

PROOF

STATE OF IOWA

House Journal

WEDNESDAY, MARCH 12, 2008

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JOURNAL OF THE HOUSE

Fifty-ninth Calendar Day - Forty-second Session Day

Hall of the House of Representatives
Des Moines, Iowa, Wednesday, March 12, 2008

The House met pursuant to adjournment at 9:06 a.m., Speaker Murphy in the chair.

Prayer was offered by Reverend Ken Gehling, Chaplain at North Iowa Mercy Medical Center, Mason City. He was the guest of Representative Bill Schickel of Cerro Gordo County.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Amy Hein, from Monticello and legislative secretary to Representative Ray Zirkelbach of Jones County.

The Journal of Tuesday, March 11, 2008 was approved.

MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on March 11, 2008, passed the following bill in which the concurrence of the House is asked:

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

Also: That the Senate has on March 11, 2008, passed the following bill in which the concurrence of the House is asked:

[Senate File 2347](#), a bill for an act relating to the use of optical scan voting systems in every county, making an appropriation for the cost of purchasing and distributing optical scan voting systems, reducing certain appropriations, and providing an effective date.

Also: That the Senate has on March 11, 2008, passed the following bill in which the concurrence of the Senate was asked:

[House File 2366](#), a bill for an act designating peace officer communication equipment and other emergency services communication equipment as an essential county purpose and as an essential corporate purpose that authorizes the issuance of general obligation bonds and providing an effective date.

MICHAEL E. MARSHALL, Secretary

INTRODUCTION OF BILLS

[House File 2566](#), by committee on education, a bill for an act relating to the funding of school district programs for returning dropouts and dropout prevention.

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

[House File 2567](#), by committee on labor, a bill for an act requiring additional workers' compensation payments for scheduled injuries that result in a reduction in the injured employee's earning capacity.

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

[House File 2568](#), by committee on labor, a bill for an act relating to the calculation of certain weekly workers' compensation benefits by requiring certain weekly workers' compensation benefits to be calculated by including an employee's shift differential pay and by changing the basis for calculating the weekly rate for certain injured inmates.

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

[House File 2569](#), by committee on labor, a bill for an act relating to the payment of certain medically related workers' compensation expenses and providing a penalty.

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

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

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

[House File 2571](#), by committee on environmental protection, a bill for an act relating to achieving specified greenhouse gas reduction levels.

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

[House File 2572](#), by committee on state government, a bill for an act relating to the authority of a public agency to spend property tax revenues under a contract or agreement with another public agency.

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

[House File 2573](#), by committee on state government, 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 **calendar**.

[House File 2574](#), by committee on human resources, a bill for an act requiring a preliminary investigation to be conducted by the county medical examiner in the event of the death of a resident of certain state facilities administered by the department of human services.

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

[House File 2575](#), by committee on state government, a bill for an act creating a family friendly business initiative.

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

[House File 2576](#), by committee on judiciary, a bill for an act creating the Iowa uniform prudent management of institutional funds Act and including an applicability provision.

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

[House File 2577](#), by committee on human resources, a bill for an act relating to sexual misconduct with a juvenile, and providing penalties.

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

[House File 2578](#), by committee on human resources, a bill for an act relating to a temporary permit to practice dentistry or dental hygiene.

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

[House File 2579](#), by committee on human resources, a bill for an act relating to individual development accounts authorized for certain individuals with low income and providing effective and applicability date provisions.

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

[House File 2580](#), by committee on natural resources, a bill for an act providing for a sustainable natural resource funding advisory committee.

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

[House File 2581](#), by committee on natural resources, a bill for an act relating to the donation of food to the department of natural resources or county conservation boards.

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

[House File 2582](#), by committee on judiciary, a bill for an act relating to trusts and estates including the administration of small estates, and including retroactive and other applicability provisions.

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

[House File 2583](#), by committee on judiciary, a bill for an act relating to certain liability insurance policy information required to be given to claimants.

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

[House File 2584](#), by committee on judiciary, a bill for an act relating to the confidentiality of court records and information.

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

[House File 2585](#), by committee on economic growth, a bill for an act relating to the annual aggregate amount of tax credits available under the endow Iowa program and to the amount of credits a taxpayer may receive.

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

[House File 2586](#), by committee on transportation, a bill for an act authorizing counties to charge an administrative fee for issuance or renewal of a driver's license or nonoperator's identification card.

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

[House File 2587](#), by committee on human resources, a bill for an act providing for establishment of a mental health services system for children and youth.

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

[House File 2588](#), by committee on natural resources, a bill for an act allowing nonresidents under sixteen years of age to purchase a preserve hunting license and providing a fee.

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

[House File 2589](#), by committee on labor, a bill for an act relating to unemployment insurance tax penalties, and providing an effective date.

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

[House File 2590](#), by committee on judiciary, a bill for an act stating the general assembly's intent regarding a private cause of action for consumer fraud violations.

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

[House File 2591](#), by committee on human resources, a bill for an act stating the general assembly's intent regarding dependent adult abuse and the reporting and collection of dependent adult abuse information in certain facilities.

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

[House File 2592](#), by committee on veterans affairs, a bill for an act requiring insurance coverage benefits for veterans for treatment of mental illness and substance abuse.

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

SENATE MESSAGES CONSIDERED

[Senate File 2198](#), by committee on natural resources and environment, a bill for an act relating to the appointment of the membership of the Brushy creek recreation area trails advisory board.

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

[Senate File 2230](#), by committee on natural resources and environment, a bill for an act authorizing the issuance of special nonresident turkey and deer hunting licenses to certain persons who have severe physical disabilities or a terminal illness.

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

[Senate File 2248](#), by committee on commerce, a bill for an act modifying provisions relating to the application for a certificate of franchise authority applicable to the provision of cable or video services by an existing provider.

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

[Senate File 2249](#), by committee on local government, a bill for an act relating to certain local hotel and motel tax elections.

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

[Senate File 2261](#), by committee on transportation, a bill for an act relating to requirements for operation of a motor vehicle in merging traffic and providing a penalty.

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

[Senate File 2281](#), by committee on judiciary, a bill for an act prohibiting employment discrimination against an employee witness in certain civil proceedings.

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

[Senate File 2282](#), by committee on education, a bill for an act relating to the elimination of reporting or data collection requirements related to the department of education.

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

[Senate File 2286](#), by committee on appropriations, a bill for an act appropriating federal funds made available from federal block grants and other federal grants, allocating portions of federal block grants, and providing procedures if federal funds are more or less than anticipated or if federal block grants are more or less than anticipated.

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

[Senate File 2289](#), by committee on veterans affairs, a bill for an act concerning state educational assistance to children of deceased veterans and the war orphans educational assistance fund, and including an effective date and retroactive applicability provision.

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

[Senate File 2301](#), by committee on state government, a bill for an act making revisions and modifications to uniform finance procedures for bonds issued by the state.

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

[Senate File 2305](#), by committee on local government, a bill for an act relating to county officers by authorizing reimbursement of certain expenses, making changes to fees charged by the county recorder, information required to be endorsed on certain recorded documents and instruments, and standards for indexes maintained by the county recorder.

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

[Senate File 2316](#), by committee on judiciary, a bill for an act creating the Iowa uniform prudent management of institutional funds Act and including an applicability provision.

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

[Senate File 2317](#), by committee on judiciary, a bill for an act relating to statutory corrections which may adjust language to reflect current practices, insert earlier omissions, delete redundancies and inaccuracies, delete temporary language, resolve inconsistencies and conflicts, update ongoing provisions, or remove ambiguities, and including effective and retroactive applicability date provisions.

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

[Senate File 2320](#), by committee on judiciary, a bill for an act relating to nonsubstantive Code corrections and including effective and retroactive applicability date provisions.

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

[Senate File 2337](#), by committee on commerce, a bill for an act relating to the purchase of liability insurance by the association of Iowa fairs.

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

SPECIAL PRESENTATION

Bailey of Hamilton introduced to the House several foreign exchange students from Afghanistan, Serbia, Montenegro, Russia,

Kazakhstan, Armenia Ukraine and Uzbekistan. They are guests of the State Department participating in the World Link program.

The House rose and expressed its welcome.

The House stood at ease at 9:26 a.m., until the fall of the gavel.

The House resumed session at 9:51 a.m., Speaker Murphy in the chair.

SENATE AMENDMENT CONSIDERED

T. Olson of Linn called up for consideration [House File 2212](#), a bill for an act creating a smokefree air Act and providing penalties, amended by the Senate amendment [H-8054](#):

[H-8054](#)

1 Amend [House File 2212](#), as amended, passed, and
2 reprinted by the House, as follows:
3 1. By striking everything after the enacting
4 clause and inserting the following:
5 "Section 1. NEW SECTION. 142D.1 TITLE –
6 FINDINGS – PURPOSE.
7 1. This chapter shall be known and may be cited as
8 the "Smokefree Air Act".
9 2. The general assembly finds that environmental
10 tobacco smoke causes and exacerbates disease in
11 nonsmoking adults and children. These findings are
12 sufficient to warrant measures that regulate smoking
13 in public places and places of employment in order to
14 protect the public health and the health of employees.
15 3. The purpose of this chapter is to reduce the
16 level of exposure by the general public and employees
17 to environmental tobacco smoke in order to improve the
18 public health of Iowans.
19 Sec. 2. NEW SECTION. 142D.2 DEFINITIONS.
20 As used in this chapter, unless the context
21 otherwise requires:
22 1. "Bar" means an establishment where one may
23 purchase alcoholic beverages as defined in section
24 123.3, for consumption on the premises and in which
25 the serving of food is only incidental to the
26 consumption of those beverages.
27 2. "Business" means a sole proprietorship,
28 partnership, joint venture, corporation, association,
29 or other business entity, either for-profit or
30 not-for-profit, including retail establishments where
31 goods or services are sold; professional corporations

32 and other entities where legal, medical, dental,
33 engineering, architectural, or other professional
34 services are delivered; and private clubs.
35 3. "Common area" means a reception area, lobby,
36 hallway, restroom, elevator, stairwell, the common use
37 area of a multiunit residential property, or other
38 area to which the public is invited or in which the
39 public is permitted.
40 4. "Employee" means a person who is employed by an
41 employer in consideration for direct or indirect
42 monetary wages or profit, or a person who provides
43 services to an employer on a voluntary basis.
44 5. "Employer" means a person including a sole
45 proprietorship, partnership, joint venture,
46 corporation, association, or other business entity
47 whether for-profit or not-for-profit, including state
48 government and its political subdivisions, that
49 employs the services of one or more individuals as
50 employees.

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1 6. "Enclosed area" means all space between a floor
2 and ceiling that is contained on all sides by solid
3 walls or windows, exclusive of doorways, which extend
4 from the floor to the ceiling.
5 7. "Farm tractor" means farm tractor as defined in
6 section 321.1.
7 8. "Farm truck" means a single-unit truck,
8 truck-tractor, tractor, semitrailer, or trailer used
9 by a farmer to transport agricultural, horticultural,
10 dairy, or other farm products, including livestock,
11 produced or finished by the farmer, or to transport
12 any other personal property owned by the farmer, from
13 the farm to market, and to transport property and
14 supplies to the farm of the farmer.
15 9. "Farmer" means any of the following:
16 a. A person who files schedule F as part of the
17 person's annual form 1040 or form 1041 filing with the
18 United States internal revenue service, or an employee
19 of such person while the employee is actively engaged
20 in farming.
21 b. A person who holds an equity position in or who
22 is employed by a business association holding
23 agricultural land where the business association is
24 any of the following:
25 (1) A family farm corporation, authorized farm
26 corporation, family farm limited partnership, limited
27 partnership, family farm limited liability company,
28 authorized limited liability company, family trust, or
29 authorized trust, as provided in chapter 9H.
30 (2) A limited liability partnership as defined in

31 section 486A.101.

32 c. A natural person related to the person actively
33 engaged in farming as provided in paragraph "a" or "b"
34 when the person is actively engaged in farming. The
35 natural person must be related as spouse, parent,
36 grandparent, lineal ascendant of a grandparent or a
37 grandparent's spouse, other lineal descendant of a
38 grandparent or a grandparent's spouse, or a person
39 acting in a fiduciary capacity for persons so related.

40 For purposes of this subsection: "actively engaged
41 in farming" means participating in physical labor on a
42 regular, continuous, and substantial basis, or making
43 day-to-day management decisions, where such
44 participation or decision making is directly related
45 to raising and harvesting crops for feed, food, seed,
46 or fiber, or to the care and feeding of livestock.

47 10. "Health care provider location" means an
48 office or institution providing care or treatment of
49 disease, whether physical, mental, or emotional, or
50 other medical, physiological, or psychological

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1 conditions, including but not limited to a hospital as
2 defined in section 135B.1, a health care facility as
3 defined in section 135C.1, an elder group home as
4 defined in section 231B.1, an assisted living program
5 as defined in section 231C.2, an adult day services
6 program as defined in section 231D.1, clinics,
7 laboratories, and the locations of professionals
8 regulated pursuant to Title IV, subtitle III, and
9 includes all enclosed areas of the location including
10 waiting rooms, hallways, other common areas, private
11 rooms, semiprivate rooms, and wards within the
12 location.

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

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

19 13. "Place of employment" means an area under the
20 control of an employer and includes all areas that an
21 employee frequents during the course of employment or
22 volunteering, including but not limited to work areas,
23 private offices, conference and meeting rooms,
24 classrooms, auditoriums, employee lounges and
25 cafeterias, hallways, restrooms, elevators, stairways,
26 and vehicles owned, leased, or provided by the
27 employer unless otherwise provided under this chapter.
28 "Place of employment" does not include a private
29 residence, unless the private residence is used as a

30 child care facility, a child care home, or as a health
31 care provider location.

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

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

39 a. Is operated solely for a recreational,

40 fraternal, social, patriotic, political, benevolent,
41 or athletic purpose, but not for pecuniary gain.

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

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

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

48 e. Has been granted an exemption from the payment
49 of federal income tax as a club pursuant to 26 U.S.C.
50 § 501.

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

5 a. Financial institutions.

6 b. Restaurants.

7 c. Bars.

8 d. Public and private educational facilities.

9 e. Health care provider locations.

10 f. Hotels and motels.

11 g. Laundromats.

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

17 i. Reception areas.

18 j. Aquariums, galleries, libraries, and museums.

19 k. Retail food production and marketing
20 establishments.

21 l. Retail service establishments.

22 m. Retail stores.

23 n. Shopping malls.

24 o. Entertainment venues including but not limited
25 to theaters; concert halls; auditoriums and other
26 facilities primarily used for exhibiting motion
27 pictures, stage performances, lectures, musical
28 recitals, and other similar performances; bingo

29 facilities; and indoor arenas including sports arenas.
30 p. Polling places.
31 q. Convention facilities and meeting rooms.
32 r. Waiting rooms.
33 s. Public buildings and vehicles owned, leased, or
34 operated by or under the control of the state
35 government or its political subdivisions and including
36 the entirety of the private residence of any state
37 employee any portion of which is open to the public.
38 t. Service lines.
39 u. Common areas.
40 v. Private clubs only when being used for a
41 function to which the general public is invited.
42 w. Private residences only when used as a child
43 care facility, a child care home, or health care
44 provider location.
45 x. Child care facilities and child care homes.
46 y. Gambling structures, excursion gambling boats,
47 and racetrack enclosures.
48 17. "Restaurant" means eating establishments,
49 including private and public school cafeterias, which
50 offer food to the public, guests, or employees,

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1 including the kitchen and catering facilities in which
2 food is prepared on the premises for serving
3 elsewhere, and including a bar area within a
4 restaurant.
5 18. "Retail tobacco store" means a retail store
6 utilized primarily for the sale of tobacco products
7 and accessories and in which the sale of other
8 products is incidental to the sale of tobacco
9 products.
10 19. "Service line" means an indoor line in which
11 one or more individuals are waiting for or receiving
12 service of any kind, whether or not the service
13 involves the exchange of money.
14 20. "Shopping mall" means an enclosed public
15 walkway or hall area that serves to connect retail or
16 professional establishments.
17 21. "Smoking" means inhaling, exhaling, burning,
18 or carrying any lighted cigar, cigarette, pipe, or
19 other tobacco product in any manner or in any form.
20 "Smoking" does not include smoking that is associated
21 with a recognized religious ceremony, ritual, or
22 activity, including but not limited to burning of
23 incense.
24 22. "Sports arena" means a sports pavilion,
25 stadium, gymnasium, health spa, boxing arena, swimming
26 pool, roller or ice rink, bowling alley, or other
27 similar place where members of the general public

28 assemble to engage in physical exercise, participate
 29 in athletic competition, or witness sports or other
 30 events.

31 Sec. 3. NEW SECTION. 142D.3 PROHIBITION OF
 32 SMOKING – PUBLIC PLACES, PLACES OF EMPLOYMENT, AND
 33 OUTDOOR ARENAS AND THEATERS – SURROUNDING AREA.

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

36 a. Public places.

37 b. All enclosed areas within places of employment
 38 including but not limited to common work areas;
 39 private offices; auditoriums; classrooms; conference
 40 and meeting rooms; elevators; hallways; medical
 41 facilities; cafeterias; employee lounges; stairways
 42 and stairwells; restrooms; vehicles owned, leased, or
 43 provided by an employer unless otherwise provided
 44 under this chapter; and all other enclosed areas
 45 within places of employment.

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

49 a. The seating areas of outdoor sports arenas,
 50 stadiums, amphitheaters and other entertainment venues

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1 where members of the general public assemble to
 2 witness entertainment events.

3 b. In outdoor seating or serving areas of
 4 restaurants.

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

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

13 e. The grounds of any public buildings owned,
 14 leased, or operated by or under the control of the
 15 state government or its political subdivisions,
 16 including the grounds of a private residence of any
 17 state employee any portion of which is open to the
 18 public with the following exceptions:

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

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

26 (3) This paragraph shall not apply to facilities

27 of the Iowa national guard as defined in section
28 29A.1, except that smoking on the grounds shall be
29 limited to designated smoking areas.
30 Sec. 4. NEW SECTION. 142D.4 AREAS WHERE SMOKING
31 NOT REGULATED.
32 Notwithstanding any provision of this chapter to
33 the contrary, the following areas are exempt from the
34 prohibitions of section 142D.3:
35 1. Private residences, unless used as a child care
36 facility, child care home, or a health care provider
37 location.
38 2. Hotel and motel rooms that are rented to guests
39 and are designated as smoking rooms; provided that not
40 more than twenty percent of the rooms of a hotel or
41 motel rented to guests are designated as smoking
42 rooms, all smoking rooms on the same floor are
43 contiguous, and smoke from smoking rooms does not
44 infiltrate into areas in which smoking is otherwise
45 prohibited under this chapter. The status of smoking
46 and nonsmoking rooms shall not be changed, except to
47 provide additional nonsmoking rooms.
48 3. Retail tobacco stores, provided that smoke from
49 these locations does not infiltrate into areas in
50 which smoking is otherwise prohibited under this

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1 chapter.
2 4. Private and semiprivate rooms in long-term care
3 facilities, occupied by one or more individuals, all
4 of whom are smokers and have requested in writing to
5 be placed in a room where smoking is permitted,
6 provided that smoke from these locations does not
7 infiltrate into areas in which smoking is otherwise
8 prohibited under this chapter.
9 5. Private clubs that have no employees, except
10 when being used for a function to which the general
11 public is invited, provided that smoke from these
12 locations does not infiltrate into areas in which
13 smoking is otherwise prohibited under this chapter.
14 This exemption shall not apply to any entity that is
15 established for the purpose of avoiding compliance
16 with this chapter.
17 6. Outdoor areas that are places of employment
18 except those areas where smoking is prohibited
19 pursuant to section 142D.3, subsection 2.
20 7. Limousines under private hire; vehicles owned,
21 leased, or provided by a private employer that are for
22 the sole use of the driver and are not used by more
23 than one person in the course of employment either as
24 a driver or passenger; privately owned vehicles not
25 otherwise defined as a place of employment or public

26 place; and cabs of motor trucks or truck tractors if
27 no nonsmoking employees are present.

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

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

35 Sec. 5. NEW SECTION. 142D.5 DECLARATION OF
36 ESTABLISHMENT AS NONSMOKING.

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

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

46 Sec. 6. NEW SECTION. 142D.6 NOTICE OF NONSMOKING
47 REQUIREMENTS - POSTING OF SIGNS.

48 1. Notice of the provisions of this chapter shall
49 be provided to all applicants for a business license
50 in this state, to all law enforcement agencies, and to

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1 any business required to be registered with the office
2 of the secretary of state.

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

8 3. The owner, operator, manager, or other person
9 having custody or control of a public place or place
10 of employment where smoking is prohibited under this
11 chapter shall clearly and conspicuously post in and at
12 every entrance to the public place or place of
13 employment "no smoking" signs or the international "no
14 smoking" symbol. Additionally, a "no smoking" sign or
15 the international "no smoking" symbol shall be placed
16 in every vehicle that constitutes a public place or
17 place of employment under this chapter, visible from
18 the exterior of the vehicle. All signs shall contain
19 the telephone number for reporting complaints and the
20 internet site of the department of public health. The
21 owner, operator, manager, or other person having
22 custody or control of the public place, place of
23 employment, or outdoor area may use the sample signs
24 provided on the department of public health's internet

25 site, or may use another sign if the contents of the
26 sign comply with the requirements of this subsection.

27 4. The owner, operator, manager, or other person
28 having custody or control of a public place, place of
29 employment, or outdoor area where smoking is
30 prohibited under this chapter shall remove all
31 ashtrays from these locations.

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

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

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

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

46 1. This chapter shall be enforced by the
47 department of public health or the department's
48 designee. The department of public health shall adopt
49 rules to administer this chapter, including rules
50 regarding enforcement. The department of public

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1 health shall provide information regarding the
2 provisions of this chapter and related compliance
3 issues to employers, owners, operators, managers, and
4 other persons having custody or control of a public
5 place, place of employment, or outdoor area where
6 smoking is prohibited, and the general public via the
7 department's internet site. The internet site shall
8 include sample signage and the telephone number for
9 reporting complaints. Judicial magistrates shall hear
10 and determine violations of this chapter.

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

18 3. An owner, operator, manager, or other person
19 having custody or control of a public place, place of
20 employment, or outdoor area regulated under this
21 chapter shall inform persons violating this chapter of
22 the provisions of this chapter.

23 4. An employee or private citizen may bring a

24 legal action to enforce this chapter. Any person may
 25 register a complaint under this chapter by filing a
 26 complaint with the department of public health or the
 27 department's designee.

28 5. In addition to the remedies provided in this
 29 section, the department of public health or the
 30 department's designee or any other person aggrieved by
 31 the failure of the owner, operator, manager, or other
 32 person having custody or control of a public place,
 33 place of employment, or outdoor area regulated by this
 34 chapter to comply with this chapter may seek
 35 injunctive relief to enforce this chapter.

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

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

41 2. A person who owns, manages, operates, or
 42 otherwise has custody or control of a public place,
 43 place of employment, or outdoor area regulated under
 44 this chapter and who fails to comply with this chapter
 45 shall pay a civil penalty as follows:

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

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

50 c. For each violation in excess of a second

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1 violation within one year, a monetary penalty not to
 2 exceed five hundred dollars for each additional
 3 violation.

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

11 4. In addition to the penalties established in
 12 this section, violation of this chapter by a person
 13 who owns, manages, operates, or who otherwise has
 14 custody or control of a public place, place of
 15 employment, or outdoor area regulated under this
 16 chapter may result in the suspension or revocation of
 17 any permit or license issued to the person for the
 18 premises on which the violation occurred.

19 5. Violation of this chapter constitutes a public
 20 nuisance which may be abated by the department of
 21 public health or the department's designee by
 22 restraining order, preliminary or permanent

23 injunction, or other means provided by law, and the
24 entity abating the public nuisance may take action to
25 recover the costs of such abatement.

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

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

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

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

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

43 14. Establish, publish, and enforce rules not
44 inconsistent with law for the enforcement of the
45 provisions of chapters 125 and 155, and Title IV,
46 subtitle 2, excluding chapters ~~142B~~, 142D, 145B, and
47 146 and for the enforcement of the various laws, the
48 administration and supervision of which are imposed
49 upon the department.

50 Sec. 12. Section 237A.3A, subsection 5, Code 2007,

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1 is amended by striking the subsection.

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

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

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

9 Except as otherwise provided by state law, county
10 revenues from taxes and other sources for general
11 county services shall be credited to the general fund
12 of the county, including revenues received under
13 sections 91.11, 101A.3, 101A.7, 123.36, 123.143,
14 ~~142B.6~~, 142D.9, 176A.8, 321.105, 321.152, 321G.7,
15 321I.8, section 331.554, subsection 6, sections
16 341A.20, 364.3, 368.21, 423A.7, 428A.8, 433.15,
17 434.19, 445.57, 453A.35, 458A.21, 483A.12, 533.329,
18 556B.1, 583.6, 602.8108, 904.908, and 906.17, and the
19 following:

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

22 follows:

23 a. For violations of ~~section 142B.6~~ described in
 24 section 142D.9, subsection 1, the scheduled fine is
 25 ~~twenty five~~ fifty dollars, and is a civil penalty, and
 26 the criminal penalty surcharge under section 911.1
 27 shall not be added to the penalty, and the court costs
 28 pursuant to section 805.9, subsection 6, shall not be
 29 imposed. If the civil penalty assessed for a
 30 violation of ~~described in section 142B.6~~ 142D.9,
 31 subsection 1, is not paid in a timely manner, a
 32 citation shall be issued for the violation in the
 33 manner provided in section 804.1. However, a person
 34 under age eighteen shall not be detained in a secure
 35 facility for failure to pay the civil penalty. The
 36 complainant shall not be charged a filing fee.
 37 Sec. 16. Chapter 142B, Code 2007, is repealed."

Bailey of Hamilton asked and received unanimous consent to withdraw amendment [H-8056](#) to the Senate amendment [H-8054](#) filed by him and Dolecheck of Ringgold on February 28, 2008.

Smith of Marshall asked and received unanimous consent to withdraw amendment [H-8057](#) to the Senate amendment [H-8054](#) filed by Bailey et al., on March 3, 2008.

Smith of Marshall offered amendment [H-8079](#), to the Senate amendment [H-8054](#), filed by him and Bailey of Hamilton as follows:

[H-8079](#)

1 Amend the Senate amendment, [H-8054](#), to House File
 2 2212, as amended, passed, and reprinted by the House,
 3 as follows:
 4 1. Page 7, by inserting after line 34 the
 5 following:
 6 "____. The Iowa veterans home."
 7 2. Page 11, by inserting after line 37 the
 8 following:
 9 ""Sec.____. EFFECTIVE DATE. This Act takes effect
 10 January 1, 2009."
 11 _____. Title page, line 1, by inserting after the
 12 word "penalties" the following: "and an effective
 13 date".
 14 _____. By renumbering as necessary."

Peterson of Polk requested division as follows:

Lines 4 through 6, division A.
 Lines 7 through 14, division B.

Smith of Marshall moved the adoption of amendment [H-8079A](#).

A non-record roll call was requested.

The ayes were 51, nays 30.

Amendment [H-8079A](#) was adopted.

Smith of Marshall moved the adoption of amendment [H-8079B](#).

Amendment [H-8079B](#) lost.

Bailey of Hamilton offered amendment [H-8084](#), to the Senate amendment [H-8054](#), filed by Bailey et al., as follows:

[H-8084](#)

- 1 Amend the Senate amendment, [H-8054](#), to House File
- 2 2212, as amended, passed, and reprinted by the House,
- 3 as follows:
- 4 1. Page 7, by inserting after line 34 the
- 5 following:
- 6 "___ A restaurant, bar, hotel or motel, club as
- 7 defined in section 123.3, or a licensee pursuant to
- 8 chapter 99D or 99F, subject to the following:
- 9 a. The restaurant, bar, hotel or motel, club, or
- 10 licensee pursuant to chapter 99D or 99F is the holder
- 11 of a class "A", class "B", or class "C" liquor control
- 12 license for on-premises consumption pursuant to
- 13 chapter 123, as applicable.
- 14 b. The exemption from the prohibitions of section
- 15 142D.3 applies only to the licensed premises as
- 16 defined in section 123.3 of the entity specified under
- 17 this subsection, subject to the following limitations:
- 18 (1) If the holder of the liquor control license is
- 19 a licensee pursuant to chapter 99D or 99F, in addition
- 20 to any restaurants or bars located within the licensed
- 21 premises, only the portion of the licensed premises
- 22 which is the wagering area of a licensee pursuant to
- 23 chapter 99D, or the gaming floor of a licensee
- 24 pursuant to chapter 99F.
- 25 (2) If the holder of the liquor control license is
- 26 a hotel or motel, only the portion of the licensed
- 27 premises which is a bar or restaurant.
- 28 c. The restaurant, bar, hotel or motel, club, or
- 29 licensee pursuant to chapter 99D or 99F allows smoking
- 30 only at a specified time during which only individuals
- 31 twenty-one years of age or older are invited or

32 admitted; the specified time is a regular, single,
33 consecutive period of time; and the specified time is
34 conspicuously posted on all major entrances of the
35 licensed premises or the portion of the licensed
36 premises as specified in paragraph "b", as
37 applicable."
38 2. By renumbering as necessary.

Wise of Lee offered the following amendment [H-8088](#), to amendment [H-8084](#) to the Senate amendment [H-8054](#) filed by him from the floor and moved its adoption:

[H-8088](#)

1 Amend the amendment, [H-8084](#), to the Senate
2 amendment, [H-8054](#), to [House File 2212](#), as amended,
3 passed, and reprinted by the House, as follows:
4 1. Page 1, by striking lines 28 through 37 and
5 inserting the following:
6 "____. The restaurant, bar, hotel or motel, club,
7 or licensee pursuant to chapter 99D or 99F, invites or
8 admits at any time only individuals twenty-one years
9 of age or older into the licensed premises or the
10 portion of the licensed premises as specified in
11 paragraph "b", as applicable, and conspicuously posts
12 the age-restriction information on all major entrances
13 to the licensed premises or the portion of the
14 licensed premises as specified in paragraph "b", as
15 applicable."
16 2. By renumbering as necessary.

A non-record roll call was requested.

The ayes were 32, nays 59.

Amendment [H-8088](#) lost.

Bailey of Hamilton moved the adoption of amendment [H-8084](#) to the Senate amendment H- 8054.

A non-record roll call was requested.

The ayes were 51, nays 44.

Amendment [H-8084](#) was adopted.

Bailey of Hamilton asked and received unanimous consent to

withdraw amendment [H-8071](#) to the Senate amendment [H-8054](#) filed by him and Windschitl of Harrison on March 10, 2008.

On motion by T. Olson of Linn, the House concurred in the Senate amendment [H-8054](#), as amended.

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

On the question "Shall the bill pass?" ([H.F. 2212](#))

The ayes were, 59:

Abdul-Samad	Anderson	Bailey	Baudler
Bell	Berry	Bukta	Clute
Cohoon	Dandekar	Davitt	Dolecheck
Ford	Frevert	Gaskill	Gayman
Gipp	Heddens	Jacobs	Jacoby
Jochum	Kelley	Kressig	Kuhn
Lensing	Lykam	Mascher	May
McCarthy	Mertz	Miller, H.	Miller, L.
Oldson	Olson, D.	Olson, T.	Palmer
Petersen	Quirk	Reasoner	Reichert
Schickel	Schueller	Shomshor	Smith
Staed	Taylor, D.	Taylor, T.	Thomas
Tomenga	Van Fossen	Wendt	Wessel-Kroeschell
Whitaker	Whitead	Wiencsek	Winckler
Wise	Zirkelbach	Mr. Speaker	
		Murphy	

The nays were, 40:

Alons	Arnold	Boal	Chambers
De Boef	Deyoe	Drake	Foege
Forristall	Granzow	Grassley	Heaton
Hoffman	Horbach	Hunter	Huseman
Huser	Kaufmann	Lukan	Olson, R.
Olson, S.	Paulsen	Pettengill	Raecker
Rants	Rasmussen	Rayhons	Roberts
Sands	Soderberg	Struyk	Swaim
Tjepkes	Tymeson	Upmeyer	Van Engelenhoven
Watts	Wenthe	Windschitl	Worthan

Absent or not voting, 1:

Greiner

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

Pursuant to House Rule 31.8, related to the timely filing of amendments, amendment [H-8090](#) filed by Bailey of Hamilton from the floor was placed out of order.

IMMEDIATE MESSAGE

McCarthy of Polk asked and received unanimous consent that [House File 2212](#) be immediately messaged to the Senate.

On motion by McCarthy of Polk, the House was recessed at 11:04 a.m., until 3:00 p.m.

AFTERNOON SESSION

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

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Worthan of Buena Vista on request of Kaufmann of Cedar.

MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on March 12, 2008, passed the following bill in which the concurrence of the House is asked:

[Senate File 2333](#), a bill for an act relating to the regulation of veterans commemorative property.

Also: That the Senate has on March 12, 2008, passed the following bill in which the concurrence of the House is asked:

[Senate File 2335](#), a bill for an act relating to the rights of a victim of an alleged sexual assault and notification of these rights by a peace officer.

Also: That the Senate has on March 12, 2008, passed the following bill in which the concurrence of the House is asked:

[Senate File 2341](#), a bill for an act relating to Alzheimer's disease and similar forms of irreversible dementia.

Also: That the Senate has on March 12, 2008, passed the following bill in which the concurrence of the House is asked:

[Senate File 2348](#), a bill for an act relating to the management of cooperative associations.

Also: That the Senate has on March 12, 2008, passed the following bill in which the concurrence of the House is asked:

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

Also: That the Senate has on March 12, 2008, passed the following bill in which the concurrence of the House is asked:

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

Also: That the Senate has on March 12, 2008, passed the following bill in which the concurrence of the House is asked:

[Senate File 2380](#), a bill for an act establishing a low head dam public hazard program.

Also: That the Senate has on March 12, 2008, passed the following bill in which the concurrence of the House is asked:

[Senate File 2382](#), a bill for an act relating to deferred judgment criminal records.

MICHAEL E. MARSHALL, Secretary

INTRODUCTION OF BILLS

[House File 2593](#), by committee on transportation, a bill for an act requesting the legislative council to establish an interim study committee to consider the state's compliance with the federal REAL ID Act of 2005.

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

[House File 2594](#), by committee on commerce, a bill for an act relating to required disclosures in real estate transactions.

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

[House File 2595](#), by committee on state government, a bill for an act relating to the provision of services over certain Iowa communications network connection facilities under specified circumstances.

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

[House File 2596](#), by committee on labor, a bill for an act concerning civil service commissions, disciplinary procedures, leaves of absence, providing a civil penalty, and making a penalty applicable.

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

[House File 2597](#), by committee on education, a bill for an act relating to participation in varsity interscholastic athletic contests and athletic competitions by students participating in open enrollment.

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

[House File 2598](#), by committee on economic growth, a bill for an act relating to economic growth by creating a workforce innovation for a regional economic development task force and making an appropriation.

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

[House File 2599](#), by committee on economic growth, a bill for an act relating to a baby boom generation workforce study.

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

[House File 2600](#), by committee on public safety, a bill for an act relating to eluding or attempting to elude a pursuing law enforcement vehicle operated by a special security officer employed by a board of regents institution.

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

[House File 2601](#), by committee on agriculture, a bill for an act providing for the state interagency Missouri river authority.

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

[House File 2602](#), by committee on commerce, a bill for an act relating to the licensure of real estate brokers and salespersons.

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

[House File 2603](#), by committee on human resources, a bill for an act authorizing certain advanced registered nurse practitioners to file certain periodic court reports on chronic substance abusers and persons with mental illness who do not require full-time placement in a treatment facility.

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

[House File 2604](#), by committee on human resources, a bill for an act relating to recovery from third parties liable for health care coverage provided to recipients of medical assistance, and providing an effective date.

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

[House File 2605](#), by committee on human resources, a bill for an act relating to the regulation of health-related professions.

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

CONSIDERATION OF BILLS Regular Calendar

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

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

On the question "Shall the bill pass?" ([H.F. 2384](#))

The ayes were, 97:

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
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	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	Zirkelbach
Mr. Speaker			
Murphy			

The nays were, none.

Absent or not voting, 3:

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

[HOUSE FILE 354](#) WITHDRAWN

Kressig of Black Hawk asked and received unanimous consent to withdraw [House File 354](#) from further consideration by the House.

[House File 2423](#), a bill for an act relating to the risk pool for county mental health, mental retardation, and developmental disabilities services by revising procedural and qualifying requirements, was taken up for consideration.

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

On the question "Shall the bill pass?" ([H.F. 2423](#))

The ayes were, 97:

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
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	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	Zirkelbach
Mr. Speaker Murphy			

The nays were, none.

Absent or not voting, 3:

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

[HOUSE FILE 2260](#) WITHDRAWN

Heddens of Story asked and received unanimous consent to withdraw [House File 2260](#) from further consideration by the House.

House File 2450, a bill for an act relating to certain department of economic development programs including vision Iowa board membership, renewable fuels marketing, film project tax credits, the promotion of Iowa tourism experiences, the consolidation of reporting requirements, the administration of targeted industries development, and providing an effective date, was taken up for consideration.

Thomas of Clayton offered the following amendment [H-8081](#) filed by him and moved its adoption:

[H-8081](#)

1 Amend [House File 2450](#) as follows:

2 1. Page 6, by inserting before line 18 the
3 following:

4 "1. TARGETED INDUSTRIES DEVELOPMENT – FINANCIAL
5 ASSISTANCE. A report of the expenditures of moneys
6 appropriated and allocated to the department for
7 certain programs authorized pursuant to section 15.411
8 relating to the development and commercialization of
9 businesses in the targeted industry areas of advanced
10 manufacturing, bioscience, and information technology.

11 m. TARGETED SMALL BUSINESS ACTIVITIES. A section
12 that is a compilation of the following reports
13 required pursuant to section 15.108, subsection 7,
14 paragraph "c":

15 (1) A summary of the report filed by December 1 of
16 each year by the department of administrative services
17 with the department of economic development regarding
18 targeted small business procurement activities
19 conducted during the previous fiscal year.

20 (2) A summary of the report filed by December 1 of
21 each year by the department of inspections and appeals
22 with the department of economic development regarding
23 certifications of targeted small businesses. At a
24 minimum, the summary shall include the number of
25 certified targeted small businesses for the previous
26 year, the increase or decrease in that number during
27 the previous fiscal year compared to the prior fiscal
28 year, and the number of targeted small businesses that
29 have been decertified in the previous fiscal year.

30 (3) A summary of the internal report compiled by
31 December 1 of each year by the department of economic
32 development regarding the targeted small business
33 financial assistance program. At a minimum, the
34 summary shall contain the number of loans, loan
35 guarantees, and grants distributed during the previous
36 fiscal year, the individual amounts provided to
37 targeted small businesses during the previous fiscal

38 year, and how many financial assistance awards to
39 targeted small businesses were the subject of
40 repayment or collection activity during the previous
41 fiscal year.

42 (4) A list of the procurement goals established
43 pursuant to section 73.16, subsection 2, and compiled
44 by the department of economic development's targeted
45 small business marketing and compliance manager and
46 the performance of each agency in meeting the goals.
47 The performance of each agency shall be based upon the
48 reports required pursuant to section 73.16, subsection
49 2."

Amendment [H-8081](#) was adopted.

Tymeson of Madison offered amendment [H-8086](#) filed by her as follows:

[H-8086](#)

1 Amend [House File 2450](#) as follows:
2 1. Page 9, by inserting after line 34 the
3 following:
4 "DIVISION VII
5 ECONOMIC DEVELOPMENT PROGRAMS –
6 EMINENT DOMAIN
7 Sec.____. Section 6A.22, subsection 2, Code 2007,
8 is amended by adding the following new paragraph:
9 NEW PARAGRAPH. d. Notwithstanding paragraphs "a",
10 "b", and "c", "public use", "public purpose", or
11 "public improvement" does not include any project that
12 receives a state appropriation or that receives or is
13 awarded state funds or other funding by means of
14 incentives, as authorized pursuant to chapter 12, 15,
15 15A, 15E, 15F, 15G, or 16.
16 Sec.____. EFFECTIVE DATE. This division of this
17 Act, being deemed of immediate importance, takes
18 effect upon enactment."
19 2. By renumbering as necessary.

Thomas of Clayton rose on a point of order that amendment [H-8086](#) was not germane.

The Speaker ruled the point well taken and amendment [H-8086](#) not germane.

Tymeson of Madison asked for unanimous consent to suspend the rules to consider amendment [H-8086](#).

Objection was raised.

Tymeson of Madison moved to suspend the rules to consider amendment [H-8086](#).

Roll call was requested by Rants of Woodbury and Roberts of Carroll.

On the question "Shall the rules be suspended to consider amendment [H-8086](#)?" ([H.F. 2450](#))

The ayes were, 44:

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

The nays were, 50:

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

Absent or not voting, 6:

Anderson	Greiner	Hoffman	Shomshor
Van Engelenhoven	Worthan		

The motion to suspend the rules lost.

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

On the question "Shall the bill pass?" ([H.F. 2450](#))

The ayes were, 97:

Abdul-Samad	Alons	Anderson	Arnold
Bailey	Baudler	Bell	Berry
Boal	Bukta	Chambers	Clute
Cohoon	Dandekar	Davitt	De Boef
Deyoe	Dolecheck	Drake	Foege
Ford	Forristall	Frevrt	Gaskill
Gayman	Gipp	Granzow	Grassley
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	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	Zirkelbach
Mr. Speaker			
Murphy			

The nays were, none.

Absent or not voting, 3:

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

IMMEDIATE MESSAGES

McCarthy of Polk asked and received unanimous consent that the following bills be immediately messaged to the Senate: **House Files 2384, 2423 and 2450.**

EXPLANATION OF VOTE

I was necessarily absent from the House chamber on March 11, 2008. Had I been present, I would have voted "aye" on House Files 2164, 2372, 2385, 2392, 2400, 2440, 2539 and [Senate File 2111](#).

VAN ENGELENHOVEN of Marion

BILL ENROLLED, SIGNED AND SENT TO GOVERNOR

The Chief Clerk of the House submitted the following report:

Mr. Speaker: The Chief Clerk of the House respectfully reports that the following bill has been examined and found correctly enrolled, signed by the Speaker of the House and the President of the Senate, and presented to the Governor for his approval on this 12th day of March, 2008: [House File 2366](#).

MARK W. BRANDSGARD
Chief Clerk of the House

Report adopted.

BILLS SIGNED BY THE GOVERNOR

A communication was received from the Governor announcing that on March 11, 2008 he approved and transmitted to the Secretary of State the following bills:

[House File 2359](#), an Act concerning veterans, including expenditures from the veterans trust fund and authorization of lottery games for veterans.

[Senate File 2123](#), an Act updating the Code references to the Internal Revenue Code and including effective date and retroactive applicability date provisions.

CERTIFICATES OF RECOGNITION

MR. SPEAKER: The Chief Clerk of the House respectfully reports that certificates of recognition have been issued as follows.

MARK W. BRANDSGARD
Chief Clerk of the House

- | | |
|-----------|---|
| 2008\1961 | Mr. and Mrs. Frank Whan, Davenport – For celebrating their 50 th wedding anniversary. |
| 2008\1962 | Maxine Wagner, Clinton – For celebrating her 88 th birthday. |
| 2008\1963 | Jon Lyn and Lois Jean Arp, Williamsburg – For celebrating their 50 th wedding anniversary. |

- 2008\1964 Dean Brain, Hedrick – For celebrating his 80th birthday.
- 2008\1965 Charles Coleman, Williamsburg – For celebrating his 80th birthday.
- 2008\1966 Dean Woodrum, Victor – For celebrating his 80th birthday.
- 2008\1967 Patricia Montgomery, Malcom – For celebrating her 80th birthday.
- 2008\1968 Glen Krier, Sigourney – For celebrating his 80th birthday.
- 2008\1969 Mary Wolf, Deep River – For celebrating her 80th birthday.
- 2008\1970 Marilyn Van Fleet, North English – For celebrating her 80th birthday.
- 2008\1971 Dorothy Singleton, Keota – For celebrating her 80th birthday.
- 2008\1972 Pat and Evelyn Derifield, Waterloo – For celebrating their 50th wedding anniversary.
- 2008\1973 Ken and Dorothy Huffman, Waterloo – For celebrating their 65th wedding anniversary.
- 2008\1974 Gertrude Larsen, Clear Lake – For celebrating her 90th birthday.
- 2008\1975 Leone Deam, Hampton – For celebrating her 100th birthday.
- 2008\1976 Fern Carlson, Clear Lake – For celebrating her 100th birthday.
- 2008\1977 James Krabbe, Latimer – For celebrating his 99th birthday.
- 2008\1978 Wayne and Mary Howard, Clear Lake – For celebrating their 50th wedding anniversary.
- 2008\1979 Larry and Judie Lightbody, Thornton – For celebrating their 50th wedding anniversary.
- 2008\1980 Patrick Kolker, Clear Lake – For winning 2nd place in the 215 lb. weight class at the State Wrestling Tournament.
- 2008\1981 Emilie Jacobson, High Amana – For winning the Old Capitol Sertoma Club of Iowa City Essay Contest.
- 2008\1982 Berniece Breitbarth, Le Mars – For celebrating her 90th birthday.

SUBCOMMITTEE ASSIGNMENTS

[House File 2351](#)

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

[House File 2538](#)

Commerce: Reichert, Chair; Petersen, Soderberg, Van Fossen and Wise.

[Senate File 2108](#)

Natural Resources: Wenthe, Chair; Rayhons and Reichert.

[Senate File 2137](#)

Agriculture: Reasoner, Chair; S. Olson and Wenthe.

[Senate File 2198](#)

Natural Resources: Bailey, Chair; Mertz and Rasmussen.

[Senate File 2230](#)

Natural Resources: Davitt, Chair; Baudler and Mertz.

[Senate File 2266](#)

Human Resources: Hunter, Chair; Forristall and Jacoby.

[Senate File 2269](#)

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

RESOLUTIONS FILED

[HCR 106](#), by committee on agriculture, a concurrent resolution urging the United States Environmental Protection Agency to take all actions necessary to provide American consumers with the opportunity to use higher ethanol blended gasoline for general use in conventional engines.

Placed on **calendar**.

[HR 118](#), by committee on human resources, a resolution requesting the legislative council to authorize a study committee for the 2008 interim to review Iowa's system of mental health patient advocates appointed by the courts.

Placed on **calendar**.

[SCR 102](#), by committee on agriculture, a concurrent resolution urging the United States Environmental Protection Agency to take all actions necessary to provide American consumers with the opportunity to use higher ethanol blended gasoline for general use in conventional engines.

Passed on file.

AMENDMENTS FILED

<u>H-8087</u>	<u>S.F. 2154</u>	T. Taylor of Linn
<u>H-8089</u>	<u>H.F. 2390</u>	Quirk of Chickasaw
<u>H-8091</u>	<u>H.F. 2537</u>	R. Olson of Polk
<u>H-8092</u>	<u>H.F. 2560</u>	Gaskill of Wapello
<u>H-8093</u>	<u>H.F. 2560</u>	Gaskill of Wapello
<u>H-8094</u>	<u>H.F. 2560</u>	Gaskill of Wapello
<u>H-8095</u>	<u>H.F. 2540</u>	Struyk of Pottawattamie
<u>H-8096</u>	<u>H.F. 2393</u>	Smith of Marshall
<u>H-8097</u>	<u>H.F. 2540</u>	Paulsen of Linn
		Thomas of Clayton
<u>H-8098</u>	<u>S.F. 2122</u>	Tymeson of Madison
<u>H-8099</u>	<u>S.F. 2122</u>	Baudler of Adair
		Jacobs of Polk

On motion by McCarthy of Polk the House adjourned at 3:53 p.m., until 9:00 a.m., Thursday, March 13, 2008.