

**PROOF**

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**STATE OF IOWA**

**House Journal**

**TUESDAY, APRIL 15, 2008**

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# JOURNAL OF THE HOUSE

Ninety-third Calendar Day - Sixty-fourth Session Day

Hall of the House of Representatives  
Des Moines, Iowa, Tuesday, April 15, 2008

The House met pursuant to adjournment at 9:00 a.m., Speaker Murphy in the chair.

Prayer was offered by Reverend Paul Hansen, pastor of the First Christian Reformed Church, Hull. He was the guest of Representative Dwayne Alons of Sioux County.

## PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by House Page Gloria Steinke of Gibson.

The Journal of Monday, April 14, 2008 was approved.

## SENATE MESSAGES CONSIDERED

[Senate File 2418](#), by committee on ways and means, a bill for an act relating to notice provided to certain households about the availability of volunteer or free income tax assistance programs and the federal and state earned income tax credits.

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

[Senate File 2419](#), by committee on ways and means, a bill for an act relating to the property tax exemption for speculative shell buildings and including effective and retroactive applicability date provisions.

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

## MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on April 14, 2008, passed the following bill in which the concurrence of the House is asked:

[Senate File 2406](#), a bill for an act relating to appointments by members of the general assembly to statutory boards, commissions, councils, and committees, abolishing certain related entities, and including effective date and applicability provisions.

Also: That the Senate has on April 14, 2008, passed the following bill in which the concurrence of the House is asked:

[Senate File 2411](#), a bill for an act relating to open records and public meetings and providing an effective date.

MICHAEL E. MARSHALL, Secretary

On motion by McCarthy of Polk, the House was recessed at 9:43 a.m., until 1:00 p.m., or the completion of the caucuses.

#### AFTERNOON SESSION

The House reconvened at 1:26 p.m., Speaker Murphy in the chair.

#### INTRODUCTION OF BILL

[House File 2693](#), by McCarthy, a bill for an act pertaining to employers' participation in unemployment insurance adjudications.

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

#### SENATE MESSAGES CONSIDERED

[Senate File 2406](#), by Gronstal, a bill for an act relating to appointments by members of the general assembly to statutory boards, commissions, councils, and committees, abolishing certain related entities, and including effective date and applicability provisions.

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

[Senate File 2411](#), by committee on appropriations, a bill for an act relating to open records and public meetings and providing an effective date.

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

[Senate File 2416](#), by committee on ways and means, a bill for an act relating to wage payment collection and employment classification issues arising between employers and individuals who provide services to employers and including an effective date.

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

ADOPTION OF [HOUSE RESOLUTION 141](#)

Hoffman of Crawford and Roberts of Carroll called up for consideration [House Resolution 141](#), a resolution to recognize the 2008 annual Donna Reed Festival for the Performing Arts, and moved its adoption.

The motion prevailed and the resolution was adopted.

SENATE AMENDMENT CONSIDERED

Wenthe of Fayette called up for consideration [House File 2601](#), a bill for an act providing for the state interagency Missouri river authority, amended by the Senate, and moved that the House concur in the following Senate amendment [H-8485](#):

[H-8485](#)

1 Amend [House File 2601](#), as passed by the House, as  
2 follows:  
3 1. By striking everything after the enacting  
4 clause and inserting the following:  
5 "Section 1. Section 28L.1, Code 2007, is amended  
6 to read as follows:  
7 28L.1 STATE INTERAGENCY MISSOURI RIVER AUTHORITY  
8 CREATED – DUTIES.  
9 1. A state interagency Missouri river authority is  
10 created. The members of the authority shall include  
11 the governor or the governor's designee, the secretary  
12 of agriculture or the secretary's designee, the  
13 chairperson of the utilities board or the  
14 chairperson's designee, and the directors of the  
15 department of natural resources, the state department  
16 of transportation, and the department of economic  
17 development or the directors' designees. The governor  
18 shall serve as chairperson. The director of the  
19 department of natural resources or the director's  
20 designee shall serve as the coordinator of the  
21 authority's activities and shall serve as chairperson

22 in the absence of the governor.  
23 2. The authority shall be responsible for  
24 representing the interests of this state with regard  
25 to its membership in the Missouri river ~~basin~~  
26 association of states and tribes and to promote the  
27 management of the Missouri river in a manner that does  
28 not negatively impact landowners along the river or  
29 negatively impact the state's economy, and in a manner  
30 that positively impacts this state's many interests  
31 along, in, and on the river. The Missouri river ~~basin~~  
32 association of states and tribes is an interstate  
33 association of government representatives formed to  
34 seek consensus solutions to issues impacting the  
35 Missouri river basin.  
36 3. The director of the department of natural  
37 resources or the director's designee shall coordinate  
38 regular meetings of the state interagency Missouri  
39 river authority to determine the state's position  
40 before any meeting of the Missouri river association  
41 of states and tribes or before a substantive proposal  
42 or action is voted upon at such meeting. The members  
43 of the state interagency Missouri river authority  
44 shall attempt to achieve consensus on the state's  
45 position regarding any substantive proposal or action  
46 being considered by the Missouri river association of  
47 states and tribes. Regardless of whether a consensus  
48 can be achieved, a vote of the members shall be taken.  
49 The state interagency Missouri river authority shall  
50 not vote to approve or disapprove a substantive

Page 2

1 proposal or action being considered by the Missouri  
2 river ~~basin~~ association of states and tribes without  
3 ~~the agreement approval of the directors of all four~~  
4 ~~state departments and the chairperson of the utilities~~  
5 ~~board who are a majority of the members of the~~  
6 ~~authority. If a substantive proposal or action~~  
7 ~~considered by the association is not approved or~~  
8 ~~disapproved by all four directors and the chairperson~~  
9 ~~of the utilities board, the state shall abstain from~~  
10 ~~voting on the proposal or action. The director of the~~  
11 ~~department of natural resources or the director's~~  
12 ~~designee shall cast the votes for the state~~  
13 ~~interagency Missouri river authority that are~~  
14 ~~reflective of the position of the authority.~~  
15 4. The state interagency Missouri river authority  
16 shall ~~meet regularly with~~ seek input from stakeholder  
17 groups in this state ~~to receive their recommendations~~  
18 ~~before substantive proposals or actions are voted upon~~  
19 ~~or to receive policy positions to submit to the~~  
20 ~~Missouri river basin association~~ with regard to issues

21 impacting the Missouri river basin."

The motion prevailed and the House concurred in the Senate amendment [H-8485](#).

Wenthe of Fayette 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. 2601](#))

The ayes were, 100:

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

The nays were, none.

Absent or not voting, none.

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

## SENATE AMENDMENT CONSIDERED

Smith of Marshall called up for consideration [House File 2310](#), a bill for an act requiring the departments of public health and human services to collect data and develop a protocol to address the relationship between substance misuse, abuse, or dependency by a child's parent, guardian, custodian, or other person responsible for the child's care and child abuse, amended by the Senate, and moved that the House concur in the following Senate amendment [H-8385](#):

[H-8385](#)

- 1 Amend [House File 2310](#), as passed by the House, as
- 2 follows:
- 3 1. Page 1, line 13, by inserting after the word
- 4 "care." the following: "The study shall also identify
- 5 potential changes in Iowa law that could encourage a
- 6 child's parent, guardian, custodian, or other person
- 7 responsible for the child's care to secure voluntary
- 8 treatment for substance misuse, abuse, or dependency."

The motion prevailed and the House concurred in the Senate amendment [H-8385](#).

Smith of Marshall 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. 2310](#))

The ayes were, 100:

Abdul-Samad	Alons	Anderson	Arnold
Bailey	Baudler	Bell	Berry
Boal	Bukta	Chambers	Clute
Cohoon	Dandekar	Davitt	De Boef
Deyoe	Dolecheck	Drake	Foege
Ford	Forristall	Frevert	Gaskill
Gayman	Gipp	Granzow	Grassley
Greiner	Heaton	Heddens	Hoffman
Horbach	Hunter	Huseman	Huser
Jacobs	Jacoby	Jochum	Kaufmann
Kelley	Kressig	Kuhn	Lensing
Lukan	Lykam	Mascher	May
McCarthy	Mertz	Miller, H.	Miller, L.
Oldson	Olson, D.	Olson, R.	Olson, S.

Olson, T.	Palmer	Paulsen	Petersen
Pettengill	Quirk	Raecker	Rants
Rasmussen	Rayhons	Reasoner	Reichert
Roberts	Sands	Schickel	Schueller
Shomshor	Smith	Soderberg	Staed
Struyk	Swaim	Taylor, D.	Taylor, T.
Thomas	Tjepkes	Tomenga	Tymeson
Upmeyer	Van Engelenhoven	Van Fossen	Watts
Wendt	Wenthe	Wessel-Kroeschell	Whitaker
Whitead	Wienczek	Winckler	Windschitl
Wise	Worthan	Zirkelbach	Mr. Speaker Murphy

The nays were, none.

Absent or not voting, none.

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

### MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on April 15, 2008, concurred in the House amendment and passed the following bill in which the concurrence of the Senate was asked:

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

Also: That the Senate has on April 15, 2008, concurred in the House amendment and passed the following bill in which the concurrence of the Senate was asked:

[Senate File 2350](#), a bill for an act relating to trusts and estates including the administration of small estates, and including retroactive and other applicability provisions.

MICHAEL E. MARSHALL, Secretary

### HOUSE REFUSED TO CONCUR

Kelley of Black Hawk called up for consideration [House File 2197](#), a bill for an act requiring institutions of higher learning and community colleges to provide students with specific textbook information, amended by the Senate amendment [H-8361](#):

[H-8361](#)

1 Amend [House File 2197](#), as passed by the House, as  
2 follows:  
3 1. By striking everything after the enacting  
4 clause and inserting the following:  
5 "Section 1. NEW SECTION. 261.7 TEXTBOOK NOTICE  
6 – LEGISLATIVE INTENT.  
7 1. In order to promote consumer choice and lower  
8 the costs of higher education, the general assembly  
9 intends that every public and private institution for  
10 higher education in this state post the list of  
11 required and suggested textbooks for all courses and  
12 the corresponding international standard book numbers  
13 for such textbooks at least fourteen days before the  
14 start of each semester or term, to the extent  
15 possible, at the locations where textbooks are sold on  
16 campus and on the web site for the respective  
17 institution for higher education.  
18 2. The college student aid commission is directed  
19 to convey this legislative intent to every registered  
20 institution for higher education in the state at least  
21 once a year."  
22 2. Title page, line 1, by striking the word  
23 "requiring" and inserting the following:  
24 "encouraging".  
25 3. Title page, lines 1 and 2, by striking the  
26 words "and community colleges".

Kelley of Black Hawk asked and received unanimous consent to withdraw amendment [H-8382](#), to the Senate amendment [H-8361](#), filed by her on April 2, 2008.

On motion by Kelley of Black Hawk the House refused to concur in the Senate amendment [H-8361](#).

## IMMEDIATE MESSAGES

McCarthy of Polk asked and received unanimous consent that the following bills be immediately messaged to the Senate: **House Files 2197, 2310 and 2601.**

## SENATE AMENDMENT CONSIDERED

Thomas of Clayton called up for consideration [House File 2450](#), a bill for an act relating to certain department of economic

development programs including vision Iowa board membership, renewable fuels marketing, film project tax credits, the promotion of Iowa tourism experiences, the consolidation of reporting requirements, the administration of targeted industries development, and providing an effective date, amended by the Senate amendment [H-8360](#):

[H-8360](#)

1 Amend [House File 2450](#), as amended, passed, and  
2 reprinted by the House, as follows:

3 1. Page 3, lines 24 and 25, by striking the words  
4 "the date of the report" and inserting the following:  
5 "June 30 of the prior year".

6 2. Page 3, lines 28 and 29, by striking the words  
7 "the time of reporting" and inserting the following:  
8 "June 30 of the prior year".

9 3. Page 3, line 35, and page 4, line 1, by  
10 striking the words "the time of reporting" and  
11 inserting the following: "June 30 of the prior year".

12 4. Page 4, lines 4 and 5, by striking the words  
13 "the time of reporting" and inserting the following:  
14 "June 30 of the prior year".

15 5. Page 4, line 9, by striking the words "the  
16 time of reporting" and inserting the following: "June  
17 30 of the prior year".

18 6. Page 4, line 11, by striking the words "the  
19 time of reporting" and inserting the following: "June  
20 30 of the prior year".

Van Fossen of Scott offered amendment [H-8531](#), to the Senate amendment [H-8360](#), filed by him from the floor as follows:

[H-8531](#)

1 Amend the Senate Amendment, [H-8360](#), to House File  
2 2450, as amended, passed, and reprinted by the House,  
3 as follows:

4 1. Page 1, by inserting after line 20 the  
5 following:

6 "\_\_\_\_. Page 11, by inserting after line 5 the  
7 following:

8 "DIVISION \_\_\_\_\_  
9 PROPERTY REHABILITATION TAX CREDIT

10 Sec.\_\_\_\_. Section 404A.4, subsection 4, Code  
11 Supplement 2007, is amended to read as follows:

12 4. The total amount of tax credits that may be  
13 approved for a fiscal year under this chapter shall  
14 not exceed ten million dollars in the fiscal year

15 beginning July 1, 2007, fifteen million dollars in the  
16 fiscal year beginning July 1, 2008, and twenty million  
17 dollars in the fiscal year beginning July 1, 2009, and  
18 each fiscal year thereafter. Of the tax credits  
19 approved for a fiscal year under this chapter, ten  
20 percent of the dollar amount of tax credits shall be  
21 allocated for purposes of new projects with qualified  
22 costs of five hundred thousand dollars or less, and  
23 forty percent of the dollar amount of tax credits  
24 shall be allocated for purposes of new projects  
25 located in cultural and entertainment districts  
26 certified pursuant to section 303.3B or identified in  
27 Iowa great places agreements developed pursuant to  
28 section 303.3C. Any of the tax credits allocated for  
29 projects located in certified cultural and  
30 entertainment districts or identified in Iowa great  
31 places agreements and for projects with a cost of five  
32 hundred thousand dollars or less that are not reserved  
33 during a fiscal year shall be applied to reserved tax  
34 credits issued in accordance with section 404A.3 in  
35 order of original reservation. The department of  
36 cultural affairs shall establish by rule the  
37 procedures for the application, review, selection, and  
38 awarding of certifications of completion. The  
39 departments of cultural affairs and revenue shall each  
40 adopt rules to jointly administer this subsection and  
41 shall provide by rule for the method to be used to  
42 determine for which fiscal year the tax credits are  
43 available. With the exception of tax credits issued  
44 pursuant to contracts entered into prior to July 1,  
45 2007, tax credits shall not be reserved for more than  
46 ~~three~~ five years.""  
47 2. By renumbering as necessary.

Thomas of Clayton rose on a point of order that amendment [H-8531](#) was not germane, to the Senate amendment [H-8360](#).

The Speaker ruled the point well taken and amendment [H-8531](#) not germane, to the Senate amendment [H-8360](#).

Van Fossen of Scott asked for unanimous consent to suspend the rules to consider amendment [H-8531](#).

Objection was raised.

On motion by Thomas of Clayton, the House concurred in the Senate amendment [H-8360](#).

Thomas of Clayton 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. 2450](#))

The ayes were, 99:

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

The nays were, none.

Absent or not voting, 1:

Davitt

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

#### SENATE AMENDMENT CONSIDERED

Gayman of Scott called up for consideration [House File 2526](#), a bill for an act relating to the disposition of school property, amended

by the Senate, and moved that the House concur in the following Senate amendment [H-8384](#):

[H-8384](#)

1 Amend [House File 2526](#), as passed by the House, as  
2 follows:

3 1. Page 1, line 3, by striking the word  
4 "prohibited" and inserting the following:

5 "restricted".

6 2. Page 2, line 32, by striking the word "not".

7 3. By striking page 2, line 35, through page 3,  
8 line 4, and inserting the following: "accordance with  
9 section 297.22. However, the electors shall be  
10 limited to twelve calendar months after an action by  
11 the board to exercise such power for a purpose  
12 directly contrary to the board's action."

The motion prevailed and the House concurred in the Senate amendment [H-8384](#).

Gayman of Scott 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. 2526](#))

The ayes were, 100:

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

Shomshor	Smith	Soderberg	Staed
Struyk	Swaim	Taylor, D.	Taylor, T.
Thomas	Tjepkes	Tomenga	Tymeson
Upmeyer	Van Engelenhoven	Van Fossen	Watts
Wendt	Wenthe	Wessel-Kroeschell	Whitaker
Whitead	Wiencek	Winckler	Windschitl
Wise	Worthan	Zirkelbach	Mr. Speaker Murphy

The nays were, none.

Absent or not voting, none.

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

Bukta of Clinton in the chair at 2:04 p.m.

#### HOUSE REFUSED TO CONCUR

Kelley of Black Hawk called up for consideration [Senate File 2308](#), a bill for an act relating to identity theft by providing for the notification of a breach in the security of personal information, and providing penalties, amended by the House, further amended by the Senate and moved that the House concur in the following Senate amendment [H-8465](#) to the House amendment:

#### [H-8465](#)

- 1 Amend the House amendment, [S-5272](#), to Senate File
- 2 2308, as amended, passed, and reprinted by the Senate,
- 3 as follows:
- 4 1. Page 1, by striking lines 3 through 22.
- 5 2. Page 1, by striking lines 43 through 49.
- 6 3. By renumbering as necessary.

The motion lost and the House refused to concur in the Senate amendment [H-8465](#), to the House amendment.

The House stood at ease at 2:55 p.m., until the fall of the gavel.

The House resumed session at 3:18 p.m., Speaker Murphy in the chair.

#### IMMEDIATE MESSAGES

McCarthy of Polk asked and received unanimous consent that the

following bills be immediately messaged to the Senate: **House Files 2450, 2526** and **Senate File 2308**.

### SENATE AMENDMENT CONSIDERED

Dandekar of Linn called up for consideration **House File 2558**, a bill for an act relating to economic development by providing for the confidentiality of certain details contained in contracts and applications for financial assistance, amended by the Senate, and moved that the House concur in the following Senate amendment **H-8472**:

#### H-8472

1 Amend **House File 2558**, as passed by the House, as  
2 follows:

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

5 "Sec. \_\_\_\_. **NEW SECTION.** 15.118 CONFIDENTIALITY  
6 OF INFORMATION IN FINANCIAL ASSISTANCE APPLICATIONS.

7 1. The board and the department shall give due  
8 regard to the confidentiality of certain information  
9 disclosed by applicants for financial assistance  
10 during the application process, the contract  
11 administration process, and the period following  
12 closeout of a contract in the manner described in this  
13 section.

14 2. All information contained in an application for  
15 financial assistance submitted to the department shall  
16 remain confidential while the department is reviewing  
17 the application, processing requests for  
18 confidentiality, negotiating with the applicant, and  
19 preparing the application for consideration by the  
20 director or the board. The department may release  
21 certain information in an application for financial  
22 assistance to a third party for technical review. If  
23 the department releases such information to a third  
24 party, the department shall ensure that the third  
25 party protects such information from public  
26 disclosure. After the department has considered a  
27 request for confidentiality, any information not  
28 deemed confidential shall be made publicly available.  
29 Any information deemed confidential by the department  
30 shall also be kept confidential during and following  
31 administration of a contract executed pursuant to a  
32 successful application.

33 3. The department shall consider the written  
34 request of an applicant or award recipient to keep  
35 confidential certain details of an application, a

36 contract, or the materials submitted in support of an  
37 application or a contract. If the request includes a  
38 sufficient explanation as to why the public disclosure  
39 of such details would give an unfair advantage to  
40 competitors, the department shall keep certain details  
41 confidential. If the department elects to keep  
42 certain details confidential, the department shall  
43 release only the nonconfidential details in response  
44 to a request for records pursuant to chapter 22. If  
45 confidential details are withheld from a request for  
46 records pursuant to chapter 22, the department shall  
47 release an explanation of why the information was  
48 deemed confidential and a summary of the nature of the  
49 information withheld and the reasons for withholding  
50 it. In considering requests for confidential

Page 2

1 treatment, the department shall narrowly construe the  
2 provisions of this section in order to appropriately  
3 balance an applicant's need for confidentiality  
4 against the public's right to information about the  
5 department's activities.

6 4. If a request for confidentiality is denied by  
7 the department, an applicant may withdraw the  
8 application and any supporting materials, and the  
9 department shall not retain any copies of the  
10 application or supporting materials. Upon notice that  
11 an application has been withdrawn, the department  
12 shall not release a copy in response to a request for  
13 records pursuant to chapter 22.

14 5. The department shall adopt by rule a process  
15 for considering requests to keep information  
16 confidential pursuant to this section. The department  
17 may adopt emergency rules pursuant to chapter 17A to  
18 implement this section. The rules shall include  
19 criteria for guiding the department's decisions about  
20 the confidential treatment of applicant information.  
21 The criteria may include but are not limited to the  
22 following:

23 a. The nature and extent of competition in the  
24 applicant's industry sector.  
25 b. The likelihood of adverse financial impact to  
26 the applicant if the information were to be released.  
27 c. The risk that the applicant will locate in  
28 another state if the request is denied.  
29 d. Any other factor the department reasonably  
30 considers relevant."

31 2. By renumbering as necessary.

The motion prevailed and the House concurred in the Senate amendment [H-8472](#).

Dandekar of Linn 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. 2558](#))

The ayes were, 98:

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

The nays were, none.

Absent or not voting, 2:

Berry                      Quirk

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

## COMMITTEE RECOMMENDATION

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

MARK W. BRANDSGARD  
Chief Clerk of the House

### COMMITTEE ON APPROPRIATIONS

[Senate File 2417](#), a bill for an act relating to and making appropriations from the healthy Iowans tobacco trust and the tobacco settlement trust fund, and providing for the repeal of the healthy Iowans tobacco trust, and providing effective dates.

Fiscal Note is not required.

Recommended **Amend and Do Pass with Amendment [H-8533](#)** April 15, 2008.

McCarthy of Polk asked and received unanimous consent for the immediate consideration of [Senate File 2417](#).

## CONSIDERATION OF BILLS Appropriations Calendar

[Senate File 2417](#), a bill for an act relating to and making appropriations from the healthy Iowans tobacco trust and the tobacco settlement trust fund, and providing for the repeal of the healthy Iowans tobacco trust, and providing effective dates, with report of committee recommending amendment and passage, was taken up for consideration.

Foege of Linn offered the following amendment [H-8533](#) filed by the committee on appropriations from the floor and moved its adoption:

### [H-8533](#)

- 1 Amend [Senate File 2417](#), as passed by the Senate, as
- 2 follows:
- 3 1. Page 1, line 16, by striking the figure
- 4 "3,761,677" and inserting the following: "3,786,677".
- 5 2. Page 1, by inserting after line 16 the
- 6 following:
- 7 "Of the funds appropriated in this paragraph "a",

8 \$25,000 is allocated for the provision of additional  
9 services by the grantee that receives the grant under  
10 2007 Iowa Acts, chapter 218, section 20, subsection 2,  
11 and successor grants, to be used for support services  
12 for parents of children with autism spectrum  
13 disorder."

The committee amendment [H-8533](#) was adopted.

Raecker of Polk offered the following amendment [H-8530](#) filed by him from the floor and moved its adoption:

[H-8530](#)

1 Amend [Senate File 2417](#), as passed by the Senate, as  
2 follows:  
3 1. Page 1, by striking lines 2 through 5 and  
4 inserting the following:  
5 "GENERAL FUND – APPROPRIATIONS  
6 Section 1. GENERAL FUND – APPROPRIATIONS TO  
7 DEPARTMENTS. There is appropriated from the general  
8 fund of the state to the following".  
9 2. Page 7, by striking line 13 and inserting the  
10 following: "general fund of the state to the".  
11 3. Page 7, by striking line 28 and inserting the  
12 following: "the general fund of the state to".  
13 4. Page 7, by striking lines 34 and 35 and  
14 inserting the following: "appropriated from the  
15 general fund of the state to the department of  
16 economic development for".  
17 5. Page 8, by striking line 11 and inserting the  
18 following: "from the general fund of the state".  
19 6. Page 9, by striking lines 6 and 7 and  
20 inserting the following: "transferred to the general  
21 fund of the state."  
22 7. Page 9, by striking line 12 and inserting the  
23 following: "general fund of the state, being deemed  
24 of immediate".  
25 8. Page 12, line 17, by striking the figure  
26 "2009" and inserting the following: "2008".  
27 9. Page 13, line 13, by striking the figure  
28 "2009" and inserting the following: "2008".  
29 10. Title page, lines 1 and 2, by striking the  
30 words "healthy Iowans tobacco trust and the tobacco  
31 settlement trust fund" and inserting the following:  
32 "general fund of the state".

Roll call was requested by Raecker of Polk and Van Fossen of Scott.

On the question "Shall amendment [H-8530](#) be adopted?" ([S.F. 2417](#))

The ayes were, 47:

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

The nays were, 53:

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

Absent or not voting, none.

Amendment [H-8530](#) lost.

Foege 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. 2417](#))

The ayes were, 53:

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

The nays were, 47:

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

Absent or not voting, none.

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

IMMEDIATE MESSAGES

McCarthy of Polk asked and received unanimous consent that the following bills be immediately messaged to the Senate: [House File 2558](#) and [Senate File 2417](#).

McCarthy of Polk asked and received unanimous consent for the committee on state government to meet upon adjournment.

## BILL SIGNED BY THE GOVERNOR

A communication was received from the Governor announcing that on April 15, 2008, he approved and transmitted to the Secretary of State the following bill:

[House File 2212](#), a bill for an Act creating a smokefree air Act and providing penalties.

## COMMUNICATION RECEIVED

The following communication was received and filed in the office of the Chief Clerk:

### IOWA WORKFORCE DEVELOPMENT

Annual report on the unemployment compensation trust fund, pursuant to Chapter 96.35, Code of Iowa.

## CERTIFICATES OF RECOGNITION

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

MARK W. BRANDSGARD  
Chief Clerk of the House

- 2008\2838 Carl Nelson, Westfield – For celebrating his 70<sup>th</sup> birthday.
- 2008\2839 Ray and Zelda Sherlock, Merrill – For celebrating their 50<sup>th</sup> wedding anniversary.
- 2008\2840 Harm and Esther Krull, Parkersburg – For celebrating their 50<sup>th</sup> wedding anniversary.
- 2008\2841 George and Ruth Bridges, Waverly – For celebrating their 50<sup>th</sup> wedding anniversary.
- 2008\2842 Michael D. Barber, President of the National Federation of the Blind of Iowa – For its 50 years of serving the blind of Iowa in an exemplary manner.
- 2008\2843 Sheila Hansen, Policy Director of Every Child Counts, Des Moines – For celebrating the Week of the Young Child.
- 2008\2844 James and Sharon Johnson, Union – For celebrating their 50<sup>th</sup> wedding anniversary.

- 2008\2845 Fran and Madeline Matney, Gilman – For celebrating their 50<sup>th</sup> wedding anniversary.
- 2008\2846 William Bowden, Mount Vernon – For celebrating his 64<sup>th</sup> birthday.
- 2008\2847 Carol Bowden, Mount Vernon – For celebrating her 63<sup>rd</sup> birthday.
- 2008\2848 Tucker Weber, Clear Lake – For earning All-American wrestling honors at the USA National Folkstyle Wrestling Tournament.
- 2008\2849 Virginia “Gin” Schnicker, Burlington – For celebrating her 80<sup>th</sup> birthday.
- 2008\2850 Edith Hathaway, Danville – For celebrating her 86<sup>th</sup> birthday.

#### SUBCOMMITTEE ASSIGNMENTS

##### [House File 2692](#)

Agriculture: S. Olson, Chair; Drake, Mertz, Reasoner and Reichert.

##### [Senate File 2417](#)

Appropriations: Foege, Chair; Gayman and Heaton.

#### 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 ADMINISTRATION AND RULES

[House Joint Resolution 2006](#), a joint resolution authorizing the temporary use and consumption of alcoholic beverages on the state capitol complex grounds in conjunction with the Hy-Vee BG World Cup Triathlon, and providing an effective date.

Fiscal Note is not required.

Recommended **Do Pass** April 15, 2008.

[House Joint Resolution 2007](#), a joint resolution authorizing the temporary use and consumption of wine and beer in the State Capitol, and the temporary display of ceremonial banners, in conjunction with the awards ceremony of the World Food Prize Foundation.

Fiscal Note is not required.

Recommended **Do Pass** April 15, 2008.

[House File 2667](#), a bill for an act relating to appointments by members of the general assembly to statutory boards, commissions, councils, and committees, abolishing certain related entities, and including effective date and applicability provisions.

Fiscal Note is not required.

Recommended **Amend and Do Pass with Amendment** [H-8539](#) April 15, 2008.

#### COMMITTEE ON APPROPRIATIONS

[House File 2674](#), a bill for an act concerning appropriations to the office of grants enterprise management and including an effective date provision.

Fiscal Note is not required.

Recommended **Do Pass** April 15, 2008.

#### AMENDMENTS FILED

<a href="#">H-8532</a>	<a href="#">H.F. 2691</a>	Huser of Polk
<a href="#">H-8534</a>	<a href="#">H.F. 2686</a>	Dandekar of Linn
<a href="#">H-8535</a>	<a href="#">H.F. 2681</a>	Horbach of Tama
<a href="#">H-8536</a>	<a href="#">S.F. 2203</a>	Kelley of Black Hawk
<a href="#">H-8537</a>	<a href="#">H.F. 2686</a>	R. Olson of Polk
<a href="#">H-8538</a>	<a href="#">H.F. 2675</a>	Horbach of Tama
<a href="#">H-8539</a>	<a href="#">H.F. 2667</a>	Committee on Administration and Rules
<a href="#">H-8540</a>	<a href="#">S.F. 2203</a>	R. Olson of Polk

On motion by McCarthy of Polk the House adjourned at 4:00 p.m., until 9:00 a.m., April 16, 2008.