Mahaska offered the following amendment [H-8567](#), to amendment [H-8514](#), filed by him from the floor and moved its adoption:

[H-8567](#)

1 Amend the amendment, [H-8514](#), to [Senate File 2381](#), as
2 passed by the Senate, as follows:
3 1. Page 1, by striking lines 43 through 46.
4 2. Page 2, by striking lines 5 through 8 and
5 inserting <a designated street.>
6 3. By renumbering as necessary.

Amendment [H-8567](#) was adopted.

On motion by Quirk of Chickasaw amendment [H-8514](#), 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?" ([S.F. 2381](#))

The ayes were, 53:

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

The nays were, 46:

Alons	Anderson	Arnold	Baudler
Chambers	Cownie	De Boef	Deyoe
Dolecheck	Drake	Forristall	Gaskill
Grassley	Hagenow	Heaton	Helland
Horbach	Huseman	Kaufmann	Koester
Lukan	May	Miller, L.	Olson, R.
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:

Wendt

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 2381](#) be immediately messaged to the Senate.

The House stood at ease at 10:10 a.m., until the fall of the gavel.

The House resumed session at 10:59 a.m., Speaker Murphy in the chair.

McCarthy of Polk asked and received unanimous consent for the immediate consideration of [House File 2531](#).

Appropriations Calendar

[House File 2531](#), a bill for an act relating to state and local finances by providing for funding of property tax credits and reimbursements, by increasing the maximum allowable local hotel and motel tax rates, 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 applicability provisions, was taken up for consideration.

Oldson of Polk offered the following amendment [H-8565](#) filed by her from the floor and moved its adoption:

[H-8565](#)

- 1 Amend [House File 2531](#) as follows:
- 2 1. Page 3, line 32, after <257.37A.> by inserting
- 3 <The department of management may adjust the amount
- 4 allocated pursuant to this subsection in order to
- 5 reflect any differences resulting from the budget
- 6 certification process.>
- 7 2. Page 4, by striking lines 4 through 6 and
- 8 inserting <section 257.16, subsection 4.>
- 9 3. Page 16, after line 28 by inserting:
- 10 <Sec. ___. Section 46.3, subsection 3, Code 2009,
- 11 as amended by 2010 Iowa Acts, [Senate File 2343](#), section
- 12 1, if enacted, is amended to read as follows:
- 13 3. A ~~No more than~~ a simple majority of the
- 14 commissioners appointed shall be of the same gender.>
- 15 4. Page 21, after line 26 by inserting:

16 <Sec. ____ Section 476.53, subsection 2, paragraph
17 a, Code 2009, as amended by 2010 Iowa Acts, House File
18 2399, section 2, if enacted, is amended to read as
19 follows:
20 a. The general assembly's intent with regard to
21 the development of electric power generating and
22 transmission facilities, or the significant alteration
23 of an existing generating facility, as provided in
24 subsection 1, shall be implemented in a manner that is
25 cost-effective and compatible with the environmental
26 policies of the state, as expressed in Title XI.>
27 5. By renumbering as necessary.

Amendment [H-8565](#) was adopted.

Swaim of Davis asked and received unanimous consent to withdraw amendment [H-8564](#) filed by Swaim of Davis, et al., on March 23, 2010.

Raecker of Polk asked and received unanimous consent that amendment [H-8575](#) be deferred.

Cownie of Polk asked and received unanimous consent that amendment [H-8549](#) be deferred.

Schueller of Jackson asked and received unanimous consent that amendment [H-8551](#) be deferred.

Watts of Dallas asked and received unanimous consent that amendment [H-8543](#) be deferred.

R. Olson of Polk asked and received unanimous consent to withdraw amendment [H-8545](#) filed by him on March 23, 2010.

R. Olson of Polk asked and received unanimous consent to withdraw amendment [H-8553](#) filed by him on March 23, 2010.

Sands of Louisa asked and received unanimous consent that amendment [H-8554](#) be deferred.

Schueller of Jackson asked and received unanimous consent that [H-8556](#) be deferred.

Upmeyer of Hancock asked and received unanimous consent that

amendment [H-8576](#) be deferred.

Running-Marquardt of Linn asked and received unanimous consent to withdraw amendment [H-8579](#) filed by her from the floor.

Mascher of Johnson offered amendment [H-8557](#) filed by her and Struyk of Pottawattamie as follows:

[H-8557](#)

1 Amend [House File 2531](#) as follows:
2 1. Page 37, after line 19 by inserting:
3 <DIVISION _____
4 DOG RACETRACKS – STUDY
5 Sec. ____ RACING AND GAMING COMMISSION – DOG
6 RACETRACKS STUDY. The racing and gaming commission
7 shall study and issue a report on the viability of
8 pari-mutuel dog racetracks in this state to include
9 what, if any, economic impact greyhound racing has
10 on the economy of the state and whether greyhound
11 racing has fulfilled the purpose of facilitating the
12 development and promotion of greyhound racing in the
13 state. The report shall include the number of Iowa
14 employees, payroll wages, and employment benefits, if
15 any, of registered Iowa owners, breeders, and kennels,
16 as verified by state payroll tax filings. The report
17 shall include current and past numbers of registered
18 owners, registered kennels, registered greyhounds,
19 and the disbursement of purse supplement moneys to
20 Iowa-registered owners and kennels as compared to
21 out-of-state owners and kennels, and the status of
22 greyhound racing in the United States to include the
23 number of track closures. The report shall also detail
24 the current generation of revenue to the state from
25 live greyhound racing as compared to the cost incurred
26 by licensees of dog racetracks for conducting live
27 greyhound racing. The commission is authorized to hire
28 a consultant to assist in the development of the study
29 and preparation of the report. On or before January
30 1, 2011, the commission shall file a report which
31 contains the results of the study with the governor and
32 the general assembly. The cost of the report shall be
33 assessed on a proportionate basis to the dog racetracks
34 located in Dubuque and Pottawattamie counties.>
35 2. By renumbering as necessary.

R. Olson of Polk offered the following amendment [H-8582](#), to amendment [H-8557](#), filed by him from the floor and moved its adoption:

[H-8582](#)

1 Amend the amendment, [H-8557](#), to [House File 2531](#) as
2 follows:
3 1. Page 1, by striking lines 32 through 34 and
4 inserting <the general assembly.>>

A non-record roll call was requested.

The ayes were 50, nays 32.

Amendment [H-8582](#) was adopted.

Mascher of Johnson asked and received unanimous consent that amendment [H-8557](#), as amended, be deferred.

R. Olson of Polk asked and received unanimous consent to withdraw amendment [H-8546](#) filed by him on March 23, 2010.

Soderberg of Plymouth asked and received unanimous consent that amendment [H-8550](#) be deferred.

Rants of Woodbury offered the following amendment [H-8552](#) filed by Rants, et al., and moved its adoption:

[H-8552](#)

1 Amend [House File 2531](#) as follows:
2 1. Page 38, after line 1 by inserting:
3 <DIVISION _____
4 STATE EXPENDITURE LIMITATIONS
5 Sec. ____ Section 8.22A, Code 2009, is amended to
6 read as follows:
7 8.22A Revenue estimating conference.
8 1. The state revenue estimating conference is
9 created consisting of the governor or the governor's
10 designee, the director of the legislative services
11 agency or the director's designee, and a third member
12 agreed to by the other two.
13 2. The conference shall meet as often as deemed
14 necessary, but shall meet at least quarterly. The
15 conference may use sources of information deemed
16 appropriate. At each meeting, the conference shall
17 agree to estimates for both the current and succeeding
18 fiscal years for the general fund of the state, lottery
19 revenues to be available for disbursement, and from
20 gambling revenues and from interest earned on the cash

21 reserve fund and the economic emergency fund to be
22 deposited in the rebuild Iowa infrastructure fund.
23 3. By For purposes of the state general fund
24 expenditure limitation and other expenditure
25 limitations under section 8.54, by December 15 of each
26 fiscal year the conference shall agree to ~~a revenue~~
27 ~~estimate~~ revenue estimates for the amounts of moneys
28 subject to an expenditure limitation under section
29 8.54 for the fiscal year beginning the following July
30 1. ~~That~~ The estimate amounts shall be used by the
31 governor in the preparation of the budget message
32 under section 8.22 and by the general assembly in
33 the budget process. If the conference agrees to a
34 different estimate at a later meeting which projects
35 a greater amount of revenue than the initial estimate
36 amount agreed to by December 15, the governor and the
37 general assembly shall continue to use the initial
38 estimate amount in the budget process for that fiscal
39 year. However, if the conference agrees to a different
40 estimate at a later meeting which projects a lesser
41 amount of revenue than the initial estimate amount,
42 the governor and the general assembly shall use the
43 lesser amount in the budget process for that fiscal
44 year. As used in this subsection, "later meeting"
45 means only those later meetings which are held prior
46 to the conclusion of the regular session of the
47 general assembly and, if the general assembly holds
48 an extraordinary session prior to the commencement of
49 the fiscal year to which the estimate applies, those
50 later meetings which are held before or during the

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1 extraordinary session.
2 4. At the meeting in which the conference agrees
3 to the revenue estimate for the general fund of the
4 state for the following fiscal year in accordance with
5 the provisions of subsection 3, the conference shall
6 agree to an estimate for tax refunds payable from that
7 estimated revenue. The estimates required by this
8 subsection shall be used in determining the adjusted
9 revenue estimate under section 8.54.
10 5. At the meeting in which the conference agrees
11 to the revenue estimate for the general fund of the
12 state for the succeeding fiscal year in accordance
13 with the provisions of subsection 3, the conference
14 shall also agree to the following estimates which shall
15 be used by the governor in preparation of the budget
16 message under section 8.22 and the general assembly in
17 the budget process for the succeeding fiscal year:
18 a. The amount of lottery revenues that will be
19 deposited in the general fund for the following fiscal

20 year ~~to be available for disbursement~~ following the
21 deductions made pursuant to section 99G.39, subsection
22 1. This estimate shall be included in the conference's
23 estimate of general fund revenues and shall be
24 calculated as the sum of the following, divided by
25 seven, as agreed to by the conference:
26 (1) The conference's estimate of the amount of
27 lottery revenues to be deposited in the general fund
28 for the succeeding fiscal year.
29 (2) The conference's estimate of the amount of
30 lottery revenues to be deposited in the general fund
31 for the current fiscal year.
32 (3) The actual amount of the lottery revenues
33 deposited in the general fund for the five most
34 recently completed fiscal years, adjusted for inflation
35 through the close of the most recently completed fiscal
36 year.
37 b. The amount of revenue for the following fiscal
38 year from gambling revenues and from interest earned on
39 the cash reserve fund and the economic emergency fund
40 to be deposited in the rebuild Iowa infrastructure fund
41 under section 8.57, subsection 6, paragraph "e".
42 c. The amount of accruals of those revenues
43 collected by or due from entities other than the
44 state on or before June 30 of the fiscal year but not
45 remitted to the state until after June 30.
46 d. The amount of accrued lottery revenues collected
47 on or before June 30 of the fiscal year but not
48 transferred to the general fund of the state until
49 after June 30.
50 6. At the meeting in which the conference agrees to

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1 the revenue estimates for the succeeding fiscal year
2 in accordance with subsection 3, the conference shall
3 agree to the amount available in the cash reserve fund
4 as of the close of the previous fiscal year that may be
5 appropriated for nonrecurring emergency expenditures as
6 provided in section 8.56, subsection 5.
7 Sec. ____ Section 8.54, Code 2009, is amended to
8 read as follows:
9 8.54 General fund expenditure limitation and other
10 expenditure limitations.
11 1. For the purposes of section 8.22A, this section,
12 and sections 8.55 through 8.57:
13 a. "Adjusted revenue estimate" means the appropriate
14 revenue estimate for the general fund for the following
15 fiscal year as determined by the revenue estimating
16 conference under section 8.22A, subsection 3, adjusted
17 by subtracting estimated tax refunds payable from
18 that estimated revenue, adding accruals determined in

19 accordance with section 8.22A, subsection 5, and as
20 determined by the conference, adding any new revenues
21 which may be considered to be eligible for deposit in
22 the general fund.

23 b. "Inflation" means the percentage change in the
24 consumer price index for all urban consumers, midwest
25 region, published by the United States department of
26 labor, bureau of labor statistics.

27 c. "New revenues" means moneys which are received
28 by the general fund of the state due to increased
29 tax rates and fees or newly created taxes and fees
30 over and above those moneys which are received due to
31 state taxes and fees which are in effect as of January
32 1 following the December state revenue estimating
33 conference. "New revenues" also includes moneys
34 received by the general fund of the state due to new
35 transfers over and above those moneys received by the
36 general fund of the state due to transfers which are
37 in effect as of January 1 following the December state
38 revenue estimating conference. The department of
39 management shall obtain concurrence from the revenue
40 estimating conference on the eligibility of transfers
41 to the general fund of the state which are to be
42 considered as new revenue in determining the state
43 general fund expenditure limitation.

44 2. a. There is created a state general fund
45 expenditure limitation for each fiscal year calculated
46 as provided in this section.

47 b. There is created a gambling revenue expenditure
48 limitation calculated as provided in this section. The
49 limitation applies to revenues received by the state
50 that are attributable to gambling and available for

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1 appropriation but are not credited to the general fund
2 of state. The gambling revenue expenditure limitation
3 does not include lottery revenue.

4 c. An expenditure limitation shall be used for the
5 portion of the budget process commencing on the date
6 the revenue estimating conference agrees to a revenue
7 estimate for the following fiscal year in accordance
8 with section 8.22A, subsection 3, and ending with
9 the governor's final approval or disapproval of the
10 appropriations bills applicable to that fiscal year
11 that were passed prior to July 1 of that fiscal year in
12 a regular or extraordinary legislative session.

13 3. Except as otherwise provided in this section,
14 the state general fund expenditure limitation for
15 a fiscal year shall be ninety-nine percent of the
16 ~~adjusted revenue estimate of the general fund average,~~
17 as agreed to by the revenue estimating conference. The

18 general fund average for a fiscal year is the sum of
19 the following, divided by seven:
20 a. The adjusted revenue estimate for the succeeding
21 fiscal year.
22 b. The revenue estimate for the current fiscal
23 year, adjusted by subtracting estimated tax refunds
24 payable from that estimated revenue and as determined
25 by the conference, adding any new revenues which may be
26 considered to be eligible for deposit in the general
27 fund.
28 c. The net revenue for the general fund of the
29 state for the five most recently completed fiscal
30 years, adjusted by subtracting tax refunds paid from
31 the revenue and adjusted for inflation through the
32 close of the most recently completed fiscal year.
33 4. The gambling revenue expenditure limitation
34 for a fiscal year shall be the sum of the following,
35 divided by seven, as agreed to by the revenue
36 estimating conference:
37 a. The gambling revenues estimate for the
38 succeeding fiscal year.
39 b. The gambling revenues estimate for the current
40 fiscal year.
41 c. The net gambling revenues for the five most
42 recently completed fiscal years, adjusted for inflation
43 through the close of the most recently completed fiscal
44 year.
45 4.5. The state general fund expenditure
46 limitation amount and the gambling revenue expenditure
47 limitation amount provided for in this section shall
48 be used by the governor in the preparation of the
49 budget under section 8.22 and approval of the budget
50 and by the general assembly in the budget process.

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1 If a source for new revenues is proposed, the budget
2 revenue projection used for that new revenue source
3 for the period beginning on the effective date of the
4 new revenue source and ending in the fiscal year in
5 which the source is included in the revenue base shall
6 be an amount determined by subtracting estimated tax
7 refunds payable from the projected revenue from that
8 new revenue source, multiplied by ninety-five percent.
9 If a new revenue source is established and implemented
10 that would affect an expenditure limitation amount,
11 the original state general fund expenditure limitation
12 amount provided for in subsection 3 shall be readjusted
13 to include ninety-five percent of the estimated revenue
14 from the new revenue source.
15 ~~5. For fiscal years in which section 8.55,~~
16 ~~subsection 2, results in moneys being transferred~~

17 ~~to the general fund, the original state general~~
18 ~~fund expenditure limitation amount provided for in~~
19 ~~subsection 3 shall be readjusted to include the moneys~~
20 ~~which are so transferred.~~

21 6. The scope of the expenditure
22 ~~limitation limitations~~
23 under ~~subsection 3~~ this section shall not encompass
24 federal funds, donations, constitutionally dedicated
25 moneys, moneys appropriated from the cash reserve
26 fund or Iowa economic emergency fund, and moneys in
27 expenditures from state retirement system moneys.

28 7. The governor shall transmit to the general
29 assembly, in accordance with section 8.21, a
30 budget which does not exceed the ~~state general fund~~
31 ~~expenditure limitation expenditure limitations under~~
32 this section. The general assembly shall pass a
33 budget which does not exceed the ~~state general fund~~
34 ~~expenditure limitation expenditure limitations~~. The
35 governor shall not transmit a budget with recommended
36 appropriations in excess of the ~~state general fund~~
37 ~~expenditure limitation expenditure limitations~~ and
38 the general assembly shall not pass a budget with
39 appropriations in excess of the ~~state general fund~~
40 ~~expenditure limitation expenditure limitations~~. The
41 governor shall not approve or disapprove appropriation
42 bills or items of appropriation bills passed by the
43 general assembly in a manner that would cause the
44 final budget approved by the governor to exceed the
45 ~~state general fund expenditure limitation expenditure~~
46 limitations. In complying with the requirements
47 of this subsection, the governor and the general
48 assembly shall not rely on any anticipated reversion
49 of appropriations in order to meet ~~the state general~~
50 ~~fund any~~ expenditure limitation.

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1 Sec. ____ Section 8.55, subsection 2, paragraph a,
2 Code 2009, is amended to read as follows:
3 a. The maximum balance of the fund is the amount
4 equal to ~~two five~~ and one-half percent of the adjusted
5 revenue estimate for the fiscal year. If the amount of
6 moneys in the Iowa economic emergency fund is equal to
7 the maximum balance, moneys in excess of this amount
8 shall be transferred to the ~~general fund property tax~~
9 equity and relief fund created in section 257.16A.

10 Sec. ____ Section 8.56, subsections 2 and 3, Code
11 2009, are amended to read as follows:
12 2. a. Moneys shall be credited to the cash reserve
13 fund from all of the following:
14 (1) Appropriations made to the fund pursuant to
15 section 8.57.

16 (2) The state's share of the proceeds under chapter
 17 809A.
 18 (3) Moneys collected in the settlement or
 19 prosecution of a claim by the state that are not
 20 otherwise specifically allocated in accordance with law
 21 to another fund.
 22 (4) Other moneys designated by law or by the
 23 executive council as one-time revenues and which are
 24 not otherwise specifically allocated by law to another
 25 fund.
 26 b. The maximum balance of the cash reserve fund is
 27 the amount equal to the cash reserve goal percentage,
 28 as defined in section 8.57, multiplied by the adjusted
 29 revenue estimate for the general fund of the state for
 30 the current fiscal year.
 31 3. The moneys in the cash reserve fund shall only
 32 be used pursuant to an appropriation made by the
 33 general assembly. ~~An~~ Except as provided in subsection
 34 5, an appropriation shall be made in accordance with
 35 subsection 4 from the cash reserve fund only for the
 36 fiscal year in which the appropriation is made. The
 37 moneys shall only be appropriated by the general
 38 assembly for nonrecurring emergency expenditures and
 39 shall not be appropriated for payment of any collective
 40 bargaining agreement or arbitrator's decision
 41 negotiated or awarded under chapter 20. Except as
 42 provided in section 8.58, the cash reserve fund shall
 43 be considered a special account for the purposes of
 44 section 8.53 in determining the cash position of the
 45 general fund of the state for the payment of state
 46 obligations.
 47 Sec. ____ Section 8.56, Code 2009, is amended by
 48 adding the following new subsection:
 49 NEW SUBSECTION. 5. If the adjusted revenue
 50 estimate for the succeeding fiscal year is less than

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1 ninety-eight percent of the general fund average for
 2 that fiscal year under section 8.54, subsection 3, an
 3 appropriation for nonrecurring emergency expenditures
 4 from the cash reserve fund may be made to provide
 5 additional funding for the succeeding fiscal year.
 6 However, the amount of such appropriation shall not
 7 exceed the difference of ninety-eight percent of
 8 such general fund average minus the adjusted revenue
 9 estimate for the succeeding fiscal year. The amount of
 10 such appropriation shall not exceed twenty-five percent
 11 of the ending balance in the cash reserve fund in the
 12 most recently completed fiscal year.
 13 Sec. ____ Section 284.3A, Code Supplement 2009, is
 14 amended by adding the following new subsection:

15 NEW SUBSECTION. 4. The teacher salary supplement
 16 district cost as calculated under section 257.10,
 17 subsection 9, and the area education agency teacher
 18 salary supplement district cost as calculated under
 19 section 257.37A, subsection 1, are not subject to a
 20 uniform reduction in accordance with section 8.31.
 21 Notwithstanding any provision of law to the contrary,
 22 if the governor orders budget reductions in accordance
 23 with section 8.31, a collective bargaining agreement
 24 negotiated under chapter 20 and in effect on the date
 25 the budget reduction was ordered shall be reopened
 26 and renegotiated by the boards of directors of school
 27 districts and area education agencies and the employee
 28 organizations representing the employees of the school
 29 districts and area education agencies.
 30 Sec. ____ Section 809A.17, subsection 3, Code 2009,
 31 is amended to read as follows:
 32 3. The state share of the cash proceeds from
 33 forfeited property shall be credited to the cash
 34 reserve fund. Forfeited property that is not cash
 35 or sold may be used by the department of justice in
 36 the enforcement of the criminal law. The department
 37 may give, sell, or trade forfeited property that is
 38 not cash or sold to any other state agency or to any
 39 other law enforcement agency within the state if, in
 40 the opinion of the attorney general, ~~the~~ forfeited
 41 property will enhance law enforcement within the state.
 42 Sec. ____ APPLICABILITY. This division of this Act
 43 applies beginning July 1, 2010, for the budget process
 44 for the succeeding fiscal year.>
 45 2. By renumbering as necessary.

Roll call was requested by Rants of Woodbury and Raecker of Polk.

On the question "Shall amendment [H-8552](#) be adopted?" ([H.F. 2531](#))

The ayes were, 44:

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

The nays were, 55:

Abdul-Samad	Bailey	Beard	Bell
Berry	Bukta	Burt	Cohoon
Ficken	Ford	Frevert	Gaskill
Gayman	Hanson	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	Running-Marquardt
Schueller	Shomshor	Smith	Steckman
Swaim	Taylor	Thede	Thomas
Wenthe	Wessel-Kroeschell	Whitead	Willems
Winckler	Zirkelbach	Mr. Speaker	
		Murphy	

Absent or not voting, 1:

Wendt

Amendment [H-8552](#) lost.

Taylor of Linn asked and received unanimous consent that amendment [H-8574](#) be deferred.

McCarthy of Polk asked and received unanimous consent that [House File 2531](#) be deferred and that the bill retain its place on the calendar.

On motion by McCarthy of Polk, the House was recessed at 11:54 a.m., until 1:30 p.m.

AFTERNOON SESSION

The House reconvened at 1:42, Zirkelbach of Jones in the chair.

ADOPTION OF [HOUSE RESOLUTION 124](#)

Heddens of Story, Deyoe of Story, D. Olson of Boone and Wessel-Kroeschell of Story called up for consideration [House Resolution 124](#), a resolution congratulating the Iowa State University football team for its victory at the Insight Bowl, 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 March 24, 2010, concurred in the House amendment and passed the following bill in which the concurrence of the Senate was asked:

[Senate File 2215](#), a bill for an act relating to the use of genetic information and samples for genetic testing and providing for civil enforcement.

Also: That the Senate has on March 24, 2010, concurred in the House amendment and passed the following bill in which the concurrence of the Senate was asked:

[Senate File 2297](#), a bill for an act concerning veterans and military service, including waivers and refunds of certain fees, use of state facilities, public utility disconnection of service, and declarations for disposition of remains.

Also: That the Senate has on March 24, 2010, 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 relating to campaign finance, including political campaign activities and independent expenditures by corporations, making penalties applicable, and including effective date provisions.

MICHAEL E. MARSHALL, Secretary

The House resumed consideration of [House File 2531](#), a bill for an act relating to state and local finances by providing for funding of property tax credits and reimbursements, by increasing the maximum allowable local hotel and motel tax rates, 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 applicability provision, previously deferred.

Schultz of Crawford asked and received unanimous consent that amendment [H-8583](#) be deferred.

Reichert of Muscatine offered the following amendment [H-8577](#) filed by him from the floor and moved its adoption:

[H-8577](#)

- 1 Amend [House File 2531](#) as follows:
- 2 1. By striking page 38, line 2, through page 42,

- 3 line 29.
 4 2. Title page, lines 2 through 4, by striking <by
 5 increasing the maximum allowable local hotel and motel
 6 tax rates,>
 7 3. By renumbering as necessary.

Speaker Murphy in the chair at 1:59 p.m.

Roll call was requested by Dolecheck of Ringgold and Struyk of Pottawattamie.

On the question "Shall amendment [H-8577](#) be adopted?" ([H.F. 2531](#))

The ayes were, 74:

Alons	Anderson	Arnold	Bailey
Baudler	Beard	Berry	Burt
Chambers	Cohoon	Cownie	De Boef
Deyoe	Dolecheck	Drake	Ficken
Forristall	Gaskill	Grassley	Hagenow
Hanson	Heaton	Heddens	Helland
Horbach	Hunter	Huseman	Kaufmann
Kelley	Koester	Kressig	Kuhn
Lensing	Lukan	Lykam	Marek
Mascher	May	McCarthy	Miller, L.
Olson, S.	Palmer	Paulsen	Pettengill
Quirk	Raecker	Rants	Rayhons
Reasoner	Reichert	Roberts	Sands
Schulte	Schultz	Shomshor	Smith
Soderberg	Sorenson	Steckman	Struyk
Sweeney	Thede	Thomas	Tjepkes
Tymeson	Upmeyer	Van Engelenhoven	Wagner
Watts	Wenthe	Wessel-Kroeschell	Winckler
Windschitl	Worthan		

The nays were, 25:

Abdul-Samad	Bell	Bukta	Ford
Freyvert	Gayman	Huser	Isenhart
Jacoby	Kearns	Mertz	Miller, H.
Oldson	Olson, D.	Olson, R.	Olson, T.
Petersen	Running-Marquardt	Schueller	Swaim
Taylor	Whitead	Willems	Zirkelbach
Mr. Speaker			
Murphy			

Absent or not voting, 1:

Wendt

Amendment [H-8577](#) was adopted.

Zirkelbach of Jones in the chair at 2:15 p.m.

Windschitl of Harrison asked and received unanimous consent that amendment [H-8589](#) be deferred.

Swaim of Davis offered the following amendment [H-8581](#) filed by him and Jacoby of Johnson from the floor and moved its adoption:

[H-8581](#)

- 1 Amend [House File 2531](#) as follows:
- 2 1. Page 31, line 5, by striking <not held liable>
- 3 and inserting <receive the limitation on liability
- 4 contained in section 670.4, subsection 8,>

Amendment [H-8581](#) was adopted.

Pettengill of Benton offered the following amendment [H-8575](#), previously deferred, filed by her from the floor and moved its adoption:

[H-8575](#)

- 1 Amend [House File 2531](#) as follows:
- 2 1. Page 31, by striking lines 31 and 32 and
- 3 inserting:
- 4 <3. By January 15, 2011, the state board of regents
- 5 shall submit a report of the study to the general
- 6 assembly. If the report recommends that residential
- 7 services should not be provided on the campus of the
- 8 Iowa braille and sight saving school, such services
- 9 shall not be eliminated until requirements of section
- 10 270.10 have been met.>

Roll call was requested by Pettengill of Benton and Struyk of Pottawattamie.

On the question "Shall amendment [H-8575](#) be adopted?" ([H.F. 2531](#))

The ayes were, 49:

Alons	Anderson	Arnold	Bailey
Baudler	Chambers	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	Raecker	Rants	Rayhons
Roberts	Sands	Schulte	Schultz
Shomshor	Soderberg	Sorenson	Struyk
Sweeney	Tjepkes	Tymeson	Upmeyer
Van Engelenhoven	Wagner	Watts	Windschitl
Worthan			

The nays were, 49:

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

Absent or not voting, 2:

Quirk	Wendt
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Amendment [H-8575](#) lost.

Cownie of Polk asked and received unanimous consent to withdraw amendment [H-8549](#), previously deferred, filed by him on March 23, 2010.

Schueller of Jackson offered amendment [H-8551](#), previously deferred, filed by him as follows:

[H-8551](#)

- 1 Amend [House File 2531](#) as follows:
- 2 1. Page 33, after line 18 by inserting:
- 3 <Sec. ____ NEW SECTION. 16.188 Workforce housing
- 4 assistance grant fund.
- 5 1. A workforce housing assistance grant fund
- 6 is created under the authority of the Iowa finance

7 authority. The fund shall consist of appropriations
8 made to the fund. The fund shall be separate from the
9 general fund of the state and the balance in the fund
10 shall not be considered part of the balance of the
11 general fund of the state. However, the fund shall
12 be considered a special account for the purposes of
13 section 8.53, relating to generally accepted accounting
14 principles.

15 2. Notwithstanding section 12C.7, subsection 2,
16 interest or earnings on moneys in the fund shall be
17 credited to the fund.

18 3. a. Moneys in the fund in a fiscal year are
19 appropriated to the Iowa finance authority to be
20 used for grants for projects that create workforce
21 housing or for projects that include adaptive reuse
22 of buildings for workforce housing. For purposes of
23 this section, "workforce housing" means housing that is
24 affordable for a household whose income does not exceed
25 one hundred twenty percent of the median income for the
26 area.

27 b. Priority shall be given to the following types
28 of projects:

29 (1) Projects that are eligible for historic
30 preservation and cultural and entertainment district
31 tax credits under section 404A.1.

32 (2) Projects for the construction of new
33 single-family dwellings that incorporate one or more
34 energy-efficient measures. The authority shall by
35 rule identify the types of energy-efficient measures
36 that will qualify a project for priority under this
37 subparagraph.

38 (3) Projects that utilize new markets tax credits,
39 established under the federal Community Renewal
40 Tax Relief Act of 2000, Pub. L. No. 106-554, 114
41 Stat. 2763A, and undertaken by a qualified community
42 development entity, as defined in the federal Act.

43 (4) Projects that are located in an area where
44 other state funding has been used to support the
45 creation of new jobs.

46 4. Annually, on or before January 15 of each year,
47 the authority shall report to the legislative services
48 agency and the department of management the status of
49 all projects that received moneys from the workforce
50 housing assistance grant fund. The report shall

Page 2

1 include a description of each project, the progress
2 of work completed, the total estimated cost of each
3 project, a list of all revenue sources being used to
4 fund each project, the amount of funds expended, the
5 amount of funds obligated, and the date each project

6 was completed or an estimated completion date of each
 7 project, where applicable.
 8 5. Payment of moneys from appropriations from the
 9 fund shall be made in a manner that does not adversely
 10 affect the tax exempt status of any outstanding bonds
 11 issued by the treasurer of state pursuant to section
 12 12.87.
 13 6. The authority shall adopt rules pursuant to
 14 chapter 17A to administer this section.>
 15 2. By renumbering as necessary.

Forristall of Pottawattamie offered the following amendment [H-8571](#), to amendment [H-8551](#), filed by him from the floor and moved its adoption:

[H-8571](#)

1 Amend the amendment, [H-8551](#), to [House File 2531](#) as
 2 follows:
 3 1. Page 1, line 8, after <to the fund.> by
 4 inserting <The fund shall not, however, consist of or
 5 receive an appropriation from the net proceeds from
 6 bonds issued pursuant to sections 12.87 through 12.90.>
 7 2. Page 2, by striking lines 8 through 12.
 8 3. Page 2, line 13, by striking <6.> and inserting
 9 <5.>

Roll call was requested by Raecker of Polk and Koester of Polk.

On the question "Shall amendment [H-8571](#) to amendment [H-8551](#) be adopted?" ([H.F. 2531](#))

The ayes were, 45:

Alons	Anderson	Arnold	Baudler
Chambers	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, 52:

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

Absent or not voting, 3:

Kuhn	Swaim	Wendt
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Amendment [H-8571](#) lost.

Horbach of Tama offered the following amendment [H-8569](#), to amendment [H-8551](#), filed by him from the floor and moved its adoption:

[H-8569](#)

1 Amend the amendment, [H-8551](#), to [House File 2531](#) as
 2 follows:
 3 1. Page 1, after line 45 by inserting:
 4 c. In any fiscal year, an area shall not receive
 5 grants totaling more than twenty-five percent of the
 6 moneys expended from the fund in that fiscal year. For
 7 purposes of this paragraph, "area" means the same area
 8 used to determine the median income under paragraph
 9 "a".

Amendment [H-8569](#) was adopted.

On motion by Schueller of Jackson, amendment [H-8551](#), as amended, was adopted.

Watts of Dallas offered the following amendment [H-8543](#), previously deferred, filed by him and moved its adoption:

[H-8543](#)

- 1 Amend [House File 2531](#) as follows:
 2 1. By striking page 33, line 19, through page 35,
 3 line 7.
 4 2. By renumbering as necessary.

Roll call was requested by Watts of Dallas and Horbach of Tama.

Rule 75 was invoked.

On the question "Shall amendment [H-8543](#) be adopted?" ([H.F. 2531](#))

The ayes were, 48:

Alons	Anderson	Arnold	Baudler
Chambers	Cownie	De Boef	Deyoe
Dolecheck	Drake	Forristall	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	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	Hanson	Heddens	Hunter
Huser	Isenhardt	Jacoby	Kearns
Kelley	Kressig	Kuhn	Lensing
Lykam	Mascher	McCarthy	Miller, H.
Oldson	Olson, D.	Olson, R.	Olson, T.
Petersen	Reasoner	Reichert	Running-Marquardt
Schueller	Shomshor	Smith	Steckman
Swaim	Taylor	Thede	Thomas
Wenthe	Wessel-Kroeschell	Whitead	Willems
Winckler	Zirkelbach	Mr. Speaker	
		Murphy	

Absent or not voting, 1:

Wendt

Amendment [H-8543](#) lost.

Sands of Louisa offered the following amendment [H-8554](#), previously deferred, filed by him and Pettengill of Benton and moved its adoption:

[H-8554](#)

1 Amend [House File 2531](#) as follows:
2 1. Page 36, after line 7 by inserting:
3 <Sec. _____. NEW SECTION. 103.1A Term "commercial"
4 applied.
5 1. Whenever the term "commercial" is used in
6 this chapter, it shall refer to a use, installation,
7 structure, or premises associated with a place of
8 business where goods, wares, services, or merchandise
9 is stored or offered for sale on a wholesale or retail
10 basis.
11 2. The term "commercial" refers to a residence only
12 if the residence is also used as place of business as
13 provided in subsection 1.
14 3. The term "commercial" does not refer to a use,
15 installation, structure, or premises associated with
16 any of the following:
17 a. A farm.
18 b. An industrial installation.
19 Sec. _____. Section 103.22, subsection 7, Code
20 Supplement 2009, is amended to read as follows:
21 7. Prohibit an owner of property from performing
22 work on the owner's principal residence, if such
23 residence is an existing dwelling rather than new
24 construction and is not an apartment that is attached
25 to any other apartment or building, as those terms are
26 defined in section 499B.2, and is not larger than a
27 single-family dwelling, ~~or farm property, excluding~~
28 ~~commercial or industrial installations or installations~~
29 ~~in public use buildings or facilities,~~ or require
30 such owner to be licensed under this chapter. In
31 order to qualify for inapplicability pursuant to this
32 subsection, a residence shall qualify for the homestead
33 tax exemption.
34 Sec. _____. Section 103.22, Code Supplement 2009, is
35 amended by adding the following new subsection:
36 NEW SUBSECTION. 15. Apply to a person performing
37 any installation on a farm, if the person is associated
38 with the farm as a holder of a legal or equitable
39 interest, a relative or employee of the holder, or
40 an operator or manager of the farm. The provisions
41 of this chapter do not require such person to be
42 licensed. In addition, a permit is not required for
43 an installation on a farm, and an installation on a

44 farm is not required to be inspected. In order for
45 a farm building to qualify under this subsection, it
46 cannot regularly be open to the public as a place of
47 business for the retail sale of goods, wares, services,
48 or merchandise.>

Bailey of Hamilton offered the following amendment [H-8600](#), to amendment [H-8554](#), filed by him from the floor and moved its adoption:

[H-8600](#)

1 Amend the amendment, [H-8554](#), to [House File 2531](#) as
2 follows:
3 1. Page 1, after line 1 by inserting:
4 <__. Page 29, after line 27 by inserting:
5 <Sec. ____. There is appropriated from the general
6 fund of the state to the electrical examining board
7 established in section 103.2 for the fiscal year
8 beginning July 1, 2010, and ending June 30, 2011, the
9 following amount, or so much thereof as is necessary
10 for the purpose of conducting inspections pursuant to
11 section 103.23:
12 \$ 5,000 >>

A non-record roll call was requested.

The ayes were 22, nays 49.

Amendment [H-8600](#) lost.

Oldson of Polk rose on a point of order that amendment [H-8554](#) was not germane.

The Speaker ruled the point well taken and amendment [H-8554](#) not germane.

Sands of Louisa asked for unanimous consent to suspend the rules to consider amendment [H-8554](#).

Objection was raised.

Sands of Louisa moved to suspend the rules to consider amendment [H-8554](#).

Roll call was requested by Paulsen of Linn and Struyk of Pottawattamie.

On the question "Shall the rules be suspended to consider amendment [H-8554?](#)" ([H.F. 2531](#))

The ayes were, 45:

Alons	Anderson	Arnold	Baudler
Chambers	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	Hanson	Heddens	Hunter
Isenhardt	Jacoby	Kearns	Kelley
Kressig	Kuhn	Lensing	Lykam
Marek	Mascher	McCarthy	Miller, H.
Oldson	Olson, D.	Olson, T.	Palmer
Petersen	Quirk	Reasoner	Reichert
Running-Marquardt	Schueller	Shomshor	Smith
Steckman	Swaim	Taylor	Thede
Thomas	Wenthe	Wessel-Kroeschell	Whitead
Willems	Winckler	Zirkelbach	Mr. Speaker
			Murphy

Absent or not voting, 3:

Huser	Olson, R.	Wendt
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The motion to suspend the rules lost.

McCarthy of Polk asked and received unanimous consent to withdraw amendment [H-8587](#) filed by R. Olson of Polk from the floor, placing out of order amendment [H-8601](#) filed by Palmer of Mahaska from the floor.

Struyk of Pottawattamie asked and received unanimous consent that amendment [H-8586](#) be deferred.

Schueller of Jackson offered amendment [H-8556](#), previously deferred, filed by him, Berry of Black Hawk and Running-Marquardt of Linn as follows:

[H-8556](#)

1 Amend [House File 2531](#) as follows:
2 1. Page 37, after line 14 by inserting:
3 <Sec. ____ Section 466B.4, subsection 2, Code
4 Supplement 2009, is amended to read as follows:
5 2. Marketing campaign. The water resources
6 coordinating council shall develop a marketing campaign
7 to educate Iowans about the need to take personal
8 responsibility for the quality and quantity of water in
9 their local watersheds. The emphasis of the campaign
10 shall be that not only is everyone responsible for
11 clean water, but that everyone benefits from it as
12 well, and that everyone is responsible for and benefits
13 from reducing the risk for flooding and mitigating
14 possible future flood damage. The goals of the
15 campaign shall be to convince Iowans to take personal
16 responsibility for clean water and reducing the risk of
17 flooding and to equip them with the tools necessary to
18 effect change through local water quality improvement
19 projects and better flood plain management and flood
20 risk programs.
21 Sec. ____ NEW SECTION. 466B.12 Flood plain
22 managers.
23 The council shall encourage and support the
24 formation of a chapter of the association of state
25 flood plain managers in Iowa that would provide a
26 vehicle for local flood plain managers and flood plain
27 planners to further pursue professional educational
28 opportunities.
29 Sec. ____ NEW SECTION. 466B.13 Flood education.
30 The Iowa state university agricultural extension
31 service, the council, and agency members of the council
32 shall work with flood plain and hydrology experts to
33 educate the general public about flood plains, flood
34 risks, and basic flood plain management principles.
35 This educational effort shall include developing
36 educational materials and programs in consultation with
37 flood plain experts.>
38 2. By renumbering as necessary.

Schueller of Jackson offered the following amendment [H-8570](#), to amendment [H-8556](#), filed by him from the floor and moved its adoption:

[H-8570](#)

1 Amend the amendment, [H-8556](#), to [House File 2531](#) as
2 follows:
3 1. Page 1, line 32, after <shall> by inserting <,
4 to the extent feasible,>

Amendment [H-8570](#) was adopted.

Raecker of Polk rose on a point of order that amendment [H-8556](#), as amended, was not germane.

The Speaker ruled the point not well taken and amendment [H-8556](#), as amended germane.

Schueller of Jackson moved the adoption of amendment [H-8556](#), as amended.

Amendment [H-8556](#), as amended, was adopted.

Upmeyer of Hancock offered amendment [H-8576](#), previously deferred, filed by her from the floor as follows:

[H-8576](#)

1 Amend [House File 2531](#) as follows:
2 1. Page 37, after line 14 by inserting:
3 <Sec. ____ Section 256.7, subsection 29, Code
4 Supplement 2009, is amended to read as follows:
5 29. Adopt rules establishing nutritional content
6 standards for foods and beverages sold or provided on
7 the school grounds of any school district or accredited
8 nonpublic school during the school day exclusive of the
9 food provided by any federal school food program or
10 pursuant to an agreement with any agency of the federal
11 government in accordance with the provisions of chapter
12 283A, and exclusive of foods sold for fundraising
13 purposes and foods and beverages sold at concession
14 stands. The standards shall be consistent with the
15 dietary guidelines for Americans issued by the United
16 States department of agriculture food and nutrition
17 service. Nothing in this subsection shall prohibit a
18 local school district from adopting their own standards
19 for food and beverages sold or provided on the school
20 grounds during the school day, provided such standards
21 are not more restrictive than those implemented by the
22 department.>
23 2. By renumbering as necessary.

Oldson of Polk rose on a point of order that amendment [H-8576](#) was not germane.

The Speaker ruled the point not well taken and amendment [H-8576](#) germane.

Upmeyer of Hancock moved the adoption of amendment [H-8576](#).

Roll call was requested by Upmeyer of Hancock and L. Miller of Scott.

On the question "Shall amendment [H-8576](#) be adopted?" ([H.F. 2531](#))

The ayes were, 96:

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

The nays were, none.

Absent or not voting, 4:

Olson, R.	Shomshor	Watts	Wendt
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Amendment [H-8576](#) was adopted.

Running-Marquardt of Linn offered the following amendment [H-8580](#) filed by her from the floor and moved its adoption:

[H-8580](#)

- 1 Amend [House File 2531](#) as follows:
- 2 1. Page 37, after line 14 by inserting:
- 3 <Sec. ____ Section 729.6, subsection 1, Code 2009,
- 4 is amended by adding the following new paragraph:
- 5 NEW PARAGRAPH. OOb. "Genetic services" means the
- 6 same as defined in 29 U.S.C. § 1191b(d)(8).
- 7 Sec. ____ Section 729.6, subsection 1, paragraph c,
- 8 Code 2009, as amended by 2010 Iowa Acts, Senate File
- 9 2215, if enacted, is amended to read as follows:
- 10 c. "Genetic testing" means the same as genetic
- 11 test as defined in 29 U.S.C. § 1191b(d)(7). "Genetic
- 12 testing" does not mean routine physical measurement, a
- 13 routine chemical, blood, or urine analysis, a biopsy,
- 14 an autopsy, or clinical specimen obtained solely for
- 15 the purpose of conducting an immediate clinical or
- 16 diagnostic test to detect an existing disease, illness,
- 17 impairment, or disorder, or a test for drugs or for
- 18 human immunodeficiency virus infections.>
- 19 2. By renumbering as necessary.

Amendment [H-8580](#) was adopted.

L. Miller of Scott offered the following amendment [H-8585](#) filed by her and Heaton of Henry from the floor and moved its adoption:

[H-8585](#)

- 1 Amend [House File 2531](#) as follows:
- 2 1. Page 37, after line 14 by inserting:
- 3 <Sec. ____ Section 232.188, subsection 5, paragraph
- 4 b, unnumbered paragraph 1, Code 2009, is amended to
- 5 read as follows:
- 6 Notwithstanding section 8.33, moneys designated for
- 7 a project's decategorization services funding pool that
- 8 remain unencumbered or unobligated at the close of the
- 9 fiscal year shall not revert but shall remain available
- 10 for expenditure as directed by the project's governance
- 11 board for child welfare and juvenile justice systems
- 12 enhancements and other purposes of the project ~~until~~
- 13 ~~the close of the succeeding fiscal year and for the~~
- 14 next two succeeding fiscal years. Such moneys shall
- 15 be known as "carryover funding". Moneys may be made

16 available to a funding pool from one or more of the
 17 following sources:>
 18 2. By renumbering as necessary.

Roll call was requested by L. Miller of Scott and Sands of Louisa.

On the question "Shall amendment [H-8585](#) be adopted?" ([H.F. 2531](#))

The ayes were, 94:

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

The nays were, none.

Absent or not voting, 6:

Bailey	Olson, D.	Olson, R.	Upmeyer
Wendt	Zirkelbach		

Amendment [H-8585](#) was adopted.

McCarthy of Polk asked and received unanimous consent that [House File 2531](#) be deferred and that the bill retain its place 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 24, 2010, amended and passed the following bill in which the concurrence of the House is asked:

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

Also: That the Senate has on March 24, 2010, passed the following bill in which the concurrence of the House is asked:

[Senate File 2384](#), a bill for an act relating to the nursing workforce including the establishment of an Iowa needs nurses now initiative.

MICHAEL E. MARSHALL, Secretary

SENATE MESSAGE CONSIDERED

[Senate File 2384](#), by committee on appropriations, a bill for an act relating to the nursing workforce including the establishment of an Iowa needs nurses now initiative.

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

BILL SIGNED BY THE GOVERNOR

A communication was received from the Governor announcing that on March 24, 2010, he approved and transmitted to the Secretary of State the following bill:

[Senate File 2352](#), an Act relating to the emergency hospitalization of a person with a serious mental impairment, and providing penalties.

SUBCOMMITTEE ASSIGNMENT

[Senate Joint Resolution 2009](#)

Public Safety: Burt, Chair; Hagenow and Reichert.

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 6281HC), amending the permanent rules of the House of Representatives relating to voting by members.

Fiscal Note is not required.

Recommended **Do Pass** March 24, 2010.

RESOLUTIONS FILED

[HR 131](#), by Kressig, a resolution to recognize the work of the members of student safety patrols in protecting the safety of Iowa's school children and to recognize April 6, 2010, as "Student Safety Patrol Appreciation Day".

Laid over under **Rule 25**.

[HR 132](#), by committee on administration and rules, a resolution amending the permanent rules of the House of Representatives relating to voting by members.

Placed on the **calendar**.

AMENDMENTS FILED

H-8568	H.F. 2526	Senate Amendment
H-8572	S.F. 2265	D. Olson of Boone
H-8573	H.F. 2525	Swaim of Davis
H-8574	H.F. 2531	Taylor of Linn
H-8578	S.F. 2201	Petersen of Polk
H-8583	H.F. 2531	Paulsen of Linn
H-8584	H.F. 2525	Sweeney of Hardin
H-8586	H.F. 2531	Huser of Polk

H-8588	H.F. 2531	Mascher of Johnson
H-8589	H.F. 2531	Paulsen of Linn
H-8590	S.F. 2270	Tymeson of Madison
H-8591	H.F. 2459	Sands of Louisa D. Olson of Boone
H-8592	S.F. 2201	Schulte of Linn
H-8593	S.F. 2270	Mascher of Johnson
H-8594	H.F. 2531	Taylor of Linn
H-8595	S.F. 2270	Tymeson of Madison
H-8596	S.F. 2201	Upmeyer of Hancock
H-8597	S.F. 2201	Pettengill of Benton
H-8598	H.F. 2531	Windschitl of Harrison
H-8599	S.F. 2201	Soderberg of Plymouth
H-8602	S.F. 2270	Tymeson of Madison
H-8603	H.F. 2193	Senate Amendment
H-8604	H.F. 2531	Huser of Polk
H-8605	S.F. 2270	Tymeson of Madison
H-8606	S.F. 2201	Petersen of Polk

On motion by McCarthy of Polk the House adjourned at 4:14 p.m., until 8:00 a.m., Thursday, March 25, 2010.