

**PROOF**

---

---

**STATE OF IOWA**

# **House Journal**

**WEDNESDAY, MARCH 24, 2010**

---

Produced daily by the State of Iowa during the sessions of the General Assembly.  
(The official bound copy will be available after a reasonable time upon adjournment.)

---

---

## JOURNAL OF THE HOUSE

Seventy-third Calendar Day - Fifty-second Session Day

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

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

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

### PLEDGE OF ALLEGIANCE

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

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

### LEAVE OF ABSENCE

Leave of absence was granted as follows:

Wendt of Woodbury on request of McCarthy of Polk.

### INTRODUCTION OF BILLS

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

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

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

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

## SENATE MESSAGES CONSIDERED

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

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

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

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

## MESSAGE FROM THE SENATE

The following message was received from the Senate:

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

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

MICHAEL E. MARSHALL, Secretary

ADOPTION OF [HOUSE RESOLUTION 126](#)

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

The motion prevailed and the resolution was adopted.

## SPECIAL PRESENTATION

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

The House rose and expressed its congratulations.

CONSIDERATION OF BILLS  
Unfinished Business Calendar

The House resumed consideration of [Senate File 2381](#), a bill for an act relating to and making transportation and other infrastructure-related appropriations to the department of transportation, including allocation and use of moneys from the road use tax fund and the primary road fund, providing for properly related matters, and making penalties applicable, previously deferred and found on pages 1162-1164 of the House Journal.

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

[H-8563](#)

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

Amendment [H-8563](#) lost.

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

[H-8566](#)

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

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

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

#### MOTION TO RECONSIDER PREVAILED

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

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

#### [H-8567](#)

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

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

On motion by Quirk of Chickasaw amendment [H-8514](#), as amended, was adopted.

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

On the question "Shall the bill pass?" ([S.F. 2381](#))

The ayes were, 53:

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

The nays were, 46:

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

Absent or not voting, 1:

Wendt

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

## IMMEDIATE MESSAGE

McCarthy of Polk asked and received unanimous consent that [Senate File 2381](#) be immediately messaged to the Senate.

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

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

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

## Appropriations Calendar

[House File 2531](#), a bill for an act relating to state and local finances by providing for funding of property tax credits and reimbursements, by increasing the maximum allowable local hotel and motel tax rates, by making, increasing, and reducing appropriations, providing for salaries and compensation of state employees, providing for matters relating to tax credits, providing for fees and penalties, and providing for properly related matters, and including effective date and retroactive applicability provisions, was taken up for consideration.

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

[H-8565](#)

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

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

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

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

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

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

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

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

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

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

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

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

Upmeyer of Hancock asked and received unanimous consent that

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

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

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

[H-8557](#)

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

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

[H-8582](#)

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

A non-record roll call was requested.

The ayes were 50, nays 32.

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

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

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

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

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

[H-8552](#)

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

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

Page 2

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

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

Page 3

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

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

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

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

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

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

Page 4

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

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

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

18 general fund average for a fiscal year is the sum of  
 19 the following, divided by seven:  
 20 a. The adjusted revenue estimate for the succeeding  
 21 fiscal year.  
 22 b. The revenue estimate for the current fiscal  
 23 year, adjusted by subtracting estimated tax refunds  
 24 payable from that estimated revenue and as determined  
 25 by the conference, adding any new revenues which may be  
 26 considered to be eligible for deposit in the general  
 27 fund.  
 28 c. The net revenue for the general fund of the  
 29 state for the five most recently completed fiscal  
 30 years, adjusted by subtracting tax refunds paid from  
 31 the revenue and adjusted for inflation through the  
 32 close of the most recently completed fiscal year.  
 33 4. The gambling revenue expenditure limitation  
 34 for a fiscal year shall be the sum of the following,  
 35 divided by seven, as agreed to by the revenue  
 36 estimating conference:  
 37 a. The gambling revenues estimate for the  
 38 succeeding fiscal year.  
 39 b. The gambling revenues estimate for the current  
 40 fiscal year.  
 41 c. The net gambling revenues for the five most  
 42 recently completed fiscal years, adjusted for inflation  
 43 through the close of the most recently completed fiscal  
 44 year.  
 45 4. ~~5.~~ The state general fund expenditure  
 46 limitation amount and the gambling revenue expenditure  
 47 limitation amount provided for in this section shall  
 48 be used by the governor in the preparation of the  
 49 budget under section 8.22 and approval of the budget  
 50 and by the general assembly in the budget process.

Page 5

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

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

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

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

Page 6

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

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

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

Page 7

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

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

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

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

The ayes were, 44:

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

The nays were, 55:

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

Absent or not voting, 1:

Wendt

Amendment [H-8552](#) lost.

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

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

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

#### AFTERNOON SESSION

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

#### ADOPTION OF [HOUSE RESOLUTION 124](#)

Heddens of Story, Deyoe of Story, D. Olson of Boone and Wessel-Kroeschell of Story called up for consideration [House Resolution 124](#), a resolution congratulating the Iowa State University football team for its victory at the Insight Bowl, and moved its adoption.

The motion prevailed and the resolution was adopted.

## MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on March 24, 2010, concurred in the House amendment and passed the following bill in which the concurrence of the Senate was asked:

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

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

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

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

[Senate File 2354](#), a bill for an act relating to campaign finance, including political campaign activities and independent expenditures by corporations, making penalties applicable, and including effective date provisions.

MICHAEL E. MARSHALL, Secretary

The House resumed consideration of [House File 2531](#), a bill for an act relating to state and local finances by providing for funding of property tax credits and reimbursements, by increasing the maximum allowable local hotel and motel tax rates, by making, increasing, and reducing appropriations, providing for salaries and compensation of state employees, providing for matters relating to tax credits, providing for fees and penalties, and providing for properly related matters, and including effective date and retroactive applicability provision, previously deferred.

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

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

[H-8577](#)

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

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

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

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

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

The ayes were, 74:

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

The nays were, 25:

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

Absent or not voting, 1:

Wendt

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

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

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

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

[H-8581](#)

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

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

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

[H-8575](#)

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

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

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

The ayes were, 49:

Alons	Anderson	Arnold	Bailey
Baudler	Chambers	Cownie	De Boef
Deyoe	Dolecheck	Drake	Forristall

Grassley	Hagenow	Heaton	Helland
Horbach	Huseman	Huser	Kaufmann
Kelley	Koester	Lukan	May
Mertz	Miller, L.	Olson, S.	Paulsen
Pettengill	Raecker	Rants	Rayhons
Roberts	Sands	Schulte	Schultz
Shomshor	Soderberg	Sorenson	Struyk
Sweeney	Tjepkes	Tymeson	Upmeyer
Van Engelenhoven	Wagner	Watts	Windschitl
Worthan			

The nays were, 49:

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

Absent or not voting, 2:

Quirk	Wendt
-------	-------

Amendment [H-8575](#) lost.

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

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

[H-8551](#)

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

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

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

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

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

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

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

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

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

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

Page 2

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

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

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

[H-8571](#)

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

Speaker Murphy in the chair at 3:03 p.m.

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

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

The ayes were, 45:

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

The nays were, 52:

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

Absent or not voting, 3:

Kuhn	Swaim	Wendt
------	-------	-------

Amendment [H-8571](#) lost.

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

[H-8569](#)

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

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

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

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

[H-8543](#)

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

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

Rule 75 was invoked.

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

The ayes were, 48:

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

The nays were, 51:

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

Absent or not voting, 1:

Wendt

Amendment [H-8543](#) lost.

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

[H-8554](#)

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

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

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

[H-8600](#)

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

A non-record roll call was requested.

The ayes were 22, nays 49.

Amendment [H-8600](#) lost.

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

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

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

Objection was raised.

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

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

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

The ayes were, 45:

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

The nays were, 52:

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

Absent or not voting, 3:

Huser	Olson, R.	Wendt
-------	-----------	-------

The motion to suspend the rules lost.

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

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

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

[H-8556](#)

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

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

[H-8570](#)

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

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

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

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

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

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

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

[H-8576](#)

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

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

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

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

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

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

The ayes were, 96:

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

The nays were, none.

Absent or not voting, 4:

Olson, R.	Shomshor	Watts	Wendt
-----------	----------	-------	-------

Amendment [H-8576](#) was adopted.

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

[H-8580](#)

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

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

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

[H-8585](#)

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

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

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

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

The ayes were, 94:

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

The nays were, none.

Absent or not voting, 6:

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

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

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

## MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on March 24, 2010, amended and passed the following bill in which the concurrence of the House is asked:

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

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

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

MICHAEL E. MARSHALL, Secretary

## SENATE MESSAGE CONSIDERED

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

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

## BILL SIGNED BY THE GOVERNOR

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

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

## SUBCOMMITTEE ASSIGNMENT

[Senate Joint Resolution 2009](#)

Public Safety: Burt, Chair; Hagenow and Reichert.

## COMMITTEE RECOMMENDATION

MR. SPEAKER: The Chief Clerk of the House respectfully reports that the following committee recommendation has been received and is on file in the office of the Chief Clerk.

MARK W. BRANDSGARD  
Chief Clerk of the House

## COMMITTEE ON ADMINISTRATION AND RULES

**Committee Bill** (Formerly LSB 6281HC), amending the permanent rules of the House of Representatives relating to voting by members.

Fiscal Note is not required.

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

## RESOLUTIONS FILED

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

Laid over under **Rule 25**.

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

Placed on the **calendar**.

## AMENDMENTS FILED

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

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

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