

PROOF

STATE OF IOWA

House Journal

THURSDAY, APRIL 17, 2008

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JOURNAL OF THE HOUSE

Ninety-fifth Calendar Day - Sixty-sixth Session Day

Hall of the House of Representatives
Des Moines, Iowa, Thursday, April 17, 2008

The House met pursuant to adjournment at 9:18 a.m., Speaker Murphy in the chair.

Prayer was offered by Reverend Mario Lara, pastor of Life Bridge Church, Des Moines. He was the guest of Representative Mark Davitt of Warren County and Rod Roberts of Carroll County.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Tom Boerigter, Page for the Legislative Service Agency.

The Journal of Wednesday, April 16, 2008 was approved.

INTRODUCTION OF BILL

[House File 2695](#), by committee on ways and means, a bill for an act concerning bingo conducted during county fairs and community festivals and providing an effective date.

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

SENATE MESSAGE CONSIDERED

[Senate File 2423](#), by committee on ways and means, a bill for an act concerning department of administrative services operations.

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

The House stood at ease at 9:43 a.m., until the fall of the gavel.

The House resumed session at 1:21 p.m., Tjepkes of Webster in the chair.

QUORUM CALL

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

Speaker Murphy in the chair at 2:22 p.m.

INTRODUCTION OF BILL

[House File 2696](#), by committee on ways and means, a bill for an act relating to economic development by expanding the scope of enterprise zones and targeted jobs withholding credit agreements in certain pilot project cities located in border counties, and providing an effective date.

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

SENATE MESSAGE CONSIDERED

[Senate File 2413](#), by committee on government oversight, a bill for an act providing extensions for school districts applying to the school budget review committee concerning school district finances, and providing an effective date.

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

CONFERENCE COMMITTEE REPORT RECEIVED

[\(Senate File 2308\)](#)

A conference committee report signed by the following Senate and House members was filed April 17, 2008, on [Senate File 2308](#), a bill for an act relating to identity theft by providing for the notification of a breach in the security of personal information, and providing penalties:

ON THE PART OF THE SENATE:

STEVE WARNSTAD, Chair
JERRY BEHN
THOMAS COURTNEY
WILLIAM HECKROTH
STEVE KETTERING

ON THE PART OF THE HOUSE:

DORIS KELLEY, Chair
GERI HUSER
LIBBY JACOBS
DAVE JACOBY
DAVID TJEPKES

SENATE AMENDMENT CONSIDERED

Kressig of Black Hawk called up for consideration [House File 2266](#), a bill for an act relating to the regulation of explosives, and the possession of an incendiary or explosive device or material, and providing penalties, amended by the Senate, and moved that the House concur in the following Senate amendment [H-8389](#):

[H-8389](#)

1 Amend [House File 2266](#), as passed by the House, as
2 follows:
3 1. Page 1, by inserting after line 34 the
4 following:
5 "Sec. ____ Section 321.279, subsection 1, Code
6 2007, is amended to read as follows:
7 1. The driver of a motor vehicle commits a serious
8 misdemeanor if the driver willfully fails to bring the
9 motor vehicle to a stop or otherwise eludes or
10 attempts to elude a marked official law enforcement
11 vehicle driven by a uniformed peace officer after
12 being given a visual and audible signal to stop. The
13 signal given by the peace officer shall be by flashing
14 red light, or by flashing red and blue lights, and
15 siren. For purposes of this section, "peace officer"
16 means those officers designated under section 801.4,
17 subsection 11, paragraphs "a", "b", "c", "f", "g", and
18 "h."
19 2. Title page, by striking lines 1 and 2 and
20 inserting the following: "An Act relating to the
21 criminal offenses of eluding or attempting to elude a
22 law enforcement vehicle and the possession of an
23 incendiary or explosive device or material, and the
24 regulation of explosives,".

The motion prevailed and the House concurred in the Senate amendment [H-8389](#).

Kressig of Black Hawk moved that the bill, as amended by the Senate and concurred in by the House, be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" ([H.F. 2266](#))

The ayes were, 100:

| | | | |
|-------------|------------------|-------------------|-----------------------|
| Abdul-Samad | Alons | Anderson | Arnold |
| Bailey | Baudler | Bell | Berry |
| Boal | Bukta | Chambers | Clute |
| Cohoon | Dandekar | Davitt | De Boef |
| Deyoe | Dolecheck | Drake | Foege |
| Ford | Forristall | Frevert | Gaskill |
| Gayman | Gipp | Granzow | Grassley |
| Greiner | Heaton | Heddens | Hoffman |
| Horbach | Hunter | Huseman | Huser |
| Jacobs | Jacoby | Jochum | Kaufmann |
| Kelley | Kressig | Kuhn | Lensing |
| Lukan | Lykam | Mascher | May |
| McCarthy | Mertz | Miller, H. | Miller, L. |
| Oldson | Olson, D. | Olson, R. | Olson, S. |
| Olson, T. | Palmer | Paulsen | Petersen |
| Pettengill | Quirk | Raecker | Rants |
| Rasmussen | Rayhons | Reasoner | Reichert |
| Roberts | Sands | Schickel | Schueller |
| Shomshor | Smith | Soderberg | Staed |
| Struyk | Swaim | Taylor, D. | Taylor, T. |
| Thomas | Tjepkes | Tomenga | Tymeson |
| Upmeyer | Van Engelenhoven | Van Fossen | Watts |
| Wendt | Wenthe | Wessel-Kroeschell | Whitaker |
| Whitead | Wiencek | Winckler | Windschitl |
| Wise | Worthan | Zirkelbach | Mr. Speaker Murphy |

The nays were, none.

Absent or not voting, none.

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

SENATE AMENDMENT CONSIDERED

Swaim of Davis called up for consideration [House File 2633](#), a bill for an act relating to business associations, by providing for limited liability companies and conversion involving corporations, providing fees and penalties, and providing an effective date, amended by the Senate, and moved that the House concur in the following Senate amendment [H-8551](#):

[H-8551](#)

- 1 Amend [House File 2633](#), as passed by the House, as
- 2 follows:

- 3 1. Page 1, by striking lines 25 through 27.
- 4 2. Page 2, by inserting after line 6 the
- 5 following:
- 6 "____. "Domestic cooperative" means an entity
- 7 organized on a cooperative basis under chapter 497,
- 8 498, or 499 or a cooperative organized under chapter
- 9 501 or 501A."
- 10 3. Page 11, line 28, by striking the words "A
- 11 operating" and inserting the following: "An
- 12 operating".
- 13 4. Page 12, lines 17 and 18, by striking the
- 14 words "as follows" and inserting the following: ",
- 15 the following rules apply".
- 16 5. Page 16, line 10, by striking the word
- 17 "corporation" and inserting the following: "limited
- 18 liability company".
- 19 6. Page 16, line 29, by striking the figure
- 20 "489.110" and inserting the following: "489.112".
- 21 7. Page 29, line 8, by inserting after the word
- 22 "becomes" the following: "a".
- 23 8. Page 44, line 7, by striking the figure "2"
- 24 and inserting the following: "3".
- 25 9. Page 49, line 33, by striking the word
- 26 "transferree" and inserting the following:
- 27 "transferee".
- 28 10. Page 51, line 10, by striking the word
- 29 "applies" and inserting the following: "apply".
- 30 11. Page 54, line 15, by inserting after the word
- 31 "due" the following: "to".
- 32 12. By striking page 65, line 3, through page 66,
- 33 line 26.
- 34 13. Page 82, line 30, by inserting after the word
- 35 "podiatry," the following: "real estate brokerage,".
- 36 14. Page 89, line 26, by striking the word
- 37 "account" and inserting the following: "accountant".
- 38 15. Page 92, line 7, by striking the word
- 39 "limited" and inserting the following: "professional
- 40 limited".
- 41 16. Page 101, line 9, by striking the word "'a",
- 42 and inserting the following: "'a'".
- 43 17. Page 104, line 35, by striking the figure
- 44 "10" and inserting the following: "12".
- 45 18. Page 106, line 11, by striking the word "OR"
- 46 and inserting the following: "ON".
- 47 19. Page 106, line 33, by inserting after the
- 48 word "conversion." the following: "The notice shall
- 49 include or be accompanied by a copy of the organic
- 50 documents as they will be in effect immediately after

Page 2

1 the conversion."

- 2 20. Page 107, line 27, by striking the word
 3 "entity" and inserting the following: "entity".
 4 21. Page 110, line 4, by striking the words and
 5 figure "as provided in section 490.1112".
 6 22. Page 114, line 35, by striking the word
 7 "corporation" and inserting the following:
 8 "~~corporation~~ company".
 9 23. Page 118, line 12, by striking the figure
 10 "289.108" and inserting the following: "489.108".
 11 24. By renumbering as necessary.

The motion prevailed and the House concurred in the Senate amendment [H-8551](#).

Swaim of Davis moved that the bill, as amended by the Senate and concurred in by the House, be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" ([H.F. 2633](#))

The ayes were, 100:

| | | | |
|-------------|------------------|-------------------|-----------------------|
| Abdul-Samad | Alons | Anderson | Arnold |
| Bailey | Baudler | Bell | Berry |
| Boal | Bukta | Chambers | Clute |
| Cohoon | Dandekar | Davitt | De Boef |
| Deyoe | Dolecheck | Drake | Foege |
| Ford | Forristall | Frevert | Gaskill |
| Gayman | Gipp | Granzow | Grassley |
| Greiner | Heaton | Heddens | Hoffman |
| Horbach | Hunter | Huseman | Huser |
| Jacobs | Jacoby | Jochum | Kaufmann |
| Kelley | Kressig | Kuhn | Lensing |
| Lukan | Lykam | Mascher | May |
| McCarthy | Mertz | Miller, H. | Miller, L. |
| Oldson | Olson, D. | Olson, R. | Olson, S. |
| Olson, T. | Palmer | Paulsen | Petersen |
| Pettengill | Quirk | Raecker | Rants |
| Rasmussen | Rayhons | Reasoner | Reichert |
| Roberts | Sands | Schickel | Schueller |
| Shomshor | Smith | Soderberg | Staed |
| Struyk | Swaim | Taylor, D. | Taylor, T. |
| Thomas | Tjepkes | Tomenga | Tymeson |
| Upmeyer | Van Engelenhoven | Van Fossen | Watts |
| Wendt | Wenthe | Wessel-Kroeschell | Whitaker |
| Whitead | Wiencek | Winckler | Windschitl |
| Wise | Worthan | Zirkelbach | Mr. Speaker Murphy |

The nays were, none.

Absent or not voting, none.

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

SENATE AMENDMENT CONSIDERED

Bell of Jasper called up for consideration [House File 2612](#), a bill for an act relating to natural resources, including by providing for the powers and duties of the department's director and natural resource commission, and the regulation of public lands and outdoor recreation, providing for fees, providing for penalties and making penalties applicable, amended by the Senate amendment [H-8552](#):

[H-8552](#)

1 Amend [House File 2612](#), as amended, passed, and
2 reprinted by the House, as follows:
3 1. Page 1, by inserting after line 18 the
4 following:

5 "Sec. ____ Section 455A.20, subsection 1,
6 paragraph e, Code 2007, is amended to read as follows:

7 e. (1) A representative of each of the following
8 entities:

9 (a) A historic preservation commission or similar
10 entity established by a county or city in the county.

11 (b) A private organization that provides
12 recognition and protection for the historic buildings,
13 structures, sites, and districts in a county or a city
14 in the county.

15 (c) A historic museum or organization that
16 maintains a collection of documents relating to the
17 history of a county or a city in the county.

18 (2) A representative shall be appointed by the
19 county's board of supervisors. If the board appoints
20 a person representing an entity established by a city
21 in the county, the board shall consult with the city
22 authority that established the entity.

23 e. f. If a question arises as to whether a
24 recognized county organization exists under paragraph
25 "c" or "d", the question shall be decided by a
26 majority vote of the members selected under paragraphs
27 "a" and "b", excluding the representative of the
28 county conservation board. Sections 69.16 and 69.16A
29 do not apply to appointments made pursuant to this
30 subsection."

31 2. Page 1, line 20, by inserting before the word

32 "RIDING" the following: "OPERATION OF ALL-TERRAIN
33 VEHICLES AND".

34 3. Page 1, by inserting after line 24 the
35 following:

36 "Sec. _____. Section 321I.14, subsection 3, Code
37 Supplement 2007, is amended to read as follows:

38 3. a. A person shall not operate an all-terrain
39 vehicle with more persons on the vehicle than it was
40 designed to carry.

41 b. Paragraph "a" does not apply to a person who
42 operates an all-terrain vehicle as part of a farm
43 operation as defined in section 352.2."

44 4. Page 4, by inserting after line 35 the
45 following:

46 "DIVISION _____
47 WATER SAFETY

48 Sec. _____. Section 462A.12, Code Supplement 2007,
49 is amended by adding the following new subsection:

50 NEW SUBSECTION. 15. A person shall not operate a

Page 2

1 vessel on the waters of this state under the
2 jurisdiction of the commission unless every person on
3 board the vessel who is under thirteen years of age is
4 wearing a type I, II, III, or V personal flotation
5 device, including "float coats" that meet this
6 definition, that is approved by the United States
7 coast guard, while the vessel is under way. This
8 subsection does not apply when the person under
9 thirteen years of age is in an enclosed cabin or below
10 deck, or is a passenger on a commercial vessel with a
11 passenger capacity of twenty-five persons or more.

12 Sec. _____. WARNING CITATIONS – TWELVE-MONTH
13 PERIOD. During the twelve-month period beginning on
14 the effective date of section 462A.12, subsection 15,
15 as enacted in this division of this Act, peace
16 officers shall issue only warning citations for a
17 violation of such subsection.

18 Sec. _____. EFFECTIVE DATE. This division of this
19 Act, being deemed of immediate importance, takes
20 effect upon enactment."

21 5. By striking page 10, line 22, through page 11,
22 line 1.

23 6. Title page, line 3, by inserting after the
24 word "lands" the following: ", waters,".

25 7. Title page, line 5, by inserting after the
26 word "applicable" the following: "and providing an
27 effective date".

28 8. By renumbering, relettering, or redesignating
29 and correcting internal references as necessary.

Baudler of Adair asked and received unanimous consent to withdraw amendment [H-8556](#), to the Senate amendment [H-8552](#), filed by him from the floor.

Baudler of Adair offered the following amendment [H-8564](#), to the Senate amendment [H-8552](#), filed by him from the floor and moved its adoption:

[H-8564](#)

- 1 Amend the Senate amendment, [H-8552](#), to House File
- 2 2612, as amended, passed, and reprinted by the House,
- 3 as follows:
- 4 1. Page 1, line 49, by striking the word
- 5 "subsection" and inserting the following:
- 6 "subsections".
- 7 2. Page 2, by inserting after line 11 the
- 8 following:
- 9 "NEW SUBSECTION. 16. A person shall not operate a
- 10 vessel while alone on the waters of this state under
- 11 the jurisdiction of the commission unless the person
- 12 is wearing a type I, II, III, or V personal flotation
- 13 device, including a "float coat" that meets this
- 14 definition, that is approved by the United States
- 15 coast guard, while the vessel is under way."
- 16 3. By renumbering as necessary.

Amendment [H-8564](#) lost.

Horbach of Tama offered the following amendment [H-8565](#), to the Senate amendment [H-8552](#), filed by him from the floor and moved its adoption:

[H-8565](#)

- 1 Amend the Senate amendment, [H-8552](#), to House File
- 2 2612, as amended, passed, and reprinted by the House
- 3 as follows:
- 4 1. Page 2, line 3, by striking the word
- 5 "thirteen" and inserting the following: "six".
- 6 2. Page 2, line 9, by striking the word
- 7 "thirteen" and inserting the following: "six".

A non-record roll call was requested.

The ayes were 41, nays 52.

Amendment [H-8565](#) lost.

Baudler of Adair offered the following amendment [H-8561](#), to the Senate amendment [H-8552](#), filed by him from the floor and moved its adoption:

[H-8561](#)

- 1 Amend the Senate amendment, [H-8552](#), to House File
 2 2612, as amended, passed, and reprinted by the House,
 3 as follows:
 4 1. Page 1, line 49, by striking the word
 5 "subsection" and inserting the following:
 6 "subsections".
 7 2. Page 2, by inserting after line 11 the
 8 following:
 9 "NEW SUBSECTION. 16. An operator of a motorboat
 10 or sailboat on the navigable waters of this state or a
 11 passenger on such a vessel shall not possess on the
 12 vessel an open or unsealed bottle, can, jar, or other
 13 receptacle containing an alcoholic beverage."
 14 3. By renumbering as necessary.

A non-record roll call was requested.

The ayes were 46, nays 50.

Amendment [H-8561](#) lost.

On motion by Bell of Jasper the House concurred in the Senate amendment [H-8552](#).

Bell of Jasper moved that the bill, as amended by the Senate and concurred in by the House, be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" ([H.F. 2612](#))

The ayes were, 100:

| | | | |
|-------------|------------|----------|----------|
| Abdul-Samad | Alons | Anderson | Arnold |
| Bailey | Baudler | Bell | Berry |
| Boal | Bukta | Chambers | Clute |
| Cohoon | Dandekar | Davitt | De Boef |
| Deyoe | Dolecheck | Drake | Foege |
| Ford | Forristall | Frevert | Gaskill |
| Gayman | Gipp | Granzow | Grassley |
| Greiner | Heaton | Heddens | Hoffman |
| Horbach | Hunter | Huseman | Huser |

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

The nays were, none.

Absent or not voting, none.

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

IMMEDIATE MESSAGES

McCarthy of Polk asked and received unanimous consent that the following bills be immediately messaged to the Senate: **House Files 2266, 2612 and 2633.**

Unfinished Business Calendar

[Senate File 517](#), a bill for an act relating to the state building code by providing for training, administration, and enforcement of energy conservation requirements, with report of committee recommending amendment and passage, was taken up for consideration.

Reichert of Muscatine asked and received unanimous consent to withdraw amendment [H-1628](#) filed by the committee on commerce on April 9, 2007, placing out of order amendment [H-2017](#) filed by Reichert of Muscatine on April 25, 2007.

Reichert of Muscatine offered amendment [H-8348](#) filed by the committee on commerce as follows:

[H-8348](#)

1 Amend [Senate File 517](#), as amended, passed, and
2 reprinted by the Senate, as follows:

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

5 "Section 1. Section 8.60, subsection 15, Code
6 2007, is amended by striking the subsection.

7 Sec. 2. Section 12.28, subsection 6, Code 2007, is
8 amended to read as follows:

9 6. The maximum principal amount of financing
10 agreements which the treasurer of state can enter into
11 shall be one million dollars per state agency in a
12 fiscal year, subject to the requirements of section
13 8.46. For the fiscal year, the treasurer of state
14 shall not enter into more than one million dollars of
15 financing agreements per state agency, not considering
16 interest expense. However, the treasurer of state may
17 enter into financing agreements in excess of the one
18 million dollar per agency per fiscal year limit if a
19 constitutional majority of each house of the general
20 assembly, or the legislative council if the general
21 assembly is not in session, and the governor,
22 authorize the treasurer of state to enter into
23 additional financing agreements above the one million
24 dollar authorization contained in this section. The
25 treasurer of state shall not enter into a financing
26 agreement for real or personal property which is to be
27 constructed for use as a prison or prison-related
28 facility without prior authorization by a
29 constitutional majority of each house of the general
30 assembly and approval by the governor of the use,
31 location, and maximum cost, not including interest
32 expense, of the real or personal property to be
33 financed. However, financing agreements for an energy
34 conservation measure, as defined in section 7D.34, for
35 an energy management improvement, as defined in
36 section 473.19, or for costs associated with projects
37 under section 473.13A, are exempt from the provisions
38 of this subsection, but are subject to the
39 requirements of section 7D.34 ~~or 473.20A~~. In
40 addition, financing agreements funded through the
41 materials and equipment revolving fund established in
42 section 307.47 are exempt from the provisions of this
43 subsection.

44 Sec. 3. Section 103A.3, Code 2007, is amended by
45 adding the following new subsection:

46 NEW SUBSECTION. 23. "Sustainable design" means

47 construction design intended to minimize negative
 48 environmental impacts and to promote the health and
 49 comfort of building occupants including but not
 50 limited to measures to reduce consumption of

Page 2

1 nonrenewable resources, minimize waste, and create
 2 healthy, productive environments.

3 Sec. 4. Section 103A.7, subsection 6, Code 2007,
 4 is amended to read as follows:

5 6. The conservation of energy through thermal ~~and~~
 6 ~~lighting~~ efficiency standards for buildings intended
 7 for human occupancy ~~or use~~ and which are heated or
 8 cooled and lighting efficiency standards for buildings
 9 intended for human occupancy which are lighted.

10 Sec. 5. Section 103A.7, Code 2007, is amended by
 11 adding the following new subsection:

12 NEW SUBSECTION. 7. Standards for sustainable
 13 design, also known and referred to as green building
 14 standards.

15 Sec. 6. Section 103A.8, subsections 7 and 8, Code
 16 2007, are amended to read as follows:

17 7. Limit the application of thermal efficiency
 18 standards for energy conservation to ~~new~~ construction
 19 of buildings which will incorporate a heating or
 20 cooling system are heated or cooled. Air exchange
 21 fans designed to provide ventilation shall not be
 22 considered a cooling system. The commissioner shall
 23 exempt any ~~new~~ construction from any thermal
 24 efficiency ~~standards~~ standard for energy conservation
 25 if the commissioner determines that the ~~standards are~~
 26 standard is unreasonable as they apply it would apply
 27 to a particular building or class of buildings
 28 including farm buildings for livestock use. No
 29 standard adopted by the commissioner for energy
 30 conservation in construction shall be interpreted to
 31 require the replacement or modification of any
 32 existing equipment or feature solely to ensure
 33 compliance with requirements for energy conservation
 34 in construction. Lighting efficiency standards shall
 35 recognize variations in lighting intensities required
 36 for the various tasks performed within the building.
 37 The commissioner shall consult with the department of
 38 natural resources regarding standards for energy
 39 conservation prior to the adoption of the standards.
 40 However, the standards shall be consistent with
 41 section 103A.8A.

42 8. Facilitate the development and use of ~~sole~~
 43 renewable energy.

44 Sec. 7. Section 103A.8A, Code 2007, is amended to
 45 read as follows:

46 103A.8A ENERGY CONSERVATION REQUIREMENTS.
47 The state building code commissioner shall adopt as
48 a part of the state building code a requirement that
49 new single-family or two-family residential
50 construction shall comply with energy conservation

Page 3

1 requirements. The requirements adopted by the
2 commissioner shall be based upon a nationally
3 recognized standard or code for energy conservation.
4 The requirements shall only apply to single-family or
5 two-family residential construction commenced after
6 the adoption of the requirements. ~~This chapter shall
7 not be construed to prohibit a governmental
8 subdivision from adopting or enacting a minimum energy
9 standard which is substantially in accordance and
10 consistent with energy codes and standards developed
11 by a nationally recognized organization in effect on
12 or after July 1, 2002. A governmental subdivision
13 that adopts or enacts a minimum energy standard which
14 is substantially in accordance and consistent with
15 energy codes and standards developed by a nationally
16 recognized organization shall adopt or enact any
17 update or revision to the energy codes and standards.~~
18 Notwithstanding any other provision of this chapter to
19 the contrary, the energy conservation requirements
20 adopted by the commissioner and approved by the
21 council shall apply to new single-family or two-family
22 residential construction commenced on or after July 1,
23 2008, and shall supersede and replace any minimum
24 requirements for energy conservation adopted or
25 enacted by the governmental subdivision prior to that
26 date applicable to such construction. The state
27 building code commissioner may provide training to
28 builders, contractors, and other interested persons on
29 the adopted energy conservation requirements.
30 Sec. 8. NEW SECTION. 103A.8B SUSTAINABLE DESIGN
31 OR GREEN BUILDING STANDARDS.
32 The commissioner, after consulting with and
33 receiving recommendations from the department of
34 natural resources and the office of energy
35 independence, shall adopt rules pursuant to chapter
36 17A specifying standards and requirements for
37 sustainable design and construction based upon or
38 incorporating nationally recognized ratings,
39 certifications, or classification systems, and
40 procedures relating to documentation of compliance.
41 The standards and requirements shall be incorporated
42 into rules implementing the provisions of the state
43 building code established in section 103A.7 and shall
44 be applicable to construction projects specified in

45 the state building code, projects as specified in
 46 other statutory provisions, or as established by other
 47 state agencies by rule.
 48 Sec. 9. Section 103A.10, subsection 4, paragraphs
 49 a and b, Code Supplement 2007, are amended to read as
 50 follows:

Page 4

1 a. Provisions of the state building code
 2 establishing thermal efficiency energy conservation
 3 standards shall be applicable to all ~~new~~ construction
 4 ~~owned by the state, an agency of the state or a~~
 5 ~~political subdivision of the state, to all new~~
 6 ~~construction located in a governmental subdivision~~
 7 ~~which has adopted either the state building code or a~~
 8 ~~local building code or compilation of requirements for~~
 9 ~~building construction and to all other new~~
 10 construction in the state which will contain ~~more than~~
 11 ~~one hundred thousand cubic feet~~ of enclosed space that
 12 is heated or cooled. The commissioner shall provide
 13 appropriate exceptions for construction where the
 14 application of an energy conservation requirement
 15 adopted pursuant to this chapter would be impractical.

16 b. Provisions of the state building code
 17 establishing lighting efficiency standards shall be
 18 applicable to all ~~new~~ construction ~~owned by the state,~~
 19 ~~an agency of the state or a political subdivision of~~
 20 ~~the state and to all new construction, in the state,~~
 21 ~~of buildings which are open to the general public~~
 22 ~~during normal business hours and to new and~~
 23 ~~replacement lighting in existing buildings.~~

24 Sec. 10. Section 103A.10, subsection 5, Code
 25 Supplement 2007, is amended by striking the subsection
 26 and inserting in lieu thereof the following:

27 5. Notwithstanding any other provision of this
 28 chapter to the contrary, the energy conservation
 29 requirements adopted by the commissioner and approved
 30 by the council shall apply to all new construction
 31 commenced on or after July 1, 2008, and shall
 32 supersede and replace any minimum requirements for
 33 energy conservation adopted or enacted by the
 34 governmental subdivision prior to that date and
 35 applicable to such construction.

36 Sec. 11. Section 103A.10A, subsections 1 and 2,
 37 Code Supplement 2007, are amended to read as follows:

38 1. ~~Beginning on January 1, 2007, all~~ All newly
 39 constructed buildings or structures subject to the
 40 state building code, excluding including any addition,
 41 but excluding any renovation, or repair of a building
 42 or structure, ~~whether existing prior to January 1,~~
 43 ~~2007, or thereafter, that are owned by the state or an~~

44 agency of the state, except as provided in subsection
45 2, shall be subject to a plan review and inspection by
46 the commissioner or an independent building inspector
47 appointed by the commissioner. A fee shall be
48 assessed for the cost of plan review and the cost of
49 inspection. The commissioner may inspect an existing
50 building that is undergoing renovation or remodeling

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1 to enforce the energy conservation requirements
2 established under this chapter.
3 2. ~~Beginning on July 1, 2007, all All newly~~
4 ~~constructed buildings, excluding including any~~
5 ~~addition, but excluding any renovation, or repair of~~
6 ~~building, whether existing prior to July 1, 2007, or~~
7 ~~thereafter, that are~~ owned by the state board of
8 regents shall be subject to a plan review and
9 inspection by the commissioner or the commissioner's
10 staff or assistant. ~~The commissioner and the state~~
11 ~~board of regents shall develop a plan to implement the~~
12 ~~requirements of this subsection, including funding~~
13 ~~recommendations related to plan review and inspection,~~
14 ~~by March 1, 2007. The commissioner may inspect an~~
15 existing building that is undergoing renovation or
16 remodeling to enforce the energy conservation
17 requirements established under this chapter.

18 Sec. 12. Section 103A.19, subsection 1, Code
19 Supplement 2007, is amended to read as follows:
20 1. The examination and approval or disapproval of
21 plans and specifications, the issuance and revocation
22 of building permits, licenses, certificates, and
23 similar documents, the inspection of buildings or
24 structures, and the administration and enforcement of
25 building regulations shall be the responsibility of
26 the governmental subdivisions of the state and shall
27 be administered and enforced in the manner prescribed
28 by local law or ordinance. All provisions of law
29 relating to the administration and enforcement of
30 local building regulations in any governmental
31 subdivision shall be applicable to the administration
32 and enforcement of the state building code in the
33 governmental subdivision. An application made to a
34 local building department or to a state agency for
35 permission to construct a building or structure
36 pursuant to the provisions of the state building code
37 shall, in addition to any other requirement, be signed
38 by the owner or the owner's authorized agent, and
39 shall contain the address of the owner, and a
40 statement that the application is made for permission
41 to construct in accordance with the provisions of the
42 code. The application shall also specifically include

43 a statement that the construction will be in
 44 accordance with all applicable energy conservation
 45 requirements.

46 Sec. 13. Section 103A.22, subsection 1, Code 2007,
 47 is amended to read as follows:

48 1. Nothing in this chapter shall be construed as
 49 prohibiting any governmental subdivision from adopting
 50 or enacting any building regulations relating to any

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1 building or structure within its limits, but a
 2 governmental subdivision in which the state building
 3 code has been accepted and is applicable shall not
 4 have the power to supersede, void, or repeal or make
 5 more restrictive any of the provisions of this chapter
 6 or of the rules adopted by the commissioner. This
 7 subsection shall not apply to energy conservation
 8 requirements adopted by the commissioner and approved
 9 by the council pursuant to section 103A.8A or 103A.10.

10 Sec. 14. Section 216A.102, subsection 2, paragraph
 11 b, Code 2007, is amended by striking the paragraph.

12 Sec. 15. Section 266.39C, subsection 3, Code 2007,
 13 is amended to read as follows:

14 3. Iowa state university of science and technology
 15 shall employ a director for the center, who shall be
 16 appointed by the president of Iowa state university of
 17 science and technology. The director of the center
 18 shall employ necessary research and support staff.
 19 The director and staff shall be employees of Iowa
 20 state university of science and technology. ~~No more~~
 21 ~~than seven hundred thousand dollars of the funds made~~
 22 ~~available by appropriation from state revenues in any~~
 23 ~~one year shall be expended by the center for the~~
 24 ~~salaries and benefits of the employees of the center,~~
 25 ~~including the salary and benefits of the director.~~
 26 ~~The limit on expenditures for salaries and benefits~~
 27 ~~shall be adjusted annually by a percentage equal to~~
 28 ~~the average percentage salary adjustment approved~~
 29 ~~annually by the state board of regents for~~
 30 ~~professional and scientific employees at Iowa state~~
 31 ~~university of science and technology. The remainder~~
 32 ~~of the funds appropriated from state funds~~ Funds
 33 appropriated to the center shall be used to sponsor
 34 research grants and projects submitted on a
 35 competitive basis by Iowa colleges and universities
 36 and private nonprofit agencies and foundations, and
 37 for the salaries and benefits of the employees of the
 38 center. The center may also solicit additional grants
 39 and funding from public and private nonprofit agencies
 40 and foundations.

41 Sec. 16. Section 388.9, subsection 2, Code 2007,

42 is amended by adding the following new unnumbered
43 paragraph:
44 NEW UNNUMBERED PARAGRAPH. For purposes of this
45 subsection, "proprietary information" includes
46 customer records that if disclosed would harm the
47 competitive position of a customer; or information
48 required by a noncustomer contracting party to be kept
49 confidential pursuant to a nondisclosure agreement
50 which relates to electric transmission planning and

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1 construction, critical energy infrastructure, an
2 ownership interest or acquisition of an ownership
3 interest in an electric generating facility, or other
4 information made confidential by law or rule.
5 Sec. 17. Section 455E.11, subsection 2, paragraph
6 e, Code 2007, is amended by striking the paragraph.
7 Sec. 18. Section 473.1, Code 2007, is amended by
8 adding the following new subsections:
9 NEW SUBSECTION. 0A. "Alternative and renewable
10 energy" means the same as in section 469.31.
11 NEW SUBSECTION. 4A. "Renewable fuel" means the
12 same as in section 469.31.
13 Sec. 19. Section 473.1, subsection 5, Code 2007,
14 is amended to read as follows:
15 5. "Supplier" means any person engaged in the
16 business of selling, importing, storing, or generating
17 energy sources, alternative and renewable energy, or
18 renewable fuel in Iowa.
19 Sec. 20. Section 473.2, subsection 1, paragraph a,
20 Code 2007, is amended to read as follows:
21 a. Physical, human, natural, and financial
22 resources are allocated efficiently.
23 Sec. 21. Section 473.3, Code 2007, is amended to
24 read as follows:
25 473.3 ENERGY ~~EFFICIENCY RESOURCE MANAGEMENT GOAL.~~
26 1. The goal of this state is to ~~more~~ more efficiently
27 utilize energy resources, ~~especially those that are~~
28 ~~nonrenewable or that have negative environmental~~
29 ~~impacts, in order~~ to enhance the economy of the state
30 ~~and to decrease by decreasing~~ the state's dependence
31 on ~~nonrenewable~~ energy resources from outside the
32 state and by reducing the amount of energy used. This
33 goal is to be implemented through the development of
34 policies and programs that promote energy efficiency,
35 and energy conservation, and alternative and renewable
36 energy use by all Iowans, through the development and
37 enhancement of an energy efficiency and alternative
38 and renewable energy industry, through the ~~development~~
39 ~~of indigenous commercialization of~~ energy resources
40 and technologies that are economically and

41 environmentally viable, and through the development
 42 and implementation of effective public information and
 43 education programs.

44 2. State government shall be a model and testing
 45 ground for the use of energy efficiency, energy
 46 conservation, and alternative and renewable energy
 47 systems.

48 Sec. 22. Section 473.7, subsections 2 and 3, Code
 49 Supplement 2007, are amended by striking the
 50 subsections.

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1 Sec. 23. Section 473.7, subsections 4, 5, 11, 12,
 2 and 14, Code Supplement 2007, are amended to read as
 3 follows:

4 4. a. ~~Establish a central depository within the~~
 5 ~~state for energy data. The central depository shall~~
 6 ~~be located at or accessible through a library which is~~
 7 ~~a member of an interlibrary loan program to facilitate~~
 8 ~~access to the data and information contained in the~~
 9 ~~central depository. The department shall collect and ~~~
 10 analyze data necessary to forecast to use in
 11 forecasting future energy demands in demand and supply
 12 for the state. The department may require a A
 13 supplier is required to provide information pertaining
 14 to the supply, storage, distribution, and sale of
 15 energy sources in this state when requested by the
 16 department. The information shall be furnished on a
 17 periodic basis, shall be of a nature which directly
 18 relates to the supply, storage, distribution, and sale
 19 of energy sources, and shall not include any records,
 20 documents, books, or other data which relate to the
 21 financial position of the supplier. ~~Provided the~~ The
 22 department, prior to requiring any supplier to furnish
 23 it with such information, shall make every reasonable
 24 effort to determine if ~~the same~~ such information is
 25 available from any other governmental source. If it
 26 finds such information is available, the department
 27 shall not require submission of the ~~same~~ information
 28 from a supplier. Notwithstanding the provisions of
 29 chapter 22, information and reports obtained under
 30 this section shall be confidential except when used
 31 for statistical purposes without identifying a
 32 specific supplier and when release of the information
 33 will not give an advantage to competitors and serves a
 34 public purpose. The department shall use this data to
 35 conduct energy forecasts ~~which shall be included in~~
 36 the biennial update required by this section.

37 b. The department may subpoena witnesses,
 38 administer oaths, and require the production of
 39 records, books, and documents for examination in order

40 to obtain information required to be submitted under
41 this section. In case of failure or refusal on the
42 part of any person to comply with a subpoena issued by
43 the department, or in case of the refusal of any
44 witness to testify as to any matter regarding which
45 the witness may be interrogated under this chapter,
46 the district court, upon the application of the
47 department, may order the person to show cause why the
48 person should not be held in contempt for failure to
49 testify or comply with a subpoena, and may order the
50 person to produce the records, books, and documents

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1 for examination, and to give testimony. The courts
2 may punish for contempt as in the case of disobedience
3 to a like subpoena issued by the court, or for refusal
4 to testify.

5 5. Develop, recommend, and implement with
6 appropriate agencies public and professional education
7 and communication programs in energy efficiency,
8 energy conservation, and conversion to ~~alternative~~
9 ~~sources of energy~~ alternative and renewable energy.

10 11. Develop, in coordination with the office of
11 energy independence, a program to annually give public
12 recognition to innovative methods of energy
13 conservation, ~~energy management, and alternative and~~
14 ~~renewable energy production~~.

15 12. Administer and coordinate, in coordination
16 with the office of energy independence, federal funds
17 for energy conservation, energy management, and
18 alternative and renewable energy programs ~~including,~~
19 ~~but not limited to, the institutional conservation~~
20 ~~program, state energy conservation program, and energy~~
21 ~~extension service program, and related programs which~~
22 ~~provide energy management and conservation assistance~~
23 ~~to schools, hospitals, health care facilities,~~
24 ~~communities, and the general public~~.

25 14. ~~Perform~~ Provide information from monthly fuel
26 surveys which establish a statistical average of motor
27 fuel prices for various motor fuels provided
28 throughout the state. Additionally, the department
29 shall ~~perform~~ provide statewide monthly fuel surveys
30 ~~in cities with populations of over fifty thousand~~
31 survey information which establish a statistical
32 average of motor fuel prices for various motor fuels
33 provided in ~~those individual cities~~ both metropolitan
34 and rural areas of the state. The survey results
35 shall be publicized in a monthly press release issued
36 by the department.

37 Sec. 24. Section 473.15, Code 2007, is amended to
38 read as follows:

39 473.15 ANNUAL REPORT.

40 The department shall ~~include in the complete an~~
 41 ~~annual report required under section 455A.4 an~~
 42 ~~assessment of~~ to assess the progress achieved by
 43 ~~public agencies of state agencies~~ in implementing
 44 energy management improvements, alternative and
 45 renewable energy systems, and life cycle cost analyses
 46 under chapter 470, and on the use of renewable fuels.
 47 The department shall work with state agencies and with
 48 any entity, agency, or organization with which they
 49 are associated or involved in such implementation, to
 50 use available information to minimize the cost of

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1 preparing the report. The department shall also
 2 provide an assessment of the economic and
 3 environmental impact of the progress made by state
 4 agencies related to energy management and alternative
 5 and renewable energy, along with recommendations on
 6 technological opportunities and policies necessary for
 7 continued improvement in these areas.

8 Sec. 25. Section 473.19, Code 2007, is amended to
 9 read as follows:

10 473.19 ENERGY BANK PROGRAM.

11 1. The energy bank program is established by the
 12 department. The energy bank program consists of the
 13 following forms of assistance for the state, state
 14 agencies, political subdivisions of the state, school
 15 districts, area education agencies, community
 16 colleges, and nonprofit organizations:

17 1. a. Promoting program availability.

18 b. Developing or identifying guidelines and model
 19 energy techniques for the completion of energy
 20 analyses for state agencies, political subdivisions of
 21 the state, school districts, area education agencies,
 22 community colleges, and nonprofit organizations.

23 c. Providing moneys from the petroleum overcharge
 24 fund technical assistance for conducting or evaluating
 25 energy audits analyses for school districts under
 26 section 270.44, for conducting comprehensive
 27 engineering analyses for school districts and for
 28 conducting energy audits and comprehensive engineering
 29 analyses for state agencies, and political
 30 subdivisions of the state agencies, political
 31 subdivisions of the state, school districts, area
 32 education agencies, community colleges, and nonprofit
 33 organizations.

34 2. d. Providing or facilitating loans, leases,
 35 and other methods of alternative financing from under
 36 the energy loan fund established in section 473.20 and
 37 section 473.20A program for the state, state agencies,

38 political subdivisions of the state, school districts,
 39 area education agencies, community colleges, and
 40 nonprofit organizations to implement energy
 41 ~~conservation measures management improvements or~~
 42 ~~energy analyses.~~
 43 ~~3. Serving as a source of technical support for~~
 44 ~~energy conservation management.~~
 45 4. ~~e.~~ Providing assistance for obtaining
 46 insurance on the energy savings expected to be
 47 realized from the implementation of energy
 48 ~~conservation measures management improvements.~~
 49 ~~5. f. Providing Facilitating~~ self-liquidatin g
 50 financing for the state, state agencies, political

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1 subdivisions of the state, school districts, area
 2 education agencies, community colleges, and nonprofit
 3 organizations pursuant to section 473.20A.
 4 g. Assisting the treasurer of state with financing
 5 agreements entered into by the treasurer of state on
 6 behalf of state agencies to finance energy management
 7 improvements pursuant to section 12.28.
 8 2. For the purpose of this section, section
 9 473.20, and section 473.20A, "energy ~~conservation~~
 10 ~~measure~~" management improvement" means construction,
 11 rehabilitation, acquisition, or modification of an
 12 installation in a facility or vehicle which is
 13 intended to reduce energy consumption, or energy
 14 costs, or both, or allow the use of ~~an alternative~~
 15 energy source, which may contain integral alternative
 16 and renewable energy. "Energy management improvement"
 17 may include control and measurement devices.
 18 "Nonprofit organization" means an organization exempt
 19 from federal income taxation under section 501(c)(3)
 20 of the Internal Revenue Code.
 21 3. The department shall submit a report by January
 22 1 annually to the governor and the general assembly
 23 detailing services provided and assistance rendered
 24 pursuant to the energy bank program and pursuant to
 25 sections 473.20 and 473.20A, and receipts and
 26 disbursements in relation to the energy bank fund
 27 created in section 473.19A.
 28 4. Moneys awarded or allocated to the state, its
 29 citizens, or its political subdivisions as a result of
 30 the federal court decisions and United States
 31 department of energy settlements resulting from
 32 alleged violations of federal petroleum pricing
 33 regulations attributable to or contained within the
 34 Stripper Well fund shall be allocated to and remain
 35 under the control of the department for utilization
 36 for energy program-related staff support purposes.

37 Sec. 26. NEW SECTION. 473.19A ENERGY BANK FUND.

38 1. The energy bank fund is created within the
39 state treasury under the control of the department, in
40 collaboration with the office of energy independence
41 established in section 469.2. The fund shall be used
42 for the operational expenses and administrative costs
43 incurred by the department in facilitating and
44 administering the energy bank program established in
45 section 473.19.

46 2. The energy bank fund shall consist of amounts
47 deposited into the fund or allocated from the
48 following sources:

49 a. Any moneys awarded or allocated to the state,
50 its citizens, or its political subdivisions as a

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1 result of the federal court decisions and United
2 States department of energy settlements resulting from
3 alleged violations of federal petroleum pricing
4 regulations attributable to or contained within the
5 Exxon fund. Amounts remaining in the oil overcharge
6 account established in section 455E.11, subsection 2,
7 paragraph "e", and the energy conservation trust
8 established in section 473.11, as of June 30, 2008,
9 shall be deposited into the energy bank fund pursuant
10 to this paragraph, notwithstanding section 8.60,
11 subsection 15.

12 b. (1) Moneys received in the form of fees
13 imposed upon the state, state agencies, political
14 subdivisions of the state, school districts, area
15 education agencies, community colleges, and nonprofit
16 organizations for services performed or assistance
17 rendered pursuant to the energy bank program. Fees
18 imposed pursuant to this paragraph shall be
19 established by the department in an amount
20 corresponding to the operational expenses or
21 administrative costs incurred by the department in
22 performing services or providing assistance authorized
23 pursuant to the energy bank program, as follows:

24 (a) For a building of up to twenty-five thousand
25 square feet, two thousand five hundred dollars.

26 (b) For a building in excess of twenty-five
27 thousand square feet, an additional eight cents per
28 square foot.

29 (c) A building that houses more energy intensive
30 functions may be subject to a higher fee than the fees
31 specified in subparagraphs (a) and (b) as determined
32 by the department.

33 (2) Any fees imposed shall be retained by the
34 department and are appropriated to the department for
35 purposes of providing the services or assistance under

36 the program.

37 c. Moneys appropriated by the general assembly and
38 any other moneys, including grants and gifts from
39 government and nonprofit organizations, available to
40 and obtained or accepted by the department for
41 placement in the fund.

42 d. Moneys contained in the intermodal revolving
43 loan fund administered by the department of
44 transportation for the fiscal year beginning July 1,
45 2019, and succeeding fiscal years.

46 e. Moneys in the fund are not subject to section
47 8.33. Notwithstanding section 12C.7, interest or
48 earnings on moneys in the fund shall be credited to
49 the fund.

50 3. The energy bank fund shall be limited to a

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1 maximum of one million dollars. Amounts in excess of
2 this maximum limitation shall be transferred to and
3 deposited in the rebuild Iowa infrastructure fund
4 created in section 8.57, subsection 6.

5 Sec. 27. Section 473.20, unnumbered paragraph 1,
6 Code 2007, is amended to read as follows:

7 An energy loan ~~fund program~~ is established ~~in the~~
8 ~~office of the treasurer of state to~~ and shall be
9 administered by the department.

10 Sec. 28. Section 473.20, subsections 1, 5, and 6,
11 Code 2007, are amended to read as follows:

12 1. The department may ~~make loans to the state,~~
13 ~~state agencies, facilitate the loan process for~~
14 political subdivisions of the state, school districts,
15 area education agencies, community colleges, and
16 nonprofit organizations for implementation of energy
17 ~~conservation measures~~ management improvements
18 identified in ~~a comprehensive engineering an energy~~
19 analysis. Loans shall be ~~made~~ facilitated for all
20 cost-effective energy management improvements. For
21 ~~the state, state agencies,~~ political subdivisions of
22 the state, school districts, area education agencies,
23 community colleges, and nonprofit organizations to
24 receive a loan ~~from the fund~~ assistance under the
25 program, the department shall require completion of an
26 energy management plan including an energy ~~audit and a~~
27 ~~comprehensive engineering~~ analysis. The department
28 shall approve loans ~~made~~ facilitated under this
29 section.

30 5. ~~The state, state agencies, political~~ Political
31 subdivisions of the state, school districts, area
32 education agencies, and community colleges shall
33 design and construct the most energy cost-effective
34 facilities feasible and ~~shall use the financing made~~

35 ~~available~~ may use financing facilitated by the
 36 department to cover the incremental costs above
 37 minimum building code energy efficiency standards of
 38 purchasing energy efficient devices and materials
 39 unless other lower cost financing is available. As
 40 used in this section, "facility" means a structure
 41 that is heated or cooled by a mechanical or electrical
 42 system, or any system of physical operation that
 43 consumes energy to carry out a process.

44 6. The department shall not require the state,
 45 state agencies, political subdivisions of the state,
 46 school districts, area education agencies, and
 47 community colleges to implement a specific energy
 48 ~~conservation measure~~ management improvement identified
 49 in ~~a comprehensive engineering~~ an energy analysis if
 50 the entity which prepared the analysis demonstrates to

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1 the department that the facility which is the subject
 2 of the energy ~~conservation measure~~ management
 3 improvement is unlikely to be used or operated for the
 4 full period of the expected savings payback of all
 5 costs associated with implementing the energy
 6 ~~conservation measure~~ management improvement, including
 7 without limitation, any fees or charges of the
 8 department, engineering firms, financial advisors,
 9 attorneys, and other third parties, and all financing
 10 costs including interest, if financed.

11 Sec. 29. Section 473.20, subsection 3, Code 2007,
 12 is amended by striking the subsection.

13 Sec. 30. Section 473.20A, Code 2007, is amended to
 14 read as follows:

15 473.20A SELF-LIQUIDATING FINANCING.

16 1. The department of natural resources may ~~enter~~
 17 ~~into~~ facilitate financing agreements that may be
 18 entered into with ~~the state, state agencies,~~ political
 19 subdivisions of the state, school districts, area
 20 education agencies, community colleges, or nonprofit
 21 organizations ~~in order to provide the financing to pay~~
 22 finance the costs of furnishing energy conservation
 23 ~~measures~~ management improvements on a self-liquidating
 24 basis. The provisions of section 473.20 defining
 25 eligible energy conservation measures and the method
 26 ~~of repayment of the loans~~ management improvements
 27 apply to financings under this section.

28 The financing agreement may contain provisions,
 29 including interest, term, and obligations to make
 30 payments on the financing agreement beyond the current
 31 budget year, as may be ~~agreed upon between the~~
 32 ~~department of natural resources and the state, state~~
 33 ~~agencies,~~ acceptable to political subdivisions of the

34 state, school districts, area education agencies,
 35 community colleges, or nonprofit organizations.
 36 ~~2. For the purpose of funding its obligation to~~
 37 ~~furnish moneys under the financing agreements, or to~~
 38 ~~fund the energy loan fund created in section 473.20,~~
 39 ~~the treasurer of state, with the assistance of the~~
 40 ~~department of natural resources, or the treasurer of~~
 41 ~~state's duly authorized agents or representatives, may~~
 42 ~~incur indebtedness or enter into master lease~~
 43 ~~agreements or other financing arrangements to borrow~~
 44 ~~to accomplish energy conservation measures, or the~~
 45 ~~department of natural resources may enter into master~~
 46 ~~lease agreements or other financing arrangements to~~
 47 ~~permit the state, state agencies, political~~
 48 ~~subdivisions of the state, school districts, area~~
 49 ~~education agencies, community colleges, or nonprofit~~
 50 ~~organizations to borrow sufficient funds to accomplish~~

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1 ~~the energy conservation measure. The obligations may~~
 2 ~~be in such form, for such term, bearing such interest~~
 3 ~~and containing such provisions as the department of~~
 4 ~~natural resources, with the assistance of the~~
 5 ~~treasurer of state, deems necessary or appropriate.~~
 6 ~~Funds remaining after the payment of all obligations~~
 7 ~~have been redeemed shall be paid into the energy loan~~
 8 ~~fund. The department shall assist the treasurer of~~
 9 ~~state with financing agreements entered into by the~~
 10 ~~treasurer of state on behalf of state agencies~~
 11 ~~pursuant to section 12.28 to finance energy management~~
 12 ~~improvements being implemented by state agencies.~~

13 ~~3. 2. The state, state agencies, political~~
 14 ~~Political subdivisions of the state, school districts,~~
 15 ~~area education agencies, community colleges, and~~
 16 ~~nonprofit organizations may enter into financing~~
 17 ~~agreements and issue obligations necessary to carry~~
 18 ~~out the provisions of the chapter. Chapter 75 shall~~
 19 ~~not be applicable.~~

20 Sec. 31. Section 476.46, subsection 2, paragraph
 21 d, subparagraph (2), Code 2007, is amended to read as
 22 follows:

23 (2) A facility shall be eligible for no more than
 24 ~~two hundred fifty thousand~~ one million dollars in
 25 loans outstanding at any time under this program.

26 Sec. 32. Sections 473.11, 473.13, 473.16, 473.17,
 27 473.42, and 473.44, Code 2007, are repealed.

28 Sec. 33. EFFECTIVE DATE. This Act, being deemed
 29 of immediate importance, takes effect upon enactment."

30 2. Title page, by striking lines 1 through 3 and
 31 inserting the following: "An Act relating to the
 32 development, management, and efficient use of energy

33 resources, making energy-related modifications to the
34 state building code, setting fees, making
35 appropriations, and providing an effective date."
36 3. By renumbering as necessary.

Reichert of Muscatine offered the following amendment [H-8504](#), to the committee amendment [H-8348](#), filed by him and moved its adoption:

[H-8504](#)

1 Amend the amendment, [H-8348](#), to [Senate File 517](#), as
2 amended, passed, and reprinted by the Senate, as
3 follows:
4 1. Page 3, by striking lines 41 through 47 and
5 inserting the following: "The standards and
6 requirements shall be incorporated into the state
7 building code established in section 103A.7, but in
8 lieu of general applicability shall apply to
9 construction projects only if such applicability is
10 expressly authorized by statute, or as established by
11 another state agency by rule."

Amendment [H-8504](#) was adopted.

Reichert of Muscatine offered the following amendment [H-8503](#), to the committee amendment [H-8348](#), filed by him and moved its adoption:

[H-8503](#)

1 Amend the amendment, [H-8348](#), to [Senate File 517](#), as
2 amended, passed, and reprinted by the Senate, as
3 follows:
4 1. Page 5, line 17, by inserting after the word
5 "chapter," the following: "The commissioner and the
6 state board of regents shall develop a plan to
7 implement this provision."

Amendment [H-8503](#) was adopted.

On motion by Reichert of Muscatine, the committee amendment [H-8348](#), as amended, was adopted.

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

On the question “Shall the bill pass?” ([S.F. 517](#))

The ayes were, 90:

| | | | |
|------------------|-------------------|------------|-----------|
| Abdul-Samad | Anderson | Arnold | Bailey |
| Bell | Berry | Bukta | Chambers |
| Clute | Cohoon | Dandekar | Davitt |
| Deyoe | Dolecheck | Drake | Foege |
| Ford | Forristall | Frevert | Gaskill |
| Gayman | Gipp | Granzow | Grassley |
| Heaton | Heddens | Hoffman | Hunter |
| Huseman | Huser | Jacobs | Jacoby |
| Jochum | Kaufmann | Kelley | Kressig |
| Kuhn | Lensing | Lukan | Lykam |
| Mascher | May | McCarthy | Mertz |
| Miller, H. | Miller, L. | Oldson | Olson, D. |
| Olson, R. | Olson, S. | Olson, T. | Palmer |
| Paulsen | Petersen | Pettengill | Quirk |
| Rants | Rasmussen | Reasoner | Reichert |
| Roberts | Sands | Schueller | Shomshor |
| Smith | Soderberg | Staed | Struyk |
| Swaim | Taylor, D. | Taylor, T. | Thomas |
| Tjepkes | Tomenga | Tymeson | Upmeyer |
| Van Engelenhoven | Van Fossen | Watts | Wendt |
| Wenthe | Wessel-Kroeschell | Whitaker | Whitead |
| Wiencek | Winckler | Wise | Worthan |
| Zirkelbach | Mr. Speaker | | |
| | Murphy | | |

The nays were, 10:

| | | | |
|----------|------------|---------|---------|
| Alons | Baudler | Boal | De Boef |
| Greiner | Horbach | Raecker | Rayhons |
| Schickel | Windschitl | | |

Absent or not voting, none.

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

[Senate File 2386](#), a bill for an act relating to the achievement of improved energy efficiency through the establishment of a commission on energy efficiency standards and practices, and providing for the periodic reporting of energy efficiency results and savings by gas and electric public utilities, with report of committee recommending amendment and passage, was taken up for consideration.

Reichert of Muscatine offered amendment [H-8349](#) filed by the committee on commerce as follows:

[H-8349](#)

1 Amend [Senate File 2386](#), as passed by the Senate, as
2 follows:

3 1. Page 1, by striking lines 20 and 21 and
4 inserting the following:

5 "g. Three individuals representing gas and
6 electric public utilities within this state, comprised
7 of one individual representing rural electric
8 cooperatives, one individual representing municipal
9 utilities, and one individual representing
10 investor-owned utilities."

11 2. Page 3, by inserting after line 13 the
12 following:

13 "Sec. ____. Section 469.4, subsection 4, Code
14 Supplement 2007, is amended by adding the following
15 new paragraph:

16 NEW PARAGRAPH. m. Perform a technical review of
17 the maximum cost-effective potential for renewable
18 energy generation by 2025, and formulate
19 recommendations for developing that potential."

20 3. Page 4, by inserting after line 11 following:

21 "Sec. ____. Section 476.6, subsection 16, Code
22 Supplement 2007, is amended by adding the following
23 new paragraphs:

24 NEW PARAGRAPH. bb. (1) Gas and electric
25 utilities that are not required to be rate-regulated
26 under this chapter shall assess potential energy and
27 capacity savings available from actual and projected
28 customer usage through cost-effective energy
29 efficiency measures and programs, taking into
30 consideration the utility service area's historic
31 energy load, its projected demand, its customer base,
32 and other relevant factors. Each utility shall
33 establish an energy efficiency goal based upon this
34 assessment of potential and shall establish
35 cost-effective energy efficiency programs designed to
36 meet the energy efficiency goal. Separate goals may
37 be established for various customer groupings.

38 (2) Energy efficiency programs shall include
39 activities conducted by a utility intended to enable
40 or encourage customers to increase the amount of heat,
41 light, cooling, motive power, or other forms of work
42 performed per unit of energy used. Energy efficiency
43 programs include activities which lessen the amount of
44 heating, cooling, or other forms of work which must be
45 performed, including but not limited to energy studies

46 or audits, general information, financial assistance,
47 direct rebates to customers or vendors of
48 energy-efficient products, research projects, direct
49 installation by the utility of energy-efficient
50 equipment, direct and indirect load control,

Page 2

1 time-of-use rates, tree planting programs, and hot
2 water insulation distribution programs.

3 (3) Each utility shall commence the process of
4 determining its cost-effective energy efficiency goal
5 on or before July 1, 2008, shall provide a progress
6 report to the board on or before January 1, 2009, and
7 complete the process and submit a final report to the
8 board on or before July 1, 2009. The report shall
9 include the utility's individualized cost-effective
10 energy efficiency goal, a detailed description of the
11 energy efficiency measures to be offered to meet the
12 projected goal, a list of measures considered, and an
13 estimate of projected costs. Each utility shall
14 include in its report the cost of achieving an energy
15 efficiency goal equal to one and one-half percent of
16 the utility's annual retail sales, calculated as an
17 average of sales for the three previous years.
18 Individual utilities or groups of utilities may
19 collaborate in conducting the studies required
20 hereunder and may file a joint report or reports with
21 the board. However, the board may require individual
22 information from any utility, even if it participates
23 in a joint report.

24 (4) On January 1 of each even-numbered year,
25 commencing January 1, 2012, gas and electric utilities
26 that are not required to be rate-regulated shall file
27 a report with the board identifying their progress in
28 meeting the energy efficiency goal and any updates or
29 amendments to their energy efficiency plans and goals.
30 Filings made pursuant to this paragraph "bb" shall be
31 deemed to meet the filing requirements of section
32 476.1A, subsection 7, and section 476.1B, subsection
33 1, paragraph "l".

34 NEW PARAGRAPH. bbb. (1) The board shall evaluate
35 the reports required to be filed pursuant to paragraph
36 "b" by gas and electric utilities required to be
37 rate-regulated, and shall submit a report summarizing
38 the evaluation to the general assembly on or before
39 January 1, 2009.

40 (2) The board shall evaluate the reports required
41 to be filed pursuant to paragraph "bb" by gas and
42 electric utilities that are not required to be
43 rate-regulated, and shall submit a report summarizing
44 the evaluation to the general assembly on or before

45 January 1, 2011.

46 (3) The reports submitted by the board to the
47 general assembly pursuant to this paragraph "bbb"
48 shall include the goals established by each of the
49 utilities. The reports shall also include the
50 projected costs of achieving the stated goals,

Page 3

1 potential rate impacts, and a description of the
2 programs proposed by each utility. Comparison of
3 individual utilities or groups of utilities contained
4 in the report may take into account differences in
5 system characteristics, including but not limited to
6 sales to various customer classes, age of facilities
7 of new large customers, and heating fuel type. The
8 reports may contain recommendations concerning the
9 achievability of certain intermediate and long-term
10 energy efficiency goals based upon the results of the
11 assessments submitted by the utilities.

12 Sec.____. NEW SECTION. 476.44A TRADING OF
13 CREDITS.

14 The board may establish or participate in a program
15 to track, record, and verify the trading of credits
16 for electricity generated from alternative energy
17 production facilities or renewable energy sources
18 among electric generators, utilities, and other
19 interested entities, within this state and with
20 similar entities in other states.

21 Sec.____. ENERGY EFFICIENCY INTERIM STUDY
22 COMMITTEE – CONSUMER FOCUS – REQUEST TO ESTABLISH.

23 The legislative council is requested to establish an
24 interim study committee to examine the existence and
25 effectiveness of energy efficiency plans and programs
26 implemented by gas and electric public utilities, with
27 an emphasis on results achieved by current plans and
28 programs from the demand, or customer, perspective,
29 and to make recommendations for additional
30 requirements applicable to energy efficiency plans and
31 programs that would improve such results. In
32 conducting the study and developing recommendations,
33 the committee shall consider testimony from the Iowa
34 utilities board, rate and nonrate-regulated gas and
35 electric utilities, the consumer advocate, state
36 agencies involved with energy efficiency program
37 administration, environmental groups and associations,
38 and consumers. The committee shall be composed of ten
39 members, representing both political parties and both
40 houses of the general assembly. Five members shall be
41 members of the senate, three of whom shall be
42 appointed by the majority leader of the senate and two
43 of whom shall be appointed by the minority leader of

44 the senate. The other five members shall be members
45 of the house of representatives, three of whom shall
46 be appointed by the speaker of the house of
47 representatives, and two of whom shall be appointed by
48 the minority leader of the house of representatives.
49 The committee shall issue a report of its
50 recommendations to the general assembly by January 15,

Page 4

1 2009.
2 Sec.____. EFFECTIVE DATE. This Act, being deemed
3 of immediate importance, takes effect upon enactment."
4 4. Title page, by striking lines 1 through 5 and
5 inserting the following: "An Act relating to energy
6 efficiency by establishing a commission on energy
7 efficiency standards and practices, providing for the
8 reporting of energy efficiency results and savings by
9 gas and electric public utilities, specifying
10 procedures for assessing potential energy and capacity
11 savings and developing energy efficiency goals by gas
12 and electric utilities not subject to rate regulation,
13 providing for the establishment or participation in a
14 program to track, record, or verify the trading of
15 credits for electricity generated from specified
16 sources, and providing for the establishment of an
17 interim study committee to conduct an examination of
18 energy efficiency plans and programs with an emphasis
19 on the demand or customer perspective, and providing
20 an effective date."
21 5. By renumbering as necessary.

Reichert of Muscatine offered the following amendment [H-8558](#), to the committee amendment [H-8349](#), filed by him from the floor and moved its adoption:

[H-8558](#)

1 Amend the amendment, [H-8349](#), to [Senate File 2386](#),
2 as passed by the Senate, as follows:
3 1. Page 1, by striking lines 11 through 19.
4 2. Page 1, line 26, by inserting after the word
5 "assess" the following: "maximum".
6 3. Page 1, by striking line 31 and inserting the
7 following: "energy load, projected demand, customer
8 base,".
9 4. Page 1, line 38, by inserting after the word
10 "include" the following: "efficiency improvements to
11 a utility infrastructure and system and".
12 5. Page 1, line 42, by inserting after the word

13 "used." the following: "In the case of a municipal
 14 utility, for purposes of this paragraph, other
 15 utilities and departments of the municipal utility
 16 shall be considered customers to the same extent that
 17 such utilities and departments would be considered
 18 customers if served by an electric or gas utility that
 19 is not a municipal utility."

20 6. Page 2, line 1, by inserting after the words
 21 "tree planting programs," the following: "educational
 22 programs,".

23 7. Page 2, by striking lines 8 through 17 and
 24 inserting the following: "board on or before January
 25 1, 2010. The report shall include the utility's
 26 cost-effective energy efficiency goal, and for each
 27 measure utilized by the utility in meeting the goal,
 28 the measure's description, projected costs, and the
 29 analysis of its cost-effectiveness. Each utility or
 30 group of utilities shall evaluate cost-effectiveness
 31 using the cost-effectiveness tests in accordance with
 32 section 476.6, subsection 14."

33 8. By striking page 2, line 50, through page 3,
 34 line 4, and inserting the following: "projected costs
 35 of achieving the goals, potential rate impacts, and a
 36 description of the programs offered and proposed by
 37 each utility or group of utilities, and may take into
 38 account differences in".

39 9. Page 3, by inserting after line 20 the
 40 following:
 41 "Sec. ___. RENEWABLE ENERGY GENERATION –
 42 COST-EFFECTIVE POTENTIAL STUDY. The Iowa utility
 43 association, in consultation with the Iowa association
 44 of electric cooperatives and the Iowa association of
 45 municipal utilities, shall conduct a technical study
 46 of the potential for achieving or engaging in
 47 renewable energy generation on a cost-effective basis
 48 by 2025. The study shall be transmitted to the office
 49 of energy independence by December 1, 2008, to be
 50 submitted with the energy independence plan required

Page 2

1 to be submitted by the office to the governor and the
 2 general assembly by December 14, 2008."

3 10. By renumbering as necessary.

Amendment [H-8558](#) was adopted.

Berry of Black Hawk asked and received unanimous consent to withdraw amendment [H-8566](#), to the committee amendment [H-8349](#), filed by her from the floor.

On motion by Reichert of Muscatine, the committee amendment [H-8349](#), as amended, was adopted.

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

On the question “Shall the bill pass?” ([S.F. 2386](#))

The ayes were, 100:

| | | | |
|-------------|------------------|-------------------|-----------------------|
| Abdul-Samad | Alons | Anderson | Arnold |
| Bailey | Baudler | Bell | Berry |
| Boal | Bukta | Chambers | Clute |
| Cohoon | Dandekar | Davitt | De Boef |
| Deyoe | Dolecheck | Drake | Foege |
| Ford | Forristall | Frevert | Gaskill |
| Gayman | Gipp | Granzow | Grassley |
| Greiner | Heaton | Heddens | Hoffman |
| Horbach | Hunter | Huseman | Huser |
| Jacobs | Jacoby | Jochum | Kaufmann |
| Kelley | Kressig | Kuhn | Lensing |
| Lukan | Lykam | Mascher | May |
| McCarthy | Mertz | Miller, H. | Miller, L. |
| Oldson | Olson, D. | Olson, R. | Olson, S. |
| Olson, T. | Palmer | Paulsen | Petersen |
| Pettengill | Quirk | Raecker | Rants |
| Rasmussen | Rayhons | Reasoner | Reichert |
| Roberts | Sands | Schickel | Schueller |
| Shomshor | Smith | Soderberg | Staed |
| Struyk | Swaim | Taylor, D. | Taylor, T. |
| Thomas | Tjepkes | Tomenga | Tymeson |
| Upmeyer | Van Engelenhoven | Van Fossen | Watts |
| Wendt | Wenthe | Wessel-Kroeschell | Whitaker |
| Whitead | Wiencek | Winckler | Windschitl |
| Wise | Worthan | Zirkelbach | Mr. Speaker Murphy |

The nays were, none.

Absent or not voting, none.

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

Ways and Means Calendar

[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, with report of committee recommending passage, was taken up for consideration.

Petersen of Polk in the chair at 4:24 p.m.

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

On the question "Shall the bill pass?" ([S.F. 2405](#))

The ayes were, 99:

| | | | |
|------------------|-------------------|------------------------|---------------|
| Abdul-Samad | Alons | Anderson | Arnold |
| Bailey | Baudler | Bell | Berry |
| Boal | Bukta | Chambers | Clute |
| Cohoon | Dandekar | Davitt | De Boef |
| Deyoe | Dolecheck | Drake | Foege |
| Ford | Forristall | Frevert | Gaskill |
| Gayman | Gipp | Granzow | Grassley |
| Greiner | Heaton | Heddens | Hoffman |
| Horbach | Huseman | Huser | Jacobs |
| Jacoby | Jochum | Kaufmann | Kelley |
| Kressig | Kuhn | Lensing | Lukan |
| Lykam | Mascher | May | McCarthy |
| Mertz | Miller, H. | Miller, L. | Murphy, Spkr. |
| Oldson | Olson, D. | Olson, R. | Olson, S. |
| Olson, T. | Palmer | Paulsen | Pettengill |
| Quirk | Raecker | Rants | Rasmussen |
| Rayhons | Reasoner | Reichert | Roberts |
| Sands | Schickel | Schueller | Shomshor |
| Smith | Soderberg | Staed | Struyk |
| Swaim | Taylor, D. | Taylor, T. | Thomas |
| Tjepkes | Tomenga | Tymeson | Upmeyer |
| Van Engelenhoven | Van Fossen | Watts | Wendt |
| Wenthe | Wessel-Kroeschell | Whitaker | Whitead |
| Wiencek | Winckler | Windschitl | Wise |
| Worthan | Zirkelbach | Petersen, Presiding | |

The nays were, 1:

Hunter

Absent or not voting, none.

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

[House File 2687](#), a bill for an act relating to certain economic development programs by providing tax credits for the redevelopment of underutilized properties, and including effective date and retroactive applicability date provisions, was taken up for consideration.

Rants of Woodbury offered amendment **[H-8555](#)** filed by him from the floor as follows:

[H-8555](#)

1 Amend **[House File 2687](#)** as follows:

2 1. Page 1, by inserting before line 1 the
3 following:

4 "DIVISION I
5 REDEVELOPMENT TAX CREDITS"

6 2. Page 9, line 5, by inserting after the word
7 "This" the following: "division of this".

8 3. Page 9, by inserting after line 7 the
9 following:

10 "DIVISION II
11 DATA CENTER TAX EXEMPTIONS

12 Sec. ____. Section 423.3, subsection 93, as enacted
13 by 2008 Iowa Acts, **[House File 2233](#)**, subsection 1, is
14 amended to read as follows:

15 93. a. (1) The sales price from the sale or
16 rental of computers and equipment that are necessary
17 for the maintenance and operation of a web search
18 portal business or data center and property whether
19 directly or indirectly connected to the computers,
20 including but not limited to cooling systems, cooling
21 towers, and other temperature control infrastructure;
22 power infrastructure for transformation, distribution,
23 or management of electricity used for the maintenance
24 and operation of the web search portal business or
25 data center, including but not limited to exterior
26 dedicated business-owned substations, back-up power
27 generation systems, battery systems, and related
28 infrastructure; and racking systems, cabling, and
29 trays, which are necessary for the maintenance and
30 operation of the web search portal business or data

31 center.

32 (2) The sales price of back-up power generation
33 fuel, that is purchased by a web search portal
34 business or data center for use in the items listed in
35 subparagraph (1).

36 (3) The sales price of electricity purchased for
37 use by a web search portal business or data center.

38 b. For the purpose of claiming this exemption, all
39 of the following requirements shall be met:

40 (1) The purchaser or renter shall be a web search
41 portal business or data center.

42 (2) The web search portal business or data center
43 shall have a physical location in the state that is
44 used for the operations and maintenance of the web
45 search portal business or data center.

46 (3) (a) The web search portal business shall make
47 a minimum investment in an Iowa physical location of
48 two hundred million dollars within the first six years
49 of operation in Iowa beginning with the date the web
50 search portal business initiates site preparation

Page 2

1 activities. The minimum investment includes the
2 initial investment, including land and subsequent
3 acquisition of additional adjacent land and subsequent
4 investment at the Iowa location.

5 (b) The data center shall make a minimum
6 investment in an Iowa physical location of one million
7 dollars within the first six years of operation in
8 Iowa beginning with the date the data center initiates
9 site preparation activities. The minimum investment
10 includes the initial investment, including land and
11 subsequent acquisition of additional adjacent land and
12 subsequent investment at the Iowa location.

13 (4) The web search portal business or data center
14 shall purchase, option, or lease Iowa land not later
15 than December 31, 2008, for any initial investment.
16 However, the December 31, 2008, date shall not affect
17 the future purchases of adjacent land and additional
18 investment in the initial or adjacent land to qualify
19 as part of the minimum investment for purposes of this
20 exemption.

21 c. This exemption applies from the date of the
22 initial investment in or the initiation of site
23 preparation activities for the web search portal
24 facility or data center as described in paragraph "b".
25 For purposes of claiming this exemption, the
26 requirements may be met by aggregating the various
27 Iowa investments and other requirements of the web
28 search portal business's affiliates or data center's
29 affiliates. This exemption applies to affiliates of

30 the web search portal business or data center.
31 d. Failure to meet eighty percent of the minimum
32 investment amount requirement specified in paragraph
33 "b" within the first six years of operation from the
34 date the web search portal business or data center
35 initiates site preparation activities will result in
36 the web search portal business or data center losing
37 the right to claim this ~~web search portal business~~
38 exemption and the web search portal business or data
39 center shall pay all sales or use tax that would have
40 been due on the purchase or rental or use of the items
41 listed in this exemption, plus any applicable penalty
42 and interest imposed by statute.
43 e. For purposes of this subsection:
44 (1) "Affiliate" means an entity that directly or
45 indirectly controls, is controlled with or by, or is
46 under common control with another entity.
47 (2) "Control" means any of the following:
48 (a) In the case of a United States corporation,
49 the ownership, directly or indirectly, of fifty
50 percent or more of the voting power to elect

Page 3

1 directors.
2 (b) In the case of a foreign corporation, if the
3 voting power to elect the directors is less than fifty
4 percent, the maximum amount allowed by applicable law.
5 (c) In the case of an entity other than a
6 corporation, fifty percent or more ownership interest
7 in the entity, or the power to direct the management
8 of the entity.
9 (3) "Data center" means a facility, or portion of
10 a facility, that is predominately used for the housing
11 and operation of computer data processing hardware and
12 associated equipment directly in support thereof.
13 (4) (4) "Web search portal business" means an
14 entity whose business among other businesses is to
15 provide a search portal to organize information; to
16 access, search, and navigate the internet, including
17 research and development to support capabilities to
18 organize information; or to provide internet access,
19 navigation, or search functionalities.
20 Sec.____. Section 427.1, subsection 36, as enacted
21 by 2008 Iowa Acts, [House File 2233](#), section 2, is
22 amended to read as follows:
23 36. WEB SEARCH AND DATA CENTER PROPERTY.
24 a. Property, other than land and buildings and
25 other improvements, that is utilized by a web search
26 portal business or data center as defined in and
27 meeting the requirements of section 423.3, subsection
28 93, including computers and equipment that are

29 necessary for the maintenance and operation of a web
 30 search portal business or data center and other
 31 property whether directly or indirectly connected to
 32 the computers, including but not limited to cooling
 33 systems, cooling towers, and other temperature control
 34 infrastructure; power infrastructure for
 35 transformation, distribution, or management of
 36 electricity, including but not limited to exterior
 37 dedicated business-owned substations, and power
 38 distribution systems which are not subject to
 39 assessment under chapter 437A; racking systems,
 40 cabling, and trays; and back-up power generation
 41 systems, battery systems, and related infrastructure
 42 all of which are necessary for the maintenance and
 43 operation of the web search portal business or data
 44 center.
 45 b. This ~~web search portal business~~ exemption
 46 applies beginning with the assessment year the
 47 investment in or construction of the facility
 48 utilizing the materials, equipment, and systems set
 49 forth in paragraph "a" are first assessed. For
 50 purposes of claiming this ~~web search portal business~~

Page 4

1 exemption, the requirements may be met by aggregating
 2 the various Iowa investments and other requirements of
 3 the web search portal business's affiliates or data
 4 center's affiliates as allowed under section 423.3,
 5 subsection 93. This exemption applies to affiliates
 6 of the web search portal business or data center."
 7 4. Title page, line 3, by inserting after the
 8 word "properties" the following: "providing sales,
 9 use, and property tax exemptions for certain data
 10 centers,".
 11 5. By renumbering as necessary.

Wise of Lee rose on a point of order that amendment [H-8555](#) was not germane.

The Speaker ruled the point well taken and amendment [H-8555](#) not germane.

Rants of Woodbury asked for unanimous consent to suspend the rules to consider amendment [H-8555](#).

Objection was raised.

Rants of Woodbury moved to suspend the rules to consider amendment [H-8555](#).

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

On the question “Shall the rules be suspended to consider amendment [H-8555?](#)” ([H.F. 2687](#))

The ayes were, 49:

| | | | |
|------------|------------------|------------|------------|
| Alons | Anderson | Arnold | Baudler |
| Boal | Chambers | Clute | De Boef |
| Deyoe | Dolecheck | Drake | Forristall |
| Gipp | Granzow | Grassley | Greiner |
| Heaton | Hoffman | Horbach | Huseman |
| Jacobs | Kaufmann | Kelley | 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 |
| Wendt | Whitead | Wienczek | Windschitl |
| Worthan | | | |

The nays were, 50:

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

Absent or not voting, 1:

Berry

The motion to suspend the rules lost.

Wise of Lee offered the following amendment [H-8542](#) filed by him and moved its adoption:

[H-8542](#)

- 1 Amend [House File 2687](#) as follows:
- 2 1. Page 3, line 5, by inserting after the figure
- 3 "2009" the following: "or for a taxable year
- 4 beginning on or after July 1, 2016".
- 5 2. Page 6, by inserting after line 32 the
- 6 following:
- 7 "12. This section is repealed June 30, 2016."
- 8 3. Page 7, by inserting after line 17 the
- 9 following:
- 10 "4. This section is repealed June 30, 2016."
- 11 4. Page 7, line 20, by inserting after the figure
- 12 "4." the following: "a."
- 13 5. Page 7, by inserting after line 24 the
- 14 following:
- 15 "b. This subsection is repealed June 30, 2016."
- 16 6. Page 8, line 18, by inserting before the word
- 17 "The" the following: "1."
- 18 7. Page 8, by inserting after line 20 the
- 19 following:
- 20 "2. This section is repealed June 30, 2016."
- 21 8. Page 8, line 23, by inserting after the figure
- 22 "25." the following: "a."
- 23 9. Page 8, by inserting after line 25 the
- 24 following:
- 25 "b. This subsection is repealed June 30, 2016."
- 26 10. Page 8, line 28, by inserting after the
- 27 figure "15." the following: "a."
- 28 11. Page 8, by inserting after line 30 the
- 29 following:
- 30 "b. This subsection is repealed June 30, 2016."
- 31 12. Page 8, line 32, by inserting before the word
- 32 "The" the following: "1."
- 33 13. Page 8, by inserting after line 33 the
- 34 following:
- 35 "2. This section is repealed June 30, 2016."
- 36 14. Page 9, line 1, by inserting after the word
- 37 "n." the following: "(1)".
- 38 15. Page 9, by inserting after line 3 the
- 39 following:
- 40 "(2) This paragraph "n" is repealed June 30,
- 41 2016."
- 42 16. By renumbering as necessary.

Amendment [H-8542](#) was adopted.

Wise of Lee offered the following amendment [H-8497](#) filed by him and moved its adoption:

[H-8497](#)

- 1 Amend [House File 2687](#) as follows:
 2 1. Page 8, by striking lines 11 through 16 and
 3 inserting the following: "documentation of
 4 compliance. The standards and requirements shall be
 5 incorporated into the state building code established
 6 in section 103A.7, but in lieu of general
 7 applicability and shall apply to construction projects
 8 only if such applicability is expressly authorized by
 9 statute, or as established by other state agencies by
 10 rule."
 11 2. By renumbering as necessary.

Amendment [H-8497](#) was adopted.

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

On the question "Shall the bill pass?" ([H.F. 2687](#))

The ayes were, 98:

| | | | |
|-------------------|------------|---------------|------------------|
| Abdul-Samad | Alons | Anderson | Arnold |
| Bailey | Baudler | Bell | Berry |
| Boal | Bukta | Chambers | Clute |
| Cohoon | Dandekar | Davitt | De Boef |
| Deyoe | Dolecheck | Drake | Foege |
| Ford | Forristall | Frevert | Gaskill |
| Gayman | Gipp | Granzow | Grassley |
| Greiner | Heaton | Heddens | Hoffman |
| Horbach | Huseman | Huser | Jacobs |
| Jacoby | Jochum | Kaufmann | Kelley |
| Kressig | Kuhn | Lensing | Lukan |
| Lykam | May | McCarthy | Mertz |
| Miller, H. | Miller, L. | Murphy, Spkr. | Oldson |
| Olson, D. | Olson, R. | Olson, S. | Olson, T. |
| Palmer | Paulsen | Pettengill | Quirk |
| Raecker | Rants | Rasmussen | Rayhons |
| Reasoner | Reichert | Roberts | Sands |
| Schickel | Schueller | Shomshor | Smith |
| Soderberg | Staed | Struyk | Swaim |
| Taylor, D. | Taylor, T. | Thomas | Tjepkes |
| Tomenga | Tymeson | Upmeyer | Van Engelenhoven |
| Van Fossen | Watts | Wendt | Wenthe |
| Wessel-Kroeschell | Whitaker | Whitead | Wiencek |
| Winckler | Windschitl | Wise | Worthan |
| Zirkelbach | Petersen, | | |
| | Presiding | | |

The nays were, 2:

Hunter

Mascher

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.

Wise of Lee in the chair at 4:55 p.m.

IMMEDIATE MESSAGES

McCarthy of Polk asked and received unanimous consent that the following bills be immediately messaged to the Senate: [House File 2687](#) and **Senate Files 517, 2386 and 2405**.

[House File 2688](#), a bill for an act providing for efforts to mitigate odor emitted from a livestock operation including by providing for basic and applied research and evaluations, and including applicability and effective date provisions, was taken up for consideration.

Kuhn of Floyd offered the following amendment [H-8524](#) filed by Kuhn et al., and moved its adoption:

[H-8524](#)

- 1 Amend [House File 2688](#) as follows:
- 2 1. Page 2, line 3, by inserting after the word
- 3 "constructed" the following: "or an existing swine
- 4 operation as proposed to be expanded".
- 5 2. Page 5, line 18, by inserting after the figure
- 6 "266.42." the following: "The effort shall apply to
- 7 the construction of a structure associated with a new
- 8 operation or the construction of a structure
- 9 associated with an existing swine operation."
- 10 3. Page 7, line 13, by inserting after the figure
- 11 "266.48." the following: "The applicant shall obtain
- 12 the certificate as part of the application for the
- 13 construction of a structure associated with a new
- 14 confinement feeding operation, or for the construction
- 15 of a structure associated with an existing confinement
- 16 feeding operation that keeps swine."
- 17 4. Page 7, line 15, by inserting after the word
- 18 "certificate" the following: "as part of the
- 19 application to construct a confinement feeding

20 operation that does not keep swine,".
21 5. Page 8, line 8, by striking the word
22 "structure" the following: "not associated with
23 keeping swine,".

Amendment [H-8524](#) lost.

Whitaker of Van Buren offered the following amendment [H-8520](#) filed by Whitaker et al., and moved its adoption:

[H-8520](#)

1 Amend [House File 2688](#) as follows:
2 1. Page 2, by inserting after line 25 the
3 following:
4 "___ . A livestock producer who is classified as a
5 habitual violator pursuant to section 459.604 or a
6 chronic violator pursuant to section 657.11 shall not
7 participate in an applied on-site research project
8 under this section unless the livestock producer
9 contributes one hundred percent of the total costs of
10 conducting the project."
11 2. Page 3, line 15, by inserting after the figure
12 "266.43." the following: "A livestock producer who is
13 classified as a habitual violator pursuant to section
14 459.604 or a chronic violator pursuant to section
15 657.11 shall not participate in a basic or applied
16 research project under this section unless the
17 livestock producer contributes one hundred percent of
18 the total costs of conducting the project."
19 3. Page 3, line 27, by inserting after the figure
20 "266.43." the following: "A livestock producer who is
21 classified as a habitual violator pursuant to section
22 459.604 or a chronic violator pursuant to section
23 657.11 shall not participate in a basic research
24 project under this section unless the livestock
25 producer contributes one hundred percent of the total
26 costs of conducting the project."
27 4. By renumbering as necessary.

Amendment [H-8520](#) was adopted.

Frevert of Palo Alto asked and received unanimous consent to withdraw amendment [H-8525](#) filed by Frevert of Palo Alto et al., on April 14, 2008.

Kuhn of Floyd offered the following amendment [H-8526](#) filed by Kuhn et al., and moved its adoption:

[H-8526](#)

- 1 Amend [House File 2688](#) as follows:
- 2 1. Page 4, line 34, by inserting after the figure
- 3 "266.42." the following: "Iowa state university, the
- 4 university of Iowa, the department of natural
- 5 resources, and the department of agriculture and land
- 6 stewardship shall make a joint recommendation that
- 7 establishes an ambient air quality standard for odor
- 8 emitted from a livestock operation."
- 9 2. By renumbering as necessary.

Amendment [H-8526](#) lost.

May of Dickinson offered the following amendment [H-8523](#) filed by him and moved its adoption:

[H-8523](#)

- 1 Amend [House File 2688](#) as follows:
- 2 1. Page 5, line 22, by striking the word
- 3 "certificate" and inserting the following: "results
- 4 statement".
- 5 2. Page 6, line 31, by inserting after the word
- 6 "technologies." the following: "Upon request by the
- 7 department of natural resources, the university shall
- 8 forward the report to the department."
- 9 3. Page 6, line 35, by striking the word
- 10 "certificate" and inserting the following: "results
- 11 statement".
- 12 4. Page 7, line 1, by striking the word
- 13 "certificate" and inserting the following: "results
- 14 statement".
- 15 5. Page 7, line 4, by striking the word
- 16 "certificate" and inserting the following: "results
- 17 statement".
- 18 6. Page 7, line 6, by striking the word
- 19 "certificate" and inserting the following: "results
- 20 statement".
- 21 7. Page 7, by striking lines 11 through 16, and
- 22 inserting the following:
- 23 "NEW PARAGRAPH. d. A livestock odor mitigation
- 24 evaluation results statement issued by Iowa state
- 25 university as provided in section 266.48. The
- 26 department shall obtain the results of the livestock
- 27 odor mitigation evaluation, including its report with
- 28 findings and recommendations, upon request from Iowa
- 29 state university. The department shall not approve an
- 30 application until an applicant who is required to
- 31 complete a level three evaluation makes modifications
- 32 to the proposed site or the proposed construction to

33 an extent that the applicant would have been issued an
34 odor mitigation evaluation results statement after
35 completing a level two evaluation as provided in
36 section 266.48. The department shall certify that the
37 application complies with the results of the livestock
38 odor mitigation evaluation conducted by Iowa state
39 university. However, the applicant is not required to
40 submit a results statement and the department shall
41 not request the results of an evaluation conducted by
42 Iowa state university or certify the application, if
43 any of the following applies:"
44 8. Page 7, line 28, by striking the word
45 "certificate" and inserting the following: "results
46 statement".
47 9. Page 7, by inserting after line 31 the
48 following:
49 "____. The department fails to request results of
50 an evaluation conducted by Iowa state university or

Page 2

1 Iowa state university fails to submit its results as
2 provided in this section."
3 10. Page 8, line 9, by striking the word
4 "certificate" and inserting the following: "results
5 statement".
6 11. By renumbering as necessary.

Amendment [H-8523](#) lost.

Gaskill of Wapello asked and received unanimous consent to withdraw amendment [H-8514](#) filed by her on April 14, 2008.

Kuhn of Floyd offered amendment [H-8529](#) filed by Kuhn et al., as follows:

[H-8529](#)

1 Amend [House File 2688](#) as follows:
2 1. Page 7, by inserting after line 8 the
3 following:
4 "Sec.____. **NEW SECTION.** 266.49 UNIVERSITY OF
5 IOWA STUDY - HEALTH EFFECTS.
6 1. The university of Iowa college of public health
7 shall conduct research regarding the possible effects
8 on human health from the exposure to odor from
9 livestock operations. The research shall include
10 effects on neighbors who reside near a livestock
11 operation and livestock production workers who
12 regularly work inside a confinement feeding operation

13 building. The research shall include but is not
14 limited to the effect of livestock odor on respiratory
15 diseases, cardiovascular events, and neuropsychiatric
16 conditions. The research shall include effects on
17 subgroups of especially susceptible individuals, such
18 as the elderly, children, and those with preexisting
19 impairments.

20 2. a. The university of Iowa college of public
21 health shall submit an interim report to the general
22 assembly by January 15 of each year through January
23 15, 2012. An interim report shall include data
24 collected from the research and any recommendations
25 deemed necessary by the college to protect the public
26 health of individuals exposed to air emissions from
27 livestock operations.

28 b. The university of Iowa college of public health
29 shall submit a final report to the general assembly by
30 January 30, 2013. The report shall include a summary
31 of efforts, the university's findings and conclusions,
32 and recommendations necessary to protect the health of
33 the public, including but not limited to neighbors who
34 reside near a livestock operation and livestock
35 production workers who regularly work inside a
36 confinement feeding operation building, from the
37 effects of exposure from livestock operations."

38 2. By renumbering as necessary.

Granzow of Hardin rose on a point of order that amendment [H-8529](#) was not germane.

The Speaker ruled the point not well taken and amendment [H-8529](#) germane.

Kuhn of Floyd moved the adoption of amendment [H-8529](#).

A non-record roll call was requested.

The ayes were 38, nays 53.

Amendment [H-8529](#) lost.

Reichert of Muscatine offered the following amendment [H-8550](#) filed by him and moved its adoption:

[H-8550](#)

1 Amend [House File 2688](#) as follows:

2 1. Page 8, by striking lines 12 through 18, and

- 3 inserting the following:
 4 "Sec.____. CONTINGENT IMPLEMENTATION. Subject to
 5 the effective date provisions of this Act, this Act
 6 shall be implemented by Iowa state university and the
 7 department of natural resources only when Iowa state
 8 university first receives moneys appropriated by the
 9 general assembly during a fiscal year as necessary to
 10 carry out all of the provisions of this Act."
 11 2. Title page, line 3, by inserting after the
 12 word "evaluations," the following: "providing for
 13 implementation,".
 14 3. By renumbering as necessary.

Amendment [H-8550](#) was adopted.

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

On the question "Shall the bill pass?" ([H.F. 2688](#))

The ayes were, 66:

| | | | |
|------------|------------------|---------------|-----------|
| Alons | Anderson | Arnold | Bailey |
| Baudler | Bell | Boal | Chambers |
| Clute | Cohoon | Dandekar | Davitt |
| De Boef | Deyoe | Dolecheck | Drake |
| Forristall | Gayman | Gipp | Granzow |
| Grassley | Greiner | Heaton | Hoffman |
| Horbach | Huseman | Jacobs | Kaufmann |
| Kelley | Lukan | Lykam | McCarthy |
| Mertz | Miller, L. | Murphy, Spkr. | Olson, S. |
| Palmer | Paulsen | Pettengill | Quirk |
| Rants | Rasmussen | Rayhons | Reasoner |
| Reichert | Roberts | Sands | Schickel |
| Schueller | Shomshor | Soderberg | Struyk |
| Swaim | Thomas | Tomenga | Tymeson |
| Upmeyer | Van Engelenhoven | Van Fossen | Watts |
| Wenthe | Wiencek | Windschitl | Worthan |
| Zirkelbach | Wise, | | |
| | Presiding | | |

The nays were, 34:

| | | | |
|-------------|------------|----------|-----------|
| Abdul-Samad | Berry | Bukta | Foege |
| Ford | Frevert | Gaskill | Heddens |
| Hunter | Huser | Jacoby | Jochum |
| Kressig | Kuhn | Lensing | Mascher |
| May | Miller, H. | Oldson | Olson, D. |
| Olson, R. | Olson, T. | Petersen | Raecker |

Smith
Tjepkes
Whitead

Staed
Wendt
Winckler

Taylor, D.
Wessel-Kroeschell

Taylor, T.
Whitaker

Absent or not voting, none.

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

IMMEDIATE MESSAGE

McCarthy of Polk asked and received unanimous consent that [House File 2688](#) be immediately messaged to the Senate.

McCarthy of Polk asked and received unanimous consent that [Senate File 2308](#) be deferred and that the bill retain its place on the calendar.

McCarthy of Polk asked and received unanimous consent to suspend the rules to move toward points of personal privilege.

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 17, 2008, adopted the conference committee report and passed [Senate File 2308](#), a bill for an act relating to identity theft by providing for the notification of a breach in the security of personal information, and providing penalties.

MICHAEL E. MARSHALL, Secretary

ADOPTION OF THE REPORT OF THE CONFERENCE COMMITTEE ([Senate File 2308](#))

Kelley of Black Hawk called up for consideration the report of the conference committee on [Senate File 2308](#) and moved the adoption of the conference committee report and the amendments contained therein as follows:

REPORT ON THE CONFERENCE COMMITTEE ON [SENATE FILE 2308](#)

To the President of the Senate and the Speaker of the House of Representatives:

We, the undersigned members of the conference committee appointed to resolve the differences between the Senate and the House of Representatives on [Senate File 2308](#), a bill for an Act relating to identity theft by providing for the notification of a breach in the security of personal information, and providing penalties, respectfully make the following report.

1. That the Senate recedes from its amendment, [H-8465](#).
2. That the House recedes from its amendment, [S-5272](#).
3. That [Senate File 2308](#), as amended, passed, and reprinted by the Senate, is amended to read as follows:
 1. Page 1, line 5, by inserting after the word "maintained" the following: "in computerized form".
 2. Page 1, by striking lines 13 through 21 and inserting the following: "integrity of the personal information."
 3. Page 2, lines 27 and 28, by striking the words "voice print or recording,".
 4. Page 3, by striking line 1 and inserting the following: "than five digits of a social security number or the last four digits of other".
 5. Page 3, line 6, by striking the words "owns, maintains, or otherwise possesses" and inserting the following: "owns or licenses computerized".
 6. Page 3, line 9, by striking the word "who" and inserting the following: "that".
 7. Page 4, line 3, by inserting after the word "notice" the following: "to the last available address the person has in the person's records".
 8. Page 5, line 2, by inserting before the word "harm" the following: "financial".
 9. Page 5, by inserting after line 32 the following:

"Sec. _____. DISCLOSURE OF PERSONAL INFORMATION BY PUBLIC OFFICIALS, ENTITIES, OR AFFILIATED ORGANIZATIONS – INTERIM STUDY COMMITTEE REQUESTED.

The legislative council is requested to establish an interim study committee to assess and review the extent to which public officials, entities, and affiliated organizations in possession of or with access to personal identifying information of a resident of this state which could, if disclosed, render the resident vulnerable to identity theft, are disclosing or selling such information for compensation. Based upon this assessment and review, the committee shall develop recommendations relating to these practices. The committee shall be composed of ten members representing both political parties and both houses of the general assembly. Five members shall be members of the senate, three of whom shall be appointed by the majority leader of the senate and two of whom shall be appointed by the minority leader of the senate. The other five members shall be members of the house or representatives, three of whom

shall be appointed by the speaker of the house of representatives and two of whom shall be appointed by the minority leader of the house of representatives. The committee shall issue a report of its recommendations to the general assembly by January 15, 2009."

10. Title page, line 3, by inserting after the word "information," the following: "requesting the establishment of an interim study committee relating to the disclosure of personal information by public officials, entities, and affiliated organizations,".

11. By renumbering, relettering, or redesignating and correcting internal references as necessary.

ON THE PART OF THE SENATE:

ON THE PART OF THE HOUSE

STEVE WARNSTADT, Chair
 JERRY BEHN
 THOMAS G. COURTNEY
 WILLIAM HECKROTH
 STEVE KETTERING

DORIS KELLEY, Chair
 GERI HUSER
 LIBBY JACOBS
 DAVE JACOBY
 DAVID TJEPKES

The conference committee report was adopted.

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

On the question "Shall the bill pass?" ([S.F. 2308](#))

The ayes were, 95:

| | | | |
|---------------|------------|------------|------------|
| Abdul-Samad | Alons | Anderson | Arnold |
| Bailey | Bell | Berry | Bukta |
| Chambers | Clute | Cohoon | Dandekar |
| Davitt | De Boef | Deyoe | Dolecheck |
| Drake | Foegen | Ford | Forristall |
| Gaskill | Gayman | Gipp | Grassley |
| Greiner | Heaton | Heddens | Hoffman |
| Horbach | Hunter | Huseman | Huser |
| Jacobs | Jacoby | Jochum | Kaufmann |
| Kelley | Kressig | Kuhn | Lensing |
| Lukan | Lykam | Mascher | May |
| McCarthy | Mertz | Miller, H. | Miller, L. |
| Murphy, Spkr. | Oldson | Olson, D. | Olson, R. |
| Olson, S. | Olson, T. | Palmer | Paulsen |
| Petersen | Pettengill | Quirk | Raecker |
| Rants | Rasmussen | Rayhons | Reasoner |
| Reichert | Roberts | Sands | Schickel |
| Schueller | Shomshor | Smith | Soderberg |
| Staed | Struyk | Swaim | Taylor, D. |

| | | | |
|------------|------------|--------------------|-------------------|
| Taylor, T. | Thomas | Tjepkes | Tomenga |
| Tymeson | Upmeyer | Van Engelenhoven | Van Fossen |
| Watts | Wendt | Wenthe | Wessel-Kroeschell |
| Whitaker | Wienczek | Winckler | Windschitl |
| Worthan | Zirkelbach | Wise, Presiding | |

The nays were, none.

Absent or not voting, 5:

| | | | |
|---------|------|---------|---------|
| Baudler | Boal | Frevert | Granzow |
| Whitead | | | |

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

MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on April 17, 2008, insisted on its amendment to [House File 2197](#), a bill for an act requiring institutions of higher learning and community colleges to provide students with specific textbook information. (Formerly [HF 2015](#)), and the members of the Conference Committee on the part of the Senate are: The Senator from Story, Senator Quirmbach, Chair; the Senator from Fayette, Senator Schoenjahn; the Senator from Jefferson, Senator Schmitz; the Senator from Sioux, Senator Mulder; the Senator from Lucas, Senator McKinley.

Also: That the Senate has on April 17, 2008, amended and passed the following bill in which the concurrence of the House is asked:

[House File 2669](#), a bill for an act relating to the collection and recycling of mercury-added thermostats.

Also: That the Senate has on April 17, 2008, passed the following bill in which the concurrence of the House is asked:

[Senate File 2424](#), a bill for an act concerning public retirement systems and other employee benefit-related matters, including the public safety peace officers' retirement, accident, and disability system, the Iowa public employees' retirement system, the statewide fire and police retirement system, and the judicial retirement system, including implementation and transition provisions, and providing effective and retroactive applicability dates.

MICHAEL E. MARSHALL, Secretary
 CONFERENCE COMMITTEE APPOINTED
 ([House File 2197](#))

The Speaker announced the appointment of the conference committee to consider the differences between the House and Senate concerning [House File 2197](#): Kelley of Black Hawk, Chair; Wendt of Woodbury, Gayman of Scott, Schickel of Cerro Gordo and Boal of Polk.

IMMEDIATE MESSAGES

McCarthy of Polk asked and received unanimous consent that the following bills be immediately messaged to the Senate: [House File 2197](#) and [Senate File 2308](#).

EXPLANATION OF VOTE

I was necessarily absent from the House chamber on March 13, 2008. Had I been present, I would have voted "aye" on [House File 2266](#) and Senate Files 2154, 2156, 2221, 2304 and 2317.

WINCKLER of Scott

BILLS SIGNED BY THE GOVERNOR

A communication was received from the Governor announcing that on April 16, 2008, he approved and transmitted to the Secretary of State the following bills:

[House File 2390](#), an Act relating to the licensing and regulation of plumbers and mechanical professionals and providing effective dates.

[House File 2392](#), an Act relating to certain city utilities or city enterprises by making changes to procedures for notice and collection of delinquent charges and by making changes to billing notifications for water service provided to certain residential rental property.

[House File 2542](#), an Act concerning work-related injuries suffered and claims made outside of this state.

[House File 2547](#), an Act relating to statewide licensure and certification of electricians and alarm system contractors and installers, and providing an effective date.

[House File 2591](#), an Act relating to dependent adult abuse in certain facilities and programs and providing penalties.

[House File 2646](#), an Act providing for the licensure of persons installing fire protection systems, providing for the establishment of fees, and providing penalties and an effective date.

[Senate File 2036](#), an Act relating to the division of criminal and juvenile justice planning of the department of human rights by making changes to the membership of the council, permitting access to the records of the department of workforce development, and modifying the sex offender treatment and supervision task force.

[Senate File 2129](#), an Act relating to the duties of the commission on the status of Iowans of Asian and Pacific Islander heritage regarding interpreter qualifications.

[Senate File 2281](#), an Act prohibiting employment discrimination against an employee witness in certain civil proceedings.

[Senate File 2338](#), an Act relating to the regulation of health-related professions.

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\2881 | Lisa Stanforth, Davenport – For attaining the Girl Scout Gold Award, the highest award in Girl Scouting. |
| 2008\2882 | Dennis and Janet Oliver, Williamsburg – For celebrating their 50 th wedding anniversary. |
| 2008\2883 | Ed Upah, Tama – For celebrating his 80 th birthday. |
| 2008\2884 | Joe Roseman, Davenport – For graduating from the Iowa Law Enforcement Academy. |
| 2008\2885 | Clara Moore-Roberts – For celebrating her 108 th birthday. |
| 2008\2886 | Sara DeWitt, Spencer – For her 27 years of service to the First English Lutheran Church's preschool program. |

SUBCOMMITTEE ASSIGNMENT

[House File 2693](#)

Labor: T. Taylor, Chair; Horbach and Hunter.

HOUSE STUDY BILL COMMITTEE ASSIGNMENT

H.S.B. 794 Appropriations

Concerning public retirement systems and other employee benefit-related matters, including the public safety peace officers' retirement, accident, and disability system, the Iowa public employees' retirement system, the statewide fire and police retirement system, and the judicial retirement system, including implementation and transition provisions, and providing effective and retroactive applicability dates.

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 AGRICULTURE

House File 2692, a bill for an act relating to animal feeding operations by regulating livestock markets, open feedlot operations, and the stockpiling of manure, providing for applicability and enforcement, making penalties applicable, and providing effective dates.

Fiscal Note is not required.

Recommended **Amend and Do Pass with Amendment H-8563** April 16, 2008.

AMENDMENTS FILED

| | | |
|---------------|------------------|---------------------------|
| <u>H-8557</u> | <u>S.F. 2193</u> | Baudler of Adair |
| <u>H-8559</u> | <u>S.F. 2404</u> | Baudler of Adair |
| <u>H-8560</u> | <u>S.F. 385</u> | Jochum of Dubuque |
| | | Van Fossen of Scott |
| <u>H-8562</u> | <u>H.F. 2680</u> | Worthan of Buena Vista |
| <u>H-8563</u> | <u>H.F. 2692</u> | Committee on Agriculture. |
| <u>H-8567</u> | <u>S.F. 2415</u> | Huser of Polk |
| <u>H-8568</u> | <u>S.F. 2267</u> | D. Olson of Boone |
| <u>H-8569</u> | <u>S.F. 2334</u> | Abdul-Samad of Polk |
| <u>H-8570</u> | <u>H.F. 2604</u> | Abdul-Samad of Polk |
| <u>H-8571</u> | <u>H.F. 2669</u> | Senate Amendment |

On motion by McCarthy of Polk the House adjourned at 7:12 p.m., until 10:00 a.m., Monday, April 21, 2008.