

PROOF

STATE OF IOWA

House Journal

THURSDAY, MARCH 25, 2010

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JOURNAL OF THE HOUSE

Seventy-fourth Calendar Day - Fifty-third Session Day

Hall of the House of Representatives
Des Moines, Iowa, Thursday, March 25, 2010

The House met pursuant to adjournment at 8:11 a.m., Speaker Murphy in the chair.

Prayer was offered by Reverend Kevin Gingerich, pastor of Bloomfield United Methodist Church, Bloomfield. He was the guest of Representative Kurt Swaim from Davis County.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by third grade students from East Marshall School. They were the guests of Representative Mark Smith of Marshall County.

The Journal of Wednesday, March 24, 2010 was approved.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Raecker of Polk on request of Paulsen of Linn; Horbach of Tama and L. Miller of Scott on request of Lukan of Dubuque; Watts of Dallas on request of Kaufmann of Cedar; Gayman of Scott on request of Murphy of Dubuque and Wendt of Woodbury on request of McCarthy of Polk.

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

[Senate File 2383](#), a bill for an act relating to the collection of debt obligations owed the state and cities and establishing a state debt coordinator, providing a fee, and including effective date provisions.

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

[Senate File 2387](#), a bill for an act providing for a sales tax exemption for specified purchases made by a regional blood testing laboratory licensed by the federal food and drug administration.

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

[Senate File 2388](#), a bill for an act establishing a hospital health care access assessment program, providing penalties, providing a future repeal, and including effective date and contingent implementation provisions.

MICHAEL E. MARSHALL, Secretary

CONSIDERATION OF BILLS Unfinished Business Calendar

[Senate File 2331](#), a bill for an act relating to participation of chiropractors in the hawk-i program, with report of committee recommending passage, was taken up for consideration.

Paulsen of Linn asked and received unanimous consent to withdraw amendment [H-8548](#) and amendment [H-8555](#) filed by Pettengill of Benton on March 23, 2010.

Theude of Scott 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. 2331](#))

The ayes were, 91:

Abdul-Samad	Alons	Anderson	Arnold
Baudler	Beard	Bell	Berry
Bukta	Burt	Chambers	Cohoon
Cownie	De Boef	Deyoe	Dolecheck
Drake	Ficken	Ford	Forristall
Frevert	Gaskill	Grassley	Hagenow
Hanson	Heaton	Heddens	Helland
Hunter	Huseman	Huser	Isenhart
Jacoby	Kaufmann	Kearns	Kelley
Koester	Kressig	Kuhn	Lensing
Lukan	Lykam	Marek	Mascher
May	McCarthy	Mertz	Miller, H.

Oldson	Olson, D.	Olson, R.	Olson, S.
Olson, T.	Palmer	Paulsen	Petersen
Pettengill	Rants	Rayhons	Reasoner
Roberts	Running-Marquardt	Sands	Schueller
Schulte	Schultz	Shomshor	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, 9:

Bailey	Gayman	Horbach	Miller, L.
Quirk	Raecker	Reichert	Watts
Wendt			

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

Struyk of Pottawattamie in the chair at 8:42 a.m.

IMMEDIATE MESSAGE

McCarthy of Polk asked and received unanimous consent that [Senate File 2331](#) be immediately messaged to the Senate.

SENATE AMENDMENT CONSIDERED

D. Olson of Boone called up for consideration [House File 2459](#), a bill for an act establishing a watershed planning advisory council, amended by the following Senate amendment [H-8464](#):

[H-8464](#)

- 1 Amend [House File 2459](#), as passed by the House, as
- 2 follows:
- 3 1. Page 3, line 18, after <improvement> by
- 4 inserting <including but not limited to incentives
- 5 for participation in a watershed management authority
- 6 created under this chapter>
- 7 2. Page 3, after line 20 by inserting:
- 8 <Sec. ____ NEW SECTION. 466B.11 Watershed
- 9 demonstration pilot projects.

10 The department of natural resources and the
11 department of agriculture and land stewardship, in
12 collaboration with the United States department of
13 agriculture's natural resources conservation service
14 and the Iowa flood center established pursuant to
15 section 466C.1, and in cooperation with the council,
16 shall seek funding to plan, implement, and monitor
17 one or more watershed demonstration pilot projects
18 for urban and rural areas involving a twelve-digit
19 hydrologic unit code subwatershed as defined by the
20 United States geological survey. The pilot projects
21 shall include features that seek to do all of the
22 following:

- 23 1. Maximize soil water holding capacity from
24 precipitation.
- 25 2. Minimize severe scour erosion and sand
26 deposition during floods.
- 27 3. Manage water runoff in uplands under saturated
28 soil moisture conditions.
- 29 4. Reduce and mitigate structural and nonstructural
30 flood damage.

31 Sec. __. NEW SECTION. 466B.21 Definitions.

32 As used in this subchapter, unless the context
33 otherwise requires:

- 34 1. "Authority" means a watershed management
35 authority created pursuant to a chapter 28E agreement
36 as provided in this subchapter.
- 37 2. "Board" means a board of directors of a
38 watershed management authority.
- 39 3. "Political subdivision" means cities, counties,
40 and soil and water conservation districts.

41 Sec. __. NEW SECTION. 466B.22 Watershed
42 management authorities created.

- 43 1. Two or more political subdivisions may
44 create, by chapter 28E agreement, a watershed
45 management authority pursuant to this subchapter. The
46 participating political subdivisions must be located
47 in the same United States geological survey hydrologic
48 unit code 8 watershed.

- 49 2. The chapter 28E agreement shall include a map
50 showing the area and boundaries of the authority.

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- 1 3. A county or a soil and water conservation
2 district may participate in more than one authority
3 created pursuant to this subchapter.

- 4 4. A political subdivision is not required to
5 participate in a watershed management authority or be a
6 party to a chapter 28E agreement under this subchapter.

7 Sec. __. NEW SECTION. 466B.23 Duties.

- 8 A watershed management authority may perform all of

9 the following duties:

- 10 1. Assess the flood risks in the watershed.
 - 11 2. Assess the water quality in the watershed.
 - 12 3. Assess options for reducing flood risk and
 - 13 improving water quality in the watershed.
 - 14 4. Monitor federal flood risk planning and
 - 15 activities.
 - 16 5. Educate residents of the watershed area
 - 17 regarding water quality and flood risks.
 - 18 6. Allocate moneys made available to the authority
 - 19 for purposes of water quality and flood mitigation.
 - 20 7. Make and enter into contracts and agreements
 - 21 and execute all instruments necessary or incidental
 - 22 to the performance of the duties of the authority.
- 23 A watershed management authority shall not acquire
- 24 property by eminent domain.
- 25 Sec. ____ NEW SECTION. 466B.24 Board of directors.
- 26 1. An authority shall be governed by a board
 - 27 of directors. Members of a board of directors of
 - 28 an authority shall be divided among the political
 - 29 subdivisions comprising the authority and shall be
 - 30 appointed by the respective political subdivision's
 - 31 elected legislative body.
 - 32 2. Representation on a board and the number of
 - 33 directors comprising a board shall be determined by
 - 34 agreement between the political subdivisions comprising
 - 35 the authority.
 - 36 3. The composition of the board regarding
 - 37 participating cities and counties shall be based on the
 - 38 proportion of the population of each participating city
 - 39 or county to the total population of the participating
 - 40 cities and counties. Each participating soil and water
 - 41 conservation district shall have at least one director
 - 42 on the board. This subsection shall not apply if a
 - 43 chapter 28E agreement under this subchapter provides an
 - 44 alternative board composition method.
 - 45 4. The directors shall serve staggered terms of
 - 46 four years. The initial board shall determine, by
 - 47 lot, the initial terms to be shortened and lengthened,
 - 48 as necessary, to achieve staggered terms. A person
 - 49 appointed to fill a vacancy shall be appointed in
 - 50 the same manner as the original appointment for the

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- 1 duration of the unexpired term. A director is eligible
- 2 for reappointment. This subsection shall not apply if
- 3 a chapter 28E agreement under this subchapter provides
- 4 an alternative for the length of term, appointment, and
- 5 reappointment of directors.
- 6 5. A board may provide procedures for the removal
- 7 of a director who fails to attend three consecutive

8 regular meetings of the board. If a director is
9 so removed, a successor shall be appointed for the
10 duration of the unexpired term of the removed director
11 in the same manner as the original appointment. The
12 appointing body may at any time remove a director
13 appointed by it for misfeasance, nonfeasance, or
14 malfeasance in office.

15 6. A board shall adopt bylaws and shall elect
16 one director as chairperson and one director as vice
17 chairperson, each for a term of two years, and shall
18 appoint a secretary who need not be a director.

19 7. A majority of the membership of a board of
20 directors shall constitute a quorum for the purpose
21 of holding a meeting of the board. The affirmative
22 vote of a majority of a quorum shall be necessary
23 for any action taken by an authority unless the
24 authority's bylaws specify those particular actions of
25 the authority requiring a greater number of affirmative
26 votes. A vacancy in the membership of the board shall
27 not impair the rights of a quorum to exercise all the
28 rights and perform all the duties of the authority.

29 Sec. __. NEW SECTION. 466B.25 Activities
30 coordination.

31 In all activities of a watershed management
32 authority, the authority shall coordinate and
33 cooperate with the department of natural resources,
34 the department of agriculture and land stewardship,
35 councils of governments, public drinking water
36 utilities, and soil and water conservation districts.>

37 3. Title page, by striking line 1 and inserting <An
38 Act relating to watersheds.>

39 4. By renumbering as necessary.

Sands of Louisa asked and received unanimous consent to withdraw amendment [H-8529](#), to the Senate amendment [H-8464](#), filed by him on March 22, 2010.

Mertz of Kossuth offered the following amendment [H-8538](#), to the Senate amendment [H-8464](#), filed by her and moved its adoption:

[H-8538](#)

1 Amend the Senate amendment, [H-8464](#), to House File
2 2459, as passed by the House, as follows:

3 1. Page 1, before line 3 by inserting:

4 <__. Page 2, after line 8 by inserting:

5 <(16) One member selected by the Iowa drainage
6 district association. >>

7 2. By renumbering as necessary.

Amendment [H-8538](#) was adopted.

Sands of Louisa offered the following amendment [H-8591](#), to the Senate amendment [H-8464](#), filed by him and D. Olson of Boone and moved its adoption:

[H-8591](#)

- 1 Amend the Senate amendment, [H-8464](#), to House File
- 2 2459, as passed by the House, as follows:
- 3 1. Page 1, line 48, after <watershed.> by
- 4 inserting <All political subdivisions within a
- 5 watershed must be notified within thirty days prior
- 6 to organization of any watershed management authority
- 7 within the watershed, and provided the opportunity to
- 8 participate.>
- 9 2. Page 2, lines 1 and 2, by striking <county or
- 10 a soil and water conservation district> and inserting
- 11 <political subdivision>
- 12 3. Page 2, by striking lines 32 through 42 and
- 13 inserting:
- 14 <2. A board of directors shall consist of one
- 15 representative of each participating political
- 16 subdivision. This subsection shall not apply if a>
- 17 4. Page 3, line 32, by striking <shall> and
- 18 inserting <may>
- 19 5. Page 3, lines 32 and 33, by striking <and
- 20 cooperate> and inserting <its activities>
- 21 6. By renumbering as necessary.

Amendment [H-8591](#) was adopted.

On motion by D. Olson of Boone the House concurred in the Senate amendment [H-8464](#), as amended.

D. Olson of Boone moved that the bill, as amended by the Senate amendment, 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. 2459](#))

The ayes were, 93:

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	Hagenow
Hanson	Heaton	Heddens	Helland
Hunter	Huseman	Huser	Isenhart
Jacoby	Kaufmann	Kearns	Kelley
Koester	Kressig	Kuhn	Lensing
Lukan	Lykam	Marek	Mascher
May	McCarthy	Mertz	Miller, H.
Murphy, Spkr.	Oldson	Olson, D.	Olson, R.
Olson, S.	Olson, T.	Palmer	Paulsen
Petersen	Pettengill	Quirk	Rants
Rayhons	Reasoner	Reichert	Roberts
Running-Marquardt	Sands	Schueller	Schulte
Schultz	Shomshor	Smith	Soderberg
Sorenson	Steckman	Swaim	Sweeney
Taylor	Thede	Thomas	Tjepkes
Tymeson	Upmeyer	Van Engelenhoven	Wagner
Wenthe	Wessel-Kroeschell	Whitead	Willems
Winckler	Windschitl	Worthan	Zirkelbach
Struyk, Presiding			

The nays were, 1:

Grassley

Absent or not voting, 6:

Gayman	Horbach	Miller, L.	Raecker
Watts	Wendt		

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

ADOPTION OF [HOUSE RESOLUTION 128](#)

Palmer of Mahaska called up for consideration [House Resolution 128](#), as follows and moved its adoption:

[House Resolution 128](#)

By Committee on Ethics

- 1 A resolution amending the House Code of Ethics.
- 2 *Be It Resolved By The House Of Representatives,*
- 3 That Rule 12, paragraph f, unnumbered paragraph 1,
- 4 of the House Code of Ethics, as adopted by the House
- 5 of Representatives during the 2009 Session in House
- 6 Resolution 7, is amended to read as follows:
- 7 The committee chairperson and the ranking member
- 8 shall review the complaint and supporting information

9 to determine whether the complaint meets the
10 requirements as to form. If the complaint is deficient
11 as to form, the complaint shall be returned to the
12 complainant with instructions indicating the deficiency
13 unless the committee decides to proceed on its own
14 motion. If the complaint is in writing and contains
15 the appropriate certification, as soon as practicable,
16 the chairperson shall call a meeting of the committee
17 to review the complaint to determine whether the
18 complaint meets the requirements for validity and
19 whether the committee should take action on the
20 complaint pursuant to paragraph "Og" or whether the
21 committee should request that the chief justice of the
22 supreme court appoint an independent special counsel to
23 conduct an investigation to determine whether probable
24 cause exists to believe that a violation of the house
25 code of ethics, house rules governing lobbyists, or
26 chapter 68B of the Code, has occurred.

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1 *Be It Further Resolved*, That Rule 12, of the
2 House Code of Ethics, as adopted by the House of
3 Representatives during the 2009 Session in House
4 Resolution 7, is amended by adding the following new
5 paragraph:

6 Og. If the committee determines a complaint is
7 valid and determines no dispute exists between the
8 parties regarding the material facts that establish
9 a violation, the committee may take action on the
10 complaint under this paragraph without requesting the
11 appointment of an independent special counsel.

12 The committee may do any of the following:

13 (1) Issue an admonishment to advise against the
14 conduct that formed the basis for the complaint and to
15 exercise care in the future.

16 (2) Issue an order to cease and desist the conduct
17 that formed the basis for the complaint.

18 (3) Make a recommendation to the house that
19 the person subject to the complaint be censured or
20 reprimanded.

21 *Be It Further Resolved*, That Rule 12, paragraph g,
22 of the House Code of Ethics, as adopted by the House
23 of Representatives during the 2009 Session in House
24 Resolution 7, is amended to read as follows:

25 g. Request for appointment of independent special
26 counsel. If, after review of the complaint and any
27 response made by the party alleged to have committed
28 the violation, the committee determines that the
29 complaint meets the requirements for form and content
30 and the committee has not taken action under paragraph

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1 "Og", the committee shall request that the chief
2 justice of the supreme court appoint independent
3 special counsel to investigate the matter and determine
4 whether probable cause exists to believe that a
5 violation of chapter 68B of the Code, the house code
6 of ethics, or the house Rules governing lobbyists has
7 occurred.

The motion prevailed and the resolution was adopted.

Unfinished Business Calendar

[Senate File 2250](#), a bill for an act creating the criminal offense of robbery in the third degree, and providing a penalty, with report of committee recommending passage, was taken up for consideration.

Huser of Polk asked and received unanimous consent to withdraw amendment [H-8187](#) filed by Struyk of Pottawattamie on February 22, 2010.

R. Olson of Polk offered the following amendment [H-8468](#) filed by him and moved its adoption:

[H-8468](#)

1 Amend [Senate File 2250](#), as passed by the Senate, as
2 follows:
3 1. By striking everything after the enacting clause
4 and inserting:
5 <Section 1. NEW SECTION. 711.5 Robbery –
6 application.
7 This chapter does not apply if section 714.3A
8 applies.
9 Sec. 2. NEW SECTION. 714.3A Aggravated theft.
10 1. A person commits aggravated theft when the
11 person commits an assault as defined in section 708.1,
12 subsection 1, that is punishable as a simple
13 misdemeanor under section 708.2, subsection 6, after
14 the person has removed or attempted to remove property
15 not exceeding two hundred dollars in value which
16 has not been purchased from a store or mercantile
17 establishment, or has concealed such property of
18 the store or mercantile establishment, either on
19 the premises or outside the premises of the store or
20 mercantile establishment.
21 2. a. A person who commits aggravated theft is

22 guilty of an aggravated misdemeanor.
23 b. A person who commits aggravated theft, and who
24 has previously been convicted of an aggravated theft,
25 robbery in the first degree in violation of section
26 711.2, robbery in the second degree in violation of
27 section 711.3, or extortion in violation of section
28 711.4, is guilty of a class "D" felony.
29 3. In determining if a violation is a class "D"
30 felony offense the following shall apply:
31 a. A deferred judgment entered pursuant to section
32 907.3 for a violation of any offense specified in
33 subsection 2 shall be counted as a previous offense.
34 b. A conviction or the equivalent of a deferred
35 judgment for a violation in any other states under
36 statutes substantially corresponding to an offense
37 specified in subsection 2 shall be counted as a
38 previous offense. The courts shall judicially notice
39 the statutes of other states which define offenses
40 substantially equivalent to the offenses specified
41 in this section and can therefore be considered
42 corresponding statutes.
43 4. Aggravated theft is not an included offense of
44 robbery in the first or second degree.
45 Sec. 3. Section 808.12, subsections 1 and 3, Code
46 2009, are amended to read as follows:
47 1. Persons concealing property as set forth
48 in section 714.3A or 714.5, may be detained and
49 searched by a peace officer, person employed in a
50 facility containing library materials, merchant, or

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1 merchant's employee, provided that the detention is
2 for a reasonable length of time and that the search is
3 conducted in a reasonable manner by a person of the
4 same sex and according to subsection 2 of this section.
5 3. The detention or search under this section by a
6 peace officer, person employed in a facility containing
7 library materials, merchant, or merchant's employee
8 does not render the person liable, in a criminal or
9 civil action, for false arrest or false imprisonment
10 provided the person conducting the search or detention
11 had reasonable grounds to believe the person detained
12 or searched had concealed or was attempting to conceal
13 property as set forth in section 714.3A or 714.5.>
14 2. Title page, lines 1 and 2, by striking <robbery
15 in the third degree> and inserting <aggravated theft>

Amendment [H-8468](#) was adopted.

R. Olson of Polk 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. 2250](#))

The ayes were, 94:

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	Grassley
Hagenow	Hanson	Heaton	Heddens
Helland	Hunter	Huseman	Huser
Isenhardt	Jacoby	Kaufmann	Kearns
Kelley	Koester	Kressig	Kuhn
Lensing	Lukan	Lykam	Marek
Mascher	May	McCarthy	Mertz
Miller, H.	Murphy, Spkr.	Oldson	Olson, D.
Olson, R.	Olson, S.	Olson, T.	Palmer
Paulsen	Petersen	Pettengill	Quirk
Rants	Rayhons	Reasoner	Reichert
Roberts	Running-Marquardt	Sands	Schueller
Schulte	Schultz	Shomshor	Smith
Soderberg	Sorenson	Steckman	Swaim
Sweeney	Taylor	Thede	Thomas
Tjepkes	Tymeson	Upmeyer	Van Engelenhoven
Wagner	Wenthe	Wessel-Kroeschell	Whitead
Willems	Winckler	Windschitl	Worthan
Zirkelbach	Struyk, Presiding		

The nays were, none.

Absent or not voting, 6:

Gayman	Horbach	Miller, L.	Raecker
Watts	Wendt		

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

[Senate File 2279](#), a bill for an act relating to voluntary shared work plans under the unemployment compensation program, with report of committee recommending passage, was taken up for consideration.

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

On the question "Shall the bill pass?" ([S.F. 2279](#))

The ayes were, 95:

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	Hunter	Huseman
Huser	Isenhardt	Jacoby	Kaufmann
Kearns	Kelley	Koester	Kressig
Kuhn	Lensing	Lukan	Lykam
Marek	Mascher	May	McCarthy
Mertz	Miller, H.	Miller, L.	Murphy, Spkr.
Oldson	Olson, R.	Olson, S.	Olson, T.
Palmer	Paulsen	Petersen	Pettengill
Quirk	Rants	Rayhons	Reasoner
Reichert	Roberts	Running-Marquardt	Sands
Schueller	Schulte	Schultz	Shomshor
Smith	Soderberg	Sorenson	Steckman
Swaim	Sweeney	Taylor	Thede
Thomas	Tjepkes	Tymeson	Upmeyer
Van Engelenhoven	Wagner	Wenthe	Wessel-Kroeschell
Whitead	Willems	Winckler	Windschitl
Worthan	Zirkelbach	Struyk, Presiding	

The nays were, none.

Absent or not voting, 5:

Horbach	Olson, D.	Raecker	Watts
Wendt			

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

SENATE MESSAGES CONSIDERED

[Senate File 2383](#), by committee on appropriations, a bill for an act relating to the collection of debt obligations owed the state and

cities and establishing a state debt coordinator, providing a fee, and including effective date provisions.

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

[Senate File 2387](#), by committee on ways and means, a bill for an act providing for a sales tax exemption for specified purchases made by a regional blood testing facility registered by the federal food and drug administration.

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

[Senate File 2388](#), by committee on ways and means, a bill for an act establishing a hospital health care access assessment program, providing penalties, providing a future repeal, and including effective date and contingent implementation provisions.

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

Unfinished Business Calendar

[Senate File 2324](#), a bill for an act modifying provisions relating to franchises for the provision of cable service or video service, and including effective date provisions, with report of committee recommending passage, was taken up for consideration.

Quirk of Chickasaw asked and received unanimous consent to withdraw amendment [H-8437](#) filed by him on March 16, 2010.

Quirk of Chickasaw offered amendment [H-8446](#) filed by him as follows:

[H-8446](#)

- 1 Amend [Senate File 2324](#), as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 1, line 22, by striking ~~<thirty business>~~
- 4 and inserting ~~<business thirty calendar>~~
- 5 2. Page 3, by striking lines 4 and 5 and inserting
- 6 ~~<of the requirements specified in subsection 1 have~~
- 7 ~~been met.>~~
- 8 3. Page 3, line 6, after ~~<sixty>~~ by inserting
- 9 ~~<calendar>~~
- 10 4. Page 3, by striking lines 13 through 25 and

11 inserting:

12 <c. The board may assess its costs associated with
13 an application or a certificate of franchise authority
14 pursuant to the assessment authority contained in
15 section 476.10, subsection 1, paragraph "a".

16 2. The failure of the board to notify the applicant
17 of the completeness of the applicant's affidavit or
18 issue a certificate of franchise authority before the
19 fifteenth business day after receipt of a completed
20 affidavit shall constitute issuance of the certificate
21 of franchise authority applied for by the applicant
22 without further action by the applicant.>

23 5. Page 4, line 17, after <for the> by inserting
24 <remaining>

25 6. Page 4, line 35, after <for the> by inserting
26 <remaining>

27 7. By renumbering, redesignating, and correcting
28 internal references as necessary.

Quirk of Chickasaw offered the following amendment [H-8513](#), to
amendment [H-8446](#), filed by him and moved its adoption:

[H-8513](#)

1 Amend the amendment, [H-8446](#), to [Senate File 2324](#),
2 as amended, passed, and reprinted by the Senate, as
3 follows:

4 1. Page 1, by striking lines 10 through 22 and
5 inserting:

6 <__. Page 3, by striking lines 13 through 18 and
7 inserting:

8 <c. The board may assess its costs associated with
9 an application or a certificate of franchise authority
10 pursuant to the assessment authority contained in
11 section 476.10, subsection 1, paragraph "a".>

12 __. Page 3, line 22, by striking
13 <thirtieth business> and inserting <business ninetieth
14 calendar>>

15 2. By renumbering as necessary.

Amendment [H-8513](#) was adopted.

On motion by Quirk of Chickasaw, amendment [H-8446](#), as
amended, was adopted.

Sands of Louisa asked and received unanimous consent to
withdraw amendment [H-8544](#) filed by him on March 23, 2010.

Quirk of Chickasaw 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. 2324](#))

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	Gaskill	Gayman	Grassley
Hagenow	Hanson	Heaton	Heddens
Helland	Hunter	Huseman	Huser
Isenhardt	Jacoby	Kaufmann	Kearns
Kelley	Koester	Kressig	Kuhn
Lensing	Lukan	Lykam	Marek
Mascher	May	McCarthy	Mertz
Miller, H.	Miller, L.	Murphy, Spkr.	Oldson
Olson, D.	Olson, R.	Olson, S.	Olson, T.
Palmer	Paulsen	Petersen	Pettengill
Quirk	Rants	Rayhons	Reasoner
Reichert	Roberts	Running-Marquardt	Sands
Schueller	Schulte	Schultz	Shomshor
Smith	Soderberg	Sorenson	Steckman
Swaim	Sweeney	Taylor	Thede
Thomas	Tjepkes	Tymeson	Upmeyer
Van Engelenhoven	Wagner	Watts	Wenthe
Wessel-Kroeschell	Whitead	Willems	Winckler
Windschitl	Worthan	Zirkelbach	Struyk, Presiding

The nays were, 1:

Frevert

Absent or not voting, 3:

Horbach Raecker Wendt

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 File 2459](#) and **Senate Files 2250, 2279 and 2324**.

RULE 57 SUSPENDED

McCarthy of Polk asked and received unanimous consent to suspend Rule 57, relating to committee notice and agenda for meetings on the committee on public safety and the committee on ways and means this afternoon.

Speaker Murphy in the chair at 9:54 a.m.

Unfinished Business Calendar

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 provisions, previously deferred and found on pages 1191 thru 1218 of the House Journal.

Taylor of Linn asked and received unanimous consent to withdraw amendment [H-8594](#) filed by him on March 24, 2010.

Oldson of Polk asked and received unanimous consent that amendment [H-8607](#) be deferred.

Taylor of Linn offered the following amendment [H-8608](#) filed by him from the floor and moved its adoption:

[H-8608](#)

- 1 Amend [House File 2531](#) as follows:
- 2 1. Page 37, after line 14 by inserting:
- 3 <Sec. ____ 2010 Iowa Acts, [Senate File 2378](#),
- 4 section 20, subsection 1, if enacted, is amended to
- 5 read as follows:

6 1. A public safety enforcement fund is created in
7 the state treasury under the control of the treasurer
8 of state. Notwithstanding section 602.8108, after
9 the necessary amount is remitted for deposit in the
10 Iowa prison infrastructure fund as provided in section
11 602.8108A, the state court administrator shall allocate
12 to the treasurer of state for deposit in the public
13 safety enforcement fund the ~~first~~ next nine million
14 one hundred thousand dollars of the moneys received
15 under section 602.8108, subsection 2, during the fiscal
16 year beginning July 1, 2010, and ending June 30, 2011.
17 Moneys deposited into the fund are appropriated to
18 the treasurer of state for allocation as provided in
19 subsection 2.>
20 2. By renumbering as necessary.

Amendment [H-8608](#) was adopted.

Mascher of Johnson offered amendment [H-8557](#), as amended, and previously deferred, 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.

Mascher of Johnson offered the following amendment [H-8588](#), to amendment [H-8557](#), as amended, filed by her and moved its adoption:

[H-8588](#)

1 Amend the amendment, [H-8557](#), to [House File 2531](#) as
 2 follows:
 3 1. Page 1, line 29, after <report.> by inserting
 4 <The legislative council shall provide for the funding
 5 of the study and report by the commission.>

Amendment [H-8588](#) was adopted.

Mascher of Johnson moved the adoption of amendment [H-8557](#), as amended.

Roll call was requested by Pettengill of Benton and Windschitl of Harrison.

On the question "Shall amendment [H-8557](#), as amended be adopted?" ([H.F. 2531](#))

The ayes were, 29:

Abdul-Samad	Arnold	Burt	Cownie
Ford	Heaton	Hunter	Huser
Isenhardt	Jacoby	Kelley	Lensing
Mascher	Miller, L.	Olson, D.	Paulsen
Petersen	Quirk	Rants	Rayhons
Shomshor	Steckman	Struyk	Taylor
Upmeyer	Van Engelenhoven	Wessel-Kroeschell	Willems
Winckler			

The nays were, 67:

Alons	Anderson	Bailey	Baudler
Beard	Bell	Berry	Bukta

Chambers	Cohoon	De Boef	Deyoe
Dolecheck	Drake	Ficken	Forristall
Frevert	Gaskill	Gayman	Grassley
Hagenow	Hanson	Heddens	Helland
Huseman	Kaufmann	Kearns	Koester
Kressig	Kuhn	Lukan	Lykam
Marek	May	McCarthy	Mertz
Miller, H.	Oldson	Olson, R.	Olson, S.
Olson, T.	Palmer	Pettengill	Reasoner
Reichert	Roberts	Sands	Schueller
Schulte	Schultz	Smith	Soderberg
Sorenson	Swaim	Sweeney	Thede
Thomas	Tjepkes	Tymeson	Wagner
Watts	Wenthe	Whitead	Windschitl
Worthan	Zirkelbach	Mr. Speaker	
		Murphy	

Absent or not voting, 4:

Horbach Raecker Running-Marquardt Wendt

Amendment [H-8557](#), as amended lost.

Soderberg of Plymouth offered amendment [H-8550](#), previously deferred, filed by him as follows:

[H-8550](#)

1 Amend [House File 2531](#) as follows:
2 1. Page 38, after line 1 by inserting:
3 <DIVISION _____
4 FIRE SUPPRESSION SYSTEMS
5 Sec. ____ Section 100.35, Code 2009, is amended to
6 read as follows:
7 100.35 Rules of marshal.
8 1. The fire marshal shall adopt, and may amend
9 rules under chapter 17A, which include standards
10 relating to exits and exit lights, fire escapes,
11 fire protection, fire safety and the elimination of
12 fire hazards, in and for churches, schools, hotels,
13 theaters, amphitheaters, hospitals, health care
14 facilities as defined in section 135C.1, boarding homes
15 or housing, rest homes, dormitories, college buildings,
16 lodge halls, club rooms, public meeting places, places
17 of amusement, apartment buildings, food establishments
18 as defined in section 137F.1, and all other buildings
19 or structures in which persons congregate from time to
20 time, whether publicly or privately owned. Violation
21 of a rule adopted by the fire marshal is a simple
22 misdemeanor. However, upon proof that the fire marshal
23 gave written notice to the defendant of the violation,

24 and proof that the violation constituted a clear and
25 present danger to life, and proof that the defendant
26 failed to eliminate the condition giving rise to the
27 violation within thirty days after receipt of notice
28 from the fire marshal, the penalty is that provided
29 by law for a serious misdemeanor. Each day of the
30 continuing violation of a rule after conviction of
31 a violation of the rule is a separate offense. A
32 conviction is subject to appeal as in other criminal
33 cases.

34 2. Rules by the fire marshal affecting the
35 construction of new buildings, additions to buildings
36 or rehabilitation of existing buildings and related to
37 fire protection, shall be substantially in accord with
38 the provisions of the nationally recognized building
39 and related codes adopted as the state building code
40 pursuant to section 103A.7 or with codes adopted by
41 a local subdivision which are in substantial accord
42 with the codes comprising the state building code. The
43 rules adopted by the fire marshal shall not require
44 the installation of fire sprinklers or a related
45 fire suppression system in a one-family or two-family
46 residential dwelling or a residential building that
47 contains no more than four dwelling units.

48 3. The rules adopted by the state fire marshal
49 under this section shall provide standards for fire
50 resistance of cellulose insulation sold or used in this

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1 state, whether for public or private use. The rules
2 shall provide for approval of the cellulose insulation
3 by at least one nationally recognized independent
4 testing laboratory.

5 Sec. ____ Section 103A.7, subsection 2, paragraph
6 d, Code Supplement 2009, is amended to read as follows:

7 d. Protection of the health, safety, and welfare
8 of occupants and users. The rules adopted by the
9 state building code commissioner shall not require
10 the installation of fire sprinklers or a related
11 fire suppression system in a one-family or two-family
12 residential dwelling or a residential building that
13 contains no more than four dwelling units.

14 Sec. ____ Section 331.304, subsection 3, Code 2009,
15 is amended by adding the following new paragraph:

16 NEW PARAGRAPH. c. A county building code shall
17 not require the installation of fire sprinklers or
18 a related fire suppression system in a one-family
19 or two-family residential dwelling or a residential
20 building that contains no more than four dwelling
21 units.

22 Sec. ____ Section 364.17, Code Supplement 2009, is

23 amended by adding the following new subsection:
 24 NEW SUBSECTION. 8. A building or housing code
 25 adopted by a city shall not require the installation of
 26 fire sprinklers or a related fire suppression system
 27 in a one-family or two-family residential dwelling or
 28 a residential building that contains no more than four
 29 dwelling units.
 30 Sec. ____ EFFECTIVE UPON ENACTMENT. This division
 31 of this Act, being deemed of immediate importance,
 32 takes effect upon enactment.>
 33 2. By renumbering as necessary.

Oldson of Polk rose on a point of order that amendment [H-8550](#) was not germane.

The Speaker ruled the point well taken and amendment [H-8550](#) not germane.

Soderberg of Plymouth asked for unanimous consent to suspend the rules to consider amendment [H-8550](#).

Objection was raised.

Soderberg of Plymouth moved to suspend the rules to consider amendment [H-8550](#).

Roll call was requested by Soderberg of Plymouth and Pettengill of Benton.

On the question "Shall the rules be suspended to consider amendment [H-8550](#)?" ([H.F. 2531](#))

The ayes were, 42:

Alons	Anderson	Arnold	Baudler
Chambers	Cownie	De Boef	Deyoe
Dolecheck	Drake	Forristall	Grassley
Hagenow	Heaton	Helland	Huseman
Kaufmann	Koester	Lukan	May
Miller, L.	Olson, S.	Paulsen	Pettengill
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	Kuhn	Lensing	Lykam
Marek	Mascher	McCarthy	Mertz
Miller, H.	Oldson	Olson, D.	Olson, T.
Palmer	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, 6:

Horbach	Huser	Olson, R.	Quirk
Raecker	Wendt		

The motion to suspend the rules lost.

Taylor of Linn offered the following amendment [H-8574](#), previously deferred, filed by him and moved its adoption:

[H-8574](#)

1 Amend [House File 2531](#) as follows:
 2 1. Page 38, after line 1 by inserting:
 3 <DIVISION _____
 4 IDENTIFICATION OF WORKER MISCLASSIFICATION
 5 Sec. ____ Section 421.17, Code 2009, is amended by
 6 adding the following new subsection:
 7 NEW SUBSECTION. 31. If the director has reason
 8 to believe, as a result of an investigation or audit,
 9 that a taxpayer may have misclassified workers, then
 10 to assist the department of workforce development, the
 11 director is authorized to provide to the department
 12 of workforce development the following confidential
 13 information with respect to such a taxpayer:
 14 a. Withholding and payroll tax information.
 15 b. The taxpayer's identity, including taxpayer
 16 identification number and date of birth.
 17 c. The results or most recent status of the audit
 18 or investigation.
 19 Sec. ____ Section 422.20, subsection 3, paragraph
 20 a, Code 2009, is amended to read as follows:
 21 a. Unless otherwise expressly permitted by section
 22 8A.504, section 96.11, subsection 6, section 421.17,

23 subsections 22, 23, ~~and 26, and 31~~, sections 252B.9,
24 321.120, 421.19, 421.28, 422.72, and 452A.63, and
25 this section, a tax return, return information,
26 or investigative or audit information shall not be
27 divulged to any person or entity, other than the
28 taxpayer, the department, or internal revenue service
29 for use in a matter unrelated to tax administration.
30 Sec. ____ Section 422.72, subsection 3, paragraph
31 a, Code 2009, is amended to read as follows:
32 a. Unless otherwise expressly permitted by section
33 8A.504, section 96.11, subsection 6, section 421.17,
34 subsections 22, 23, ~~and 26, and 31~~, sections 252B.9,
35 321.120, 421.19, 421.28, 422.20, and 452A.63, and
36 this section, a tax return, return information,
37 or investigative or audit information shall not be
38 divulged to any person or entity, other than the
39 taxpayer, the department, or internal revenue service
40 for use in a matter unrelated to tax administration.
41 Sec. ____ EFFECTIVE UPON ENACTMENT. This division
42 of this Act, being deemed of immediate importance,
43 takes effect upon enactment.>
44 2. By renumbering as necessary.

Amendment [H-8574](#) was adopted.

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

Windschitl of Harrison asked and received unanimous consent to withdraw amendment [H-8589](#), previously deferred, filed by Paulsen of Linn on March 24, 2010, placing out of order amendment [H-8598](#) filed by Windschitl of Harrison on March 24, 2010.

Windschitl of Harrison offered amendment [H-8609](#) filed by Paulsen of Linn from the floor as follows:

[H-8609](#)

1 Amend [House File 2531](#) as follows:
2 1. Page 42, after line 29 by inserting:
3 <DIVISION _____
4 WEAPONS
5 Sec. ____ Section 724.7, Code 2009, is amended to
6 read as follows:
7 724.7 Nonprofessional permit to carry weapons.
8 Any person who ~~can reasonably justify going armed~~
9 ~~may is not disqualified under section 724.8, who~~
10 satisfies the training requirements of section 724.9,

11 and who files an application in accordance with
 12 section 724.10 shall be issued a nonprofessional permit
 13 to carry weapons. Such permits shall be on a form
 14 prescribed and published by the commissioner of public
 15 safety, which shall be readily distinguishable from
 16 the professional permit, and shall identify the holder
 17 thereof, and state the reason for the issuance of the
 18 permit, and the limits of the authority granted by such
 19 permit of the permit. All permits so issued shall be
 20 for a definite period as established by the issuing
 21 officer, but in no event shall exceed a period of
 22 twelve months five years and shall be valid throughout
 23 the state except where the possession or carrying of a
 24 firearm is prohibited by state or federal law.

25 Sec. ____ Section 724.8, Code 2009, is amended to
 26 read as follows:

27 724.8 Persons eligible for permit to carry weapons.

28 No ~~person shall be issued a~~ professional or
 29 nonprofessional permit to carry weapons ~~unless shall~~
 30 be issued to a person who meets any of the following
 31 conditions:

32 1. ~~The person is~~ Is less than eighteen years of age
 33 ~~or older.~~

34 2. ~~The person has never been convicted of a felony.~~

35 3. ~~The person is not addicted to the use of alcohol~~
 36 ~~or any controlled substance.~~

37 4. ~~The person has no history of repeated acts of~~
 38 ~~violence.~~

39 5. ~~The issuing officer reasonably determines that~~
 40 ~~the applicant does not constitute a danger to any~~
 41 ~~person.~~

42 2. Is subject to the provisions of section 724.26.

43 6. ~~3. The person has never~~ Has, within the
 44 previous three years, been convicted of any
 45 crime serious or aggravated misdemeanor defined in
 46 chapter 708, except "assault" as defined in section
 47 708.1 and "harassment" as defined in section 708.7 not
 48 involving the use of a firearm or explosive.

49 4. Is prohibited by federal law from shipping,
 50 possessing, or receiving a firearm.

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1 5. Is a fugitive from justice as defined in 18
 2 U.S.C. § 921(a)(15), pursuant to 18 U.S.C. § 922(d)(2)
 3 or 18 U.S.C. § 922(g)(2).

4 6. Is an unlawful user of or addicted to any
 5 controlled substance pursuant to 18 U.S.C. § 922(d)(3)
 6 or 18 U.S.C. § 922(g)(3).

7 7. Has been adjudicated seriously mentally impaired
 8 or been committed to a mental institution for purposes
 9 of 18 U.S.C. § 922(d)(4) or 18 U.S.C. § 922(g)(4).

10 8. Is an alien illegally or unlawfully in the
11 United States or admitted to the United States under
12 a nonimmigrant visa, as those terms are used in 18
13 U.S.C. § 922(d)(5), 18 U.S.C. § 922(g)(5), or 18 U.S.C.
14 § 922(y).

15 9. Has been discharged from the armed forces
16 under dishonorable conditions pursuant to 18 U.S.C. §
17 922(d)(6) or 18 U.S.C. § 922(g)(6).

18 10. Has renounced the person's United States
19 citizenship pursuant to 18 U.S.C. § 922(d)(7) or 18
20 U.S.C. § 922(g)(7).

21 11. Is subject to a court order that restrains such
22 person from harassing, stalking, or threatening an
23 intimate partner or any child of the intimate partner,
24 as defined in 18 U.S.C. § 921(a)(32), pursuant to 18
25 U.S.C. § 922(d)(8) or 18 U.S.C. § 922(g)(8).

26 12. Has been convicted of a misdemeanor crime of
27 domestic violence as defined in 18 U.S.C. § 921(a)(33),
28 pursuant to 18 U.S.C. § 922(d)(9) or 18 U.S.C. §
29 922(g)(9).

30 13. Is under indictment for a crime punishable by
31 imprisonment for a term exceeding one year as defined
32 in 18 U.S.C. § 921(a)(20), pursuant to 18 U.S.C. §
33 922(n).

34 Sec. ____ Section 724.9, Code 2009, is amended by
35 striking the section and inserting in lieu thereof the
36 following:

37 724.9 Firearm training program.

38 1. An applicant shall demonstrate knowledge of
39 firearm safety by any of the following means:

40 a. Completion of any national rifle association
41 firearms safety or firearms training course.

42 b. Completion of any firearms safety or firearms
43 training course available to the general public
44 offered by a law enforcement agency, community
45 college, college, private or public institution or
46 organization, or firearms training school utilizing
47 instructors certified by the national rifle association
48 or the department of public safety or another state's
49 department of public safety, state police department,
50 or similar certifying body.

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1 c. Completion of any law enforcement firearms
2 safety or firearms training course or class offered
3 for security guards, investigators, special deputies,
4 or any division or subdivision of a law enforcement or
5 security enforcement agency.

6 d. Evidence of equivalent experience with a firearm
7 through participation in any organized shooting
8 competition.

9 e. Completion of small arms training while serving
10 with the armed forces of the United States as evidenced
11 by any of the following:

12 (1) For personnel released or retired from active
13 duty, possession of an honorable discharge or general
14 discharge under honorable conditions.

15 (2) For personnel on active duty or serving in
16 one of the national guard or reserve components of
17 the armed forces of the United States, possession of
18 a certificate of completion of basic training with a
19 service record of successful completion of small arms
20 training and qualification.

21 f. Previously having held a license to carry a
22 firearm in this state, any political subdivision of
23 this state, or in a state recognized under section
24 724.11A, unless such license was revoked for cause.

25 g. Completion of a law enforcement agency firearms
26 training course that qualifies a peace officer to carry
27 a firearm in the normal course of the peace officer's
28 duties.

29 2. Evidence of qualification under this section may
30 be documented by any of the following:

31 a. A photocopy of a certificate of completion or
32 any similar document indicating completion of any
33 course or class identified in subsection 1.

34 b. An affidavit from the instructor, school,
35 organization, or group that conducted or taught a
36 course or class identified in subsection 1 attesting to
37 the completion of the course or class by the applicant.

38 c. A copy of any document indicating participation
39 in any firearms shooting competition.

40 d. A copy of a license described in subsection 1,
41 paragraph "f".

42 3. An issuing officer shall not condition the
43 issuance of a permit on training requirements that are
44 not specified in or that exceed the requirements of
45 this section.

46 Sec. ____ Section 724.10, Code 2009, is amended to
47 read as follows:

48 724.10 Application for permit to carry weapons –
49 ~~criminal history~~ background check required.

50 1. A person shall not be issued a permit to carry

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1 weapons unless the person has completed and signed an
2 application on a form to be prescribed and published
3 by the commissioner of public safety. The application
4 shall ~~state~~ require only the full name, driver's
5 license or nonoperator's identification card number,
6 residence, place of birth, and age of the applicant,
7 and shall state whether the applicant ~~has ever been~~

8 ~~convicted of a felony, whether the person is addicted~~
9 ~~to the use of alcohol or any controlled substance, and~~
10 ~~whether the person has any history of mental illness or~~
11 ~~repeated acts of violence meets the criteria specified~~
12 ~~in sections 724.8 and 724.9. An applicant may provide~~
13 ~~the applicant's social security number if the applicant~~
14 ~~so chooses.~~ The applicant shall also display an
15 identification card that bears a distinguishing number
16 assigned to the cardholder, the full name, date of
17 birth, sex, residence address, and a brief description
18 and colored photograph of the cardholder.

19 2. The ~~sheriff~~ issuing officer, upon receipt
20 ~~of an initial or renewal application under this~~
21 ~~section,~~ shall ~~conduct~~ immediately ~~conduct~~ a ~~criminal~~
22 ~~history background~~ check concerning each applicant by
23 obtaining criminal history data from the department of
24 public safety which shall include an inquiry of the
25 national instant criminal background system maintained
26 by the federal bureau of investigation or any successor
27 agency.

28 3. A person who knowingly makes a false statement
29 of material fact on ~~the an~~ application submitted under
30 this section or who knowingly submits any materially
31 falsified or forged document in connection with such
32 application commits a ~~class "D" felony~~ an aggravated
33 misdemeanor.

34 Sec. ____ Section 724.11, Code 2009, is amended to
35 read as follows:

36 724.11 Issuance of permit to carry weapons.

37 1. Applications for permits to carry weapons shall
38 be made to the sheriff of the county in which the
39 applicant resides. Applications from persons who are
40 nonresidents of the state, or whose need to go armed
41 arises out of employment by the state, shall be made
42 to the commissioner of public safety. In either case,
43 ~~the issuance of the permit shall be by and at the~~
44 ~~discretion of the sheriff or commissioner, who shall,~~
45 before issuing the permit, shall determine that the
46 requirements of sections 724.6 to 724.10 have been
47 satisfied. However, the training program requirements
48 in section 724.9 ~~may~~ shall be waived for renewal
49 permits.

50 2. The issuing officer shall collect a fee of ten

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1 dollars, except from a duly appointed peace officer
2 or correctional officer, for each permit issued.
3 Renewal permits or duplicate permits shall be issued
4 for a fee of five dollars, provided the application
5 for such renewal permit is received by the issuing
6 officer at least thirty days prior to the expiration of

7 the applicant's current permit. The issuing officer
8 shall notify the commissioner of public safety of the
9 issuance of any permit at least monthly and forward to
10 the commissioner an amount equal to two dollars for
11 each permit issued and one dollar for each renewal
12 or duplicate permit issued. All such fees received
13 by the commissioner shall be paid to the treasurer
14 of state and deposited in the operating account of
15 the department of public safety to offset the cost
16 of administering this chapter. ~~Any Notwithstanding~~
17 ~~section 8.33, any unspent balance as of June 30 of each~~
18 ~~year shall revert to the general fund as provided by~~
19 ~~section 8.33 of the state.~~

20 3. The sheriff or commissioner of public safety
21 shall approve or deny an initial or renewal application
22 submitted under this section within thirty days of
23 receipt of the application. If the issuing officer
24 has not received a response to an information request
25 necessary to determine the applicant's eligibility at
26 the end of the thirty-day period and the applicant is
27 not otherwise disqualified, the issuing officer shall
28 issue a conditional permit to the applicant. The
29 conditional permit shall be readily distinguishable
30 in appearance from a five-year permit and shall be
31 immediately revoked if the information subsequently
32 received indicates the applicant is ineligible for a
33 permit and the application is denied. A person whose
34 application for a permit under this chapter is denied
35 may seek review of the denial under section 724.21A.
36 Sec. ____ NEW SECTION. 724.11A Reciprocity.

37 1. The commissioner of public safety shall compare
38 the provisions of sections 724.7 and 724.8 with similar
39 statutes of other states to determine whether such
40 state's laws are similar to or exceed the requirements
41 of sections 724.7 and 724.8. The commissioner shall
42 seek a reciprocity agreement with each state whose laws
43 are similar to or exceed the requirements of sections
44 724.7 and 724.8.

45 2. A valid nonprofessional permit or license to
46 carry weapons recognized in this state pursuant to
47 subsection 1 shall have the same legal effect as a
48 nonprofessional permit to carry weapons issued under
49 this chapter, except that such permit shall not be
50 considered to be a substitute for an annual permit to

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1 acquire weapons issued pursuant to section 724.15.
2 Sec. ____ Section 724.13, Code 2009, is amended by
3 striking the section and inserting in lieu thereof the
4 following:
5 724.13 Suspension or revocation of permit to carry

6 weapons.

7 An issuing officer who finds that a person issued
8 a permit to carry weapons under this chapter has
9 been arrested for a disqualifying offense or is the
10 subject of proceedings that could lead to the person's
11 ineligibility for such permit may immediately suspend
12 such permit. An issuing officer proceeding under this
13 section shall immediately notify the permit holder of
14 the suspension by personal service or certified mail on
15 a form prescribed and published by the commissioner of
16 public safety and the suspension shall become effective
17 upon the permit holder's receipt of such notice. If
18 the suspension is based on an arrest or a proceeding
19 that does not result in a disqualifying conviction or
20 finding against the permit holder, the issuing officer
21 shall immediately reinstate the permit upon receipt of
22 proof of the matter's final disposition. If the arrest
23 leads to a disqualifying conviction or the proceedings
24 to a disqualifying finding, the issuing officer shall
25 revoke the permit. The issuing officer may also
26 revoke the permit of a person whom the issuing officer
27 later finds was not qualified for such a permit at the
28 time of issuance or who the officer finds provided
29 materially false information on the permit application.
30 A person aggrieved by a suspension or revocation under
31 this section may seek review of the decision pursuant
32 to section 724.21A.

33 Sec. ____ Section 724.15, Code 2009, is amended to
34 read as follows:

35 724.15 Annual permit to acquire pistols or
36 revolvers.

37 1. Any person who ~~acquires~~ desires to
38 acquire ownership of any pistol or revolver shall
39 first obtain an annual permit. An annual permit shall
40 ~~not~~ be issued upon request to any ~~person~~ resident of
41 this state unless the person is subject to any of the
42 following:

43 a. ~~The person is~~ Is less than twenty-one years of
44 age ~~or older~~.

45 b. ~~The person has never been convicted of a felony.~~

46 c. ~~The person is not addicted to the use of alcohol~~
47 ~~or a controlled substance.~~

48 d. ~~The person has no history of repeated acts of~~
49 ~~violence.~~

50 e. ~~The person has never been convicted of a crime~~

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1 ~~defined in chapter 708, except "assault" as defined in~~
2 ~~section 708.1 and "harassment" as defined in section~~
3 ~~708.7.~~

4 f. ~~The person has never been adjudged mentally~~

5 ~~incompetent.~~

6 b. Is subject to the provisions of section 724.26.

7 c. Is prohibited by federal law from shipping,

8 possessing, or receiving a firearm.

9 2. Any person who acquires ownership of a pistol
10 or revolver shall not be required to obtain an annual
11 permit if any of the following apply:

12 a. The person transferring the pistol or revolver
13 and the person acquiring the pistol or revolver are
14 licensed firearms dealers under federal law;

15 b. The pistol or revolver acquired is an antique
16 firearm, a collector's item, a device which is not
17 designed or redesigned for use as a weapon, a device
18 which is designed solely for use as a signaling,
19 pyrotechnic, line-throwing, safety, or similar device,
20 or a firearm which is unserviceable by reason of being
21 unable to discharge a shot by means of an explosive
22 and is incapable of being readily restored to a firing
23 condition; ~~or,~~

24 c. The person acquiring the pistol or revolver is
25 authorized to do so on behalf of a law enforcement
26 agency.

27 d. The person has obtained a valid permit to carry
28 weapons, as provided in section 724.11.

29 e. The person transferring the pistol or revolver
30 and the person acquiring the pistol or revolver
31 are related to one another within the second degree
32 of consanguinity or affinity unless the person
33 transferring the pistol or revolver knows that the
34 person acquiring the pistol or revolver would be
35 ~~ineligible to obtain~~ disqualified from obtaining a
36 permit.

37 3. The annual permit to acquire pistols or
38 revolvers shall authorize the permit holder to acquire
39 one or more pistols or revolvers during the period
40 that the permit remains valid. ~~If the issuing officer~~
41 ~~determines that the applicant has become disqualified~~
42 ~~under the provisions of subsection 1, the issuing~~
43 ~~officer may immediately invalidate the permit.~~

44 4. An issuing officer who finds that a person
45 issued a permit to acquire pistols or revolvers under
46 this chapter has been arrested for a disqualifying
47 offense or who is the subject of proceedings that could
48 lead to the person's ineligibility for such permit may
49 immediately suspend such permit. An issuing officer
50 proceeding under this subsection shall immediately

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1 notify the permit holder of the suspension by personal
2 service or certified mail on a form prescribed and
3 published by the commissioner of public safety and

4 the suspension shall become effective upon the permit
5 holder's receipt of such notice. If the suspension
6 is based on an arrest or a proceeding that does not
7 result in a disqualifying conviction or finding against
8 the permit holder, the commissioner shall immediately
9 reinstate the permit upon receipt of proof of the
10 matter's final disposition. If the arrest leads to
11 a disqualifying conviction or the proceedings to a
12 disqualifying finding, the issuing officer shall revoke
13 the permit. The issuing officer may also revoke the
14 permit of a person whom the issuing officer later finds
15 was not qualified for such a permit at the time of
16 issuance or who the officer finds provided materially
17 false information on the permit application. A person
18 aggrieved by a suspension or revocation under this
19 subsection may seek review of the decision, pursuant
20 to section 724.21A.

21 Sec. ____ Section 724.17, Code 2009, is amended to
22 read as follows:

23 724.17 Application for annual permit to acquire –
24 criminal history check required.

25 The application for an annual permit to acquire
26 pistols or revolvers may be made to the sheriff of the
27 county of the applicant's residence and shall be on a
28 form prescribed and published by the commissioner of
29 public safety. The application shall ~~state~~ require
30 only the full name of the applicant, the driver's
31 license or nonoperator's identification card number of
32 the applicant, the residence of the applicant, and the
33 age and place of birth of the applicant. The applicant
34 shall also display an identification card that bears
35 a distinguishing number assigned to the cardholder,
36 the full name, date of birth, sex, residence address,
37 and brief description and colored photograph of the
38 cardholder, or other identification as specified by
39 rule of the department of public safety. The sheriff
40 shall conduct a criminal history check concerning
41 each applicant by obtaining criminal history data
42 from the department of public safety which shall
43 include an inquiry of the national instant criminal
44 background system maintained by the federal bureau of
45 investigation or any successor agency. A person who
46 knowingly makes a false statement of material fact on
47 the application commits a class "D" felony. A person
48 who knowingly makes a false statement of material fact
49 on an application submitted under this section or who
50 knowingly submits any materially falsified or forged

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1 document in connection with such application commits
2 an aggravated misdemeanor.

3 Sec. ____ NEW SECTION. 724.21A Hearing on denial,
4 suspension, or revocation of permit to carry weapons and
5 permits to acquire pistols or revolvers.

6 1. In any case where the sheriff or the
7 commissioner of public safety denies an application
8 for or suspends or revokes a permit to carry weapons
9 or an annual permit to acquire pistols or revolvers,
10 the applicant or permit holder shall have the right to
11 appeal the denial, suspension, or revocation of the
12 permit to an administrative law judge in the department
13 of inspections and appeals within thirty days of
14 receiving written notice of the denial, suspension, or
15 revocation.

16 2. The applicant or permit holder may file an
17 appeal with an administrative law judge by filing a
18 copy of the denial, suspension, or revocation notice
19 with a written statement that clearly states the
20 applicant's reasons rebutting the denial, suspension,
21 or revocation along with a fee of ten dollars.
22 Additional supporting information relevant to the
23 proceedings may also be included.

24 3. The administrative law judge shall grant an
25 aggrieved applicant an opportunity to be heard within
26 forty-five days of receipt of the request for an
27 appeal. The hearing may be held by telephone or video
28 conference at the discretion of the administrative law
29 judge. The administrative law judge shall receive
30 witness testimony and other evidence relevant to the
31 proceedings at the hearing.

32 4. Upon conclusion of the hearing, the
33 administrative law judge shall order that the denial,
34 suspension, or revocation of the permit be either
35 rescinded or sustained. An applicant, permit holder,
36 or issuing officer aggrieved by the final judgment of
37 the administrative law judge shall have the right to
38 judicial review in accordance with the terms of the
39 Iowa administrative procedure Act, chapter 17A.

40 Sec. ____ Section 724.25, subsection 1, Code 2009,
41 is amended to read as follows:

42 1. As used in ~~sections 724.8, subsection 2,~~
43 ~~and section~~ 724.26, the word "felony" means any offense
44 punishable in the jurisdiction where it occurred
45 by imprisonment for a term exceeding one year, but
46 does not include any offense, other than an offense
47 involving a firearm or explosive, classified as a
48 misdemeanor under the laws of the state and punishable
49 by a term of imprisonment of two years or less.

50 Sec. ____ Section 724.27, Code 2009, is amended to

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1 read as follows:

2 724.27 Offenders' rights restored.
 3 1. The provisions of section 724.8, subsection
 4 2, section 724.15, subsection 1, paragraphs "b" and
 5 "e", and section 724.26 shall not apply to a person who
 6 is eligible to have the person's civil rights regarding
 7 firearms restored under section 914.7 and who is
 8 pardoned or has had the person's civil rights restored
 9 by the President of the United States or the chief
 10 executive of a state and who is expressly authorized
 11 by the President of the United States or such chief
 12 executive to receive, transport, or possess firearms or
 13 destructive devices, if any of the following occur:
 14 a. The person is pardoned by the President of the
 15 United States or the chief executive of a state for a
 16 disqualifying conviction.
 17 b. The person's civil rights have been restored
 18 after a disqualifying conviction, commitment, or
 19 adjudication.
 20 c. The person's conviction for a disqualifying
 21 offense has been expunged.
 22 2. Subsection 1 shall not apply to a person whose
 23 pardon, restoration of civil rights, or expungement of
 24 conviction expressly forbids the person to receive,
 25 transport, or possess firearms or destructive devices.>
 26 2. By renumbering as necessary.

Oldson of Polk rose on a point of order that amendment [H-8609](#) was not germane.

The Speaker ruled the point well taken and amendment [H-8609](#) not germane.

Windschitl of Harrison moved to suspend the rules to consider amendment [H-8609](#).

Roll call was requested by Windschitl of Harrison and Paulsen of Linn.

On the question "Shall the rules be suspended to consider amendment [H-8609](#)?" ([H.F. 2531](#))

The ayes were, 42:

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

Olson, S.	Paulsen	Pettengill	Quirk
Rants	Rayhons	Roberts	Sands
Schulte	Schultz	Soderberg	Sorenson
Struyk	Sweeney	Tjepkes	Tymeson
Upmeyer	Van Engelenhoven	Wagner	Watts
Windschitl	Worthan		

The nays were, 48:

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

Absent or not voting, 10:

Forristall	Hanson	Horbach	Kelley
Mascher	Olson, R.	Raecker	Reichert
Wendt	Willems		

The motion to suspend the rules lost.

Huser of Polk asked and received unanimous consent to withdraw amendment [H-8604](#) filed by her on March 24, 2010.

Huser of Polk offered the following amendment [H-8586](#) filed by her and moved its adoption:

[H-8586](#)

- 1 Amend [House File 2531](#) as follows:
- 2 1. Page 36, line 27, by striking ~~and or~~ and
- 3 inserting <and>

Amendment [H-8586](#) was adopted.

Bell of Jasper offered the following amendment [H-8607](#), previously deferred, filed by him from the floor and moved its adoption:

[H-8607](#)

1 Amend [House File 2531](#) as follows:
2 1. Page 37, after line 14 by inserting:
3 <Sec. ____ Section 455A.13, Code 2009, is amended
4 to read as follows:
5 455A.13 State nurseries.
6 1. Notwithstanding section 17A.2, subsection 11,
7 paragraph "g", the department of natural resources
8 shall adopt administrative rules establishing a range
9 of prices of plant material grown at the state forest
10 nurseries to cover all expenses related to the growing
11 of the plants. The department is authorized to sell
12 plant material in other states.
13 ~~2.~~ 2. The department shall develop programs to
14 encourage the wise management and preservation of
15 existing woodlands and shall continue its efforts to
16 encourage forestation and reforestation on private and
17 public lands in the state.
18 ~~3.~~ 3. The department shall encourage a cooperative
19 relationship between the state forest nurseries and
20 private nurseries in the state in order to achieve
21 these goals.>
22 2. By renumbering as necessary.

Amendment [H-8607](#) was adopted.

Schultz of Crawford offered amendment [H-8583](#), previously deferred, filed by Paulsen of Linn as follows:

[H-8583](#)

1 Amend [House File 2531](#) as follows:
2 1. Page 38, after line 1 by inserting:
3 <DIVISION _____
4 WEAPONS
5 Sec. ____ Section 80A.13, Code 2009, is amended to
6 read as follows:
7 80A.13 Campus weapon requirements.
8 An individual employed by a college or university,
9 or by a private security business holding a contract
10 with a college or university, who performs private
11 security duties on a college or university campus and
12 who carries a weapon while performing these duties
13 shall meet all of the following requirements:
14 ~~1. File with the sheriff of the county in which
15 the campus is located evidence that the individual has
16 successfully completed an approved firearms training
17 program under section 724.9. This requirement does not
18 apply to armored car personnel.~~

19 ~~2. Possess a permit to carry weapons issued by the~~
 20 ~~sheriff of the county in which the campus is located~~
 21 ~~under sections 724.6 through 724.11. This requirement~~
 22 ~~does not apply to armored car personnel.~~

23 ~~3. File~~ file with the sheriff of the county in
 24 which the campus is located a sworn affidavit from
 25 the employer outlining the nature of the duties to be
 26 performed and justification of the need to go armed.

27 Sec. ____ Section 724.4, Code 2009, is amended to
 28 read as follows:

29 724.4 Carrying weapons.

30 1. Except as otherwise provided in this section, a
 31 person who goes armed with a dangerous weapon ~~concealed~~
 32 ~~on or about the person, or who, within the limits of~~
 33 ~~any city, goes armed with a pistol or revolver, or~~
 34 ~~any loaded firearm of any kind, whether concealed~~
 35 ~~or not, or who knowingly carries or transports in a~~
 36 ~~vehicle a pistol or revolver, commits an aggravated~~
 37 ~~misdemeanor with the intent to commit a crime of~~
 38 ~~violence commits a class "D" felony. This subsection~~
 39 ~~applies regardless of whether the dangerous weapon~~
 40 ~~is concealed or not concealed on or about the person~~
 41 ~~and regardless of whether the dangerous weapon is~~
 42 ~~transported in a vehicle. For purposes of this~~
 43 ~~subsection, "crime of violence" means a felony which~~
 44 ~~has, as an element of the offense, the use of physical~~
 45 ~~force by one person against another person.~~

46 2. A person who goes armed with a knife concealed
 47 on or about the person, if the person uses the knife
 48 in the commission of a crime, commits an aggravated
 49 misdemeanor.

50 3. A person who goes armed with a knife concealed

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1 on or about the person, if the person does not use the
 2 knife in the commission of a crime:

3 a. If the knife has a blade exceeding eight inches
 4 in length, commits an aggravated misdemeanor.

5 b. If the knife has a blade exceeding five inches
 6 but not exceeding eight inches in length, commits a
 7 serious misdemeanor.

8 4. Subsections 1 through 3 do not apply to any of
 9 the following:

10 a. A person who for any lawful purpose goes armed
 11 with a dangerous weapon in the person's own dwelling
 12 or place of business, or on land owned or possessed by
 13 the person.

14 b. A peace officer, when the officer's duties
 15 require the person to carry such weapons.

16 ~~c. A member of the armed forces of the United~~
 17 ~~States or of the national guard or person in the~~

18 ~~service of the United States, when the weapons are~~
19 ~~carried in connection with the person's duties as such.~~

20 ~~d. A correctional officer, when the officer's~~
21 ~~duties require, serving under the authority of the Iowa~~
22 ~~department of corrections.~~

23 ~~e. c. A person who for any lawful purpose carries~~
24 ~~an unloaded pistol, revolver, or other dangerous weapon~~
25 ~~inside a closed and fastened container or securely~~
26 ~~wrapped package which is too large to be concealed on~~
27 ~~the person.~~

28 ~~f. A person who for any lawful purpose carries or~~
29 ~~transports an unloaded pistol or revolver in a vehicle~~
30 ~~inside a closed and fastened container or securely~~
31 ~~wrapped package which is too large to be concealed on~~
32 ~~the person or inside a cargo or luggage compartment~~
33 ~~where the pistol or revolver will not be readily~~
34 ~~accessible to any person riding in the vehicle or~~
35 ~~common carrier.~~

36 ~~g. A person while the person is lawfully engaged in~~
37 ~~target practice on a range designed for that purpose or~~
38 ~~while actually engaged in lawful hunting.~~

39 ~~h. d. A person who carries a knife used in hunting~~
40 ~~or fishing, while actually engaged in lawful hunting~~
41 ~~or fishing.~~

42 ~~i. A person who has in the person's possession~~
43 ~~and who displays to a peace officer on demand a valid~~
44 ~~permit to carry weapons which has been issued to the~~
45 ~~person, and whose conduct is within the limits of that~~
46 ~~permit. A person shall not be convicted of a violation~~
47 ~~of this section if the person produces at the person's~~
48 ~~trial a permit to carry weapons which was valid at~~
49 ~~the time of the alleged offense and which would have~~
50 ~~brought the person's conduct within this exception if~~

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1 ~~the permit had been produced at the time of the alleged~~
2 ~~offense.~~

3 ~~j. e. A law enforcement officer from another stat~~
4 ~~when the officer's duties require the officer to carry~~
5 ~~the weapon and the officer is in this state for any of~~
6 ~~the following reasons:~~

7 (1) The extradition or other lawful removal of a
8 prisoner from this state.

9 (2) Pursuit of a suspect in compliance with chapter
10 806.

11 (3) Activities in the capacity of a law enforcement
12 officer with the knowledge and consent of the chief
13 of police of the city or the sheriff of the county in
14 which the activities occur or of the commissioner of
15 public safety.

16 ~~k. f. A person engaged in the business of~~

17 transporting prisoners under a contract with the
 18 Iowa department of corrections or a county sheriff,
 19 a similar agency from another state, or the federal
 20 government.

21 Sec. ____ Section 724.4B, subsection 2, paragraph
 22 a, Code 2009, is amended to read as follows:

23 a. A person listed under section 724.4, subsection
 24 4, ~~paragraphs paragraph "b" through "f", "c", or~~
 25 ~~"j" "e".~~

26 Sec. ____ Section 724.6, subsection 1, Code
 27 Supplement 2009, is amended to read as follows:

28 1. A person ~~may be issued a permit to carry weapons~~
 29 ~~when the person's employment who is employed in a~~
 30 private investigation business or private security
 31 business licensed under chapter 80A, ~~or a person's~~
 32 ~~employment~~ as a peace officer, correctional officer,
 33 security guard, bank messenger or other person
 34 transporting property of a value requiring security, or
 35 in police work, whose employment reasonably justifies
 36 that person going armed, shall be issued a professional
 37 permit to carry weapons if the person applies for
 38 the permit and meets the requirements of sections
 39 724.8 through 724.10. The permit shall be on a form
 40 prescribed and published by the commissioner of public
 41 safety, shall identify the holder, and shall state
 42 the nature of the employment requiring the holder to
 43 go armed. A permit so issued, other than to a peace
 44 officer, shall authorize the person to whom it is
 45 issued to go armed anywhere in the state, ~~only~~ while
 46 engaged in the employment, and while going to and from
 47 the place of the employment. A permit issued to a
 48 certified peace officer shall authorize that peace
 49 officer to go armed anywhere in the state at all times.
 50 Permits shall expire ~~twelve months~~ five years after the

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1 date when issued except that permits issued to peace
 2 officers and correctional officers are valid through
 3 the officer's period of employment unless otherwise
 4 canceled. When the employment is terminated, the
 5 holder of the permit shall surrender it to the issuing
 6 officer for cancellation.

7 Sec. ____ Section 724.7, Code 2009, is amended to
 8 read as follows:

9 724.7 Nonprofessional permit to carry weapons.

10 Any person ~~who can reasonably justify going armed~~
 11 ~~may not otherwise prohibited from possessing or~~
 12 transporting a firearm and who meets the requirements
 13 in sections 724.8 through 724.10 shall be issued a
 14 nonprofessional permit to carry weapons if the person
 15 applies for such permit. Such permits shall be on a

16 form prescribed and published by the commissioner of
17 public safety, which shall be readily distinguishable
18 from the professional permit, and shall identify the
19 holder thereof, and state the reason for the issuance
20 of the permit, ~~and the limits of the authority granted~~
21 ~~by such permit.~~ All permits so issued shall be for a
22 definite five-year period as established by the issuing
23 officer, but in no event shall exceed a period of
24 twelve months.

25 Sec. ____ Section 724.8, subsection 5, Code 2009,
26 is amended to read as follows:

27 5. The ~~issuing officer reasonably determines that~~
28 ~~the applicant does not constitute a danger to any~~
29 person person is not otherwise prohibited by state or
30 federal law from possessing or transporting a firearm.

31 Sec. ____ Section 724.9, Code 2009, is amended to
32 read as follows:

33 724.9 Firearm training program.

34 A training program to qualify persons in the safe
35 use of firearms shall be provided by the issuing
36 officer of permits, as provided in section 724.11.
37 ~~The commissioner of public safety shall approve~~
38 ~~the training program, and the county sheriff or~~
39 ~~the commissioner of public safety conducting the~~
40 ~~training program within their respective jurisdictions~~
41 ~~may shall contract with a private organization or~~
42 ~~use the services of other agencies, or may use a~~
43 ~~combination of the two, to provide such training a~~
44 private individual or a professional organization who
45 shall conduct the training consistent with training
46 standards set forth by the national rifle association.

47 Any person eligible to be issued a permit to carry
48 weapons may enroll in such course. A fee sufficient
49 to cover the cost of the program may be charged each
50 person attending. Certificates of completion, on a

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1 form prescribed and published by the commissioner
2 of public safety, shall be issued to each person who
3 successfully completes the program. ~~No A~~ person shall
4 not be issued either a professional or nonprofessional
5 permit unless the person has received a certificate of
6 completion or is a certified peace officer. ~~No peace~~
7 ~~officer or correctional officer, except a certified~~
8 ~~peace officer, shall go armed with a pistol or revolver~~
9 ~~unless the officer has received a certificate of~~
10 ~~completion, provided that this requirement shall not~~
11 ~~apply to persons who are employed in this state as~~
12 ~~peace officers on January 1, 1978 until July 1, 1978,~~
13 ~~or to peace officers of other jurisdictions exercising~~
14 ~~their legal duties within this state.~~

15 Sec. ____ Section 724.11, Code 2009, is amended to
16 read as follows:
17 724.11 Issuance of permit to carry weapons.
18 ~~Applications for permits~~ An application for a
19 permit to carry weapons, if made, shall be made to the
20 sheriff of the county in which the applicant resides.
21 Applications from persons who are nonresidents of
22 the state, or whose need to go armed arises out
23 of employment by the state, shall be made to the
24 commissioner of public safety. In either case,
25 the issuance of the permit shall be by ~~and at the~~
26 ~~discretion of~~ the sheriff or commissioner, who
27 shall, before issuing the permit, determine that the
28 requirements of sections ~~724.6 to 724.8~~ through 724.10
29 have been satisfied and the person is not otherwise
30 prohibited by state or federal law from possessing or
31 transporting a firearm. ~~However, the training program~~
32 ~~requirements in section 724.9 may be waived for renewal~~
33 ~~permits.~~ The issuing officer shall collect a fee
34 of ~~ten~~ fifty dollars, except from a duly appointed
35 peace officer or correctional officer, for each permit
36 issued. Renewal permits or duplicate permits shall be
37 issued for a fee of five dollars. The issuing officer
38 shall notify the commissioner of public safety of the
39 issuance of any permit at least monthly and forward to
40 the commissioner an amount equal to two dollars for
41 each permit issued and one dollar for each renewal
42 or duplicate permit issued. All such fees received
43 by the commissioner shall be paid to the treasurer
44 of state and deposited in the operating account of
45 the department of public safety to offset the cost of
46 administering this chapter. Any unspent balance as of
47 June 30 of each year shall revert to the general fund
48 as provided by section 8.33.
49 Sec. ____ NEW SECTION. 724.11A Reciprocity.
50 A person possessing a valid out-of-state permit to

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1 carry a weapon shall be entitled to the privileges and
2 subject to the restrictions prescribed by this chapter
3 provided the state that issued the license recognizes
4 weapons permits issued in Iowa and provided the person
5 possessing such permit is not otherwise prohibited from
6 possessing a firearm.
7 Sec. ____ REPEAL. Section 724.5, Code 2009, is
8 repealed.>
9 2. By renumbering as necessary.

Oldson of Polk rose on a point of order that amendment [H-8583](#)
was not germane.

The Speaker ruled the point well taken and amendment [H-8583](#) not germane.

Schultz of Crawford moved to suspend the rules to consider amendment [H-8583](#).

Roll call was requested by Windschitl of Harrison and Schultz of Crawford.

Rule 75 was invoked.

On the question "Shall the rules be suspended to consider amendment [H-8583](#)?" ([H.F. 2531](#))

The ayes were, 43:

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

The nays were, 53:

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, T.	Palmer	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, 4:

Horbach Olson, R. Raecker Wendt

The motion to suspend the rules lost.

S. Olson of Clinton offered the following amendment [H-8612](#) filed by him from the floor and moved its adoption:

[H-8612](#)

1 Amend [House File 2531](#) as follows:
 2 1. Page 38, after line 1 by inserting:
 3 <DIVISION _____
 4 RENEWABLE FUELS AND COPRODUCTS
 5 Sec. ____ Section 159A.6, subsection 1, Code
 6 Supplement 2009, is amended to read as follows:
 7 1. The office shall support education regarding,
 8 and promotion and advertising of, renewable fuels
 9 and coproducts. The office shall consult with the
 10 petroleum marketers and convenience stores of Iowa,
 11 the Iowa corn growers association, and the Iowa soybean
 12 association.>
 13 2. By renumbering as necessary.

Amendment [H-8612](#) was adopted.

Soderberg of Plymouth offered the following amendment [H-8613](#) filed by him from the floor and moved its adoption:

[H-8613](#)

1 Amend [House File 2531](#) as follows:
 2 1. Page 38, after line 1 by inserting:
 3 <DIVISION _____
 4 FIRE SUPPRESSION SYSTEMS
 5 Sec. ____ Section 100.35, Code 2009, is amended to
 6 read as follows:
 7 100.35 Rules of marshal.
 8 1. The fire marshal shall adopt, and may amend
 9 rules under chapter 17A, which include standards
 10 relating to exits and exit lights, fire escapes,
 11 fire protection, fire safety and the elimination of
 12 fire hazards, in and for churches, schools, hotels,
 13 theaters, amphitheaters, hospitals, health care
 14 facilities as defined in section 135C.1, boarding homes
 15 or housing, rest homes, dormitories, college buildings,
 16 lodge halls, club rooms, public meeting places, places
 17 of amusement, apartment buildings, food establishments

18 as defined in section 137F.1, and all other buildings
19 or structures in which persons congregate from time to
20 time, whether publicly or privately owned. Violation
21 of a rule adopted by the fire marshal is a simple
22 misdemeanor. However, upon proof that the fire marshal
23 gave written notice to the defendant of the violation,
24 and proof that the violation constituted a clear and
25 present danger to life, and proof that the defendant
26 failed to eliminate the condition giving rise to the
27 violation within thirty days after receipt of notice
28 from the fire marshal, the penalty is that provided
29 by law for a serious misdemeanor. Each day of the
30 continuing violation of a rule after conviction of
31 a violation of the rule is a separate offense. A
32 conviction is subject to appeal as in other criminal
33 cases.

34 2. Rules by the fire marshal affecting the
35 construction of new buildings, additions to buildings
36 or rehabilitation of existing buildings and related to
37 fire protection, shall be substantially in accord with
38 the provisions of the nationally recognized building
39 and related codes adopted as the state building code
40 pursuant to section 103A.7 or with codes adopted by
41 a local subdivision which are in substantial accord
42 with the codes comprising the state building code. The
43 rules adopted by the fire marshal shall not require
44 the installation of fire sprinklers or a related
45 fire suppression system in a one-family or two-family
46 residential dwelling or a residential building that
47 contains no more than four dwelling units.

48 3. The rules adopted by the state fire marshal
49 under this section shall provide standards for fire
50 resistance of cellulose insulation sold or used in this

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1 state, whether for public or private use. The rules
2 shall provide for approval of the cellulose insulation
3 by at least one nationally recognized independent
4 testing laboratory.

5 Sec. ____ Section 103A.7, subsection 2, paragraph
6 d, Code Supplement 2009, is amended to read as follows:

7 d. Protection of the health, safety, and welfare
8 of occupants and users. The rules adopted by the
9 state building code commissioner shall not require
10 the installation of fire sprinklers or a related
11 fire suppression system in a one-family or two-family
12 residential dwelling or a residential building that
13 contains no more than four dwelling units.

14 Sec. ____ EFFECTIVE UPON ENACTMENT. This division
15 of this Act, being deemed of immediate importance,

16 takes effect upon enactment.>

17 2. By renumbering as necessary.

Roll call was requested by Soderberg of Plymouth and Windschitl of Harrison.

On the question "Shall amendment [H-8613](#) be adopted?" ([H.F. 2531](#))

The ayes were, 51:

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

The nays were, 44:

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

Absent or not voting, 5:

Horbach	Olson, R.	Quirk	Raecker
Wendt			

Amendment [H-8613](#) was adopted.

Oldson of Polk 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. 2531](#))

The ayes were, 51:

Abdul-Samad	Bailey	Beard	Bell
Berry	Bukta	Burt	Cohoon
Ficken	Ford	Frevert	Gaskill
Gayman	Hanson	Heddens	Hunter
Isenhart	Jacoby	Kearns	Kelley
Kressig	Kuhn	Lensing	Lykam
Marek	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	

The nays were, 45:

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

Absent or not voting, 4:

Horbach	Olson, R.	Raecker	Wendt
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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 MESSAGE

McCarthy of Polk asked and received unanimous consent that [House File 2531](#) be immediately messaged to the Senate.

On motion by McCarthy of Polk, the House was recessed at 12:28 p.m., until 1:45 p.m.

AFTERNOON SESSION

The House reconvened at 2:13 p.m., Speaker Murphy in the chair.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Heddens of Story, until her return, on request of Speaker Murphy; Sands of Louisiana on request of Paulsen of Linn.

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 25, 2010, concurred in the House amendment to the Senate amendment and passed the following bill in which the concurrence of the Senate was asked:

[House File 2459](#), a bill for an act establishing a watershed planning advisory council.

Also: That the Senate has on March 25, 2010, concurred in the House amendment and passed the following bill in which the concurrence of the Senate was asked:

[Senate File 2250](#), a bill for an act creating the criminal offense of robbery in the third degree, and providing a penalty.

Also: That the Senate has on March 25, 2010, concurred in the House amendment and passed the following bill in which the concurrence of the Senate was asked:

[Senate File 2324](#), a bill for an act modifying provisions relating to franchises for the provision of cable service or video service, and including effective date provisions.

Also: That the Senate has on March 25, 2010, concurred in the House amendment and passed the following bill in which the concurrence of the Senate was asked:

[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.

MICHAEL E. MARSHALL, Secretary

SENATE FILE 2384 REFERRED

The Speaker announced that Senate File 2384, previously referred to committee on **appropriations** was passed on **file**.

CONSIDERATION OF BILLS
Appropriations Calendar

House File 2533, a bill for an act relating to the nursing workforce and providing for an Iowa needs nurses now initiative, was taken up for consideration.

SENATE FILE 2384 SUBSTITUTED FOR HOUSE FILE 2533

T. Olson of Linn asked and received unanimous consent to substitute Senate File 2384 for House File 2533.

Senate File 2384, a bill for an act relating to the nursing workforce including the establishment of an Iowa needs nurses now initiative, was taken up for consideration.

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

On the question "Shall the bill pass?" (S.F. 2384)

The ayes were, 91:

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

Whitead	Willems	Winckler	Windschitl
Worthan	Zirkelbach	Mr. Speaker	
		Murphy	

The nays were, none.

Absent or not voting, 9:

Ford	Gayman	Heddens	Horbach
Huser	Raecker	Sands	Struyk
Wendt			

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

[HOUSE FILE 2533](#) WITHDRAWN

T. Olson of Linn asked and received unanimous consent to withdraw [House File 2533](#) from further consideration by the House.

SPECIAL PRESENTATION TO HOUSE PAGES

Speaker Murphy invited the House Pages to the Speaker's station for a special presentation and thanked them for their service to the House of Representatives.

Certificates of excellence for serving with honor and distinction as a House Page during the Second Regular Session of the Eighty-third General Assembly were presented to the following Pages by Speaker Murphy, Majority leader McCarthy and Minority Leader Paulsen:

Gracie Brandsgard	Daxton Oberreuter
Alex Conner	Samantha Pearson
Mackenzie Ditch	Tessa Reynolds
Ryan Fisher	Taylor Schipper
Robert Grau	Brent Smith
Caytlin Hentzel	Kent Sorenson
John Johnson	Patrick Stall
Sam Jurgena	Emily Steinke
Sam Kavalier	James Taylor
Chelsea Nicoletto	

On motion by McCarthy of Polk, the House was recessed at 3:49 p.m., until the conclusion of caucuses.

EVENING SESSION

The House reconvened at 7:09 p.m., Speaker Murphy in the chair.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Baudler of Adair on request of Paulsen of Linn.

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 25, 2010, amended the House amendment, concurred in the House amendment as amended, and passed the following bill in which the concurrence of the House is asked:

[Senate File 2376](#), a bill for an act relating to the funding of, the operation of, and appropriation of moneys to the college student aid commission, the department for the blind, the department of education, and the state board of regents, providing for related matters, and including effective date and applicability provisions.

MICHAEL E. MARSHALL, Secretary

QUORUM CALL

A non-record roll call was requested to determine that a quorum was present. The vote revealed eighty-two members present, eighteen absent.

Unfinished Business Calendar

[Senate File 2265](#), a bill for an act establishing smart planning principles, establishing guidelines for the adoption of certain comprehensive plans and land development regulations, and providing for the establishment of a smart planning task force with report of committee recommending passage, was taken up for consideration.

D. Olson of Boone asked and received unanimous consent to withdraw the committee amendment [H-8341](#) filed by the committee on local government on March 5, 2010, placing out of order amendment [H-8364](#) filed by Grassley of Butler on March 8, 2010,

amendment [H-8369](#) filed by Helland of Polk and Wagner of Linn on March 8, 2010 and amendment [H-8373](#) filed by D. Olson of Boone on March 9, 2010.

Deyoe of Story asked and received unanimous consent to withdraw amendment [H-8383](#) filed by him on March 9, 2010.

Kaufmann of Cedar asked and received unanimous consent that amendment [H-8630](#) be deferred.

D. Olson of Boone offered amendment [H-8572](#) filed by him as follows:

[H-8572](#)

1 Amend [Senate File 2265](#), as amended, passed, and
2 reprinted by the Senate, as follows:
3 1. Page 2, line 17, by striking <environmentally
4 sensitive land.>
5 2. Page 3, by striking lines 1 through 11 and
6 inserting:
7 <a. (1) "Development" means any of the following:
8 (a) Construction, reconstruction, renovation,
9 mining, extraction, dredging, filling, excavation, or
10 drilling activity or operation.
11 (b) Man-made changes in the use or appearance of
12 any structure or in the land itself.
13 (c) The division or subdivision of land.
14 (d) Any change in the intensity of use or the use
15 of land.
16 (2) "Development" does not include any of the
17 following:
18 (a) Activities on or uses of agricultural land,
19 farm houses, or agricultural buildings or structures,
20 unless such buildings or structures are located in the
21 flood plain of a river or stream.
22 (b) Installation, operation, and maintenance of
23 soil and water conservation practices.
24 (c) The choice of crops or a change in the choice
25 of crops on agricultural land.>
26 3. By striking page 5, line 34, through page 6,
27 line 4, and inserting <resources.>
28 4. Page 6, line 17, after <municipality> by
29 inserting <or that pose a risk of catastrophic damage>
30 5. Page 6, line 19, by striking <consistent with>
31 and inserting <after considering>
32 6. Page 7, after line 2 by inserting:
33 <3. A municipality's comprehensive plan developed
34 using the guidelines under this section shall address
35 prevention and mitigation of, response to, and recovery

36 from a catastrophic flood.>
37 7. Page 12, line 35, by striking <twenty-seven> and
38 inserting <twenty-nine>
39 8. Page 13, line 4, by striking <Thirteen> and
40 inserting <Fourteen>
41 9. Page 13, after line 32 by inserting:
42 <(14) The chairperson of the utilities board within
43 the utilities division of the department of commerce or
44 the chairperson's designee.>
45 10. Page 13, by striking lines 33 and 34 and
46 inserting:
47 b. Chairperson of the department of community
48 and regional planning at Iowa state university or the
49 chairperson's designee.
50 11. Page 14, after line 13 by inserting:

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1 <Oj. President of the executive committee of the
2 school administrators of Iowa or the president's
3 designee.>
4 12. Page 14, line 16, by striking <latest
5 preceding> and inserting <2000>
6 13. Page 14, line 19, by striking <latest
7 preceding> and inserting <2000>
8 14. Page 14, line 23, by striking <latest
9 preceding> and inserting <2000>
10 15. Page 14, line 26, by striking <latest
11 preceding> and inserting <2000>
12 16. Page 14, line 29, by striking <latest
13 preceding> and inserting <2000>
14 17. Page 14, line 33, by striking <latest
15 preceding> and inserting <2000>
16 18. Page 15, line 13, after <governor.> by
17 inserting <For the members of the task force designated
18 in subsection 2, paragraphs "j" through "o", at least
19 one member shall have experience in real estate,
20 at least one member shall have experience in land
21 development, and at least one member shall have
22 experience in residential construction.>
23 19. Page 15, by striking line 32 and inserting:
24 <8. The director of the department of management,
25 or the director's designee.>
26 20. Page 16, after line 1 by inserting:
27 <8A. The director of the department of management,
28 or the director's designee, shall seek funding to
29 support municipal comprehensive planning in this
30 state.>
31 21. Page 16, line 3, by striking <rebuild Iowa
32 office> and inserting <department of management>
33 22. Page 16, line 22, after <conduct> by inserting
34 <local and regional>

35 23. Page 16, by striking lines 29 and 30 and
36 inserting:
37 <g. Review municipal comprehensive plans to
38 determine the number of such plans that address the
39 hazards identified in section 18B.2, subsection 2,
40 paragraph "k", and the adequacy of such plans in
41 addressing those hazards.
42 h. Develop a set of recommendations that is
43 consistent with>
44 24. Page 17, before line 17 by inserting:
45 <i. (1) Develop a model ordinance for the
46 regulation of a two-tenths percent floodplain
47 by political subdivisions. The model ordinance
48 shall include a definition of the term "two-tenths
49 percent floodplain" as applicable to the ordinance's
50 provisions.

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1 (2) The taskforce may consider all of the following
2 in the model ordinance:
3 (a) Requirements for the purchase of flood
4 insurance for property.
5 (b) Requirements for new development or
6 modification or improvement of existing development to
7 mitigate the effects of future flooding.
8 (c) The effect of flood control levees.
9 (d) The use of fill and offsets required for the
10 use of fill.
11 (e) Categories of development that should be
12 prohibited.
13 (f) Interaction with regulations by the federal
14 emergency management agency.
15 (g) Any other issues that the taskforce finds
16 should be addressed in the model ordinance.>
17 25. Page 17, after line 20 by inserting:
18 <12. The task force is dissolved on December 31,
19 2012.>
20 26. By renumbering, redesignating, and correcting
21 internal references as necessary.

Grassley of Butler offered the following amendment [H-8617](#), to amendment [H-8572](#), filed by him from the floor and moved its adoption:

[H-8617](#)

1 Amend the amendment, [H-8572](#), to [Senate File 2265](#),
2 as amended, passed, and reprinted by the Senate, as
3 follows:
4 1. Page 1, after line 2 by inserting:

5 <__. Page 1, line 4, by striking <shall consider
6 and may> and inserting <may consider and>>
7 2. Page 1, after line 25 by inserting:
8 <__. Page 3, line 17, by striking <shall> and
9 inserting <may>>
10 3. Page 1, after line 36 by inserting:
11 <__. Page 7, line 30, by striking <shall> and
12 inserting <may>
13 __. Page 9, line 3, by striking <shall> and
14 inserting <may>
15 __. Page 9, line 31, by striking <shall> and
16 inserting <may>
17 __. Page 11, line 30, by striking <shall> and
18 inserting <may>>

Roll call was requested by Grassley of Butler and May of Dickinson.

On the question "Shall amendment [H-8617](#) to amendment [H-8572](#) be adopted?" ([S.F. 2265](#))

The ayes were, 41:

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

The nays were, 48:

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

Absent or not voting, 11:

Baudler	Ford	Horbach	Huser
Kelley	McCarthy	Murphy, Spkr.	Olson, R.
Raecker	Sands	Wendt	

Amendment [H-8617](#) lost.

Grassley of Butler offered the following amendment [H-8628](#), to amendment [H-8572](#), filed by him from the floor and moved its adoption:

[H-8628](#)

1 Amend the amendment, [H-8572](#), to [Senate File 2265](#),
 2 as amended, passed, and reprinted by the Senate, as
 3 follows:
 4 1. Page 3, by striking lines 18 and 19 and
 5 inserting:
 6 <12. The task force is dissolved upon submission
 7 of the report to the governor and the general assembly
 8 under subsection 11.>

Roll call was requested by Grassley of Butler and Wagner of Linn.

On the question "Shall amendment [H-8628](#) to amendment [H-8572](#) be adopted?" ([S.F. 2265](#))

The ayes were, 39:

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

The nays were, 48:

Abdul-Samad	Bailey	Beard	Bell
Berry	Bukta	Burt	Cohoon
Ficken	Frevert	Gaskill	Gayman
Hanson	Heddens	Isenhart	Jacoby
Kearns	Kressig	Kuhn	Lensing
Lykam	Marek	Mascher	Mertz

Miller, H.	Miller, L.	Oldson	Olson, D.
Olson, T.	Palmer	Petersen	Reasoner
Reichert	Running-Marquardt	Schueller	Shomshor
Smith	Steckman	Swaim	Taylor
Thede	Thomas	Wenthe	Wessel-Kroeschell
Whitead	Willems	Winckler	Zirkelbach

Absent or not voting, 13:

Baudler	Ford	Horbach	Hunter
Huser	Kelley	McCarthy	Murphy, Spkr.
Olson, R.	Raecker	Sands	Wendt
Sorenson, Presiding			

Amendment [H-8628](#) lost.

D. Olson of Boone moved the adoption of amendment [H-8572](#).

Amendment [H-8572](#) was adopted, placing out of order amendment [H-8366](#) filed by Wagner of Linn on March 8, 2010.

Wagner of Linn offered the following amendment [H-8365](#) filed by him and moved its adoption:

[H-8365](#)

1 Amend [Senate File 2265](#), as amended, passed, and
2 reprinted by the Senate, as follows:
3 1. Page 15, line 34, after <force.> by inserting
4 <The rebuild Iowa office and the department of
5 management shall not hire additional employees
6 or contract with any person to provide such staff
7 assistance and administrative support. Additionally,
8 notwithstanding any provision of law to the contrary,
9 the rebuild Iowa office and the department of
10 management shall not be appropriated and shall not
11 permit the expenditure of moneys related to the duties
12 of the task force.>

Roll call was requested by Wagner of Linn and Koester of Polk.

On the question "Shall amendment [H-8365](#) be adopted?" ([S.F. 2265](#))

The ayes were, 41:

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

The nays were, 50:

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

Absent or not voting, 9:

Horbach	Huser	Kelley	McCarthy
Olson, R.	Quirk	Raecker	Sands
Wendt			

Amendment [H-8365](#) lost.

Kaufmann of Cedar offered amendment [H-8630](#), previously deferred, filed by him and Tymeson of Madison from the floor:

[H-8630](#)

- 1 Amend [Senate File 2265](#), as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 1, line 6, after <decisions> by inserting
- 4 <, except that a state agency, local government, or
- 5 other public entity applying any of the following
- 6 principles shall not implement or undertake a planning,

- 7 zoning, development, or resources management decision
 8 that involves the use of eminent domain authority under
 9 chapter 6A or 6B>

Roll call was requested by Kaufmann of Cedar and Tymeson of Madison.

On the question "Shall amendment [H-8630](#) be adopted?" ([S.F. 2265](#))

The ayes were, 90:

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	Hunter	Huseman
Jacoby	Kaufmann	Kearns	Koester
Kressig	Kuhn	Lensing	Lukan
Lykam	Marek	Mascher	May
Mertz	Miller, H.	Miller, L.	Murphy, Spkr.
Oldson	Olson, D.	Olson, S.	Olson, T.
Palmer	Paulsen	Petersen	Pettengill
Quirk	Rants	Rayhons	Reasoner
Reichert	Roberts	Running-Marquardt	Schueller
Schulte	Schultz	Shomshor	Smith
Soderberg	Steckman	Struyk	Swaim
Sweeney	Taylor	Thede	Thomas
Tjepkes	Tymeson	Upmeyer	Van Engelenhoven
Wagner	Watts	Wenthe	Wessel-Kroeschell
Willems	Winckler	Windschitl	Worthan
Zirkelbach	Sorenson, Presiding		

The nays were, 2:

Isenhart Whitead

Absent or not voting, 8:

Horbach	Huser	Kelley	McCarthy
Olson, R.	Raecker	Sands	Wendt

Amendment [H-8630](#) was adopted.

D. Olson of Boone 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. 2265](#))

The ayes were, 51:

Abdul-Samad	Bailey	Beard	Bell
Berry	Bukta	Burt	Cohoon
Ficken	Ford	Frevert	Gaskill
Gayman	Hanson	Heddens	Hunter
Isenhardt	Jacoby	Kearns	Kressig
Kuhn	Lensing	Lykam	Marek
Mascher	Mertz	Miller, H.	Murphy, Spkr.
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	

The nays were, 41:

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

Absent or not voting, 8:

Horbach	Huser	Kelley	McCarthy
Olson, R.	Raecker	Sands	Wendt

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

SENATE AMENDMENT CONSIDERED

Taylor of Linn called up for consideration [Senate File 2378](#), a bill for an act relating to and making appropriations to the justice

system, providing for fees and fines, and including effective date provisions, amended by the House, further amended by the Senate and moved that the House concur in the following Senate amendment [H-8534](#) to the House amendment:

[H-8534](#)

1 Amend the House amendment, [S-5287](#), to Senate File
2 2378, as amended, passed, and reprinted by the Senate,
3 as follows:
4 1. Page 8, after line 29 by inserting:
5 <__. Page 29, line 24, by striking <eight million
6 eight> and inserting <nine million one>>
7 2. By striking page 9, line 25, through page 10,
8 line 12.
9 3. Page 10, before line 13 by inserting:
10 <__. Page 35, after line 30 by inserting:
11 <DIVISION ____
12 SCHEDULED FINES - CORRESPONDING AMENDMENTS
13 Sec. ____. Section 321.17, Code 2009, is amended to
14 read as follows:
15 321.17 Misdemeanor to violate registration
16 provisions.
17 It is a simple misdemeanor punishable as a scheduled
18 violation under section 805.8A, subsection 2, ~~paragraph~~
19 ~~"b"~~, for any person to drive or move or for an owner
20 knowingly to permit to be driven or moved upon the
21 highway a vehicle of a type required to be registered
22 under this chapter which is not registered, or for
23 which the appropriate fees have not been paid, except
24 as provided in section 321.109, subsection 3.
25 Sec. ____. Section 321.47, subsection 4, Code 2009,
26 is amended to read as follows:
27 4. A person convicted of a violation of this
28 section is guilty of a simple misdemeanor punishable as
29 a scheduled violation under section 805.8A, subsection
30 2, ~~paragraph "b"~~.
31 Sec. ____. Section 321.98, Code 2009, is amended to
32 read as follows:
33 321.98 Operation without registration.
34 A person shall not operate, and an owner shall not
35 knowingly permit to be operated upon any highway any
36 vehicle required to be registered and titled hereunder
37 unless there shall be attached thereto and displayed
38 thereon when and as required by this chapter a valid
39 registration card and registration plate or plates
40 issued therefor for the current registration year and
41 unless a certificate of title has been issued for such
42 vehicle except as otherwise expressly permitted in this
43 chapter. Any violation of this section is a simple
44 misdemeanor punishable as a scheduled violation under

45 section 805.8A, subsection 2, ~~paragraph "b"~~.
46 Sec. ____ Section 321.99, Code 2009, is amended to
47 read as follows:
48 321.99 Fraudulent use of registration.
49 A person shall not knowingly lend to another a
50 registration card, registration plate, special plate,

Page 2

1 or permit issued to the person if the other person
2 desiring to borrow the card, plate, or permit would
3 not be entitled to the use of it. A person shall
4 not knowingly permit the use of a registration card,
5 registration plate, special plate, or permit issued
6 to the person by one not entitled to it, nor shall a
7 person knowingly display upon a vehicle a registration
8 card, registration plate, special plate, or permit not
9 issued for that vehicle under this chapter. A person
10 convicted of a violation of this section is guilty of a
11 simple misdemeanor punishable as a scheduled violation
12 under section 805.8A, subsection 2, ~~paragraph "d"~~.
13 Sec. ____ Section 321.104, unnumbered paragraph 1,
14 Code 2009, is amended to read as follows:
15 It is a simple misdemeanor punishable as a scheduled
16 violation under section 805.8A, subsection 2, ~~paragraph~~
17 ~~"c"~~, for any person to commit any of the following
18 acts:
19 Sec. ____ Section 321.115, subsection 4, Code 2009,
20 is amended to read as follows:
21 4. A person convicted of a violation of this
22 section is guilty of a simple misdemeanor punishable as
23 a scheduled violation under section 805.8A, subsection
24 2, ~~paragraph "b"~~.
25 Sec. ____ Section 321.115A, subsection 3, Code
26 Supplement 2009, is amended to read as follows:
27 3. A person convicted of a violation of this
28 section is guilty of a simple misdemeanor punishable as
29 a scheduled violation under section 805.8A, subsection
30 2, ~~paragraph "b"~~.
31 Sec. ____ Section 321.193, unnumbered paragraph 4,
32 Code 2009, is amended to read as follows:
33 It is a simple misdemeanor punishable as a scheduled
34 violation under section 805.8A, subsection 4, ~~paragraph~~
35 ~~"a"~~, for a person to operate a motor vehicle in any
36 manner in violation of the restrictions imposed on a
37 restricted license issued to that person under this
38 section.
39 Sec. ____ Section 321.216, unnumbered paragraph 1,
40 Code 2009, is amended to read as follows:
41 It is a simple misdemeanor punishable as a scheduled
42 violation under section 805.8A, subsection 4, ~~paragraph~~
43 ~~"b"~~, for any person:

44 Sec. ____ Section 321.216B, Code 2009, is amended
45 to read as follows:
46 321.216B Use of driver's license or nonoperator's
47 identification card by underage person to obtain
48 alcohol.
49 A person who is under the age of twenty-one, who
50 alters or displays or has in the person's possession

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1 a fictitious or fraudulently altered driver's license
2 or nonoperator's identification card and who uses
3 the license to violate or attempt to violate section
4 123.47, commits a simple misdemeanor punishable as a
5 scheduled violation under section 805.8A, subsection 4,
6 ~~paragraph "e"~~. The court shall forward a copy of the
7 conviction to the department.
8 Sec. ____ Section 321.216C, Code 2009, is amended
9 to read as follows:
10 321.216C Use of driver's license or nonoperator's
11 identification card by underage person to obtain
12 cigarettes or tobacco products.
13 A person who is under the age of eighteen, who
14 alters or displays or has in the person's possession
15 a fictitious or fraudulently altered driver's license
16 or nonoperator's identification card and who uses
17 the license or card to violate or attempt to violate
18 section 453A.2, subsection 2, commits a simple
19 misdemeanor punishable as a scheduled violation under
20 section 805.8A, subsection 4, ~~paragraph "e"~~. The
21 court shall forward a copy of the conviction to the
22 department.
23 Sec. ____ Section 321.219, unnumbered paragraph 2,
24 Code 2009, is amended to read as follows:
25 A person convicted of a violation of this section
26 is guilty of a simple misdemeanor punishable as a
27 scheduled violation under section 805.8A, subsection
28 4, ~~paragraph "e"~~.
29 Sec. ____ Section 321.220, unnumbered paragraph 2,
30 Code 2009, is amended to read as follows:
31 A person convicted of a violation of this section
32 is guilty of a simple misdemeanor punishable as a
33 scheduled violation under section 805.8A, subsection
34 4, ~~paragraph "e"~~.
35 Sec. ____ Section 321.234A, subsection 4, Code
36 2009, is amended to read as follows:
37 4. A person convicted of a violation of this
38 section is guilty of a simple misdemeanor punishable as
39 a scheduled violation under section 805.8A, subsection
40 3, ~~paragraph "f"~~.
41 Sec. ____ Section 321.247, unnumbered paragraph 2,
42 Code 2009, is amended to read as follows:

43 A person convicted of a violation of this section
44 is guilty of a simple misdemeanor punishable as a
45 scheduled violation under section 805.8A, subsection
46 ~~3, paragraph "f"~~.
47 Sec. ____ Section 321.302, subsection 4, Code 2009,
48 is amended to read as follows:
49 4. A person convicted of a violation of this
50 section is guilty of a simple misdemeanor punishable as

Page 4

1 a scheduled violation under section 805.8A, subsection
2 ~~6, paragraph "d"~~.
3 Sec. ____ Section 321.327, unnumbered paragraph 2,
4 Code 2009, is amended to read as follows:
5 A person convicted of a violation of this section
6 is guilty of a simple misdemeanor punishable as a
7 scheduled violation under section 805.8A, subsection
8 ~~7, paragraph "b"~~.
9 Sec. ____ Section 321.366, unnumbered paragraph 3,
10 Code 2009, is amended to read as follows:
11 Violations of this section are punishable as a
12 scheduled violation under section 805.8A, subsection
13 ~~6, paragraph "d"~~.
14 Sec. ____ Section 321.381, Code 2009, is amended to
15 read as follows:
16 321.381 Movement of unsafe or improperly equipped
17 vehicles.
18 It is a simple misdemeanor punishable as a scheduled
19 violation under section 805.8A, subsection 3, ~~paragraph~~
20 ~~"f"~~, for any person to drive or move or for the owner
21 to cause or knowingly permit to be driven or moved
22 on any highway any vehicle or combination of vehicles
23 which is in such unsafe condition as to endanger
24 any person, or which does not contain those parts
25 or is not at all times equipped with such lamps and
26 other equipment in proper condition and adjustment as
27 required in this chapter, or which is equipped with one
28 or more unsafe tires or which is equipped in any manner
29 in violation of this chapter.
30 Sec. ____ Section 321.383, unnumbered paragraph 1,
31 Code 2009, is amended to read as follows:
32 Any person who violates any provision of this
33 section shall be fined as provided in section 805.8A,
34 subsection 3, ~~paragraph "d"~~.
35 Sec. ____ Section 321.404A, subsection 2, Code
36 2009, is amended to read as follows:
37 2. A person who violates this section shall be
38 subject to a scheduled fine under section 805.8A,
39 subsection 3, ~~paragraph "c"~~.
40 Sec. ____ Section 321.421, unnumbered paragraph 2,
41 Code 2009, is amended to read as follows:

42 A person convicted of a violation of this section
 43 is guilty of a simple misdemeanor punishable as a
 44 scheduled violation under section 805.8A, subsection
 45 3, paragraph "d". >>
 46 4. By renumbering as necessary.

The motion prevailed and the House concurred in the Senate amendment [H-8534](#), to the House amendment.

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

Rule 75 was invoked.

On the question "Shall the bill pass?" ([S.F. 2378](#))

The ayes were, 53:

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	Swaim	Taylor
Thede	Thomas	Wenthe	Wessel-Kroeschell
Whitead	Willems	Winckler	Zirkelbach
Mr. Speaker			
Murphy			

The nays were, 41:

Alons	Anderson	Arnold	Baudler
Chambers	Cownie	De Boef	Deyoe
Dolecheck	Drake	Forristall	Grassley
Hagenow	Heaton	Helland	Huseman
Kaufmann	Koester	Lukan	May
Miller, L.	Olson, S.	Paulsen	Pettengill
Rants	Rayhons	Roberts	Schulte
Schultz	Soderberg	Sorenson	Struyk

Sweeney	Tjepkes	Tymeson	Upmeyer
Van Engelenhoven	Wagner	Watts	Windschitl
Worthan			

Absent or not voting, 6:

Horbach	Huser	Kuhn	Raecker
Sands	Wendt		

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

SENATE AMENDMENT CONSIDERED

Kressig of Black Hawk called up for consideration [House File 2522](#), a bill for an act relating to and making appropriations to the department of cultural affairs, the department of economic development, certain board of regents institutions, the department of workforce development, and the public employment relations board, and related matters and including effective date provisions, amended by the Senate, and moved that the House concur in the following Senate amendment [H-8540](#):

[H-8540](#)

1 Amend [House File 2522](#), as amended, passed, and
 2 reprinted by the House, as follows:
 3 1. Page 11, line 30, by striking <11,343,047> and
 4 inserting <11,293,047>
 5 2. Page 14, line 10, by striking <450,000> and
 6 inserting <500,000>
 7 3. Page 15, before line 3 by inserting:
 8 <Sec. ____ Section 15E.117, Code 2009, is amended
 9 to read as follows:
 10 15E.117 Promotion of Iowa wine and beer.
 11 1. The department of economic development shall
 12 consult with the Iowa wine and beer promotion board on
 13 the best means to promote wine and beer made in Iowa.
 14 2. The department has the authority to contract
 15 with private persons for the promotion of beer and wine
 16 made in Iowa. ~~At the direction of the department, the~~
 17 ~~director of the department of administrative services~~
 18 ~~shall issue warrants to the department of economic~~
 19 ~~development on the barrel tax fund created in section~~
 20 ~~123.143 and the wine gallonage tax fund created in~~
 21 ~~section 123.183, which moneys~~
 22 3. a. Moneys appropriated to the department
 23 pursuant to sections 123.143 and 123.183 may be used

24 by the department for the ~~purpose~~ purposes of this
25 section, including administrative expenses incurred
26 under this section.

27 b. Of the moneys appropriated to the department
28 pursuant to section 123.183, the department shall
29 allocate one hundred thousand dollars to the midwest
30 grape and wine industry institute at Iowa state
31 university of science and technology.

32 Sec. ____ Section 84C.2, if enacted by 2010 Iowa
33 Acts, [House File 681](#), section 2, subsection 8, is
34 amended as follows:

35 8. "Part-time employee" means an employee who is
36 employed for an average of fewer than twenty hours per
37 week or an employee, including a full-time employee,
38 who has been employed for fewer than six of the twelve
39 months preceding the date on which notice is required.
40 However, if an applicable collective bargaining
41 agreement defines a part-time employee, such definition
42 shall supersede the definition in this subsection.

43 Sec. ____ Section 84C.4, if enacted by 2010 Iowa
44 Acts, [House File 681](#), section 4, is amended by adding
45 the following new subsection:

46 NEW SUBSECTION. 7. Wages in lieu of notice. The
47 thirty-day notice requirement in section 84C.3 may
48 be reduced by the number of days for which severance
49 payments or wages in lieu of notice are paid by the
50 employer to the employee for work days occurring during

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1 the notice period. A severance payment or wages in
2 lieu of notice shall be at least an amount equivalent
3 to the regular pay the employee would earn for the work
4 days occurring during the notice period.

5 Sec. ____ Section 91C.2, unnumbered paragraph 1,
6 Code 2009, is amended to read as follows:

7 A contractor doing business in this state shall
8 register with the labor commissioner and shall meet
9 ~~both~~ all of the following requirements as a condition
10 of registration:

11 Sec. ____ Section 91C.2, Code 2009, is amended by
12 adding the following new subsection:

13 NEW SUBSECTION. 3. An out-of-state contractor
14 shall either file a surety bond, as provided in section
15 91C.7, with the division of labor services in the
16 amount of twenty-five thousand dollars for a one-year
17 period or shall provide a statement to the division of
18 labor services that the contractor is prequalified to
19 bid on projects for the department of transportation
20 pursuant to section 314.1.

21 Sec. ____ Section 91C.7, subsection 2, Code
22 Supplement 2009, is amended to read as follows:

23 2. a. ~~An out of state contractor, before~~
24 ~~commencing a contract in excess of five thousand~~
25 ~~dollars in value in Iowa, shall file a bond with~~
26 ~~the division of labor services of the department~~
27 ~~of workforce development. The A surety bond filed~~
28 ~~pursuant to section 91C.2 shall be executed by a surety~~
29 ~~company authorized to do business in this state, and~~
30 ~~the bond shall be continuous in nature until canceled~~
31 ~~by the surety with not less than thirty days' written~~
32 ~~notice to the contractor and to the division of labor~~
33 ~~services of the department of workforce development~~
34 ~~indicating the surety's desire to cancel the bond. The~~
35 ~~surety company shall not be liable under the bond for~~
36 ~~any contract commenced after the cancellation of the~~
37 ~~bond. The bond shall be in the sum of the greater of~~
38 ~~the following:~~
39 ~~(1) One thousand dollars.~~
40 ~~(2) Five percent of the contract price.~~
41 b. ~~An out of state contractor may file a blanket~~
42 ~~bond in an amount at least equal to fifty thousand~~
43 ~~dollars for a two year period in lieu of filing an~~
44 ~~individual bond for each contract. The division~~
45 ~~of labor services of the department of workforce~~
46 ~~development may increase the bond amount after a~~
47 ~~hearing.~~
48 Sec. __. Section 123.143, subsection 3, Code 2009,
49 is amended to read as follows:
50 3. Barrel tax revenues collected on beer

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1 manufactured in this state from a class "A" permittee
2 which owns and operates a brewery located in Iowa shall
3 be credited to the barrel tax fund hereby created in
4 the office of the treasurer of state. Moneys deposited
5 in the barrel tax fund shall not revert to the general
6 fund of the state without a specific appropriation
7 by the general assembly. Moneys in the barrel tax
8 fund are appropriated to the department of economic
9 development for purposes of section 15E.117.>
10 4. By renumbering as necessary.

Winckler of Scott in the chair at 8:55 p.m.

The motion prevailed and the House concurred in the Senate amendment [H-8540](#).

Kressig of Black Hawk moved that the bill, as amended by the Senate and concurred in by the House, be read a last time now and

placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" ([H.F. 2522](#))

The ayes were, 53:

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.
Murphy, Spkr.	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	Zirkelbach
Winckler, Presiding			

The nays were, 41:

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

Absent or not voting, 6:

Horbach	Huser	Kuhn	Raecker
Sands	Wendt		

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

[Senate File 2356](#), a bill for an act relating to health reform in Iowa by providing for options for health care coverage including a premium assistance program study and IowaCare program changes

and creating an Iowa insurance information exchange, with report of committee recommending passage, was taken up for consideration.

Smith of Marshall offered amendment [H-8559](#) filed by him, Upmeyer of Hancock and Hunter of Polk as follows:

[H-8559](#)

1 Amend [Senate File 2356](#), as amended, passed, and
 2 reprinted by the Senate, as follows:
 3 1. Page 1, by striking lines 2 through 17 and
 4 inserting:
 5 IOWACARE PROGRAM AND OTHER HEALTH CARE OPTIONS>
 6 2. Page 2, line 6, after <network.> by inserting
 7 <In developing the phase-in plan the department shall
 8 consult with the medical assistance projections and
 9 assessment council created in section 249J.20. Any
 10 plan developed shall be approved by the council prior
 11 to implementation. The phase-in of the regional
 12 provider network shall be implemented in a manner that
 13 ensures that program expenditures do not exceed budget
 14 neutrality limits and funded program capacity, and that
 15 ensures compliance with the eligibility maintenance of
 16 effort requirements of the federal American Recovery
 17 and Reinvestment Act of 2009.>
 18 3. Page 2, by striking lines 30 through 32 and
 19 inserting <such hospital has reached service capacity,
 20 the hospital and the>
 21 4. Page 4, by striking lines 7 through 16.
 22 5. By striking page 5, line 25, through page 13,
 23 line 5, and inserting:
 24 <DIVISION __ii
 25 IOWA INSURANCE INFORMATION EXCHANGE
 26 Sec. __. NEW SECTION. 505.32 Iowa insurance
 27 information exchange.
 28 1. Purpose. The purpose of this section is to
 29 establish an information clearinghouse where all Iowans
 30 can obtain information about health care coverage that
 31 is available in this state including availability of
 32 care delivered by safety-net providers and comparisons
 33 of benefits, premiums, and out-of-pocket costs.
 34 2. Definitions. As used in this section, unless
 35 the context otherwise requires:
 36 a. "Carrier" means an insurer providing accident
 37 and sickness insurance under chapter 509, 514, or
 38 514A and includes a health maintenance organization
 39 established under chapter 514B if payments received
 40 by the health maintenance organization are considered
 41 premiums pursuant to section 514B.31 and are taxed
 42 under chapter 432. "Carrier" also includes a

43 corporation which becomes a mutual insurer pursuant
44 to section 514.23 and any other person as defined in
45 section 4.1, subsection 20, who is or may become liable
46 for the tax imposed by chapter 432.

47 b. "Commissioner" means the commissioner of
48 insurance.

49 c. "Creditable coverage" means the same as defined
50 in section 513B.2.

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1 d. "Exchange" means the Iowa insurance information
2 exchange.

3 e. "Health insurance" means accident and sickness
4 insurance authorized by chapter 509, 514, or 514A.

5 f. (1) "Health insurance coverage" means health
6 insurance coverage offered to individuals.

7 (2) "Health insurance coverage" does not include any
8 of the following:

9 (a) Coverage for accident-only, or disability
10 income insurance.

11 (b) Coverage issued as a supplement to liability
12 insurance.

13 (c) Liability insurance, including general
14 liability insurance and automobile liability insurance.

15 (d) Workers' compensation or similar insurance.

16 (e) Automobile medical-payment insurance.

17 (f) Credit-only insurance.

18 (g) Coverage for on-site medical clinic care.

19 (h) Other similar insurance coverage, specified in
20 federal regulations, under which benefits for medical
21 care are secondary or incidental to other insurance
22 coverage or benefits.

23 (3) "Health insurance coverage" does not include
24 benefits provided under a separate policy as follows:

25 (a) Limited-scope dental or vision benefits.

26 (b) Benefits for long-term care, nursing home care,
27 home health care, or community-based care.

28 (c) Any other similar limited benefits as provided
29 by rule of the commissioner.

30 (4) "Health insurance coverage" does not include
31 benefits offered as independent noncoordinated benefits
32 as follows:

33 (a) Coverage only for a specified disease or
34 illness.

35 (b) A hospital indemnity or other fixed indemnity
36 insurance.

37 (5) "Health insurance coverage" does not include
38 Medicare supplemental health insurance as defined under
39 section 1882(g)(1) of the federal Social Security Act,
40 coverage supplemental to the coverage provided under
41 10 U.S.C. ch. 55 and similar supplemental coverage

42 provided to coverage under group health insurance
43 coverage.
44 g. "Legislative health care coverage commission" or
45 "commission" means the legislative health care coverage
46 commission created in 2009 Iowa Acts, ch. 118, section
47 1.
48 h. "Medicare" means the federal government health
49 insurance program established under Tit. XVIII of the
50 federal Social Security Act.

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1 i. "Organized delivery system" means an organized
2 delivery system as licensed by the director of public
3 health.
4 3. Iowa insurance information exchange
5 established. An Iowa insurance information exchange is
6 established in the insurance division of the department
7 of commerce under the authority of the commissioner of
8 insurance.
9 a. The commissioner, in collaboration with the
10 legislative health care coverage commission, shall
11 develop a plan of operation for the exchange within
12 one hundred eighty days from the effective date of
13 this section. The plan shall create an information
14 clearinghouse that provides resources where Iowans can
15 obtain information about health care coverage that is
16 available in the state.
17 b. The commissioner shall keep records of all
18 financial transactions related to the establishment
19 and operation of the exchange and shall deliver an
20 annual fiscal report of the costs of administering the
21 exchange to the general assembly by December 15 of each
22 year.
23 4. Powers and duties of exchange.
24 a. The commissioner shall report on the status of
25 the exchange at all regular meetings of the legislative
26 health care coverage commission, including progress in
27 developing and implementing the exchange operationally,
28 resources available through the exchange, information
29 about utilization of the resources offered by
30 the exchange, including demographic information
31 that illustrates how and by whom the exchange is
32 being utilized, and the costs of implementing and
33 operating the exchange. The commissioner may make
34 recommendations to the commission for including but not
35 limited to the following:
36 (1) Promotion of greater transparency in providing
37 quality data on health care providers and health care
38 coverage plans and in providing data on the cost of
39 medical care that is easily accessible to the public.
40 (2) Statutory options that improve seamlessness in

41 the health care system in this state.
42 (3) Funding opportunities to increase health care
43 coverage in the state, particularly for individuals who
44 have been denied access to health insurance coverage.
45 b. The commissioner shall implement and maintain
46 information on the insurance division internet site
47 that is easily accessible and available to consumers
48 and purchasers of health insurance coverage regarding
49 each carrier licensed to do business in this state.
50 The information provided shall be understandable to

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1 consumers and purchasers of health insurance coverage
2 and shall include but is not limited to information
3 regarding plan design, premium rate filings and
4 approvals, health care cost information, and any
5 other information specific to this state that the
6 commissioner determines may be beneficial to consumers
7 and purchasers of health insurance coverage. The
8 commissioner may contract with outside vendors and
9 entities to assist in providing this information on the
10 internet site.
11 c. The exchange shall provide information about
12 all public and private health care coverage that is
13 available in this state including the cost to the
14 public, and comparisons of benefits, premiums, and
15 out-of-pocket costs.
16 (1) The commissioner may establish methodologies
17 to provide uniform and consistent side-by-side
18 comparisons of the health care coverage options that
19 are offered by carriers, organized delivery systems,
20 and public programs in this state including but not
21 limited to benefits covered and not covered, the
22 amount of coverage for each service, including copays
23 and deductibles, administrative costs, and any prior
24 authorization requirements for coverage.
25 (2) The commissioner may require each carrier,
26 organized delivery system, and public program in this
27 state to describe each health care coverage option
28 offered by that carrier, organized delivery system, or
29 public program in a manner so that the various options
30 can be compared as provided in subparagraph (1).
31 d. The commissioner shall provide ongoing
32 information to taxpayers about the costs of public
33 health care programs to the state, including the
34 administrative costs of the programs and the percentage
35 and source of state and federal funding for the
36 programs, utilizing information provided by the
37 department of human services and the department of
38 public health.
39 e. The exchange may provide information to assist

40 Iowans with making an informed choice when selecting
41 health care coverage.
42 f. The commissioner may utilize independent
43 consultants, as deemed necessary, to assist in carrying
44 out the powers and duties of the exchange.
45 g. The commissioner may periodically advertise
46 the general availability of health care coverage
47 information available from the exchange.
48 5. Rules. The commissioner shall adopt rules
49 pursuant to chapter 17A to implement the provisions of
50 this section.>

Page 5

1 6. By renumbering as necessary.

Smith of Marshall asked and received unanimous consent to withdraw amendment [H-8620](#), to amendment [H-8559](#), filed by him from the floor.

Smith of Marshall offered the following amendment [H-8629](#), to amendment [H-8559](#), filed by him and Upmeyer of Hancock from the floor and moved its adoption:

[H-8629](#)

1 Amend the amendment, [H-8559](#), [Senate File 2356](#),
2 as amended, passed, and reprinted by the Senate, as
3 follows:
4 1. Page 4, after line 50 by inserting:
5 <__. Title page, by striking lines 1 through 4 and
6 inserting <An Act relating to the health care including
7 IowaCare program provisions and the creation of an Iowa
8 insurance information exchange to promote transparency,
9 quality, seamlessness, and informed choices relative
10 to health care coverage.>>

Amendment [H-8629](#) was adopted.

On motion by Smith of Marshall amendment [H-8559](#), as amended, was adopted, placing out of order amendment [H-8441](#) filed by Hunter of Polk on March 17, 2010.

Ford of Polk offered the following amendment [H-8562](#) filed by Ford, et al., and moved its adoption:

[H-8562](#)

- 1 Amend [Senate File 2356](#), as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 5, after line 24 by inserting:
- 4 <Sec. ____ IOWACARE POPULATION – OPTIMIZATION
- 5 OF SERVICE DELIVERY AND OUTCOMES. The publicly owned
- 6 acute care teaching hospital located in a county
- 7 with a population over three hundred fifty thousand,
- 8 the federally qualified health center located in
- 9 such county, and the university of Iowa hospitals
- 10 and clinics shall actively collaborate to optimize
- 11 effective and efficient delivery of services that
- 12 result in the best possible outcomes for IowaCare
- 13 members.>
- 14 2. By renumbering as necessary.

Amendment [H-8562](#) was adopted.

Pettengill of Benton asked and received unanimous consent to withdraw amendment [H-8416](#) filed by her on March 12, 2010.

Roberts of Carroll asked and received unanimous consent to withdraw amendment [H-8509](#) filed by him and Sorenson of Warren on March 19, 2010.

Roberts of Carroll offered amendment [H-8623](#) filed by Roberts, Sorenson of Warren, Alons of Sioux, Anderson of Page Arnold of Lucas, Baudler of Adair, Chambers of O'Brien, Cownie of Polk, De Boef of Keokuk, Deyoe of Story, Dolecheck of Ringgold, Drake of Cass, Forristall of Pottawattamie, Grassley of Butler, Hagenow of Polk, Heaton of Henry, Helland of Polk, Huseman of Cherokee, Kaufmann of Cedar, Koester of Polk, Lukan of Dubuque, May of Dickinson, L. Miller of Scott, S. Olson of Clinton, Paulsen of Linn, Pettengill of Benton, Raecker of Polk, Rants of Woodbury, Rayhons of Hancock, Sands of Louisa, Schulte of Linn, Schultz of Crawford, Soderberg of Plymouth, Struyk of Pottawattamie, Sweeney of Hardin, Tjepkes of Webster, Tymeson of Madison, Upmeyer of Hancock, Van Engelenhoven of Marion, Wagner of Linn, Watts of Dallas, Windschitl of Harrison and Worthan of Buena Vista from the floor as follows:

[H-8623](#)

- 1 Amend [Senate File 2356](#), as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 13, after line 5 by inserting:

4 <DIVISION _____
 5 CHOICE OF HEALTH CARE
 6 Sec. ____ NEW SECTION. 1.19 Right to choose health
 7 care.
 8 No law shall restrict a person's natural right and
 9 power to secure the blessings of liberty to choose
 10 private health care systems or private health care
 11 plans. No law shall interfere with the right of a
 12 person or entity to pay for lawful medical services
 13 to preserve life or health, and no law shall impose a
 14 penalty, tax, fee, or fine, of any type, for declining
 15 or failing to contract for health care coverage or for
 16 declining or failing to participate in any particular
 17 health care system or plan, except as required by a
 18 court of law where an individual or entity is a named
 19 party in a legal dispute. Nothing in this section
 20 shall be construed to expand, limit, or otherwise
 21 modify any determination of law regarding what
 22 constitutes lawful medical services within the state
 23 of Iowa.>
 24 2. Title page, line 4, after <exchange> by
 25 inserting <, and relating to the right to choose health
 26 care>
 27 3. By renumbering as necessary.

Smith of Marshall rose on a point of order that amendment [H-8623](#) was not germane.

The Speaker ruled the point well taken and amendment [H-8623](#) not germane.

Roberts of Carroll moved to suspend the rules to consider amendment [H-8623](#).

Roll call was requested by Roberts of Carroll and Upmeyer of Hancock.

On the question "Shall the rules be suspended to consider amendment [H-8623](#)?" ([S.F. 2356](#))

The ayes were, 41:

Alons	Anderson	Arnold	Baudler
Chambers	Cownie	De Boef	Deyoe
Dolecheck	Drake	Forristall	Grassley
Hagenow	Heaton	Helland	Huseman
Kaufmann	Koester	Lukan	May
Miller, L.	Olson, S.	Paulsen	Pettengill
Rants	Rayhons	Roberts	Schulte

Schultz	Soderberg	Sorenson	Struyk
Sweeney	Tjepkes	Tymeson	Upmeyer
Van Engelenhoven	Wagner	Watts	Windschitl
Worthan			

The nays were, 54:

Abdul-Samad	Bailey	Beard	Bell
Berry	Bukta	Burt	Cohoon
Ficken	Ford	Frevert	Gaskill
Gayman	Hanson	Heddens	Hunter
Isenhart	Jacoby	Kearns	Kelley
Kressig	Kuhn	Lensing	Lykam
Marek	Mascher	McCarthy	Mertz
Miller, H.	Murphy, Spkr.	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
Zirkelbach	Winckler, Presiding		

Absent or not voting, 5:

Horbach	Huser	Raecker	Sands
Wendt			

The motion to suspend the rules lost.

Smith of Marshall 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. 2356](#))

The ayes were, 95:

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	Hunter	Huseman
Isenhart	Jacoby	Kaufmann	Kearns
Kelley	Koester	Kressig	Kuhn
Lensing	Lukan	Lykam	Marek
Mascher	May	McCarthy	Mertz

Miller, H.	Miller, L.	Murphy	Oldson
Olson, D.	Olson, R.	Olson, S.	Olson, T.
Palmer	Paulsen	Petersen	Pettengill
Quirk	Rants	Rayhons	Reasoner
Reichert	Roberts	Running-Marquardt	Schueller
Schulte	Schultz	Shomshor	Smith
Soderberg	Sorenson	Steckman	Struyk
Swaim	Sweeney	Taylor	Thede
Thomas	Tjepkes	Tymeson	Upmeyer
Van Engelenhoven	Wagner	Watts	Wenthe
Wessel-Kroeschell	Whitead	Willems	Windschitl
Worthan	Zirkelbach	Winckler	
		Presiding	

The nays were, none.

Absent or not voting, 5:

Horbach	Huser	Raecker	Sands
Wendt			

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

Ways and Means Calendar

[House File 2524](#), a bill for an act relating to the administration of the sales and use taxes under the streamlined sales tax agreement and including effective date provisions, was taken up for consideration.

[SENATE FILE 2375](#) SUBSTITUTED FOR **[HOUSE FILE 2524](#)**

Shomshor of Pottawattamie asked and received unanimous consent to substitute **[Senate File 2375](#)** for **[House File 2524](#)**.

[Senate File 2375](#), a bill for an act relating to the administration of the sales and use taxes under the streamlined sales tax agreement and including effective date provisions, was taken up for consideration.

Shomshor of Pottawattamie offered the following amendment **[H-8503](#)** filed by him and moved its adoption:

[H-8503](#)

- 1 Amend [Senate File 2375](#), as passed by the Senate, as
 2 follows:
 3 1. Page 3, by striking line 15 and inserting
 4 ~~<prepaid authorization numbers services and prepaid~~
 5 wireless calling services.>
 6 2. Page 6, line 33, by striking ~~<knowingly or>~~

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

Shomshor of Pottawattamie 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. 2375](#))

The ayes were, 95:

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	Hunter	Huseman
Isenhart	Jacoby	Kaufmann	Kearns
Kelley	Koester	Kressig	Kuhn
Lensing	Lukan	Lykam	Marek
Mascher	May	McCarthy	Mertz
Miller, H.	Miller, L.	Murphy, Spkr.	Oldson
Olson, D.	Olson, R.	Olson, S.	Olson, T.
Palmer	Paulsen	Petersen	Pettengill
Quirk	Rants	Rayhons	Reasoner
Reichert	Roberts	Running-Marquardt	Schueller
Schulte	Schultz	Shomshor	Smith
Soderberg	Sorenson	Steckman	Struyk
Swaim	Sweeney	Taylor	Thede
Thomas	Tjepkes	Tymeson	Upmeyer
Van Engelenhoven	Wagner	Watts	Wenthe
Wessel-Kroeschell	Whitead	Willems	Windschitl
Worthan	Zirkelbach	Winckler,	
		Presiding	

The nays were, none.

Absent or not voting and 5:

Horbach Huser Raecker Sands
Wendt

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

[HOUSE FILE 2524](#) WITHDRAWN

Shomshor of Pottawattamie asked and received unanimous consent to withdraw [House File 2524](#) from further consideration by the House.

IMMEDIATE MESSAGES

McCarthy of Polk asked and received unanimous consent that the following bills be immediately messaged to the Senate: **Senate Files 2265, 2356, 2375 and 2384.**

[Senate File 2373](#), a bill for an act relating to the administration of the replacement tax for new cogeneration facilities, and including effective date and retroactive applicability provisions, with report of committee recommending passage, was taken up for consideration.

D. Olson of Boone 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. 2373](#))

The ayes were, 95:

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	Hunter	Huseman
Isenhardt	Jacoby	Kaufmann	Kearns
Kelley	Koester	Kressig	Kuhn
Lensing	Lukan	Lykam	Marek
Mascher	May	McCarthy	Mertz

Miller, H.	Miller, L.	Murphy, Spkr.	Oldson
Olson, D.	Olson, R.	Olson, S.	Olson, T.
Palmer	Paulsen	Petersen	Pettengill
Quirk	Rants	Rayhons	Reasoner
Reichert	Roberts	Running-Marquardt	Schueller
Schulte	Schultz	Shomshor	Smith
Soderberg	Sorenson	Steckman	Struyk
Swaim	Sweeney	Taylor	Thede
Thomas	Tjepkes	Tymeson	Upmeyer
Van Engelenhoven	Wagner	Watts	Wenthe
Wessel-Kroeschell	Whitead	Willems	Windschitl
Worthan	Zirkelbach	Winckler, Presiding	

The nays were, none.

Absent or not voting, 5:

Horbach	Huser	Raecker	Sands
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 2373](#) be immediately messaged to the Senate.

Unfinished Business Calendar

[Senate File 2201](#), a bill for an act relating to various matters under the purview of the insurance division of the department of commerce including the Iowa grain indemnity fund board, uniform securities Act, examination of insurance companies, life insurance companies and associations, utilization and cost control, external review of health care coverage decisions, insurance other than life, mortgage guaranty insurance, cemetery and funeral merchandise and funeral services, and regulation of cemeteries and making penalties applicable, with report of committee recommending passage, was taken up for consideration.

Roberts of Carroll asked and received unanimous consent to withdraw amendment [H-8508](#) filed by him and Sorenson of Warren on March 19, 2010.

Soderberg of Plymouth offered amendment [H-8337](#) filed by him as follows:

[H-8337](#)

1 Amend [Senate File 2201](#), as amended, passed, and
2 reprinted by the Senate, as follows:
3 1. Page 2, after line 29 by inserting:
4 <Sec. ____ Section 505.8, Code Supplement 2009, is
5 amended by adding the following new subsection:
6 NEW SUBSECTION. 7A. a. The commissioner shall
7 implement and maintain a consumer guide on the
8 insurance division internet site that is easily
9 accessible and available to consumers and purchasers of
10 health care insurance regarding each health insurance
11 carrier licensed to do business in the state. The
12 information provided shall be useful to consumers and
13 purchasers of health care insurance and shall include
14 but is not limited to information regarding plan
15 design, premium rate filings and approvals, health care
16 cost information, and any other information specific
17 to this state that the commissioner determines may
18 be beneficial to consumers and purchasers of health
19 care insurance. The commissioner may contract with
20 outside vendors or entities to assist in providing this
21 information on the internet site.
22 b. In addition, the commissioner shall prepare
23 and deliver a report to the general assembly no later
24 than October 31 of each year which provides findings
25 regarding health spending costs for health insurance
26 plans for the previous fiscal year. The report shall
27 provide aggregate health insurance data concerning loss
28 ratios of health insurance carriers, rate increase
29 data, health care expenditures and their effect on
30 health insurance premium rates, and any additional data
31 or analysis deemed appropriate by the commissioner to
32 provide the general assessment with pertinent health
33 insurance cost information. The commissioner may
34 contract with outside vendors or entities to assist in
35 providing the information for the annual report.>
36 2. Title page, line 4, after <Act,> by inserting
37 <powers and duties of the commissioner,>
38 3. By renumbering as necessary.

Soderberg of Plymouth offered the following amendment [H-8547](#),
to amendment [H-8337](#), filed by him and moved its adoption:

[H-8547](#)

1 Amend the amendment, [H-8337](#), to [Senate File 2201](#),
2 as amended, passed, and reprinted by the Senate, as

3 follows:

- 4 1. Page 1, line 24, by striking <October 31> and
5 inserting <November 15>

Amendment [H-8547](#) was adopted.

Soderberg of Plymouth moved the adoption of amendment [H-8337](#), as amended.

Roll call was requested by Soderberg of Plymouth and Paulsen of Linn.

On the question "Shall amendment [H-8337](#), as amended, be adopted?" ([S.F. 2201](#))

The ayes were, 41:

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

The nays were, 54:

Abdul-Samad	Bailey	Beard	Bell
Berry	Bukta	Burt	Cohoon
Ficken	Ford	Frevert	Gaskill
Gayman	Hanson	Heddens	Hunter
Isenhart	Jacoby	Kearns	Kelley
Kressig	Kuhn	Lensing	Lykam
Marek	Mascher	McCarthy	Mertz
Miller, H.	Murphy, Spkr.	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
Zirkelbach	Winckler, Presiding		

Absent or not voting, 5:

Horbach Huser Raecker Sands
Wendt

Amendment [H-8337](#), as amended, lost.

Petersen of Polk asked and received unanimous consent to withdraw amendment [H-8488](#) filed by her on March 18, 2010, placing out of order the following amendments:

Amendment [H-8510](#) filed by Upmeyer of Hancock on March 19, 2010.

Amendment [H-8511](#) filed by Schulte of Linn on March 19, 2010.

Amendment [H-8512](#) filed by Pettengill of Benton on March 19, 2010

Amendment [H-8528](#) filed by Soderberg of Plymouth on March 22, 2010.

Petersen of Polk offered amendment [H-8578](#) filed by her as follows:

[H-8578](#)

1 Amend [Senate File 2201](#), as amended, passed, and
2 reprinted by the Senate, as follows:
3 1. Page 2, after line 29 by inserting:
4 <Sec. ____ Section 505.7, Code Supplement 2009, is
5 amended by adding the following new subsection:
6 NEW SUBSECTION. 10. a. The commissioner shall
7 assess the costs of carrying out the insurance
8 division's duties pursuant to section 505.8, subsection
9 18, section 505.17, subsection 2, and sections 505.18
10 and 505.19 that are directly attributable to the
11 performance of the division's duties involving specific
12 health insurance carriers licensed to do business in
13 this state. Such expenses shall be charged to and paid
14 by the specific health insurance carrier to whom the
15 expenses are attributable and upon failure or refusal
16 of any such carrier to pay such expenses, the same may
17 be recovered in an action brought in the name of the
18 state. In addition, the commissioner may revoke the
19 certificate of authority of a health insurance carrier
20 licensed to do business in this state that fails to pay
21 such expenses attributable to that carrier.
22 b. The commissioner shall assess the costs of
23 carrying out the insurance division's duties generally
24 pursuant to section 505.8, subsection 18, section
25 505.17, subsection 2, and sections 505.18 and 505.19,
26 and for implementation and maintenance of health

27 insurance information for consumers on the insurance
28 division internet site, that are not attributable to
29 a specific health insurance carrier, to all health
30 insurance carriers that are licensed to do business
31 in this state on a proportionate basis as provided by
32 rules adopted by the commissioner.
33 Sec. ____ Section 505.8, Code Supplement 2009, is
34 amended by adding the following new subsection:
35 NEW SUBSECTION. 18. The commissioner shall
36 annually convene a work group composed of the consumer
37 advocate, health insurance carriers, health care
38 providers, small employers that purchase health
39 insurance under chapter 513B, and individual consumers
40 in the state for the purpose of considering ways
41 to reduce the cost of providing health insurance
42 coverage and health care services, including but
43 not limited to utilization of uniform billing codes,
44 improvements to provider credentialing procedures,
45 reducing out-of-state care expenses, and the electronic
46 delivery of explanation of benefits statements. The
47 recommendations made by the work group shall be
48 included in the annual report filed with the general
49 assembly pursuant to section 505.18.
50 Sec. ____ Section 505.17, Code 2009, is amended to

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1 read as follows:
2 505.17 Confidential information.
3 1. a. Information, records, and documents utilize
4 for the purpose of, or in the course of, investigation,
5 regulation, or examination of an insurance company or
6 insurance holding company, received by the division
7 from some other governmental entity which treats such
8 information, records, and documents as confidential,
9 are confidential and shall not be disclosed by the
10 division and are not subject to subpoena. Such
11 information, records, and documents do not constitute a
12 public record under chapter 22.
13 b. The disclosure of confidential information,
14 administrative or judicial orders which contain
15 confidential information, or information regarding
16 other action of the division which is not a public
17 record subject to disclosure, to other insurance and
18 financial regulatory officials may be permitted by
19 the commissioner provided that those officials are
20 subject to, or agree to comply with, standards of
21 confidentiality comparable to those imposed on the
22 commissioner.
23 2. Notwithstanding subsection 1, an application for
24 a rate increase filed by a health insurance carrier and
25 all information, records, and documents accompanying

26 such an application or utilized for the purpose of,
27 or in the course of consideration of the application
28 by the commissioner, shall constitute a public record
29 under chapter 22 except as provided in this subsection.
30 a. The commissioner shall consider the written
31 request of a health insurance carrier to keep
32 confidential certain details of an application or
33 accompanying information, records, and documents. If
34 the request includes a sufficient explanation as to why
35 public disclosure of such details would give an unfair
36 advantage to competitors, the commissioner shall keep
37 such details confidential. If the commissioner elects
38 to keep certain details confidential, the commissioner
39 shall release only the nonconfidential details in
40 response to a request for records made pursuant to
41 chapter 22. If confidential details are withheld from
42 a request for records made pursuant to chapter 22, the
43 commissioner shall release an explanation of why the
44 information was deemed confidential and a summary of
45 the nature of the information withheld and the reasons
46 for withholding the information.
47 b. In considering requests for confidential
48 treatment, the commissioner shall narrowly construe the
49 provisions of this subsection in order to appropriately
50 balance an applicant's need for confidentiality

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1 against the public's right to information about the
2 application.
3 c. The commissioner shall adopt rules establishing
4 a process relating to requests to keep information
5 confidential pursuant to this subsection which may
6 include but are not limited to the following:
7 (1) The nature and extent of competition in the
8 applicant's industry sector or service territory.
9 (2) The likelihood of adverse financial impact to
10 the applicant if the information were to be released.
11 (3) Any other factor the commissioner reasonably
12 considers relevant.
13 Sec. ____. NEW SECTION. 505.18 Annual report.
14 1. Consumers deserve to know the quality and cost
15 of their health care insurance. Health care insurance
16 transparency provides consumers with the information
17 necessary, and the incentive, to choose health plans
18 based on cost and quality. Reliable cost and quality
19 information about health care insurance empowers
20 consumer choice and consumer choice creates incentives
21 at all levels, and motivates the entire health care
22 delivery system to provide better health care and
23 health care benefits at a lower cost. It is the
24 purpose of this section to make information regarding

25 the costs of health care insurance readily available to
26 consumers through the consumer advocate bureau of the
27 insurance division.

28 2. The commissioner in collaboration with the
29 consumer advocate shall prepare and deliver a report
30 to the governor and to the general assembly no later
31 than November 15 of each year that provides findings
32 regarding health spending costs for health insurance
33 plans in the state for the previous fiscal year.

34 The commissioner may contract with outside vendors
35 or entities to assist in providing the information
36 contained in the annual report. The report shall
37 provide, at a minimum, the following information:

38 a. Aggregate health insurance data concerning loss
39 ratios of health insurance carriers licensed to do
40 business in the state.

41 b. Rate increase data.

42 c. Health care expenditures in the state and the
43 effect of such expenditures on health insurance premium
44 rates.

45 d. A ranking and quantification of those factors
46 that result in higher costs and those factors that
47 result in lower costs for each health insurance plan
48 offered in the state.

49 e. The current capital and surplus and reserve
50 amounts held in reserve by each health insurance

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1 carrier licensed to do business in the state.

2 f. A listing of any apparent medical trends
3 affecting health insurance costs in the state.

4 g. Any additional data or analysis deemed
5 appropriate by the commissioner to provide the
6 general assembly with pertinent health insurance cost
7 information.

8 h. Recommendations made by the work group convened
9 pursuant to section 505.8, subsection 18.

10 Sec. ____ NEW SECTION. 505.19 Health insurance
11 rate increase applications – public hearing and
12 comment.

13 1. All health insurance carriers licensed to
14 do business in the state shall immediately notify
15 policyholders of any application for a rate increase
16 that is filed with the insurance division. Such
17 notice shall specify the rate increase proposed that
18 is applicable to each policyholder and shall include
19 the ranking and quantification of those factors that
20 are responsible for the amount of the rate increase
21 proposed. The notice shall include information about
22 how the policy holder can contact the consumer advocate
23 for assistance.

24 2. The commissioner shall hold a public hearing at
25 the time a carrier files for proposed health insurance
26 rate increases prior to approval or disapproval of
27 the proposed rate increases for that carrier by the
28 commissioner.

29 3. The consumer advocate shall solicit public
30 comments on each proposed health insurance rate
31 increase application and shall post without delay all
32 comments received on the insurance division's internet
33 site prior to approval or disapproval of the proposed
34 rate increase by the commissioner.

35 4. The consumer advocate shall present the public
36 testimony and comments received for consideration by
37 the commissioner in determining whether to approve
38 or disapprove such health insurance rate increase
39 proposals.

40 5. The commissioner shall adopt rules pursuant
41 to chapter 17A to implement the provisions of this
42 section.>

43 2. Page 18, after line 31 by inserting:
44 <Sec. ____ EFFECTIVE UPON ENACTMENT. The following
45 provisions of this Act, being deemed of immediate
46 importance, take effect upon enactment:

47 1. The section of this Act enacting section 505.7,
48 subsection 10.

49 2. The section of this Act enacting section 505.8,
50 subsection 18.

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1 3. The section of this Act amending section 505.17.

2 4. The sections of this Act enacting sections
3 505.18 and 505.19.>

4 3. Title page, line 4, after <Act,> by inserting <a
5 health care and insurance cost work group, applications
6 for health insurance rate increases, an internet
7 consumer guide,>

8 4. Title page, line 9, after <applicable> by
9 inserting <and including effective date provisions>

10 5. By renumbering as necessary.

Upmeyer of Hancock asked and received unanimous consent that
amendment [H-8596](#) be deferred.

Schulte of Linn offered the following amendment [H-8592](#), to
amendment [H-8578](#), filed by her and moved its adoption:

[H-8592](#)

1 Amend the amendment, [H-8578](#), to [Senate File 2201](#),
2 as amended, passed, and reprinted by the Senate, as

3 follows:

4 1. Page 1, line 45, after <expenses,> by inserting
 5 <annually assessing the impact of federal health care
 6 reform legislation on health care costs in the state
 7 and determining whether such legislation has reduced
 8 the cost of health insurance in the state,>

Roll call was requested by Schulte of Linn and Paulsen of Linn.

On the question "Shall amendment [H-8592](#) to amendment [H-8578](#) be adopted?" ([S.F. 2201](#))

The ayes were, 95:

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	Hunter	Huseman
Isenhardt	Jacoby	Kaufmann	Kearns
Kelley	Koester	Kressig	Kuhn
Lensing	Lukan	Lykam	Marek
Mascher	May	McCarthy	Mertz
Miller, H.	Miller, L.	Murphy, Spkr.	Oldson
Olson, D.	Olson, R.	Olson, S.	Olson, T.
Palmer	Paulsen	Petersen	Pettengill
Quirk	Rants	Rayhons	Reasoner
Reichert	Roberts	Running-Marquardt	Schueller
Schulte	Schultz	Shomshor	Smith
Soderberg	Sorenson	Steckman	Struyk
Swaim	Sweeney	Taylor	Thede
Thomas	Tjepkes	Tymeson	Upmeyer
Van Engelenhoven	Wagner	Watts	Wenthe
Wessel-Kroeschell	Whitead	Willems	Windschitl
Worthan	Zirkelbach	Winckler,	
		Presiding	

The nays were, none.

Absent or not voting, 5:

Horbach	Huser	Raecker	Sands
Wendt			

Amendment [H-8592](#) was adopted.

Soderberg of Plymouth offered the following amendment [H-8599](#), to amendment [H-8578](#), filed by him and moved its adoption:

[H-8599](#)

1 Amend the amendment, [H-8578](#), to [Senate File 2201](#),
 2 as amended, passed, and reprinted by the Senate, as
 3 follows:
 4 1. Page 1, line 45, after <expenses,> by inserting
 5 <the impact on health insurance rates of allowing
 6 Iowans to purchase health insurance from insurers not
 7 licensed to do business in Iowa,>

Roll call was requested by Soderberg of Plymouth and Paulsen of Linn.

On the question "Shall amendment [H-8599](#) to amendment [H-8578](#) be adopted?" ([S.F. 2201](#))

The ayes were, 42:

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

The nays were, 53:

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	Mertz
Miller, H.	Murphy, Spkr.	Oldson	Olson, D.
Olson, R.	Olson, T.	Palmer	Petersen
Reasoner	Reichert	Running-Marquardt	Schueller
Shomshor	Smith	Steckman	Swaim
Taylor	Thede	Thomas	Wenthe
Wessel-Kroeschell	Whitead	Willems	Zirkelbach
Winckler, Presiding			

Absent or not voting, 5:

Horbach Huser Raecker Sands
Wendt

Amendment [H-8599](#) lost.

Pettengill of Benton offered the following amendment [H-8597](#), to amendment [H-8578](#), filed by her and moved its adoption:

[H-8597](#)

1 Amend the amendment, [H-8578](#), to [Senate File 2201](#).
2 as amended, passed, and reprinted by the Senate, as
3 follows:
4 1. Page 4, after line 3 by inserting:
5 <Og. Any increase in health insurance premiums
6 that is related to the assessment of health insurance
7 carriers pursuant to the provisions of section 505.7,
8 subsection 10.>

Roll call was requested by Pettengill of Benton and May of Dickinson.

On the question "Shall amendment [H-8597](#) to amendment [H-8578](#) be adopted?" ([S.F. 2201](#))

The ayes were, 42:

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

The nays were, 53:

Abdul-Samad	Bailey	Beard	Bell
Berry	Bukta	Burt	Cohoon
Ficken	Ford	Frevert	Gaskill
Gayman	Hanson	Heddens	Hunter
Isenhardt	Jacoby	Kearns	Kressig

Kuhn	Lensing	Lykam	Marek
Mascher	McCarthy	Mertz	Miller, H.
Murphy, Spkr.	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	Zirkelbach
Winckler, Presiding			

Absent or not voting, 5:

Horbach	Huser	Raecker	Sands
Wendt			

Amendment [H-8597](#) lost.

Quirk of Chickasaw offered the following amendment [H-8631](#), to amendment [H-8578](#), filed by Quirk, T. Olson of Linn and Petersen of Polk, from the floor and moved its adoption:

[H-8631](#)

1 Amend the amendment, [H-8578](#), to [Senate File 2201](#),
 2 as amended, passed, and reprinted by the Senate, as
 3 follows:
 4 1. Page 4, line 15, after <increase> by inserting
 5 <exceeding the average annual health spending growth
 6 rate stated in the most recent national health
 7 expenditure projection published by the centers for
 8 Medicare and Medicaid services of the United States
 9 department of health and human services,>
 10 2. Page 4, line 26, after <increases> by inserting
 11 <exceeding the average annual health spending growth
 12 rate as provided in subsection 1,>
 13 3. Page 4, line 31, after <application> by
 14 inserting <if the increase exceeds the average annual
 15 health spending growth rate as provided in subsection
 16 1,>

Amendment [H-8631](#) was adopted.

Petersen of Polk offered the following amendment [H-8606](#), to amendment [H-8578](#), filed by her and moved its adoption:

[H-8606](#)

1 Amend the amendment, [H-8578](#), to [Senate File 2201](#),
2 as amended, passed, and reprinted by the Senate, as
3 follows:
4 1. Page 4, after line 39 by inserting:
5 <4A. a. For the purposes of this section, "health
6 insurance" does not include any of the following:
7 (1) Coverage for accident-only, or disability
8 income insurance.
9 (2) Coverage issued as a supplement to liability
10 insurance.
11 (3) Liability insurance, including general
12 liability insurance and automobile liability insurance.
13 (4) Workers' compensation or similar insurance.
14 (5) Automobile medical-payment insurance.
15 (6) Credit-only insurance.
16 (7) Coverage for on-site medical clinic care.
17 (8) Other similar insurance coverage, specified in
18 federal regulations, under which benefits for medical
19 care are secondary or incidental to other insurance
20 coverage or benefits.
21 b. For the purposes of this section, "health
22 insurance" does not include benefits provided under a
23 separate policy as follows:
24 (1) Limited scope dental or vision benefits.
25 (2) Benefits for long-term care, nursing home care,
26 home health care, or community-based care.
27 (3) Any other similar limited benefits as provided
28 by rule of the commissioner.
29 c. For the purposes of this section, "health
30 insurance" does not include benefits offered as
31 independent noncoordinated benefits as follows:
32 (1) Coverage only for a specified disease or
33 illness.
34 (2) A hospital indemnity or other fixed indemnity
35 insurance.
36 d. For the purposes of this section, "health
37 insurance" does not include Medicare supplemental
38 health insurance as defined under § 1882(g)(1) of the
39 federal Social Security Act, coverage supplemental
40 to the coverage provided under 10 U.S.C. ch. 55, and
41 similar supplemental coverage provided to coverage
42 under group health insurance coverage.>

Amendment [H-8606](#) was adopted.

Pettengill of Benton offered the following amendment [H-8627](#), to amendment [H-8578](#), filed by her from the floor and moved its adoption:

[H-8627](#)

1 Amend the amendment, [H-8578](#), to [Senate File 2201](#),
2 as amended, passed, and reprinted by the Senate, as
3 follows:
4 1. Page 4, after line 42 by inserting:
5 <__. Page 11, after line 9 by inserting:
6 <Sec. __. NEW SECTION. 514C.6A Exemption from
7 chapter requirements.
8 1. Notwithstanding any other provision of this
9 chapter, a third-party payor as defined in section
10 514C.6 may issue a basic policy, contract, or plan
11 providing for third-party payment or prepayment of
12 health or medical expenses that does not provide
13 coverage for some or any of the special health and
14 accident insurance coverages required by this chapter
15 or does not meet some or any of the other requirements
16 contained in this chapter.
17 2. This section applies to third-party payment
18 provider policies, contracts, or plans that are
19 delivered, issued for delivery, continued, or renewed
20 in this state on or after January 1, 2011. >>
21 2. Page 5, after line 7 by inserting:
22 <__. Title page, line 5, after <associations,>
23 by inserting <special health and accident insurance
24 coverages,>>
25 3. By renumbering as necessary.

Roll call was requested by Jacoby of Johnson and Smith of Marshall.

On the question "Shall amendment [H-8627](#) to amendment [H-8578](#) be adopted?" ([S.F. 2201](#))

The ayes were, 40:

Alons	Anderson	Arnold	Baudler
Chambers	Cownie	De Boef	Deyoe
Dolecheck	Drake	Forristall	Grassley
Hagenow	Heaton	Helland	Huseman
Kaufmann	Koester	Lukan	May
Olson, S.	Paulsen	Pettengill	Rants
Rayhons	Roberts	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
Isenhart	Jacoby	Kearns	Kelley
Kressig	Kuhn	Lensing	Lykam
Marek	Mascher	McCarthy	Mertz
Miller, H.	Miller, L.	Murphy, Spkr.	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	Zirkelbach	Winckler, Presiding	

Absent or not voting, 5:

Horbach	Huser	Raecker	Sands
Wendt			

Amendment [H-8627](#) lost.

Smith of Marshall offered the following amendment [H-8626](#), to amendment [H-8578](#), filed by him from the floor and moved its adoption:

[H-8626](#)

1 Amend the amendment, [H-8578](#), to [Senate File 2201](#),
 2 as amended, passed, and reprinted by the Senate, as
 3 follows:
 4 1. Page 4, by striking line 44 and inserting:
 5 <<Sec. ___. 2009 Iowa Acts, chapter 118, section 1,
 6 is amended by adding the following new subsection:
 7 NEW SUBSECTION. 6A. The commission shall also
 8 complete an annual review of the cost of health
 9 insurance mandates currently imposed on health
 10 insurance regulated by the state and provide
 11 projections of the cost of any mandates that the
 12 commission determines may be considered by the general
 13 assembly during the upcoming legislative session. The
 14 review and projections shall be included in the annual
 15 reports provided by the commission to the general
 16 assembly pursuant to this section.
 17 Sec. ___. EFFECTIVE UPON ENACTMENT. The following > ___.
 18 Page 5, by striking line 3 and inserting
 19 <505.18 and 505.19.

20 _____. The section of this Act amending 2009 Iowa
 21 Acts, chapter 118, section 1. >>
 22 2. By renumbering as necessary.

Roll call was requested by Paulsen of Linn and Smith of Marshall.

On the question "Shall amendment [H-8626](#) to amendment [H-8578](#) be adopted?" ([S.F. 2201](#))

The ayes were, 94:

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	Hunter	Huseman
Isenhart	Jacoby	Kaufmann	Kearns
Kelley	Koester	Kressig	Kuhn
Lensing	Lukan	Lykam	Marek
Mascher	May	McCarthy	Mertz
Miller, H.	Miller, L.	Murphy, Spkr.	Oldson
Olson, D.	Olson, R.	Olson, S.	Olson, T.
Palmer	Paulsen	Petersen	Pettengill
Quirk	Rants	Rayhons	Reasoner
Reichert	Roberts	Running-Marquardt	Schueller
Schulte	Schultz	Shomshor	Smith
Soderberg	Sorenson	Steckman	Struyk
Swaim	Sweeney	Taylor	Thede
Thomas	Tjepkes	Tymeson	Upmeyer
Van Engelenhoven	Wagner	Watts	Wessel-Kroeschell
Whitead	Willems	Windschitl	Worthan
Zirkelbach	Winckler, Presiding		

The nays were, none.

Absent or not voting, 6:

Horbach	Huser	Raecker	Sands
Wendt	Wenthe		

Amendment [H-8626](#) was adopted.

Upmeyer of Hancock asked and received unanimous consent to withdraw amendment [H-8596](#), previously deferred, to amendment [H-8578](#), filed by her on March 24, 2010.

The House stood at ease at 10:50 p.m., until the fall of the gavel.

The House resumed session at 11:14 p.m., Speaker Murphy in the chair.

Petersen of Polk moved the adoption of amendment [H-8578](#) as amended.

Roll call was requested by Petersen of Polk and Abdul-Samad of Polk.

On the question "Shall amendment [H-8578](#) as amended be adopted?" ([S.F. 2201](#))

The ayes were, 93:

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	Hunter	Huseman
Isenhardt	Jacoby	Kaufmann	Kearns
Kelley	Koester	Kressig	Kuhn
Lensing	Lukan	Lykam	Marek
Mascher	May	McCarthy	Mertz
Miller, H.	Oldson	Olson, D.	Olson, R.
Olson, S.	Olson, T.	Palmer	Paulsen
Petersen	Pettengill	Quirk	Rayhons
Reasoner	Reichert	Roberts	Running-Marquardt
Schueller	Schulte	Schultz	Shomshor
Smith	Soderberg	Sorenson	Steckman
Struyk	Swaim	Sweeney	Taylor
Thede	Thomas	Tjepkes	Tymeson
Upmeyer	Van Engelenhoven	Wagner	Watts
Wenthe	Wessel-Kroeschell	Whitead	Willems
Winckler	Windschitl	Worthan	Zirkelbach
Mr. Speaker			
Murphy			

The nays were, 1:

Rants

Absent or not voting, 6:

Horbach	Huser	Miller, L.	Raecker
Sands	Wendt		

Amendment [H-8578](#) was adopted.

With the adoption of amendment [H-8578](#), amendment [H-8353](#) filed by Pettengill of Benton on March 8, 2010 was placed out of order.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Schulte of Linn on request of Paulsen of Linn.

Smith of Marshall offered the following amendment [H-8625](#) filed by Zirkelbach of Jones from the floor and moved its adoption:

[H-8625](#)

1 Amend [Senate File 2201](#), as amended, passed, and
2 reprinted by the Senate, as follows:
3 1. Page 11, after line 9, by inserting:
4 <Sec. ____ NEW SECTION. 514C.26 Mental illness and
5 substance abuse treatment coverage for veterans.
6 1. Notwithstanding the uniformity of treatment
7 requirements of section 514C.6, a group policy
8 or contract providing for third-party payment or
9 prepayment of health or medical expenses issued by
10 a carrier, as defined in section 513B.2, or by an
11 organized delivery system authorized under 1993 Iowa
12 Acts, chapter 158, shall provide coverage benefits to
13 an insured who is a veteran for treatment of mental
14 illness and substance abuse if either of the following
15 is satisfied:
16 a. The policy or contract is issued to an employer
17 who on at least fifty percent of the employer's working
18 days during the preceding calendar year employed
19 more than fifty full-time equivalent employees.
20 In determining the number of full-time equivalent
21 employees of an employer, employers who are affiliated
22 or who are able to file a consolidated tax return for
23 purposes of state taxation shall be considered one
24 employer.
25 b. The policy or contract is issued to a small
26 employer as defined in section 513B.2, and such
27 policy or contract provides coverage benefits for the
28 treatment of mental illness and substance abuse.
29 2. Notwithstanding the uniformity of treatment
30 requirements of section 514C.6, a plan established
31 pursuant to chapter 509A for public employees shall
32 provide coverage benefits to an insured who is a
33 veteran for treatment of mental illness and substance

34 abuse as defined in subsection 3.
35 3. For purposes of this section:
36 a. "Mental illness" means mental disorders as
37 defined by the commissioner by rule.
38 b. "Substance abuse" means a pattern of pathological
39 use of alcohol or a drug that causes impairment in
40 social or occupational functioning, or that produces
41 physiological dependency evidenced by physical
42 tolerance or by physical symptoms when the alcohol or
43 drug is withdrawn.
44 c. "Veteran" means the same as defined in section
45 35.1.
46 4. The commissioner, by rule, shall define "mental
47 illness" consistent with definitions provided in
48 the most recent edition of the American psychiatric
49 association's diagnostic and statistical manual of
50 mental disorders, as the definitions may be amended

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1 from time to time. The commissioner may adopt the
2 definitions provided in such manual by reference.
3 5. This section shall not apply to accident only,
4 specified disease, short-term hospital or medical,
5 hospital confinement indemnity, credit, dental, vision,
6 Medicare supplement, long-term care, basic hospital
7 and medical-surgical expense coverage as defined
8 by the commissioner, disability income insurance
9 coverage, coverage issued as a supplement to liability
10 insurance, workers' compensation or similar insurance,
11 or automobile medical payment insurance, or individual
12 accident and sickness policies issued to individuals or
13 to individual members of a member association.
14 6. A carrier, organized delivery system, or plan
15 established pursuant to chapter 509A may manage the
16 benefits provided through common methods including
17 but not limited to providing payment of benefits
18 or providing care and treatment under a capitated
19 payment system, prospective reimbursement rate system,
20 utilization control system, incentive system for the
21 use of least restrictive and least costly levels of
22 care, a preferred provider contract limiting choice of
23 specific providers, or any other system, method, or
24 organization designed to assure services are medically
25 necessary and clinically appropriate.
26 7. a. A group policy or contract or plan covered
27 under this section shall not impose an aggregate annual
28 or lifetime limit on mental illness or substance abuse
29 coverage benefits unless the policy or contract or
30 plan imposes an aggregate annual or lifetime limit
31 on substantially all medical and surgical coverage
32 benefits.

33 b. A group policy or contract or plan covered
34 under this section that imposes an aggregate annual
35 or lifetime limit on substantially all medical
36 and surgical coverage benefits shall not impose an
37 aggregate annual or lifetime limit on mental illness
38 or substance abuse coverage benefits which is less
39 than the aggregate annual or lifetime limit imposed
40 on substantially all medical and surgical coverage
41 benefits.
42 8. A group policy or contract or plan covered
43 under this section shall at a minimum allow for
44 thirty inpatient days and fifty-two outpatient visits
45 annually. The policy or contract or plan may also
46 include deductibles, coinsurance, or copayments,
47 provided the amounts and extent of such deductibles,
48 coinsurance, or copayments applicable to other medical
49 or surgical services coverage under the policy or
50 contract or plan are the same. It is not a violation

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1 of this section if the policy or contract or plan
2 excludes entirely from coverage benefits for the cost
3 of providing the following:
4 a. Care that is substantially custodial in nature.
5 b. Services and supplies that are not medically
6 necessary or clinically appropriate.
7 c. Experimental treatments.
8 9. This section applies to third-party payment
9 provider policies or contracts and plans established
10 pursuant to chapter 509A delivered, issued for
11 delivery, continued, or renewed in this state on or
12 after January 1, 2011.>
13 2. Title page, line 5, after <associations,> by
14 inserting <special health and accident insurance
15 coverages,>
16 3. By renumbering as necessary.

Amendment [H-8625](#) was adopted.

Oldson of Polk offered the following amendment [H-8382](#) filed by her and moved its adoption:

[H-8382](#)

1 Amend [Senate File 2201](#), as amended, passed, and
2 reprinted by the Senate, as follows:
3 1. Page 16, by striking lines 9 through 27.
4 2. By renumbering as necessary.

Amendment [H-8382](#) was adopted.

Oldson of Polk 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. 2201](#))

The ayes were, 68:

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

The nays were, 25:

Alons	Chambers	De Boef	Deyoe
Dolecheck	Drake	Forristall	Helland
Kaufmann	Koester	May	Paulsen
Pettengill	Rants	Rayhons	Schultz
Soderberg	Struyk	Sweeney	Tymeson
Upmeyer	Wagner	Watts	Windschitl
Worthan			

Absent or not voting, 7:

Horbach	Huser	Raecker	Sands
Schulte	Sorenson	Wendt	

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

IMMEDIATE MESSAGE

McCarthy of Polk asked and received unanimous consent that [Senate File 2201](#) be immediately messaged to the Senate.

COMMITTEE REVISIONS

The Speaker announced the following changes to the House committee assignments, effective immediately:

Pettengill of Benton replaced S. Olson of Clinton on the **committee on government oversight**.

S. Olson of Clinton replaced Pettengill of Benton on the **committee on transportation, infrastructure, and capitals appropriations subcommittee**.

MOTION TO RECONSIDER

[\(House File 2522\)](#)

I move to reconsider the vote by which [House File 2522](#) passed the House on March 25, 2010.

MCCARTHY of Polk

MOTION TO RECONSIDER

[\(Senate File 2378\)](#)

I move to reconsider the vote by which [Senate File 2378](#) passed the House on March 25, 2010.

MCCARTHY of Polk

COMMITTEE RECOMMENDATIONS

MR. SPEAKER: The Chief Clerk of the House respectfully reports that the following committee recommendations have been received and are on file in the office of the Chief Clerk.

MARK W. BRANDSGARD
Chief Clerk of the House

COMMITTEE ON PUBLIC SAFETY

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

Fiscal Note is not required.

Recommended **Do Pass** March 25, 2010.

COMMITTEE ON WAYS AND MEANS

[Senate File 2387](#), a bill for an act providing for a sales tax exemption for specified purchases made by a regional blood testing facility licensed by the federal food and drug administration.

Fiscal Note is not required.

Recommended **Do Pass** March 25, 2010.

[Senate File 2388](#), a bill for an act establishing a hospital health care access assessment program, providing penalties, providing a future repeal, and including effective date and contingent implementation provisions.

Fiscal Note is not required.

Recommended **Do Pass** March 25, 2010.

AMENDMENTS FILED

H-8610	H.F. 2525	De Boef of Keokuk
H-8611	S.F. 2252	Swaim of Davis
H-8614	H.F. 2526	Smith of Marshall
H-8615	H.F. 2526	L. Miller of Scott
H-8616	H.F. 2526	Heaton of Henry
H-8618	H.F. 2525	Bailey of Hamilton
H-8619	H.F. 2528	Roberts of Carroll
H-8621	S.F. 2376	Senate Amendment
H-8622	H.F. 2526	Schulte of Linn
Heaton of Henry		L. Miller of Scott
Rayhons of Hancock		Upmeyer of Hancock
Alons of Sioux		Anderson of Page
Arnold of Lucas		Baudler of Adair
Chambers of O'Brien		Cownie of Polk
De Boef of Keokuk		Deyoe of Story
Dolecheck of Ringgold		Drake of Cass
Forristall of Pottawattamie		Grassley of Butler

Hagenow of Polk	Helland of Polk
Huseman of Cherokee	Kaufmann of Cedar
Koester of Polk	Lukan of Dubuque
May of Dickinson	S. Olson of Clinton
Paulsen of Linn	Pettengill of Benton
Raecker of Polk	Roberts of Carroll
Sands of Louisa	Schultz of Crawford
Soderberg of Plymouth	Sorenson of Warren
Struyk of Pottawattamie	Sweeney of Hardin
Tjepkes of Webster	Tymeson of Madison
Van Engelenhoven of Marion	Wagner of Linn
Watts of Dallas	Windschitl of Harrison
Worthan of Buena Vista	
H-8624	H.R. 50
	Wessel-Kroeschell of Story

On motion by McCarthy of Polk the House adjourned at 12:08 a.m., until 8:00 a.m., Friday, March 26, 2010.